WEST MIDLANDS FIRE AND RESCUE AUTHORITY

The Constitution

June 2024

West Midlands Fire and Rescue Authority Constitution

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Part 1 – Introduction and Summary

Introduction

West Midlands Fire and Rescue Authority is a Joint Authority established under the Local Government Act 1985, amended by the Fire and Rescue Authority (Membership) Order 2017. The powers and functions of the Fire Authority, including its responsibility for providing a fire and rescue service within its area, are encompassed within the Fire and Rescue Services Act 2004 and other relevant legislation.

It is a supervisory body that ensures that West Midlands Fire Service performs efficiently and in the best interests of the public and community it serves. It means therefore that the Service is answerable for its actions and performance to the general public.

Section 37 of the Local Government Act 2000 requires all local authorities exercising executive arrangements to have a constitution outlining the way in which it will carry out its affairs. The Act does not apply to fire and rescue authorities and there are therefore no executive arrangements in place at West Midlands Fire and Rescue Authority. However, this Constitution has been produced in recognition that it is considered good governance.

The Authority's Constitution

West Midlands Fire and Rescue Authority has agreed a constitution which sets out how the Authority operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent, and accountable to local citizens. Some of these processes are required by the law, while others are a matter for the Authority to determine.

This document and all its appendices comprise the Constitution of the West Midlands Fire and Rescue Authority. The Authority will exercise its functions, powers, duties, and responsibilities in accordance with this Constitution, within the law, fairly, equitably, openly, and transparently and, in the best interests of the community of West Midlands as a whole.

How the Authority Operates

The Authority is composed of 15 members, all of whom must be a councillor elected to one of the seven constituent district councils within

West Midlands, as described in Article 2. The Police and Crime Commissioner (who has full voting rights) and co-opted members (who do not have voting rights) also form part of the Authority. The overriding duty of members of the Authority is to the whole community of West Midlands.

Members have to agree to follow an approved Code of Conduct designed to ensure high standards in the way they undertake their duties which is included within Part 6 of the Constitution.

How Decisions are Made

The Authority has ultimate responsibility for decision making but has delegated many decisions to committees and officers as described in Articles 4 and 5 and Part 3 of this Constitution.

Scrutiny

In line with expectations set out in the Fire and Rescue National Framework, the Authority has established scrutiny arrangements to ensure that its decisions are open to scrutiny to enhance governance and accountability. The scrutiny function will support the Authority in achieving its strategic objectives and ensure that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Part 2 – Articles of the Constitution

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Article 1 - The Constitution

1.1 Purpose of the Constitution

1.1.1 The purpose of this Constitution is to set out in a single place and in clear language, how the Authority works and how it makes decisions, thereby:-

a) assisting members to discharge their role as decision makers efficiently and effectively;

b) ensuring that the decision-making processes are clearly identifiable to citizens;

c) enabling officers of the Authority to deliver the agreed key priorities, outcomes set out in The Strategy and strategic goals, in order to achieve the vision of making West Midlands Safer, Stronger and Healthier;

d) providing citizens with information about their rights and right to be involved in the process of decision making to encourage their active involvement;

e) providing a means for improving the democratic accountability of the Authority in the delivery of services to the community.

1.2 Monitoring

1.2.1 The Authority will monitor and review the operation and content of this Constitution, in consultation with officers and the Clerk and Monitoring Officer at least once per annum and, consequential upon any review, will make any changes deemed appropriate.

1.2.2 However, the Monitoring Officer or Clerk may make such purely administrative changes (e.g., formatting, spelling or updating of references) as required in consultation with the Chair and Chief Fire Officer/Chief Executive Officer (CFO/CEO) without formal review by the Authority.

1.3 Suspension of the Constitution

1.3.1 <u>Limit to Suspension</u>

The articles of this Constitution may not be suspended. However, the rules specified below may be suspended to the extent permitted within those rules and the law.

1.3.2 Rules Capable of Suspension

The following rules may be suspended:

a) Authority Standing Orders

b) Access to Information Procedure Rules

c) Officer Employment Procedure Rules

d) Financial Regulations

e) Procurement Procedures

1.4 Interpretation

1.4.1 Except as otherwise provided and subject to (1.4.2) below, the decision of the Monitoring Officer on the interpretation of the Constitution shall be final.

1.4.2 In relation to proceedings of the Authority, the ruling of the Chair of the Authority as to the construction or application of this Constitution shall be final at any meeting of the Authority.

1.5 Publication

1.5.1 The Clerk to the Authority will arrange for copies to be available for inspection at West Midlands Fire and Rescue Service Headquarters and at other appropriate locations and by publication on the Authority's official website. This Constitution is available electronically for public inspection via the Committee Management Information System (CMIS) via the Fire Service's website (www.wmfs.net) or at West Midlands Fire Service Headquarters, 99 Vauxhall Road, Birmingham, B7 4HW.

1.5.2 The Clerk to the Authority will give a copy of the relevant practical parts of this Constitution to each member of the Authority after that member has signed the Code of Conduct acceptance following their appointment.

1.6 Your Chance to Comment

Should you have any queries or suggestions on the constitution, please send them to the address below:

The Clerk/The Monitoring Officer
West Midlands Fire and Rescue Authority

99 Vauxhall Road
Birmingham
West Midlands
B7 4HW

Article 2 - Members of the Authority

2.1 Composition and Eligibility

2.1.1 The Authority is comprised of 18 Members:

a) Fifteen Elected Councillors from the seven constituent councils in the West Midlands

b) The West Midlands Police and Crime Commissioner (a voting member)

c) Two Co-opted Members (non-voting)

There are also four positions as “Special Observers” reserved for Representative Bodies.

2.1.2 The constituent councils appoint members to the Authority at their annual meetings each year and in accordance with the provisions of the Local Government Act 1985 (as amended by The Fire and Rescue Authority (Membership) Order 2017). These appointments are made in the following proportions, which reflect the size of the population of each Council:

Birmingham	4
Coventry	2
Dudley	2
Sandwell	2
Solihull	1
Walsall	2
Wolverhampton	2

Each Council’s appointments must also reflect its political make up, in accordance with the Local Government and Housing Act 1989.

2.1.3 Members may be removed by their appointing council, subject to their council complying with the statutory requirements of the Local Government Act 1985 as to periods of notification etc.

2.1.4 The Police and Crime Commissioner by virtue of the Policing and Crime Act 2017, Chapter 2, section 7 may only be appointed to the Authority in response to a request made by the Commissioner to the Authority or, in the case of a subcommittee, to the appointing committee.

2.2 Roles and Functions of Members

2.2.1 All members are expected to:-

a) act corporately for the good governance of the Authority, balancing the needs of the whole community of West Midlands with their role of local representative;

b) to actively represent, promote and support the work of the Authority in the provision of Fire and Rescue Services within the whole area and community of West Midlands;

c) exercise good judgement when making decisions, with full consideration of relevant information, guidance and external factors.

d) on a regular basis, to attend meetings of the Authority and any committees, sub-committees, forums or external bodies to which the member has been appointed and to fully participate in policy formulation and decision making including the development of strategic policies, determination of the budget and approving the Strategy in accordance with principles of good public governance, including a requirement to act at all times in accordance with:

- statutory and other legal requirements
- the code of conduct for members
- standing orders of the Authority
- the member/officer protocol

e) represent the Authority throughout the West Midlands;

f) if appointed by the Authority to an external body; to represent the interests of the Authority on that body;

g) to be actively aware of all issues inside and outside of the Authority, relevant to the provision of fire and rescue services in order to fulfil a community leadership and representative function, working as necessary in partnership with other local organisations in order to effectively promote the safety and well-being of the whole community of West Midlands;

h) to ensure they have appropriate skills and understanding to undertake their role by actively engaging in training and development to respond to the growing complexities and demands on fire and rescue services, to enable them to carry out their role to their full potential and to assist the Service in making West Midlands safer, as set out in the Member Development Strategy.

2.2.2 All members have a responsibility:

a) to ensure that the Fire Authority provides an efficient and effective fire and rescue service, taking into account the needs of all sections of the community.

b) to contribute actively to the formation and scrutiny of the Fire Authority's policies, priorities, plans, targets, performance, and budget.

c) to ensure that the Fire Authority is an equal opportunities employer and considers the needs of all sections of the community.

d) to ensure that the Fire Authority delivers value for money.

e) to develop and maintain a sound working knowledge of the Fire Authority's duties, policies and practices.

f) to develop and maintain a working knowledge of the organisation's services, activities and other matters, which affect and impact on the local community.

g) to comply with relevant protocols and codes of conduct.

h) to participate effectively as a member of any committee or other body to which you are appointed by the Authority.

i) to participate in performance review of the services provided by the Fire Authority, including scrutiny of policies and budgets and their effectiveness in achieving strategic objectives.

j) to participate effectively in any consultative processes with the local community and with other organisations, as required.

- to encourage the community to participate constructively in consultative arrangements and service provision.

- to develop and maintain good and effective working relationships with the Fire Authority's Chair and Vice-Chair and relevant officers of the Fire Authority.
- to consider recommendations/options put forward by the Treasurer (S151 Officer) and CFO/CEO in relation to the Fire Authority's budget and precept and participate in the budget and precept setting process.

2.2.3 Co-opted members whilst not full voting members are expected to:

a) Support the Authority in its actions promoting good governance of the Authority, balancing the needs of the whole community of the West Midlands

b) Support and actively promote the work of the Authority in the provision of fire and rescue services across the whole of the West Midlands

c) On a regular basis attend meetings of the Authority and any committees/sub committees they are appointed to.

d) Promote effective collaboration

e) At all times, act in accordance with the code of conduct and standing orders for the Authority where applicable

f) Be actively aware of the issues internal and external relevant to the provision of services to promote a safer, stronger and healthier West Midlands Community.

2.3 Roles and Responsibilities of Designated Office Holders

The Chair and Vice Chair of the Authority will be elected by the Authority at its annual meeting.

2.3.1 <u>Chair of the Authority</u>

The Chair will preside over Authority meetings and ensure that they are conducted in accordance with the standing orders and procedural rules of the Authority as set out in Part 4 of this Constitution.

2.3.2 The Authority has approved a role description for the Chair, as follows:

a) To provide overall political leadership and strategic policy direction to the Authority.

b) To ensure continuous improvement in service delivery and the implementation of best practice through the application of Authority policy and all relevant legislation, regulations, directives and statutory requirements affecting the work of the Authority.

c) To chair any other meetings as required by the Authority;

d) To serve as a representative on other bodies as nominated by the Authority.

e) To represent the Authority at any meetings as may be required from time to time in connection with the work of the Authority at local, regional, national or international level.

f) To take overall political responsibility within the Authority for:

- The Strategy and Annual Plan;
- Policy and budgetary strategy formulation;
- Local, regional, national and international issues;
- Health and Safety;
- The Authority's compliance with the Freedom of Information Act 2000;
- Corporate Risk Management;
- Community Risk Management Plan (CRMP)
- Procurement;
- Press and media relations and the promotion of the image of the Authority;
- Civic and ceremonial issues;
- Diversity, Inclusion, Cohesion and Equality;
- Any other initiatives as from time to time may be adopted by or imposed on the Authority.

g) To oversee the efficient and effective conduct of business within the Authority and to work with other elected members on issues that cut across or fall within the terms of reference or portfolios of other members, Committees or Panels.

h) To ensure the proper implementation of decisions of the Authority and its Committees and to ensure that due consideration is given to any recommendations arising from those Committees.

i) To ensure the involvement of local people and communities in the decision-making processes of the Authority, as necessary.

j) To champion the promotion and maintenance of high standards of conduct throughout the Authority.

k) To undertake their duties in accordance with the Authority's Code of Conduct and any other policies, procedures or protocols which may be adopted by the Authority from time to time.

2.3.3 Vice Chair of the Authority

The role of the Vice-Chair is to support the Chair of the Authority in discharging their roles and responsibilities and to deputise for the Chair in their absence.

2.3.4 Minority Party Group Leaders

The role of a Minority Party Group Leader is to;

a) provide leadership to their party group,

b) to ensure that their party contributes effectively, positively and constructively with the Authority's activities,

c) To act as the principal political spokesperson for their political group

2.3.5 Chairs of Committees

The role of chairs of committee is to;

a) To chair the Committee and ensure its overall effectiveness

b) To coordinate and manage the work of the Committee

c) To have a working knowledge of the Authority's relevant policies and strategies to ensure that he/she is sufficiently and effectively briefed by officers on matters coming before the committee

d) To provide and annual report covering the performance of the committee (if applicable)

e) To support the role of the Chair of the Authority in the devolvement of policy, strategy and budget proposals.

2.3.6 Section 41 Members

In addition to the responsibilities and competences set out in 2.2.1 members appointed as 'lead' members for their constituent council, under Section 41 of the Local Government Act 1985, will be required to answer questions put to them at meetings of their constituent council relating to the discharge of functions of the Fire and Rescue Authority.

2.3.7 Special Observers

In accordance with the agreed Memorandum of Understanding, three representatives from trade unions (one FBU, one FOA, one Unison and one FLA) will hold special Observer status that entitles them to attend and participate in the main Authority meetings and Policy Planning Forum. This arrangement doesn't impact upon the existing rights of all members of the public to attend public meetings of the Authority. This arrangement also does not negate the effect and the processes within the organisation's Employee Relations Framework. The Chair of any meeting of the Authority may require a special Observer or named substitute to absent themselves from any meeting of the Authority at the Chair's discretion.

2.4 Rights and Duties of Members

2.4.1 Members will have such rights of access to such documents, information, land and buildings of the Authority as described in the Authority's Standing Orders in Part 4 of this Constitution.

2.5 Failure to Attend Meetings

2.5.1 Subject to the provisions of Section 85 Local Government Act 1972, any member failing to attend any meeting of the Authority or its committees for a period of six months ceases to be a member of the Authority, unless, within that period, the member's absence is approved by the Authority.

2.5.2 The Clerk/Monitoring Officer will monitor absences from meetings and, unless approval for any absence is given by the Authority, will report the failure to attend to the Authority in order that it may declare a vacancy and notify the relevant constituent council.

2.6 Conduct

2.6.1 Councillors will at all times be guided by the Members' Code of Conduct and the Protocol on Member/Employee Relations set out in Part 6 of this Constitution.

2.7 Allowances

2.7.1 Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

Article 3 - Citizens and the Authority

3.1 Citizens' Rights

Citizens have the following rights:

3.1.1 Information

Citizens have the right to:

a) Attend meetings of the Authority and public committees, except during items of business where confidential or exempt information is likely to be discussed or disclosed, in which case the meeting or that part of any meeting will be held in private to the exclusion of citizens.

b) Film, audio record, take photographs, blog or post authority meetings in accordance with (a) above.

c) See reports and background papers (except for confidential or exempt reports and papers) and any record of decisions by the Authority and its public committees.

d) Inspect the Authority's accounts and make representations to the external auditor about the content of those accounts.

e) Request a permanent copy of any personal information held about them under the provisions of the Data Protection Act 2018, subject to any of the exemptions to disclosure contained in that Act applying.

f) Request information relating to Authority business under the provisions of the Freedom of Information Act 2000 and Environmental Information Regulations 2004, subject to any of the exemptions to disclosure contained within the respective legislation that applies.

3.1.2 Participation and Consultation

a) The rights of citizens to speak at meetings of the Authority and its public committees shall be at the discretion of the Chair presiding the meeting in question.

b) The Authority has established arrangements for consultation for key areas of activity. Please see Explanatory Guidance: 1 for example.

c) Citizens can expect to be consulted on significant issues on either a local or authority-wide basis depending upon the nature of the matter and its relative effect on the community.

3.1.3 Complaints

Citizens have the right to complain to:

a) The Authority, under its Compliments, Comments and Complaints Policy.

b) The Local Government and Social Care Ombudsman after using the Authority's complaints scheme.

c) The Monitoring Officer/Appointments, Standards and Appeals Committee about a breach of the Code of Conduct by any member of the Authority.

Please visit our Committee Management Information System (CMIS) for more detailed information relating to the Councillors and meetings of the Fire Authority. CMIS will also give you access to all agendas, minutes and public reports since the Fire Authority's Annual General Meeting on 26th July 2004.

3.2 Citizens' Responsibilities

3.2.1 Citizens are expected to conduct themselves in a reasonable manner and must not be violent, abusive or threatening to members or officers or damage Authority owned property. Citizens should behave with due respect for the rights and opinions of others and have respect for the procedural decisions on conduct and behaviour made by the Chair of any meeting.

Article 4 - Decision Making

4.1 Responsibility for Decision Making

4.1.1 Responsibility for decision making by the Authority, its committees, and officers is in accordance with these Articles and the Officers' Scheme of Delegations set out in Part 3 which together comprise the record of responsibility for decision making.

4.2 Principles of Decision Making

4.2.1 All decisions of the Authority will :

a) be within the lawful powers of the Authority;

b) be proportionate (i.e., the action taken is proportionate to the desired outcome);

c) align to the decision-making definitions set out in this article.

d) be taken with due consultation and professional advice from officers and statutory officers (Decision making by members of the Authority will be supported by information provided in a written report prepared by the responsible officer/s)

e) respect for human rights;

f) presume in favour of openness (Reports will only be considered in private where they contain exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) (see Part 4 Access to Information Rules);

g) provide clarity of aims and desired outcomes (The written reports submitted to elected members will contain a clear recommendation of the professional officer for every decision they are asked to take).

4.3 Types of Decisions

The Authority will make Governance and Political decisions aligned to the following definitions:

4.3.1 Governance Decisions are those which:

a) take into account the whole environment the Service operates within both internally and externally (save for political matters)

b) provide a framework of wider community focused outcomes, which meet the priorities and commitments of the integrated risk management plan.

c) are high level in design and provide direction for what ‘needs’ to be achieved as outcomes, but do not include the detail of ‘how’ to achieve them.

4.3.2 Political Decisions are those which:

a) are based on the policies, objectives, stated aims and ambitions or activities of a political party to which an individual belongs.

b) represent the interests of their electorate.

4.3.3 The Authority recognises the operational independence of the CFO/CEO. Operational decisions are those taken by the CFO/CEO and Officers in delivering against the strategic agenda set by the Authority. These decisions are taken independently and in line with the Scheme of Delegations. Operational Decisions are those which:

a) operate within the strategic and governance framework provided by the Authority (see explanatory note).

b) direct and detail ‘how’ the strategic priorities and outcomes are achieved to meet the priorities of the Strategy and Community Risk Management Plan (CRMP).

c) manage resources (people, finance, fleet, assets) in the most appropriate way to achieve the priorities of the CRMP and strategic priorities, but do not represent a reduction that leads to a significant change to the CRMP or strategic priorities such as the closure of fire stations or the permanent reduction of fire appliances.

d) are aligned to the role of the Head of Paid Service and the CFO/CEO as set out in the Constitution and appropriate legislation.

Decisions relating to the functions listed in Article 4 will be made by the Authority and not delegated.

4.4 Decision Making by the Authority and its Committees

4.4.1 The Authority and its committee meetings will comply with the Authority's procedural rules and Standing Orders set out in Part 4 of this constitution when considering any matter.

4.4.2 The Fire Authority will be asked by officers to 'note' or 'approve' recommendations.

a) Recommendations to '**note**' will be where decisions fall within the delegations and financial thresholds of officers as set out in Articles 5 and 6, and Part 3 section of this constitution and are centred on the delivery of an agreed Authority Strategy or CRMP.

b) Recommendations to '**approve**' will be where decisions are outside of the delegations and financial thresholds of officers and/or are decisions which will require a review if the Authority's Strategy or CRMP.

4.5 Decision Making by Officers

4.5.1 The CFO/CEO and officers have full accountability to make decisions on all matters relating to the administration of the Authority's functions under the Fire and Rescue Services Act 2004 and any other enabling legislation. This shall include taking and implementing decisions that are:

a) Defined as the role of the CFO/CEO as set out in section Article 5, section 5.2,

b) Defined as 'operational decisions' as set out in section 4.3.3 (and explanatory note) and

c) aligned to the Scheme of Delegations set out in this Part 3 of this constitution.

Article 5 - Roles and Functions of Officers

5.1 Management Structure

The Authority may appoint such staff (officers) as it considers necessary to carry out its functions.

5.2 Chief Fire Officer/Chief Executive Officer

5.2.1 The CFO/CEO will engage appropriately with the Authority on the manner in which the discharge of the Authority's functions are coordinated.

5.2.2 The role of the CFO/CEO will:

a) provide professional, technical advice, so that FRA members can take strategic policy decisions from a well informed and evidence-based position.

b) implement the strategic decisions that members have taken in an efficient, effective and timely manner.

c) report progress on implementation of the strategy and CRMP and the extent to which they are achieving their intended objectives.

5.2.3 The CFO/CEO will:

a) have the professional knowledge and understanding to ensure that services can be delivered to the most vulnerable within the community they serve.

b) be accountable to the Authority and communities for ensuring the delivery of the roles set out in this legislation in a safe, assertive and effective way as set out in the Fire and Rescue Service National Framework.

c) be 'operationally independent', which enables the CFO/CEO to make financial, staffing, workforce development and resource-based decisions regarding the ongoing operation of the Service. These decisions will be made aligned to the operational decision-making definition set out in Article 4 and Scheme of Delegations and will support the delivery of the Authority approved Strategy and CRMP.

d) be politically independent and therefore refrain from providing advice on political decisions or aligning any professional and technical advice to political matters.

5.2.4 This area of responsibility and accountability will be conducted in line with the CFO/CEO accountabilities as set out in Part 3 - Scheme of Delegations.

5.3 Head of Paid Service

5.3.1 In accordance with the Local Government in Housing Act 1989 (part 1, section 4) local authorities are required to designate one of their officers as the Head of Paid Service. The CFO/CEO is the Head of Paid Service for the Authority.

5.3.2 The function of the Head of Paid Service is to engage appropriately with the Authority as to the discharge of the Authority's functions. Legislation defines this as setting the staffing structure, appointment, and proper management of staff. This area of responsibility and accountability will be conducted in line with the CFO/CEO accountabilities as set out in the Part 3 - Scheme of Delegations and operational decision-making definitions set out in Article 4.

5.4 Deputy Chief Fire Officer/Deputy Chief Executive Officer

5.4.1 The Deputy Chief Fire Officer/Deputy Chief Executive Officer (DCFO/DCEO) will deputise for the CFO/CEO in their absence.

5.5 Clerk to the Authority

5.5.1 The Authority has appointed a Clerk in accordance with the Local Government Act 1985 (Part 4, section 34) to act on behalf of the Authority. The functions of the Clerk are to:

a) Oversee the effective management of the Authority's democratic services.

b) Advise officers and members of the proper operation of the Authority aligned to this constitution, Committees, and other forums.

c) Sign and/or seal documents (including via a suitably secure e-signature system) on behalf of the Authority.

d) Support the Monitoring Officer in the maintenance of the Constitution, maintaining the Statutory Register of Members' interests and Register of Gifts and Hospitality.

e) Undertake the development, review and administration of the Members Allowances Scheme, in accordance with the Local Authorities (Members' Allowances) Regulations 2003.

5.6 Monitoring Officer

5.6.1 In accordance with the Local Government and Housing Act 1989 (Part 1, Section 5) the Authority has appointed a Monitoring Officer.

5.6.2 The functions of the Monitoring Officer are:

a) Maintaining an up-to-date version of the constitution and ensuring that it is available for inspection by members, staff and the public.

b) Appointment and replacement of members on the Authority under the procedures set out in the Local Government Act 1985.

c) Maintaining the Statutory Register of Members' Interests and the Register of Gifts and Hospitality under the Authority's Code of Conduct and advising on members' interests as appropriate.

d) Assisting the Authority in meeting its obligations under Freedom of Information and Data Protection legislation as required.

e) Ensuring lawfulness and fairness of decision-making - After consulting with the Treasurer and the CFO/CEO, the Monitoring Officer will report to the Authority in relation to any proposal, decision or omission which, in their view would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

f) Supporting the Standards Committee and contributing to the promotion and maintenance of high standards and support the

Standards Committee in dealing with any allegations of misconduct.

g) Conducting investigations into matters referred to him/her into complaints made against members of the Authority and/or (providing no conflict arises) provide or arrange for the provision of legal advice to the Standards Committee.

h) Ensuring that the requirements of the Local Government Act 1972, as amended, will be met in relation to the publication of relevant committee reports, background papers and decisions and that they will be made publicly available (subject to any restrictions on disclosure) as soon as possible.

i) Providing advice on the scope of the powers of the Authority and its committees and officers to take decisions and in connection with matters involving maladministration and probity.

5.6.3 The Monitoring Officer cannot be the Treasurer (S151 Officer).

5.7 Treasurer

In accordance with Section 73 of the Local Government Act 1985, the Authority has appointed a Treasurer (S151 Officer).

5.7.1 The functions of the Treasurer are:

a) Ensuring lawfulness and financial prudence of financial decision making. After consulting with the Clerk and the Monitoring Officer, the Treasurer will report to the Authority and to the Authority's external auditor, if he/she considers that any proposal decision or course of action will involve incurring unlawful expenditure or is unlawful and likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully. He/she will also make a report to the Authority if it appears that the expenditure of the Authority (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.

b) Administration of financial affairs of the Authority.

c) Contributing to corporate management, in particular, through the provision of professional financial advice.

d) Providing advice on the scope and powers of the Authority to take decisions about financial impropriety, probity and budget and policy framework issues to the Authority, its committees, members and officers and will support and advise members and officers in their respective roles.

5.7.2 The Authority has a duty to provide the Monitoring Officer and the Treasurer with sufficient resources to allow their duties to be performed.

5.8 Conduct

5.8.1 Officers will comply with the Service's Code of Conduct policy.

Article 6 - The Authority

6.1 Employment

6.1.1 The recruitment, selection and dismissal of officers will comply with Section 6 of the Authority's Standing Orders regarding Appointment, Dismissal and Disciplinary Action set out in Part 4 of this constitution.

6.2 Legal Structure/Delegations

6.2.1 The Authority is a corporate body with the legal responsibility for making decisions about all matters concerning the functions, powers, duties and responsibilities of the Authority, which are invested in it by statute and/or common law. The Authority has delegated a range of decisions about various matters to committees and officers as set out in this constitution but has otherwise reserved powers to itself. The exercise of any delegated powers and decision making by committees appointed by the Authority and described in this constitution shall be subject to:-

a) statutory or legal requirements;

b) standing orders and financial regulations of the Authority;

c) strategic and corporate policies adopted by the Authority and/or any directions given by the Authority in relation to the exercise of delegated functions.

6.2.2 No delegation which may be given by the Authority shall preclude the reference of matters by a committee to the Authority, nor preclude the Authority from exercising any powers so delegated except, where action has already been taken pursuant to a resolution of a committee under its approved terms of reference and delegated Authority.

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

a) set a strategic agenda/plan for what the Fire Service priorities and outcomes are – what it should achieve.

b) set a budget to fund delivery of that strategic agenda/plan.

c) secure assurance that the budget is being spent wisely on delivering the strategic agenda set by the authority, with ‘public safety’, ‘efficiency’ and ‘effectiveness’ as priorities.

6.3 Matters Reserved to the Authority

Only the Authority will exercise the following functions:-

6.3.1 Governance:

a) Appointment of committees and panels, their terms of reference, appointment of chairs and vice chairs, Section 41 members and appointments to other bodies.

b) Approval and variation of Authority procedural Standing Orders, procurement Standing Orders and Financial Regulations and any other standing orders/procedures/protocols deemed, by the Chair, to be reserved to the Authority.

c) Approval of the Members’ Allowances Scheme.

d) Establishment of a Standards Committee and appointment of the independent person(s) appointed in pursuance of Section 28 of the Localism Act 2011.

e) Overview of corporate governance and the regulatory framework [delegated to Audit and Risk Committee].

f) Overview of the progress of governance arrangements in relation to the formation of ‘significant’ collaborative working and/or, shared service delivery arrangements being implemented by Officers. Please see Explanatory guidance: 2 to define significant collaborations.

g) To ensure compliance in the management and administration, of the Pensions Board.

6.3.2 Setting the Strategy:

a) Aligned to the Authority’s ‘governance’ decision making definitions, ensure that the Service delivers an effective and efficient fire and rescue response service underpinned by prevention and protection activities through the:

b) Approval of any Community Risk Management Plan (CRMP) consultation prepared and proposed by the CFO/CEO on, at least, a three-yearly basis.

c) Approval of the CRMP and the Authority's three-year Strategy as prepared and proposed by the CFO/CEO.

d) An understanding of risk through the CRMP is considered against the expectations of the Medium-Term Financial Plan to enable realistic planning.

e) This approach supports continuous engagement between officers and Authority Members in delivering against the current objectives through Member Engagement Forum (MEF) . This then enables the Strategy to be a responsive to change when refreshed on a 12-monthly basis and/or where there are changes in risk.

f) Approval of any fundamental changes to the Authority's CRMP and/or three-year Strategy arising from any significant matters as prepared and proposed by the CFO/CEO. (Please see explanatory guidance:3 for significant definition).

g) Assurance of the delivery of the three-year Strategy and budget in meeting the CRMP via the role of the Scrutiny Committee as defined in Article 8 and Audit and Risk Committee as defined in Article 9.

h) The above responsibilities of the Authority provide the CFO/CEO, as Head of Paid Service, with the necessary framework in which to independently lead the Service, set its direction and culture and make 'operational' decisions regarding the operation of the Service to deliver the approved Authority Strategy. This is further defined in 'Scheme of Delegations'.

i) The Authority will approve the priorities for the following financial year at the February meeting of the Authority. Following Authority approval, the CFO/CEO will, via their Scheme of Delegations, ensure the appropriate and flexible allocation of resources to meet the needs of local communities and enable the delivery of the Strategy, based on analysis of risk and best use of the resources available to him/her.

Through Officer and Member engagement there will be regular awareness built through Member Engagement Forums of ongoing performance against the Strategy.

6.3.3 Budget setting and land matters

a) Capital and revenue budget setting including setting the precept and budget monitoring.

b) Approval of expenditure that exceeds that included in approved revenue or capital budget.

c) Approval of expenditure exceeding £250,000 except in relation to urgent operational matters, when such expenditure may be approved as a Matter of Urgency or where necessary approved retrospectively.

d) Approval of the accounts and the Annual Governance Statement (delegated to the Audit and Risk Committee).

e) Acquisition and disposal of land and property where not otherwise delegated to the CFO/CEO.

f) Overview of internal and external audit functions [delegated to Audit and Risk Committee].

g) Matters reserved to the Authority under financial regulations and procurement standing orders including approving:-

- The procurement process in respect of tenders with value in excess of £250,000
- The award of contracts valued in excess of £100k where it is proposed to accept a tender other than the lowest price, or where there is no budget provision, or in any case where the Committee has reserved the right to approve the award of a contract;
- Approval of commissioning arrangements in excess of £250,000;
- Virement in excess of £250,000;
- Approval of sponsorship arrangements in excess of £250,000, which support the delivery of the Authority

Strategy. Please see Explanatory Guidance: 4 for further guidance.

h) Overview of the Authority's risk management strategy as defined in the Financial Regulations [delegated to Audit and Risk Committee].

6.3.4 Human Resources

a) Approval of the staffing structure and pay and conditions of service for Brigade Mangers and statutory officers.

b) Appointment of CFO/CEO, DCFO/DCEO and Assistant Chief Fire Officers/Assistant Chief Executive Officers (ACFO/ACEO) [delegated to Appointment, Standards and Appeals Committee] in line with the processes set out within Section 6 of the Standing Orders.

c) The appointment of the Clerk, Monitoring Officer and Treasurer in line with the processes set out within Section 6 of the Standing Orders.

d) Discipline and dismissal of the CFO/CEO, Clerk, Monitoring Officer and Treasurer in line with the processes set out within Section 6 of the Standing Orders.

e) to hear and decide upon appeals by the DCFO/DCEO and ACFO/ACEO against dismissal or other disciplinary action [delegated to Appointments, Standards and Appeals Committee] in line with the processes set out within Section 6 of the Standing Orders.

f) To decide upon any proposed Special Severance Payments over £100,000, in line with *Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England.* In accordance with that statutory guidance, any such decision to be made in consultation with the S151 Officer (Treasurer) and Monitoring Officer.

g) Deciding appeals under the firefighter pension schemes and the local government superannuation regulations [delegated to Appointments, Standards and Appeals Committee].

6.3.5 Generally

a) Any other matters which must by law be reserved to the Authority.

6.4 Authority Meetings

6.4.1 There are three types of Authority meeting:-

- The annual meeting
- Ordinary meetings
- Extraordinary meetings - These meetings will be conducted in accordance with the Authority's Standing Orders set out in Part 4 of this constitution.

6.5 Quorum

6.5.1 Seven Members who are eligible to vote shall form the quorum of the Authority. No business shall be transacted at any meeting of the Authority unless a quorum is present.

Article 7 - Collaboration and Transformation Committee

7.1 The Authority has established a Collaboration and Transformation Committee of seven members, with a quorum of three members who are eligible to vote.

7.2 Role and Functions-

7.2.1 To support the Fire Authority's role and responsibility with regards to:

7.2.2 The strategic development and assurance of transformational collaborative working agreements (up to implementation) aligned to the 'Duty to Collaborate' (Policing and Crime Act 2017) and/or the delivery of the Authority' Strategy, The Plan.

7.2.3 To review the strengths, weaknesses and opportunities of strategic collaboration work between the service and regional partners.

7.2.4 To receive updates on digital innovations and strategic collaborations with other organisations.

7.2.5 Findings and recommendations of the Collaboration and Transformation Committee are to be submitted to the Authority by the Chair of the Collaboration and Transformation Committee.

7.2.6 To submit its minutes to the Authority.

Article 8 - Scrutiny Committee

8.1 In line with expectations set out in the Fire and Rescue National Framework the Authority has established a Scrutiny Committee to support it in achieving its strategic objectives. The committee ensures that its policy and budgetary framework is followed and developed to reflect the changing needs and demands in meeting its statutory obligations.

8.2 Effective scrutiny frameworks will be in place for both the scrutiny of strategic policy, as well as performance. Aligned to the role of the Fire Authority and CFO/CEO as set out in Articles 5 and 6 of this constitution, the scrutiny function should scrutinise decisions made or to be made, on the basis of 'public safety' aligned to the following definitions:

8.2.1 *Pre scrutiny* enables changes proposed to strategic policy decisions to scrutinised. These are decisions which if implemented, would change the strategic priorities and outcomes agreed by the Fire Authority (for example, matters contained in Authority 'forward plan' for approval). Pre scrutiny can:

a) Inform policy development and/or

b) Hold the Authority to account

8.2.2 *Post scrutiny* enables the Fire Authority to seek assurance around operational decisions already made by the CFO/CEO and other officers in the delivery of strategic priorities and outcomes (for example: training, partnership working). Post scrutiny can:

a) Scrutinise performance of specific issues and/or

b) Hold officers to account

8.3 Role and Functions: -

8.3.1 To carry out scrutiny reviews selected by the Committee, with appropriate consideration of committee and officer capacity and cost. Such reviews will be member-led, and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Authority.

8.3.2 To track and monitor the implementation of review recommendations that are accepted by the Authority.

8.3.3 To summon any officer or member of the Authority to give account in respect of reviews or any other relevant matter.

8.3.4 To manage, in consultation with the Treasurer (S151 Officer), a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

8.3.5 To review and scrutinise strategic performance information of the Shared Fire Control on an annual basis.

8.3.6 To have responsibility for scrutiny of Diversity, Inclusion, Cohesion and Equality and diversity throughout the West Midlands Fire Service and to review policies and monitor performance in relation thereto.

8.3.7 To monitor and scrutinise as appropriate the Authority's HR policies.

8.3.8 To monitor and scrutinise sickness levels, promotion policies and employee exit information.

8.3.9 To receive information and statistics on grievance monitoring and to report outcomes to the Joint Consultative Panel.

8.3.10 To ensure that the Authority is meeting its duties under Health & Safety and environmental and other relevant legislation.

8.3.11 To scrutinise the service's approach to complaints and to receive statistics on complaint numbers and handling.

8.3.12 To deal with any matters referred to it by the full Authority, the Member Engagement Forum, the CFO/CEO, Clerk, Monitoring Officer or Treasurer, not within its work programme.

8.3.13 To refer any matter for consideration by the Authority, another Committee or an officer where considered appropriate.

8.3.14 To submit its minutes to the Authority.

8.4 Meetings and quorum

8.4.1 In order to allow for separation of the Scrutiny and decision-making functions, findings and recommendations of Scrutiny reviews will be presented to the Authority by the Chair of the Scrutiny Committee. Members (excluding substitutes) of the Scrutiny Committee shall not vote on matters arising from Scrutiny reviews.

8.4.2 The Committee will sit in public with minimum exceptions.

8.4.3 In addition to its programmed meetings, the Committee will hold additional meetings, as and when required, in order to efficiently manage its workload.

8.4.4 Three Members who are eligible to vote shall form the quorum of the Committee. No business shall be transacted at any meeting of the Authority unless a quorum is present.

Article 9 - Audit and Risk Committee

9.1 The Authority has established an Audit and Risk Committee comprising five members, selected in accordance with current proportionality requirements with a quorum of three members.

9.1.1 Our Audit and Risk Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

9.1.2 The purpose of our Audit and Risk Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processers. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

9.2 Role and functions - Governance, risk and control

9.2.1 To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.

9.2.2 To review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control.

9.2.3 To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

9.2.4 To consider the Authority's framework of assurance and ensure that it adequately addresses the risks and priorities of the Authority.

9.2.5 To monitor the effective development and operation of risk management in the Authority.

9.2.6 To monitor progress in addressing risk-related issues reported to the Committee.

9.2.7 To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

9.2.8 To review the assessment of fraud risks and potential harm to the Authority from fraud and corruption.

9.2.9 To monitor the counter-fraud strategy, actions and resources.

9.2.10 To review the governance and assurance arrangements for significant partnerships or collaborations.

9.3 Role and functions - Internal Audit

9.3.1 To approve the internal audit charter.

9.3.2 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.

9.3.3 To approve the risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.

9.3.4 To approve significant interim changes to the risk-based internal audit plan and resource requirements.

9.3.5 To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

9.3.6 To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;

b) Regular reports on the results of the quality assurance and improvement programme;

c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and

Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

9.3.7 To consider the head of internal audit's annual report:

a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.

b) The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

9.3.8 To consider summaries of specific internal audit reports as requested.

9.3.9 To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.

9.3.10 To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

9.3.11 To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

9.3.12 To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.

9.3.13 To provide free and unfettered access to the Audit and Risk Committee Chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.

9.4 Role and functions - External Audit

9.4.1 To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

9.4.2 To consider specific reports as agreed with the external auditor.

9.4.3 To comment on the scope and depth of external audit work and to ensure it gives value for money.

9.4.4 To commission work from internal and external audit.

9.4.5 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

9.4.6 To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the Authority's auditor panel as appropriate.

9.5 Role and functions - Financial Reporting

9.5.1 To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Authority.

9.5.2 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

9.6 Role and functions - Accountability arrangements

9.6.1 To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.

9.6.2 To report to full Authority on a regular basis on the Committee's performance in relation to the terms of reference, and the effectiveness of the Committee in meeting its purpose and provide

an annual report on the work of the Committee and submit its minutes to the Authority.

9.7 Independent Member

9.7.1 In order to reinforce the independence of the Committee, the Authority has appointed an independent member to the Committee:

a) The role of the Independent Member is to assist members of the Committee in providing independent assurance of the adequacy of the Authority's risk management framework and associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and overseeing the Authority's financial reporting process.

b) The appointment is reviewed on a three-year basis.

Article 10 - Appointments, Standards and Appeals Committee

10.1 The Authority has established an Appointments, Standards and Appeals Committee under which allegations of breach of the member Code of Conduct can be investigated and decisions on allegations can be made. The Appointments, Standards and Appeals Committee also operates as a quasi-judicial body in determining appeals relating to pensions and superannuation matters and the appointment of Brigade Managers.

10.2 The Appointments, Standards and Appeals Committee comprises seven members and at least one independent person in accordance with current proportionality requirements, with a quorum of three Members.

10.3 Standards Role and Functions:

10.3.1 To promote and maintain high standards of conduct and ethical governance by members and co-opted members of the Authority.

10.3.2 To assist members and co-opted members of the Authority to observe the Authority's Code of Conduct for Members and Co-opted Members.

10.3.3 To support Authority to deliver against its responsibilities within Fire Standards as published by the Fire Standards Board.

10.3.4 To advise the Authority on the adoption or revision of a Code of Conduct for Members and Co-opted Members.

10.3.5 To monitor the operation of the Authority's Code of Conduct for Members and Co-opted Members.

10.3.6 To advise, train or arrange for training for members and co-opted members of the Authority on matters relating to the Authority's Code of Conduct for Members and Co-opted Members.

10.3.7 To assist members and co-opted members of the authority to participate in the Member Development Strategy.

10.3.8 To determine, monitor and revise the Member Development Strategy.

10.3.9 To determine, monitor and review the arrangements for the local standards regime and carry out any functions reserved to the Standards Committee under those arrangements.

10.3.10 To appoint Sub-Committees with delegated power to consider investigation reports and to conduct hearings on its behalf (including the imposition of sanctions).

10.3.11 To grant dispensations to members and co-opted members from requirements relating to interests set out in the Code of Conduct for Members and co-opted Members.

10.4 Appointments Role and Functions:

10.4.1 To make the appointments of the CFO/CEO, DCFO/DCEO and ACFO/ACEO(s).

10.4.2 To make an appointment to act up to the post of CFO/CEO.

10.4.3 Following the consideration of a grievance, in respect of the CFO/CEO, by the Monitoring Officer and the appropriate application of the procedure set out in the relevant scheme of conditions, in line with the Prospect Fire Leaders Association (FLA) guidance and authority standing orders:

a) To consider any appeal arising by way of a review of the previous decision

10.4.4 To hear and decide upon appeals by a DCFO/DCEO or ACFO/ACEO against dismissal or other disciplinary action.

10.4.5 To oversee, consider and where appropriate make a recommendation to the Authority on dismissal in respect of the CFO/CEO, following the appropriate application of the procedure set out in the relevant scheme of conditions, in line with FLA guidance and Authority Standing orders.

10.4.6 Pursuant to Section 28(7) of the Localism Act 2011, to shortlist and interview candidates for appointment as independent person of the Standards Committee, and to make a recommendation to the Authority as to the person/s to be appointed.

10.5 Appeals Role and Functions: -

To hear and decide upon: -

10.5.1 Stage 2 Appeals under the Firefighters Pensions Schemes, and the Firefighters Compensation Scheme. An appellant may attend a meeting of the appeals panel where their appeal is being heard.

10.5.2 Appeals under the Local Government Superannuation Regulations. An appellant may attend a meeting of the appeals panel where their appeal is being heard.

10.5.3 To exercise any functions which the Authority may consider appropriate from time to time.

10.5.4 To meet at least annually and as and when appropriate.

10.5.5 To submit an Annual Report to the Authority if significant activities are conducted in relation to its role.

Article 11 - Finance, Contracts and Legal Matters

11.1 Financial Management

11.1.1 The management of the Authority's financial affairs will be conducted in accordance with Financial Regulations set out in Part 4 of this constitution.

11.2 Contracts

11.2.1 Contracts made by the Authority will comply with the Procurement Procedures set out in Part 4 of this constitution.

11.3 Legal Proceedings

11.3.1 The Monitoring Officer is authorised to institute, defend or settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where he/she considers that such action is necessary to protect the Authority's interests.

11.4 Authentication of Documents

11.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Clerk to the Authority, following advice where required from the Monitoring Officer or a nominated deputy. The Procurement Procedures and associated standing orders of the Authority in relation to contracts, set out in Part 4 of this constitution, make further provision in relation to formal processes involving the award of contracts.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Part 3 – Scheme of Delegations

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

The scheme should be read in conjunction with the Matters Reserved to the Authority, as set out in Article 6 and will be reviewed at each annual meeting of the Authority and otherwise as necessary. Section 7, Paragraph 34 of the Authority's Standing Orders also applies to the scheme of delegation.

1. Conditions of Delegations

1.1. It is the duty of officers to whom the exercise of powers is delegated to keep members of the Authority informed of activity arising within the scope of the delegated powers given to them, especially where it may be of particular political, media or public interest.

1.2. In exercising delegated powers, officers shall consult with each other as appropriate in the circumstances and shall have regard to any advice given.

1.3. It shall always be open to an officer (particularly Statutory Officers) to seek authority or guidance from the Authority and to elect not to exercise delegated powers; or to consult with members on the exercise of delegated powers, especially where their use may be of particular political, media or public interest.

1.4. The exercise of delegated powers by an officer shall be in accordance with: -

a) The policies of the Authority and its decisions from time to time;

b) The Authority's Standing Orders and Financial Regulations.

1.5. A written record will be kept of all decisions taken under delegated Authority.

2. Powers not to be delegated

2.1. This Scheme does not delegate: -

a) Any matter reserved to the Authority.

b) Any matter that, by law, must not be delegated to an officer.

2.2. Powers should not be delegated;

a) Where to do so would effectively result in the officer making a decision reviewing their own decision in relation to pension and disciplinary matters.

b) Where to do so would result in a breach of the Authority's Contract Standing Orders for the time being in force.

c) In respect of action constituting the appointment or dismissal of the Chief Fire Officer/Chief Executive Officer (CFO/CEO), the Clerk, Monitoring Officer, or the Treasurer; appointment of the Deputy Chief Fire Officer/Deputy Chief Executive Officer (DCFO/DCEO) or Assistant Chief Fire Officer/Assistant Chief Executive Officer (ACFO/ACEO); or the determination of appeals against dismissal or other disciplinary action in respect of the DCFO/DCEO or ACFO/ACEO(s).

d) Where to do so would result in the Authority incurring expenditure for which no budgetary provision exists within the budget heads for which the officer proposing to exercise delegated powers is responsible.

2.3. No officer other than the Treasurer (S151 Officer) shall have the power to write off debts due to the Authority.

2.4. The term "officer" means the holder of a post named as having delegated powers or duties under this scheme.

3. Delegations to the Chief Fire Officer/Chief Executive Officer

As Head of Paid Service and aligned to the definition of operational decision making described in Article 4, and the role of the CFO/CEO described in Article 5, the CFO/CEO will be responsible for the direction, culture, delivery, and management of the service, within the Authority's approved strategy. More specifically the CFO/CEO has responsibility for;

<u>Strategy</u>

3.1. Delivering against the requirements of the Fire and Rescue Services Act 2004, Fire Service National Framework, Regulatory Reform Order 2005, Civil Contingencies Act 2004 and all other relevant or superseding legislation.

3.2. The determination of the staffing structure, the direction and leadership of staff and services and the culture of the Service.

3.3. The preparation of the Community Risk Management Plan (CRMP) and the Strategy, and their implementation following Authority consideration and approval.

3.4. The preparation and proposal of an annual budget with the Treasurer (S151 Officer) or Authority consideration and approval, to enable effective and efficient delivery of the approved Strategy.

3.5. The management and allocation of finances, assets, and fleet to support the most effective staffing structure and delivery of services within the Authority's approved Strategy.

3.6. The setup, development and progression of collaborative partnerships and sponsorship arrangements to enable the delivery of the Authority's approved Strategy.

Workforce

3.7. The appointment and dismissal of all Service staff (with the exception of Brigade Managers and Statutory Officers).

3.8. The suspension of Statutory Officers in exceptional circumstances and only in accordance with the requirements of section 28 of the Standing Orders.

3.9. Managing all staff and staffing structures and decide on personnel issues in line with agreed Authority policies.

3.10. Ensuring that nationally and locally agreed conditions of service are properly implemented in line with agreed Authority policies.

3.11. After consultation with the Treasurer (S151 Officer), authorising the implementation of any nationally agreed pay award in respect of all employees, subject to any element of discretion being referred to the Authority for consideration.

3.12. Varying the grading of individual posts up to (but not including) ACFO/ACEO (including progression within and between grades), having regard where relevant to the national Job Evaluation Scheme.

3.13. Determining acting-up arrangements in respect of vacancies occurring at DCFO/DCEO and ACFO/ACEO level, subject to regular review in accordance with the Authority's employment policies.

3.14. In line with *Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England*, Determining Special Severance Payments of between £20,000 and £100,000 with the agreement of the Chair of the Authority and in consultation with the Treasurer (S151 Officer) and Monitoring Officer. Where such a payment is to be made to the Head of Paid Service, the payment should instead be approved by a panel including at least two independent persons.

3.15. Determining Special Severance Payments of below £20,000 in line with service policy.

3.16. Ensuring that the Fire Authority's employment policies and procedures are based on best practice guidance and are properly applied and enforced.

Finance, Assets and Estate

3.17. Undertaking all matters of day-to-day financial administration for the Service, in accordance with the Standing Orders and Financial Regulations of the Authority.

3.18. Approving virement on budgets under their control of amounts up to £250,000 on any one budget head during the year, subject to consultation with the Directors affected by the virement and notification to the Treasurer and in accordance with the scheme of virement set out in the Financial Regulations.

3.19. Approving sponsorship arrangements up to £250,000, subject to consultation with the Chair of the Authority.

3.20. Managing and maintaining land and property on a day-to-day basis, whether owned or leased, including determining requests received for the use of the Authority's premises and to waive or vary charges in appropriate circumstances or in circumstances where this is beneficial to the Authority.

3.21. Authorising disposal or write off of redundant stocks and equipment by competitive quote or auction, following consultation with the Treasurer (S151 Officer).

3.22. Disposal of scrap or old/obsolete items of stock or equipment in accordance with procurement standing orders unless otherwise

agreed with the Treasurer (S151 Officer), and where the estimated value exceeds £10,000, disposal is to be by tender.

3.23. Approving requests for items of obsolete equipment and uniform to be donated overseas or in the UK [excluding fire appliances, which will be disposed of on the open market].

Enforcement

3.24. To exercise all the powers of the Authority as an enforcement authority under relevant legislation, without prejudice to the generality of this position he/she may in particular:

a) Authorise the commencement of criminal proceedings (after consultation with the Monitoring Officer to the Authority) for any breach of any law or regulation, the enforcement of which the Authority is empowered to undertake.

b) Take appropriate action on behalf of the Authority under the Regulatory Reform (Fire Safety) Order 2005.

c) Designate persons as Inspectors under Article 26 of the Regulatory Reform (Fire Safety) Order 2005 and the Health and Safety at Work Act 1974.

d) Authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Regulatory Reform (Fire Safety) Order 2005.

e) Take appropriate action on behalf of the authority to meet the requirements of the Building Safety Act 2022.

Pensions

3.25. The CFO/CEO has delegated responsibility as Scheme Manager of the West Midlands Firefighters' Pension Scheme. This includes all decisions relating to the management and administration of the fire scheme. The CFO/CEO may further delegate these responsibilities to appropriate members of SET as required.

a) As Scheme Manager the CFO/CEO will be responsible for providing regular updates to the Fire Authority.

b) In any instance where a decision to be made by the Scheme Manager represents a conflict of interest for the CFO/CEO as a

member of the pension scheme, they may delegate responsibility for that decision to another appropriate senior officer, or refer the matter to the Fire Authority for decision.

3.26. Making determinations, in consultation with the Treasurer (S151 Officer) and the Chair of the Authority, in relation to discretionary elements of the Local Government Pension Scheme/ Firefighters Pension Scheme and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.

3.27. Hearing disputes under the first stage of the Internal Disputes Resolution Procedure, which have been lodged in relation to the Firefighters Pension Scheme or the Local Government Pension Scheme.

Governance

3.28. Implementing and maintaining an officer register of interests in accordance with the service Code of Conduct.

3.29. Issuing any certificate required under Section 3A of the Local Government and Housing Act 1989 and to determine whether posts should be included in the list of politically restricted posts; and to maintain the list of politically restricted posts.

Trades Unions

3.30. The engagement with recognised trades unions through the agreed Employee Relations Framework.

3.31. To seek repudiation from trades unions of any industrial action that does not comply with the legal process set out in the Trades Union and Labour Relations (Consolidation) Act 1992; in consultation with the Treasurer (S151 Officer), to take such measures to mitigate risk to the community in the event of a firefighters' strike or any type of industrial action by Authority employees and to report such action and associated expenditure to the Authority; and to pursue the recovery of actual and necessary expenditure on contingency arrangements.

Delegation

3.32. The CFO/CEO (and in their absence the DCFO/DCEO) may further delegate to any other competent officer as appropriate.

4. Delegations to Monitoring Officer

4.1. To act as the Proper Officer for the purposes of the Local Government (Access to Information) Act 1985 and the Local Government and Housing Act 1989, Section 15 (proportionality on committees).

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

4.3. To suspend the CFO/CEO (as Head of Paid Service) in exceptional circumstances and only in accordance with section 28 of the Standing Orders.

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

4.5. To institute on behalf of the Authority such proceedings or to take such other steps as he/she may consider necessary to:-

a) Secure the payment of any debt;

b) Recover possession of any land;

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

4.6. To take any necessary action to give effect to, or carry out any decision of the Authority, or the CFO/CEO acting under their delegated powers, with regard to the acquisition or disposal of land and premises, the management of leasehold land and premises [including the letting, underletting, licensing, re- letting and surrender of land, property or facilities under the control of the Authority for up to ten years with rent reviews at five-yearly intervals, management of tenancies of residential properties, the grant of rights of way,

wayleaves and easements, consents to assign and alteration and variation of user]

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

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

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

5. Delegations to the Clerk to the Authority

In line with section 4 above:

5.1. To execute and issue all legal documents (including all contracts) necessary to implement decisions made by the Authority or its Committees or officers in pursuance of delegated powers, except where another officer has been authorised to take such action or the Monitoring Officer has authorised him/her to do so.

5.2. To act on behalf of the Authority in the formal and final signing of contractual documents, signing and/or affixing, where necessary, the Authority's common seal to documents. This can include via a suitably secure electronic signature system.

5.3. To enable notification to the Monitoring Officer and Chair of the Authority of organisational changes which will require their engagement at an early stage prior to reporting to the Authority.

5.4. To ensure the maintenance of effective and proactive work relationships between the CFO/CEO and Statutory Officers in line with this Constitution.

5.5. To implement and maintain a register of interests in accordance with the Authority's Code of Conduct for Members.

6. Delegations to the Treasurer

6.1. To act as the officer responsible for the administration of the Authority's financial affairs in accordance with Section 73 of the Local Government Act 1985.

6.2. To write off as irrecoverable individual items of general income up to and including £5,000 in accordance with the provisions of the Financial Regulations.

6.3. To make determinations relating to capital expenditure required in any particular year in accordance with the Local Government Act 2003.

6.4. To determine the accounting procedures and audit arrangements for the Authority.

6.5. To award tenders and agree extensions and variations of contracts and exemptions in accordance with service Procurement Procedure Policy except where decisions are reserved to the Fire Authority.

6.6. To approve the procurement process in respect of tenders with value of up to £250,000.

7. Delegations to miscellaneous officers

Fire safety officers

7.1. To undertake fire safety inspections under the Regulatory Reform (Fire Safety) Order 2005 on behalf of the Crown Property Inspection Group.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Part 4 - Standing Orders of the Authority

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SECTION 1 – PRELIMINARY

1. Standing Orders

1.1. The Authority shall not consider any motion to change or revoke any of these Standing Orders until it has received a written report from the Monitoring Officer.

1.2. Apart from this Standing Order, the other Standing Orders may be suspended during a meeting of the Authority provided that either:-

a) notice of intention to move such a suspension has been included in the agenda for the meeting; or

b) at least seven Members of the Authority support the suspension.

1.3. No motion to suspend any of these Standing Orders shall be considered if the effect of adopting the motion would be to contravene any legal provision, regulation or other statutory requirement.

1.4. The ruling of any person presiding at any meeting to which these Standing Orders apply, concerning the interpretation or application of any of these Standing Orders, shall not be challenged at that meeting.

1.5. Any challenge to the ruling of the person presiding at any meeting to which these Standing Orders apply concerning the interpretation or application of any of these Standing Orders shall be made in writing, to the Monitoring Officer, after the meeting.

1.6. A copy of these Standing Orders shall be provided to every Member of the Authority.

SECTION 2 – MEETINGS OF THE AUTHORITY

2. Annual and Ordinary Meetings of the Authority

2.1. Unless special or emergency circumstances arise, the annual meeting of the Authority shall be held during June on a date, time and in a venue to be decided by the Authority.

2.2. Other ordinary meetings of the Authority for the transaction of general business shall be held on dates, times and in venues to be decided by the Authority. Should the date, time or place of the ordinary meetings not set be the Authority, the Chair of the Authority may set the details of the first ordinary meeting of the Authority in any particular year.

2.3. Where it becomes necessary (for whatever reason) to change the date, time or venue of a meeting of the Authority, the Clerk shall make the necessary arrangements following consultation with the Chair of the Authority and the Leader of the Main Opposition Group.

3. Extraordinary Meetings of The Authority

3.1. Meetings of the Authority, which are in addition to the programme of ordinary meetings, may be called by:-

a) the Authority itself;

b) the Chair of the Authority (or in his/her absence or inability to act, the Vice- Chair);

c) the Clerk/Monitoring Officer.

3.2. A minimum of any three Members of the Authority may request the Chair of the Authority (or in his/her absence the Vice-Chair), to call an extraordinary meeting of the Authority. Such a request must be in writing and signed by the Members concerned. The request may be presented to the Chair by leaving it for him/her with the Clerk.

3.3. The Clerk shall arrange for the additional meeting to be held within 21 days of the receipt of the request. If, after such a request has been made, and for whatever reason, no meeting has been called within seven days, the Members concerned shall inform the Clerk of their intention to call an extraordinary meeting of the Authority,

the business to be transacted and the date and time of the meeting. The Clerk will ensure that the proper notices of the meeting are published and sent.

3.4. An extraordinary meeting of the Authority shall only be called if it is to consider business for which the Authority has responsibility or functions and which affects the area of the Authority, or part of it, or the inhabitants of the area, or some of them.

4. Person Presiding at Meetings of the Authority

4.1. The Chair of the Authority shall preside at meetings of the Authority. In their absence, the Vice-Chair of the Authority shall preside at meetings of the Authority.

4.2. Any power of the Chair in relation to the conduct of a meeting of the Authority may be exercised by the person presiding at that meeting.

4.3. If it is necessary to choose a Member to preside in the absence of the Chair and Vice-Chair, or for any other reason, the Clerk shall invite the Authority to nominate a Member to preside at that meeting.

Such a nomination, and any amendments, shall be moved and seconded and put to the vote (see Standing Order No. 22).

4.4. If discussion arises about the choice of a person to preside at a meeting, the Clerk shall regulate that discussion, and maintain order at the meeting, until such time as a person is appointed to preside.

4.5. In the case of an equality of votes, the person presiding at any meeting of the Authority, who is also entitled to vote at that meeting, shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

5. Quorum of Meetings of the Authority

5.1. No meeting of the Authority shall commence unless there is a quorum present. If a meeting has not started within 15 minutes of the time specified on the summons and agenda, the meeting shall be adjourned for a specified time. Should the meeting remain not

be quorate following the adjournment, the meeting shall be postponed.

5.2. All business which would have been considered at that meeting shall stand referred to the next ordinary meeting of the Authority, unless arrangements are made for an extraordinary meeting of the Authority, or the business is dealt with as a matter of urgency.

5.3. If during any meeting of the Authority, the person presiding declares that there is not a quorum present, the meeting shall be postponed. All business which has not been completed shall stand referred to the next ordinary meeting of the Authority, unless arrangements are made for an extraordinary meeting of the Authority, or the business is dealt with as a matter of urgency.

6. Order Of Business at Authority Meetings

6.1. As a general rule, the order of business at meetings of the Authority shall be: -

a) at the annual meeting, and at any other meeting which is the first after the office of Chair has become vacant, to elect a Chair;

b) at the annual meeting, and at any other meeting which is the first after the office of Vice-Chair has become vacant, to elect a Vice-Chair;

c) in the absence of both the Chair and Vice-Chair to appoint a person to preside at the meeting;

d) to receive any apologies for absence;

e) to receive any declarations of interests by Members and employees of the Authority;

f) to receive announcements from the person presiding;

g) to approve as a correct record the minutes of previous meeting(s) of the Authority;

h) to receive any petitions under Standing Order No. 8;

i) to consider any other specific items of business included at this point in the summons and agenda;

j) to receive minutes, reports and recommendations from any of the Committees, Panels or Fora established by the Authority;

k) to deal with any opposition business:

The leader of an opposition group on the Authority shall be required to notify the Clerk not later than 12 noon on the sixth working day before the day of the Authority meeting, but not including the day of the meeting itself, of that group's intention to raise opposition business.

The Clerk shall indicate on the agenda if any items are to be treated as opposition business.

l) The discussion of such business at a meeting shall be limited to 15 minutes, however, this may be extended with the agreement of the person presiding.

m) to consider notices of motion given by Members under Standing Order No. 7;

n) any other items of business, not on the agenda, but which the person presiding is of the opinion should be considered at the meeting as a matter of urgency.

6.2. With the exception of (a) to (g) above, the order of business can be varied:-

a) at the direction of the person presiding.

b) by resolution of the Authority. Such a motion may be moved, seconded, and put to the vote without discussion.

6.3. The Chair may, without debate, withdraw items from the agenda if he/she deems it appropriate to do so. The Chair shall state the reason for the withdrawal of the item which shall be recorded in the minutes of the meeting.

6.4. Subject to any directions given by the Chair (or in their absence the Vice-Chair) the items of business for any meeting of the Authority shall be arranged in such order as the Clerk thinks will ensure the effective transaction of business. The Clerk shall be authorised to structure the agenda of the Authority meeting in accordance

6.5. with any instructions given by the Authority.

7. Written Notices of Motion from Members at Authority Meetings

7.1. Any Member of the Authority may give notice of not more than one motion for consideration at any meeting of the Authority. Such a motion may be considered at the request of that Member without prior reference to a Committee of the Authority.

However, this shall not preclude any Member from submitting a second and unrelated motion in circumstances where a motion by that Member, raised under this Standing Order, was deferred from a previous meeting.

7.2. The Chair of the Authority may give notice of more than one motion for consideration at any meeting of the Authority.

7.3. Unless the person presiding at any meeting of the Authority is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Authority shall: -

a) be given in writing and signed by the Member or Members who propose to move the motion;

b) state the date of the Authority meeting at which it is proposed to be moved;

c) be delivered to the Clerk not later than 12 noon on the sixth working day before the day of the Authority meeting, but not including the day of the meeting itself.

7.4. Motions will be listed on the agenda in the order of which notice was received by the Clerk unless the Member giving notice states in writing that they propose to move it to a later meeting or withdraw it.

7.5. The Clerk shall only accept notices of motion which relate to matters for which the Authority has responsibility or functions and which affects the area of the Authority, or part of it, or the inhabitants of the area, or some of them. The Clerk shall keep a record of the date and time at which every motion is delivered to them. That record shall be open to inspection by the public.

7.6. A motion shall only be moved by the person who has submitted it or by another Member nominated by the person prior to the commencement of the meeting.

7.7. Unless a Member requests otherwise under paragraph 7.1 above, a motion, notice of which has been received, shall stand referred to the appropriate Committee.

Such motions shall be moved, seconded (without discussion) put to the vote and, if approved, referred to the next meeting of the appropriate Committee.

If any question arises as to where the motion is to be referred, it shall be determined by the person presiding at the meeting.

7.8. Where a Member has given notice of his/her intention to move a motion under this Standing Order which relates to any matter which has already been determined by a Committee, or an officer acting under delegated powers, such a motion shall not seek to amend the decision.

7.9. The mover of a motion, under this Standing Order, may speak in support of that motion for no more than ten minutes.

At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply for not more than five minutes.

If an amendment is moved, the mover of the original motion shall have a right of reply of not more than five minutes at the close of the debate on the amendment but shall not otherwise speak on the amendment.

7.10. Where notice of a motion has been given and has been included on the agenda for a meeting of the Authority, but the motion has not been moved and seconded (for whatever reason) nor deemed to have been referred to a Committee, that motion shall lapse.

7.11. Where a meeting of the Authority is cancelled, postponed or adjourned to a later date under Standing Order No. 5, any unconsidered motions will be considered at the next meeting of the Authority or at a later meeting selected by the Member proposing the motion.

8. Presentation of Petitions to Meetings of the Authority

8.1. Petitions can be presented by Members if they relate to matters for which the Authority has responsibility or functions and which affect the geographical area of the Authority, or part of it, or the inhabitants of the geographical area.

8.2. Any Member wishing to present a petition to the Authority shall:-

a) satisfy themselves that the petition is relevant to be received and meets the criteria set out under paragraph 8.3 below;

b) give notice to the Clerk before the meeting at which the petition is to be presented;

c) notify the Clerk of the name and address of the person who has organised the petition.

8.3. Petitions must meet the following criteria to be considered. The chair of the meeting to which the petition is to be presented retains the discretion not to hear a petition if they believe it does not meet these criteria.

a) Petition must include the name and contact address of the lead petitioner, and this person must be a resident of the West Midlands.

b) Petitions must have a minimum of ten signatories who are residents of the West Midlands.

c) The petition must clearly state the action it wishes the Authority to take.

d) Petitions should be submitted in good faith and be decent, honest and respectful.

e) Petitions must not relate to;

- personal or commercial issues;
- specific or individual employee relations matters;
- disciplinary or grievance matters;
- matters which are subject to formal or statutory appeal processes or are *sub judice* (under consideration by a judge or court).

f) Petitions must not include;

- offensive, intemperate, inflammatory, sarcastic or provocative language, discriminatory as defined within equalities legislation or language that might reasonably offend readers;
- false or defamatory statements;
- information which is protected by an interdict or court order; (e.g., the identities of children in custody disputes); or in accordance with any other enactment;
- commercially sensitive or confidential material;
- in relation to criminal accusations, the names of individuals, or information that might easily identify them.
- the names of individual officials of public bodies;

g) Petitions must not be the same or substantially similar to other petitions and which are lodged by or on behalf of the same person or organisation, or which have been considered within the past two years.

8.4. At meetings of the Authority, the presentation of a petition shall be limited to not more than five minutes and shall be confined to summarising the purpose of the petition, stating to which Committee he/she feels it should be referred, the number of signatories and any further relevant supporting remarks.

8.5. Petitions shall be presented in the order of which notice of them was given to the Clerk. Any question as to where a petition should be referred shall be determined by the Clerk.

8.6. The right of Members of the public to speak at meetings of the Authority shall be at the discretion of the person presiding.

9. Consideration of Reports and Recommendations at Meetings of the Authority

9.1. Reports and recommendations will be submitted for consideration by the Authority in accordance with the agreed scheme of delegation and terms of reference of committees. Any Member of

the Authority shall be entitled to ask questions and the Authority may discuss matters arising from the reports and recommendations.

9.2. Members shall be allowed to move any motions which are relevant to the reports and recommendations under consideration.

9.3. Where a Member moves a motion under paragraph 9.2 above, relating to any matter which has been determined by a Committee or an officer acting under delegated powers, such a motion shall not seek to amend the decision.

SECTION 3 – COMMITTEES

10. Appointment of Committees

10.1. Following the receipt of a report from the Clerk, the Authority or its Committees may, at any time during the year, make changes to the terms of reference, functions and political composition of any of its Committees.

10.2. Whenever the Authority resolves, or is required by statute, Government or legal directive to review the allocation of seats on Committees between political groups, the Clerk shall, as soon as practicable, submit a report to the Authority showing what allocation of seats would, in his/her opinion, best meet the requirement for the allocation of seats on Committees to be in proportion to the political composition of the Authority.

10.3. Every Committee constituted by the Authority shall continue in being, exercising the functions allocated to it, until such time as it is disestablished by the Authority.

10.4. Any person appointed to serve on a Committee shall continue to serve on it until such time as his/her appointment is terminated by the Authority or if he/she resigns or becomes disqualified for any reason. A Member will automatically cease to be appointed to any of the Authority's Committees if he/she ceases to be a Member of the Authority.

10.5. So far as the law permits, the Authority may decide whether or not persons who are not elected Members should be appointed to serve on any of the Committees of the Authority and whether those persons should be treated as voting or non-voting Members or advisors.

10.6. The Authority may establish other Panels and Forums to act in an advisory capacity. Any such Panels and Forums shall not be regarded as ordinary committees for the purposes of Section 15 of the Local Government and Housing Act 1989.

10.7. Whenever an appointment of a voting Member of a Committee is to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment is to be terminated in accordance with such wishes,

then the Proper Officer shall make arrangements to deal with the matter accordingly.

10.8. Sub-Committees shall be appointed only with the prior approval of the Authority.

11. Substitute Members

11.1. In appointing Members to Committees, Panels and Forums, the Authority may make arrangements for the appointment of named substitute Members to attend meetings in the absence of ordinary Members.

11.2. Where the appointment is to a body external to the Authority, a substitute may only be appointed where the rules governing that organisation permit.

11.3. Substitute Members may attend meetings in that capacity only:

a) to take the place of the ordinary Member for whom they are the designated substitute;

b) where the ordinary Member will be absent for the whole of the meeting except, in the case of a quasi-judicial body, a member is required to withdraw for, or cannot attend to hear a particular case, where substitution will be permitted;

c) after they or the Member they are substituting for has provided the Clerk with notice of the substitution before the start of the meeting in question;

d) where an adjourned meeting is reconvened, and it is essential for that substitute Member to continue to attend to comply with the spirit of natural justice. In such instances, the ordinary Member may not attend other than as an observer.

11.4. Substitute Members will have all the same powers and duties of any ordinary Member of the committee but will not be able to exercise any additional powers or duties which may be exercisable by the person they are substituting.

11.5. Should the named substitute be unable to attend, a member of the same political party can be appointed by the leader of the relevant party, subject to that member having had relevant training for the Committee/Panel in question.

12. Meetings of Committees

12.1. The Authority may set the date, time and place of ordinary meetings of Committees.

12.2. If the date, time or place of the ordinary meetings of a Committee are not set by the Authority, a Committee may agree those details itself. However, the person who has been appointed to Chair the Committee (or the Chair of the Authority in his/her absence) may set the details of the first ordinary meeting of the Committee in any particular year.

12.3. The person who has been appointed as the Chair of a Committee may cancel or change any of the details of programmed meetings of the Committee concerned. This is subject to a requirement to consult (so far as practicable) with the lead spokesperson of the main opposition group represented on the Committee. This paragraph shall not apply to a special meeting called under the provisions of paragraphs 12.5 to 12.7 below.

12.4. The person appointed as the Chair of a Committee or, in their absence, the Vice-Chair may call a special meeting of the Committee at any time.

12.5. One quarter of the voting Members of a Committee, or any two voting Members of that Committee (whichever is the greater) may request the Chair of a Committee to call a special meeting. Such a request must be in writing and signed by the Members concerned. The request may be presented to the Chair of the Committee by leaving it for him/her with the Clerk.

12.6. If, after such a request has been made and for whatever reason no meeting has been called within seven days of the request, the Members concerned shall inform the Clerk of their intention to call a special meeting, the business to be transacted and the date and time of the meeting.

12.7. Within seven days, the Clerk shall arrange a suitable venue, issue the summons and agenda for the meeting and shall publish the necessary notices of the meeting.

12.8. No special meeting shall be called unless it is to consider a matter which falls within the terms of reference of that Committee.

13. Persons Presiding at Meetings of Committees

13.1. The Authority may appoint a Member to preside at meetings of a Committee and a person to preside in his/her absence. If the Authority does not make an appointment itself, a Committee shall elect, from amongst its membership, a person to preside at its meetings and a person to preside in his/her absence.

13.2. If both the appointed persons referred to in 13.1 above are absent, the Committee shall choose from amongst its membership, a person to preside at that meeting.

13.3. If it is necessary to choose a person to preside, the Clerk shall invite the Committee to nominate a Member to preside at that meeting. Such a nomination and any amendments shall be moved and seconded and put to the vote (see Standing Order No. 22).

13.4. All legal powers in relation to the conduct of a meeting may be exercised by the person appointed to preside at that meeting.

13.5. If discussion arises about the appointment of a person to preside at a meeting, the Clerk shall regulate that discussion and maintain order at that meeting, until such time as a person is appointed to preside.

13.6. In the case of an equality of votes, a person presiding at any meeting of a Committee who is also entitled to vote at that meeting, shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

14. Quorum of Committees

14.1. No business may be transacted at any meeting to which these Standing Orders apply unless a quorum is present. The quorum is three voting Members.

14.2. No meeting shall commence unless there is a quorum present. If during any meeting of a Committee, the person presiding declares that there is not a quorum present, the meeting shall be adjourned for a set time.

14.3. If after the adjournment there is still no quorum, the meeting shall be postponed. All business which has not been completed at a meeting which has been postponed shall stand referred to the next

ordinary meeting unless arrangements are made for a special meeting to consider that business or the business is dealt with as a matter of urgency.

15. Committee Business Raised at Members' Request

15.1. Any Member of a Committee may give notice of not more than one item for consideration at any meeting of the Committee.

15.2. Unless the person presiding at any meeting is of the opinion that an item should be considered as a matter of urgency, notice of every item for consideration at a meeting proposed by a Member of a Committee shall:

a) be given in writing and signed by the Member concerned;

b) state the name of the Committee to which the item should be referred;

c) be delivered to the Clerk at least 14 days before the date of the next scheduled meeting of the Committee concerned;

d) The Clerk shall arrange for the matter to be included on the agenda for that meeting.

15.3. The Clerk shall only accept matters which fall within the terms of reference of the Committee concerned.

16. Order of Business in Committees

16.1. As a general rule the order of business for Committees with be in line with that of the Authority (where applicable), outlined in Section 2 of these Standing Orders.

16.2. The order of business can be varied: -

a) at the direction of the person presiding;

b) by resolution of the Committee;

16.3. The Chair may, without debate, withdraw items from the agenda if he/she deems it appropriate to do so. The Chair shall state the reason for the withdrawal of the item which shall be recorded in the minutes of the meeting.

16.4. Subject to any directions given by the person appointed to preside at a meeting of a Committee, the items of business for that meeting

shall be arranged in such order as the Clerk thinks will best ensure the effective transaction of business.

17. Arrangements to Act in Matters of Urgency

17.1. The Authority shall make arrangements for its function to be discharged, in cases of urgency, as follows:-

a) by delegation only to the Chief Fire Officer/Chief Executive Officer where matters of an urgent nature cannot be reasonably delayed, until the next ordinary meeting of the Authority, or appropriate Committee.

b) This Standing Order shall not apply to the functions which are properly undertaken by the Appointments, Standards and Appeals Committee, or the Audit and Risk Committee.

17.2. Where the CFO/CEO proposes to act on a matter of urgency, such action must be within approved Authority policy. The CFO/CEO proposing to act under these arrangements must:

a) seek the agreement of the Clerk that he/she is satisfied that the matter in question constitutes a genuine matter of urgency, that all other avenues for the determination of the matter have been exhausted and that the urgency has not arisen due to a failure to finalise reports in time under normal procedures;

b) consult the Chair and Vice-Chair of the Authority on the action the CFO/CEO proposes to take.

17.3. The CFO/CEO concerned shall record the urgent circumstances which make it necessary for action to be taken before the next ordinary meeting of the Authority or relevant Committee concerned.

17.4. Where action is taken under any of these circumstances, a report of that action, including a note of the circumstances which made it necessary, must be reported to the next ordinary meeting of the Authority.

18. Reference-up of Decisions

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

18.2. This Standing Order shall not apply to the business of quasi-judicial bodies when they are considering individual matters before them. However, such bodies shall be required to refer any issues which are contrary to Authority policy or do not fall within their terms of reference, in accordance with 18.1 above.

SECTION 4 – CONDUCT OF MEETINGS

19. Confirmation of Minutes as a Correct Record

19.1. The person presiding shall put the question that the minutes submitted to the meeting be approved as a correct record.

19.2. No discussion shall take place on the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised or, if it is raised then as soon as it is disposed of, the minutes shall be confirmed and signed in due course.

19.3. Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

20. Rules of Debate

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

Speeches

20.2. While a Member is speaking, the other Members shall not speak, unless raising a point of order or a point of personal explanation.

20.3. Whenever the person presiding rises or issues a clear instruction of intent during a debate, Members shall resume their seats and the meeting shall be silent.

20.4. If two or more Members ask to speak, the person presiding shall decide the order in which they may address the meeting.

20.5. When speaking, a Member shall address the person presiding.

20.6. A Member shall direct his/her speech to the matter under discussion, or to a personal explanation or a point of order.

Motions

20.7. A motion shall not be discussed unless it has been moved and seconded except in a Committee of five Members or less where motions do not need to be seconded.

20.8. When seconding a motion, a Member may reserve their speech until a later period of the debate by declaring their intention to do so.

20.9. On consideration of a report or a recommendation from another Committee or an Officer, the adoption of the report or recommendation and any resolutions relevant to that adoption may be moved.

20.10. The following motions may be moved at any meeting at which they would be in order:

a) motions to nominate a Member to Chair the meeting;

b) motions to refer an item of business to the next appropriate meeting;

c) motions to refer an item of business to another Committee, Panel or Forum;

d) motions to withdraw an item of business from consideration at that meeting provided that to do so would not contravene any statutory provision;

e) motions relating to the accuracy of the minutes;

f) motions to change the order of business;

g) closure motions under paragraph 20.15 below;

h) motions to exclude the public from a meeting where there is likely to be disclosure of exempt or confidential information;

i) motions giving consent of the meeting where it is required under these Standing Orders;

j) motions concerning the prevention of disorderly conduct;

k) motions to record appreciation or condolences;

l) motions concerning the constitution of Committees;

m) motions to suspend any of these Standing Orders (see Standing Order No. 1).

20.11. When any motion has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.

20.12. With the consent of the meeting, signified without discussion, a Member may:

a) alter a motion which he/she has moved; or

b) with the further consent of the seconder, alter a motion which has been moved and seconded.

20.13. With the consent of the seconder (if he/she is still present) and of the meeting, signified without discussion, the mover of a motion may withdraw it. No Member shall speak on a motion which has been withdrawn.

Motions which may be moved during a debate

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

a) to amend the motion;

b) to withdraw the motion;

c) a closure motion;

d) a motion concerning the prevention of disorderly conduct;

e) a motion to exclude the public.

Closure Motions

20.15. At the conclusion of a speech by a Member on a motion before a meeting, any Member may move without comment, a motion:-

- that the meeting proceed to the next business;
- that the matter be put to the vote;
- that the meeting is adjourned.

20.16. If the closure motion is seconded, then the person presiding shall proceed as follows:

a) on a motion that the meeting proceed to the next business or that the matter be put to the vote, the person presiding shall first put the closure motion to the vote, without discussion. If this is passed, the mover of the original motion may exercise his/her right of reply under paragraph 20.18 below, before the original motion is put to the vote;

b) on a motion to adjourn the meeting, the person presiding shall put the adjournment motion to the vote without discussion and without giving the mover of the original motion his/her right of reply on that occasion.

The original motion or remaining business shall then stand over as uncompleted business until the next ordinary meeting, unless arrangements are made for an extraordinary or special meeting to consider that business or the business is dealt with as a matter of urgency.

20.17. If the person presiding is of the opinion that the matter before the meeting has been sufficiently discussed, he/she may move, from the Chair, that the matter be put to the vote.

Right of Reply

20.18. The mover of any motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote.

If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment.

The mover of an amendment shall have no right of reply to the debate on that amendment.

For the purposes of this paragraph a person who moves an amendment is not moving a motion.

Points of Order or Personal Explanation

20.19. A Member may ask to speak on a point of order or in personal explanation and shall be entitled to be heard immediately.

A point of order shall relate only to an alleged breach of a specified statutory provision or a specified Standing Order or procedural rule,

and the way in which the Member raising it considers that it has been broken.

A personal explanation shall be confined to some material part of a former speech by him/her in the current debate which may appear to have been misunderstood.

20.20. The ruling of the person presiding on a point of order or on the admissibility of a personal explanation shall not be challenged at that meeting.

Amendments to Motions

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

a) to refer the matter to the appropriate body or individual, another Committee, Panel or Forum or an officer for consideration (or reconsideration);

b) to leave out words; or

c) to insert or add other words;

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

20.22. An amendment shall not be discussed unless it has been moved and seconded except in a Committee of five Members or less, where amendments do not need to be seconded.

20.23. When seconding an amendment, a Member may reserve his/her speech until a later period of the debate by declaring his/her intention to do so.

20.24. No amendment shall be moved to an amendment.

20.25. When any amendment has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.

20.26. With the consent of the seconder (if he/she is still present) and of the meeting, signified without discussion, the mover of an amendment may withdraw it. No Member shall speak on an amendment that has been withdrawn.

20.27. Only one amendment may be moved and discussed at a time, and no further amendment shall be moved until the amendment under

discussion has been disposed of. However, the person presiding may permit two or more amendments to be discussed together (but not voted upon) if circumstances suggest that this would facilitate the proper conduct of business and may direct the order in which such amendments are to be put to the vote.

20.28. If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

Consent of the Meeting

20.29. Where the consent of a meeting is required for anything, that consent may be given either:-

a) by the person presiding asking the meeting whether there are objections to the consent being given, and if no objection is raised, giving that consent; or

b) if objection is raised, or if the person presiding so chooses, by a motion moved, seconded and put to the meeting.

Previous Decisions and Motions

20.30. At a meeting of the Authority, no motion or amendment shall be moved to rescind any resolution which was passed within the preceding six months, or which has the same effect as one which has been rejected within that period.

However, such a motion may be moved if: -

a) it is a recommendation of a Committee; or

b) notice of such motion is given and signed by seven Members of the Authority in accordance with the timescales set out in Standing Order No. 7.

21. Prevention of Disorderly Conduct

21.1. If the person presiding is of the opinion that any Member has misconducted or is misconducting themselves by persistently disregarding the ruling of the person presiding or by behaving irregularly, improperly or offensively or wilfully obstructing the

conduct of business, he/she shall inform the meeting and may take the following course of action: -

a) the person presiding may move that the named Member be not further heard. If seconded, the motion shall be put and decided without comment. If it is carried the Member named shall not speak further at that meeting;

b) if the Member continues to behave improperly, the person presiding may move that the named Member shall leave the meeting. This motion shall not require to be seconded but shall be put and decided without comment. If it is carried the Member named shall forthwith leave the meeting;

c) at any time, the person presiding may adjourn the meeting for an appropriate period.

21.2. If a member or members of the public interrupt the proceedings at any meeting, or in the event of a general disturbance at any meeting, the person presiding may take the following action as appropriate to the circumstances: -

a) warn the person(s) concerned;

b) order the person(s) to leave the room;

c) order the person(s) to be removed from the room;

d) adjourn the meeting for an appropriate period.

21.3. The provisions of this Standing Order are additional to any other powers which the person presiding may lawfully exercise.

22. Voting

22.1. Unless these Standing Orders or specific legal provisions require otherwise, any matter will be decided by a simple majority of those Members present in the room and eligible to vote at the time the question was put. The person presiding will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

22.2. Immediately after any vote is taken any Member may request the Clerk to record in the minutes of that meeting the way they voted (or abstained).

22.3. Immediately before any matter is put to the vote, any Member may request that a named vote be taken. Such a request must be supported by at least three other voting Members, and all four Members shall clearly signify their support of this request. The exception to this will be in meetings of the Audit and Risk Committee where two other voting members must support the request.

At the request for a named vote the Clerk shall call upon all voting Members then present to state whether they wish to vote for or against the question then under debate or whether they wish to abstain from voting. A record shall be made in the minutes of that meeting of the way Members voted.

22.4. When a vote is required to appoint or elect Members of the Authority or other persons to positions to be filled by the Authority, nominations to such positions shall be moved, seconded and determined in accordance with the motions and amendments procedure (see Standing Order No. 20).

22.5. If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

22.6. In the case of an equality of votes, the person presiding at any meeting who is also entitled to vote at that meeting shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

23. Attendance Register

23.1. The Clerk shall keep a record of attendances at meetings.

23.2. It is the responsibility of any Member attending any meeting, either as a voting Member or as an observer, to sign the attendance register for that meeting.

24. Observers at Meetings

24.1. The Chair and Vice-Chair of the Authority may attend the whole of the proceedings of any meeting of any Committee of which they are not ordinary Members. They may speak, but may not vote, at

meetings of a Committee if they are not in attendance as a member of that committee or as a recognised substitute. This entitlement shall also apply to the leader of any political group represented on the Authority.

24.2. Any Member of the Authority may attend any meeting of a Committee, to which he/she has not been appointed, to observe the public part of the proceedings of that Committee. Members attending meetings as observers shall not be entitled to vote and shall only speak at such meetings: -

a) on a matter relating to a motion of which he/she gave notice or seconded at an Authority meeting which has been referred to that Committee.

b) with the agreement of the person presiding at that meeting.

24.3. A Member's attendance as an observer during the confidential proceedings of any Committee shall be at the discretion of the person presiding at that meeting, subject to that Member satisfying the person presiding of his/her need to know.

24.4. Special Observers are entitled to contribute to Authority and Member Engagement Forum (MEF) meetings only in line with the agreed Memorandum of Understanding.

SECTION 5 – DECLARATION OF INTERESTS

25. Members' Interests

25.1. If a member has any interest to declare in any matters to be discussed at a meeting, and that interest is not already included in their Statutory Declaration of Interests, they must disclose the interest verbally at that meeting. The disclosure of an interest should be recorded in the minutes of the meeting at which it is made. Following the meeting, the member must notify the Clerk and Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification).

25.2. Members shall be required to declare interests in accordance with any relevant statutory provisions and the Members' Code of Conduct. The question of the participation of a Member in the discussion of any item where he/she has disclosed an interest shall be determined in accordance with the provisions of the Members' Code of Conduct.

25.3. The requirements for Members to disclose their interests shall apply equally to any co-opted Members, advisors or persons appointed to discharge any functions in connection with a Committee whether they have voting rights or not.

25.4. The Clerk shall be responsible for keeping a register of Members interests and making it open for public inspection during office hours.

26. Officers Interests

26.1. Officers shall be required to declare any interests in accordance with their terms and conditions of employment, any relevant statutory provisions and the requirements of any codes of conduct, standing orders or protocols which, the Authority may adopt from time to time.

26.2. For the purposes of this Standing Order, an officer shall be considered to have an interest in a matter if, on the assumption that if he/she were a Member of the Authority, the interest would have to be declared in accordance with the Member Code of Conduct.

26.3. Where any employee submits a written report to any meeting on any matter in which he/she has disclosed an interest, the report should contain a separate paragraph in the document setting out the details of the nature of the interest.

26.4. If an employee advises any meeting verbally on any matter in which he/she has disclosed an interest, he/she should state the nature of the interest, and this should be recorded in the minutes of that meeting.

26.5. The CFO/CEO shall maintain a register of officers' interests to be open for inspection by request.

SECTION 6 – APPOINTMENT AND DISCIPLINE OF STAFF

27. Appointment

27.1. The appointment of the CFO/CEO, DCFO/DCEO and the ACFO/ACEO(s) shall be made by the Appointments function of the Appointments, Standards and Appeals Committee of the Authority. These posts shall be subject to the National Joint Council's scheme of conditions of service for Brigade Managers of Local Authorities Fire and Rescue Services as amended from time to time and be subject to the relevant disciplinary regulations which apply to the employee(s) concerned.

27.2. Where the Authority proposes to appoint a CFO/CEO, the Authority:-

a) will draw up a statement specifying:

- the duties of the CFO/CEO; and
- any qualifications or qualities to be sought in the person to be appointed;

b) will make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;

c) will make arrangements for a copy of the statement mentioned in paragraph 27.2.a) to be sent to all applicants for any particular post and to any other person on request

Once applications have been received, the CFO/CEO (or appropriately qualified external advisor in the absence of a CFO/CEO) will undertake a process of evaluation to determine technical, behavioural and operational competency and qualification for the role. This will include relevant behavioural and psychometric assessments and professional conversations. The CFO/CEO (or external advisor) will provide updates on this process to the Authority as required.

Following this process, the Authority [delegated to the Appointments, Standards and Appeals Committee], with the support of the sitting CFO/CEO (or appropriate external advisor) and a People Support Services representative, will either interview

all qualified applicants for the post or select a short list of qualified applicants and interview those on the short list. This interview process will take place in accordance with all applicable service recruitment policies. If no qualified person applies, the Authority shall make arrangements for further advertisement in accordance with (b) above. Any subsequent recommendation for appointment to the role of CFO/CEO will be approved by Authority.

27.3. Where the Authority proposes to appoint a DCFO/DCEO or ACFO/ACEO, the CFO/CEO

a) will draw up a statement specifying:

- the duties of the officer concerned; and
- any qualifications or qualities to be sought in the person to be appointed;

b) will make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;

c) will make arrangements for a copy of the statement mentioned in paragraph 27.3.a) to be sent to all applicants for any particular post and to any other person on request.

Once applications have been received, the CFO/CEO will undertake a process of evaluation to determine technical, behavioural and operational competency and qualification for the role. This will include relevant behavioural and psychometric assessments and professional conversations. The CFO/CEO will provide updates on this process to the Authority as required. The CFO/CEO will then select a shortlist of the suitably qualified candidates for interview by the Appointments Committee.

Following this process, the Authority, with the support of the CFO/CEO and a People Support Services representative, will interview all shortlisted applicants. This interview process will take place in accordance with all applicable service recruitment policies. If no qualified person applies, or the Authority does not believe there to be sufficient qualified candidates for interview, the CFO/CEO shall make arrangements for further advertisement in accordance with 27.3.b) above.

27.4. Subject to section 28 below, the appointment, dismissal and taking disciplinary action against any other employee must be carried out by the CFO/CEO or by an officer who can lawfully be nominated by him/her. Any such action shall be taken in accordance with any legislative requirements, the Authority's policies and procedures and be subject to any specific rules or regulations which apply to the conditions of service of the employee(s) concerned.

Councillors will not be involved in disciplinary action against any officer below Brigade Manager level.

27.5. The Authority will require any candidate for appointment to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Authority, or the partner of such persons.

27.6. No candidate related to a councillor or officer as described above will be appointed without the agreement of the CFO/CEO or an officer nominated by him/her.

27.7. The Authority will disqualify any applicant who directly or indirectly seeks the support of any member of the Authority for any appointment. No member of the Authority will seek support for any person for any appointment with the Authority.

27.8. The Authority shall make the arrangements for the appointment of:

a) the Clerk

b) the Monitoring Officer under the provisions of the Local Government and Housing Act 1989;

c) an officer to be responsible for the proper administration of the authority's financial affairs under the provisions of the Local Government Act 1985 (the Treasurer).

28. Dismissal and Disciplinary Action

28.1. No disciplinary action in respect of the CFO/CEO, Clerk, Monitoring Officer or the Treasurer, except action described in paragraph 28.2 and 28.3, may be taken by the Authority, or by a committee, a joint committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance

with a recommendation in a report made by an independent person as set out under this Standing Order.

28.2. The action mentioned in paragraph 28.1 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect. The decision to suspend shall be made by the Authority.

28.3. In an instance where more immediate suspension is required for reasons of safety, wellbeing or to preserve the integrity of an investigation, in relation to a matter of serious or gross misconduct, the Head of Paid Service, in consultation with the Chair of the Fire Authority and such other officers as necessary, may suspend a Statutory Officer with immediate effect. In relation to the suspension of the Head of Paid Service, the Monitoring Officer can agree suspension in consultation with the Chair of the Fire Authority. In all instances any suspension must be confirmed or reversed by the Fire Authority (at an Extraordinary General Meeting if necessary) within fourteen (14) working days.

28.4. If it appears to the Authority that an allegation of misconduct by the CFO/CEO, the Clerk, Monitoring Officer or the Treasurer as the case may be ('The Relevant Officer') requires to be investigated, the Authority must appoint an Independent Person.

28.5. The Independent Person must be such person as may be agreed between the Authority and the Relevant Officer or, in default of agreement, nominated by the Secretary of State.

28.6. The Independent Person:

a) may direct:

- that the Authority terminate any suspension of the Relevant Officer;
- that any such suspension must continue after the expiry of the period referred to in paragraph 28.2;
- that the terms on which the suspension has taken place must be varied in accordance with that direction; or

- that no steps (whether by the Authority or any committee or officer acting on behalf of the Authority) towards disciplinary action or further disciplinary action against the Relevant Officer, other than steps taken in the presence, or with the agreement, of the Independent Person, are to be taken before a report is made under sub-paragraph 28.6.d)

b) may inspect any documents relating to the conduct of the Relevant Officer which are in the possession of the Authority, or which the Authority has the power to authorise him or her to inspect;

c) may require any Member of staff of the Authority to answer questions concerning the conduct of the Relevant Officer;

d) must make a report to the Appointments, Standards and Appeals Committee:

- stating his or her opinion as to whether (and if so to what extent) the evidence that he or she has obtained supports any allegation of misconduct against the Relevant Officer; and

- recommending any disciplinary action which appears to him or her to be appropriate for the Authority to take against the Relevant Officer; and

e) must no later than the time at which he or she makes their report under sub paragraph 28.6.d) send a copy of the report to the Relevant Officer.

28.7. The Appointments, Standards and Appeals Committee will, after considering the report of the Independent Person, make a recommendation to the Authority with regard to dismissal or any disciplinary action in respect of the CFO/CEO, Clerk, Monitoring Officer or the Treasurer.

28.8. In paragraph 28.7 ‘disciplinary action’ and ‘independent person’ have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

29. Arbitration

29.1. It is in the interests of the Authority for a constructive working relationship to exist between officers and authority members, in particular their relationship with the Chair of the Authority.

29.2. If it appears to the Authority that the relationship between the CFO/CEO, Clerk, Monitoring Officer or the Treasurer as the case may be (‘The Relevant Officer’) and the Chair of the Authority has broken down, the Authority must appoint an Independent Person to act as Arbitrator to seek to resolve the issues.

SECTION 7 – MISCELLANEOUS

30. Attestation of Documents

30.1. In addition to any other person who may be authorised by resolution of the Authority for the purpose, the 'Proper Officer' for the purpose of Section 234 of the Local Government Act 1972 (authentication of documents) shall be the Clerk to the Authority or any officer authorised in writing by him/her.

31. Papers and Advice

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

31.2. At his/her request, the Authority and every committee shall give a Brigade Manager who is concerned with the work of that committee an opportunity to advise on any matter under consideration either in writing or orally.

31.3. If the Authority considers a matter which has not previously been the subject of consideration or a report to the Authority or relevant Committee, the person presiding shall ensure that the question is not put to the vote before any Brigade Manager who has responsibilities relating to the matter has had the opportunity to advise the Authority orally.

32. Access to Documents, Information and Land

32.1. In addition to their legal rights, but subject to certain restrictions, the following persons shall have access to information as follows:-

a) any Elected Member of the Authority may have access to any document held by the Authority or any other information which it is necessary for the Member to have access to for the proper discharge of his/her function as a Member of the Authority or as a Member of any Committee.

b) any co-opted Member or advisor appointed to any Committee may have access to any document or any other information

held by the Authority relating to a matter under consideration by a Committee of which he/she is a Member/advisor, which is necessary for that person to properly discharge his/her functions/duties in respect of that Committee;

c) any employee of the Authority may have access to any document or any other information held by the Authority which is necessary for him/her to properly discharge his/her duties as an employee.

32.2. No Councillor or co-opted Member/advisor of a Committee or any employee of the Authority shall be entitled to inspect any document or to have access to any information relating to a matter in which he/she has a personal or prejudicial interest.

A person has a personal or prejudicial interest in a matter if, on the assumption that if he/she were a Member of the Authority, the interest would have to be declared at a meeting in accordance with the Member Code of Conduct.

32.3. A Councillor, co-opted Member/advisor or an employee may be refused the right to inspect a document which, in the opinion of the appropriate Chief Officer, it is not necessary for him/her to inspect for the proper discharge of their functions as a Member of the Authority or in relation to a Committee or as an employee, or if there is good reason why such access should be refused.

32.4. The Monitoring Officer shall be responsible for deciding whether any Councillor, co-opted Member/advisor or employee of the Authority shall be entitled to inspect a document or have access to certain categories of information taking account of issues such as their need to know and potential legal restrictions.

32.5. Access to information not in the form of a document need not be given where the cost of providing the information would be unreasonably high or in cases where the period of time required to provide the information would unreasonably disrupt the work of the Authority.

32.6. Where a person exercises their right to inspect a document and the Authority may lawfully make a copy of it, he/she shall be entitled to a copy on request, provided that: -

a) a reasonable charge, at a level to be decided by the Authority, may be made for the copy, unless the appropriate Brigade Manager directs otherwise;

b) a copy may be refused if the appropriate Brigade Manager considers it impractical to make a copy.

32.7. If any Councillor, co-opted Member/advisor or employee is dissatisfied with any decision of a Brigade Manager relating to access to information, he/she may refer the matter to the Chair of the Authority/Authority for consideration. This is additional to any other statutory rights which they may have in relation to access to information.

32.8. No Member of the Authority and no other Member (whether voting or non-voting) of a Committee shall have any claim by virtue of his/her position: -

a) to enter any land or buildings occupied by the Authority to which the public do not have access or to which Members of the Authority do not regularly have access except with the permission of the Brigade Manager responsible for the service for which the land or buildings are occupied;

b) to exercise any power of the Authority to enter or inspect other land or buildings, except where specifically authorised to do so by the Authority;

c) to exercise any other power of the Authority.

d) to issue any order with respect to any works which are being carried out by, or on behalf of the Authority, or with respect to any goods or services which are being, or might be, purchased by the Authority.

32.9. If a Member of the Authority or a co-opted Member/advisor of a Committee wishes to have access to land or buildings to which the public or Councillors do not regularly have access, he/she should apply to the Brigade Manager responsible for the service to which the request relates.

The Brigade Manager shall determine the request and may attach such conditions as are necessary including that the person be accompanied by an employee.

33. Public Disclosure of Information Relating to Employees

33.1. If any question arises at any meeting about the appointment, promotion, dismissal, salary, pension or conditions or service or about the conduct of any person employed by the Authority, such a question shall not be the subject of discussion until it has been decided whether or not the public should be excluded from the meeting.

34. Delegation of Powers to Officers

34.1. The Clerk shall maintain a register of powers delegated to Officers where such arrangements are made for an unspecified period or a specified period of more than six months. This register shall be open for inspection by the public during office hours.

34.2. A member of the Authority may inspect any document relating to action taken by Chief Officers under delegated powers subject to any restrictions on access to information referred to in Standing Order No. 31.

34.3. Where a Chief Officer is given delegated authority to act on any matter, the Authority or a Committee may require that Chief Officer to submit reports as appropriate on the action he/she has taken under those arrangements.

34.4. Every Officer shall be required to maintain a record of the actions taken under their delegated powers as referred to in paragraph 33.1 above.

35. Definitions

35.1. The Interpretation Act 1978 shall apply to the interpretation of these Standing Orders as it applies for the interpretation of an Act of Parliament.

35.2. Please see explanatory note guidance: 5 for definitions of terms used therein these standing orders, unless the context otherwise demands.

35.3. Any reference in any Standing Order to a numbered paragraph is, unless the context otherwise required, a reference to the paragraph of that Standing Order bearing that number.

Version: June 2024

ACCESS TO INFORMATION PROCEDURE RULES

ACCESS TO INFORMATION PROCEDURE RULES

The Authority will act in accordance with the Local Government Act 1972 as amended, the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as amended, or any other relevant statute.

In addition to making documents available in hard copy as indicated in these Rules, the Authority also maintains an electronic database of documents relating to meetings as defined below. The Committee Management Information System (CMIS) is available for public use via the Authority's website. It contains all committee documents (agenda, reports and minutes) from 2004 to the present date that are open to public inspection. Documents will be placed on CMIS, as well as made available in hard copy, within the statutory timescales referred to in the sections below.

1. Scope

1.1. These rules apply to all meetings of the Authority, and its committees, with the exception of the Member Engagement Forum, Joint Consultative Panel and Pension Board.

2. Additional Rights to Information

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

3. Rights to Attend Meetings

3.1. Members of the public may attend all meetings under 1.1 above, subject only to the exceptions in these rules.

4. Reporting of meetings by the media and public

4.1. Members of the public and the media are allowed by law to take photographs, film, sound record, tweet or blog at public meetings.

4.2. Members of the public and media are requested to advise officers of their intentions to use recordable devices.

5. Notices of Meeting

5.1. The Authority will give at least five clear days notice of any meeting subject to the constitution. This will be achieved by:

5.1.1. posting details of the meeting at the Fire Service Headquarters;

5.1.2. placing details of the meeting on the Committee Management Information System (CMIS) on the Authority's website.

6. Access to Agenda and Reports Before the Meeting

6.1. The Authority will endeavour to make copies of the agenda and those reports which are open to the public, available for inspection at the designated office and via CMIS on the Authority's website, at least five clear days before the meeting unless prevented from doing so due the urgency of the matter and where any of the urgency provisions provided by the constitution apply.

6.2. 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 but no report on those items shall be made available to the public until after the completed report is sent to councillors.

7. Supply of Copies

7.1. The Authority will supply paper copies of the following to any person on payment of a charge for postage and other costs as determined appropriate:

7.1.1. any agenda and reports which are open to public inspection;

7.1.2. any further statements or particulars necessary to indicate the nature of the items in the agenda;

7.1.3. if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item.

8. Access to Minutes etc after the Meeting

8.1. The minutes of any meeting, as defined in these Rules, will be available for public inspection via CMIS on the Authority's website as soon as is practicable thereafter. They will be kept available in this form for at least six years after the meeting.

8.2. The Authority will make paper copies of the following available, on request, for six years after a meeting to any person on payment of a charge for postage and other costs as determined appropriate:

8.2.1. the minutes of the meeting or where minutes have not been produced, the record of the decisions taken together with the reasons for the decision, excluding any part of the minutes of the proceedings where the meeting was not open to the public and which disclose exempt or confidential information;

8.2.2. on request a summary of any proceedings not open to the public where the minutes which are open to public inspection would not provide a reasonably fair and coherent record;

8.2.3. the agenda for the meeting;

8.2.4. reports relating to items considered when the meeting was open to the public.

9. Background Papers:

List of Background Papers

9.1. The Proper Officer will set out in every report, a list of those documents (background papers) relating to the subject matter of the report which in his/her opinion:

9.1.1. disclose any facts or matters on which the report or an important part of the report is based:

9.1.2. have been relied upon to a material extent in preparing the report.

Public Inspection of Background Papers

9.2. For four years after the date of the meeting, the Authority will retain for public inspection, one copy of each of the documents on the list of background papers, except for the documents, which may disclose exempt or confidential information.

10. Financial Documents

10.1. A member of the Authority has a right to inspect its accounts.

10.2. Any local government elector for a district within West Midlands area has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit Regulations 1996.

10.3. At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them - except that no personal information about a member of the Authority's staff is required to be disclosed.

11. Summary of Public Rights

11.1. This Constitution will be kept available to the public via CMIS on the Authority's website as a written summary of the public's rights to attend meetings and to inspect and copy documents. It will also be available for inspection at the designated office during normal office hours.

12. Exclusion of the Public and Press from Meetings

Confidential Information - Requirement to Exclude the Public and Press

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

Exempt Information - Discretion to Exclude the Public

12.2. Further to 12.1 above, 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 held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Meaning of Confidential Information

12.3. 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 statute or by Court Order.

Meaning of Exempt Information

12.4. In accordance with Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. Exempt information means information falling within the following seven categories (subject to any condition)

12.4.1. Information relating to any individual.

12.4.2. Information that is likely to reveal the identity of an individual.

12.4.3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

12.4.4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Authority.

12.4.5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

12.4.6. Information which reveals that the authority proposes:-

12.4.6.1. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

12.4.6.2. to make an order or direction under any enactment.

12.4.7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

NOTE - Qualifications on the application of the Exemptions

12.4.8. Information falling within Paragraph 3 above is not exempt information if it is required to be registered under any of the following Acts:-

- The Companies Act 1985

- The Friendly Societies Acts 1974 or 1992
- The Industrial and Provident Societies Acts 1965 to 1978 The Building Societies Act 1986
- The Charities Act 1993.

12.4.9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

12.4.10. Information which:-

12.4.10.1. falls within any of Paragraphs a) to g) above; and

12.4.10.2. is not prevented from being exempt by virtue of paragraphs h) or i) above,

is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

13. Exclusion of Access to Reports

13.1. If the Proper Officer thinks fit, the Authority may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with section 12, the meeting is likely not to be open to the public. Such reports will be marked “in accordance to service policy with the category of information likely to be disclosed.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Part 5 - Financial Regulations

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Introduction

1.1 To conduct its business efficiently, a Fire Authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the Authority.

1.2 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.

1.3 The regulations identify the financial responsibilities of the Fire Authority, the Chief Financial Officer *(see note 1)* and the Chief Fire Officer/Chief Executive Officer (CFO/CEO) *(see note 2)*. The CFO/CEO and Chief Financial Officer should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to the CFO/CEO in the regulations should be read as referring to them.

1.4 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.

1.5 The Chief Financial Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Authority. The Chief Financial Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Fire Authority.

1.6 The CFO/CEO is responsible for ensuring that all staff within the Fire Service are aware of the existence and content of the Authority's financial regulations and other internal regulatory documents and that they comply with them. He must also ensure that copies are available for reference within the Service.

1.7 The Chief Financial Officer is responsible for issuing advice and guidance to underpin the financial regulations that Members, officers and others acting on behalf of the Fire Authority are required to follow.

Note 1 *Reference is made throughout the financial regulations to the responsibilities of the Chief Financial Officer. The title is used as a standard for the officer with section 151 responsibilities (currently held by the Treasurer to the Fire Authority) and is included in recognition that section 151 responsibility may be transferred to another chief officer who is a qualified accountant.*

Note 2 *The CFO/CEO's responsibility may also be transferred to other Brigade Mangers.*

Financial management

Financial management standards

Why is this important?

1.1 All staff and Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met. At the same time, staff and Members should ensure that any financial arrangements represent value for money to the organisation and should strive to identify efficiency savings when the opportunity exists.

Key Controls

1.2 The key controls and control objectives for financial management standards are:

(a) their promotion throughout the Authority; and

(b) a monitoring system to review compliance with financial standards that is reported to the Strategic Enabling Team and the Fire Authority.

Responsibilities of the Chief Financial Officer

1.3 To ensure the proper administration of the financial affairs of the Authority.

1.4 To set the financial management standards and to monitor compliance with them.

1.5 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff in the Authority.

1.6 To advise on the key strategic controls necessary to secure sound financial management.

1.7 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

1.8 To promote the financial management standards set by the Chief Financial Officer and to monitor adherence to the standards and practices, liaising as necessary with the Chief Financial Officer.

1.9 To promote sound financial practices in relation to the standards, performance and development of staff within the Fire Service.

Managing expenditure

Scheme of Virement

Why is this important?

1.10 The scheme of virement is intended to enable the CFO/CEO and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Authority, and therefore to optimise the use of resources.

Key Controls

1.11 Key controls for the scheme of virement are:

(a) It is administered by the Chief Financial Officer within guidelines set by the Authority. Any variation from this scheme requires the approval of the Fire Authority.

(b) The overall budget is agreed by the Senior Leadership Team and approved by the Fire Authority. Directors and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a line in the approved budget report, or, as a minimum, at an equivalent level to the standard service sub-division as defined by CIPFA's Service Expenditure Analysis.

(c) Virement does not create additional overall budget liability. Directors and budget managers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Directors and budget managers must plan to fund such commitments from within their own budgets.

Responsibilities of the Chief Financial Officer

1.12 To ensure arrangements are in place to monitor the Authority's scheme of virement.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

1.13 The CFO/CEO may exercise virement on budgets under his control for amounts up to **£250,000** on any one budget head during the year, following notification to the Chief Financial Officer, subject to paragraph 1.17 below.

1.14 Virements up to **£100,000** may be exercised between budgets managed by different Directors subject to the approval of all Directors affected by the virement. Written confirmation of the agreed virement should be forwarded to the Chief Financial Officer who will ensure such amended figures are included in future monitoring reports.

1.15 Amounts greater than **£250,000** require the approval of the Authority, following a joint report by the Chief Financial Officer and the CFO/CEO, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year.

1.16 Virement that is likely to impact on the level of service activity of another Director should be implemented only after agreement with the relevant Director.

1.17 No virement relating to a specific financial year should be made after 31 March in that year.

1.18 Where an approved budget is a development budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:

(a) the amount is used in accordance with the purpose for which it has been established; and

(b) the Fire Authority has approved the basis and the terms, including financial limits, on which it will be allocated.

Treatment of Year-End Balances

Why is this important?

1.19 The Authority's scheme of virement sets out the treatment of year-end balances on devolved budgets. It is administered by the Chief Financial Officer within guidelines set by the Fire Authority. Any variation from the scheme of virement (as set out above) requires the approval of the Fire Authority.

1.20 The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward relating to devolved budgets. For the purposes of this scheme, a budget heading is a line in the budget report, or, as a minimum, at an equivalent level to the standard service sub-division as defined by CIPFA in its Service Expenditure Analysis.

Key Controls

1.21 Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

Responsibilities of the Chief Financial Officer

1.22 To administer the scheme of carry-forward within the guidelines approved by the Authority.

1.23 To report all overspendings and underspendings on service estimates carried forward to the Strategic Enabling Team and the Fire Authority.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

1.24 Any overspending on service estimates in total on budgets which have been devolved under the control of the CFO/CEO must be carried forward to the following year and will constitute the first call on service estimates in the following year. The Chief Financial Officer will report the extent of overspendings carried forward to the Strategic Enabling Team and the Fire Authority. The requirement to meet overspends from future year budget allocations can be waived by the Strategic Enabling Team if the circumstances of the overspend warrant this course of action.

1.25 Net underspendings on service estimates under the control of the CFO/CEO which have been devolved may be carried forward, subject to the approval by the Strategic Enabling Team and the Fire Authority of a report presented jointly by the CFO/CEO and the Chief Financial Officer regarding the source of underspending or additional income and the proposed application of those resources.

Accounting policies

Why is this important?

1.26 The Chief Financial Officer is responsible for the preparation of the Authority's statement of accounts, in accordance with proper practices as set out in the format required by the *Code of Practice on Local Authority Accounting in the United Kingdom:* (CIPFA/LASAAC), for each financial year ending 31 March.

Key Controls

1.27 The key controls for accounting policies are:

(a) systems of internal control are in place that ensure that financial transactions are lawful;

(b) suitable accounting policies are selected and applied consistently;

(c) proper accounting records are maintained; and

(d) financial statements are prepared which present a true and fair view of the financial position of the Authority and its expenditure and income.

Responsibilities of the Chief Financial Officer

1.28 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and covers such items as:

(a) separate accounts for capital and revenue transactions;
(b) the basis on which debtors and creditors at year end are included in the accounts;
(c) details on substantial provisions and reserves;
(d) fixed assets;
(e) depreciation;
(f) capital charges;
(g) work in progress;
(h) stocks and stores;
(i) deferred charges;
(j) accounting for value added tax;
(k) government grants;
(l) leasing; and
(m) pensions.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

1.29 To adhere to the accounting policies and guidelines approved by the Chief Financial Officer.

Accounting records and returns

Why is this important?

1.30 Maintaining proper accounting records is one of the ways in which the Authority discharges its responsibility for stewardship of public resources. The Fire Authority has a statutory responsibility to prepare its annual accounts to present a true and fair view of its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Authority's resources.

Key Controls

1.31 The key controls for accounting records and returns are:

(a) all Directors, budget managers and finance staff operate within the required accounting standards and timetables;

(b) all the Authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis;

(c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure;

(d) reconciliation procedures are carried out to ensure transactions are correctly recorded; and

(e) prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the Chief Financial Officer

1.32 To determine the accounting procedures and records for the Fire Authority.

1.33 To arrange for the compilation of all accounts and accounting records under his direction.

1.34 To comply with the following principles when allocating accounting duties:

(a) separating the duties of providing information about sums due to or from the Authority and calculating, checking and recording these sums from the duty of collecting or disbursing them; and

(b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

1.35 To make proper arrangements for the audit of the Authority's accounts in accordance with the Accounts and Audit Regulations 2011.

1.36 To ensure that all claims for funds including grants are made by the due date.

1.37 To prepare and publish the audited accounts of the Authority for each financial year, in accordance with the statutory timetable and with the requirement for the Authority to approve the statement of accounts before 30th September.

1.38 To administer the Authority's arrangements for under and overspendings on devolved budgets to be carried forward to the following financial year.

1.39 To ensure the proper retention of financial documents in accordance with the legislative and operational requirements.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

1.40 To consult and obtain the approval of the Chief Financial Officer before making any changes to accounting records and procedures.

1.41 To comply with the principles outlined in paragraph 1.34 when allocating accounting duties.

1.42 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.

1.43 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Chief Financial Officer.

The annual statement of accounts

Why is this important?

1.44 The Fire Authority has a statutory responsibility to prepare its own accounts to present a true and fair view of its operations during the year. The Fire Authority is responsible for approving the statutory annual statement of accounts.

Key Controls

1.45 The key controls for the annual statement of accounts are:

- the Authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Authority, that officer is the Treasurer to the Authority; and

- the Authority's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom:* (CIPFA/LASAAC).

Responsibilities of the Chief Financial Officer

1.46 To select suitable accounting policies and to apply them consistently.

1.47 To make judgements and estimates that are reasonable and prudent.

1.48 To comply with the Code.

1.49 To sign and date the statement of accounts, stating that it presents a true and fair view of the financial position of the Authority at the accounting date and its income and expenditure for the year ended 31 March.

1.50 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

1.51 To comply with accounting guidance provided by the Chief Financial Officer and to supply the Chief Financial Officer with information when required.

Financial Planning

Corporate plans

Why is this important?

2.1 The Authority publishes an annual Corporate Plan called 'The Plan' highlighting priorities and objectives and an Annual Report detailing past performance. In line with the Public Involvement in Health Act 2007, the Authority must still take into account and demonstrate the principles of best value and this is done through the ongoing development and review of the Corporate Plan and performance across the Authority. The Corporate Plan and Annual Report is a key element in the Authority's programme of engaging with the public.

Key Controls

2.2 The key controls for performance plans are:

(a) to ensure that all relevant plans are produced and that they are consistent;

(b) to produce plans in accordance with statutory requirements;

(c) to meet the timetables set;

(d) to ensure that all performance information is accurate, complete and up to date; and

(e) to provide improvement targets which are meaningful, realistic and challenging.

Responsibilities of the Chief Financial Officer

2.3 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

2.4 To contribute to the development of corporate and service targets and objectives and performance information.

2.5 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.

2.6 To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

2.7 To contribute to the development of performance plans in line with statutory requirements.

2.8 To contribute to the development of corporate and service targets and objectives and performance information.

Budgeting

Format of the Budget

Why is this important?

2.9 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Key Controls

2.10 The key controls for the budget format are:

(a) the format complies with all legal requirements;
(b) the format complies with CIPFA's *Service Reporting Code of Practice;* and
(c) the format reflects the accountabilities of service delivery.

Responsibilities of the Chief Financial Officer

2.11 To advise the Strategic Enabling Team on the format of the budget that is approved by the Fire Authority.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

2.12 To comply with accounting guidance provided by the Chief Financial Officer.

Revenue Budget Preparation, Monitoring and Control

Why is this important?

2.13 Budget management ensures that once the budget has been approved by the Authority, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Authority to review and adjust its budget allocations during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

2.14 By continuously identifying and explaining variances against budgetary targets, the Authority can identify changes in trends and resource requirements at the earliest opportunity. The Authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Authority in total does not overspend, each functional area is required to manage its own expenditure within the cash-limited budget allocated to it.

2.15 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a functional area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the CFO/CEO's scheme of delegation.

Key Controls

2.16 The key controls for managing and controlling the revenue budget are:

(a) there is a nominated budget manager for each cost centre or account code heading;

(b) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;

(c) budget managers follow an approved certification process for all expenditure;

(d) income and expenditure are properly recorded and accounted for; and

(e) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

Responsibilities of the Chief Financial Officer

2.17 To establish an appropriate framework of budgetary management and control that ensures that:

(a) budget management is exercised within annual cash limits;

(b) The CFO/CEO has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;

(c) expenditure is committed only against an approved budget head;

(d) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations;

(e) each cost centre or account code has a single named manager, determined by the relevant Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure; and

(f) significant variances from approved budgets are investigated and reported by budget managers regularly.

2.18 To administer the Authority's scheme of virement.

2.19 To submit reports to the Strategic Enabling Team and to the Fire Authority, in consultation with the CFO/CEO, where a Director is unable to balance expenditure and resources within existing approved budgets under his/her control.

2.20 To prepare and submit reports on the Authority's projected income and expenditure compared with the budget on a regular basis to the Fire Authority.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

2.21 To maintain budgetary control within the Fire Service, in adherence to the principles in 2.17, and to ensure that all income and expenditure are properly recorded and accounted for.

2.22 To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the CFO/CEO (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

2.23 To ensure that budgets are set on a value for money basis to support the service delivery level required.

2.24 To ensure that spending remains within the Service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

2.25 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

2.26 To prepare and submit to the Fire Authority reports on the Fire Service's projected expenditure compared to its budget, in consultation with the Chief Financial Officer.

To ensure prior approval by the Authority for new proposals, of whatever amount, that:

(a) create financial commitments in future years;
(b) change existing policies, initiate new policies or cease existing policies; and
(c) materially extend or reduce the Authority's services.

2.27 To ensure compliance with the scheme of virement.

2.28 To determine with the relevant Director where it appears that a budget proposal, including a virement proposal, may impact materially on another functional area or Director's level of service activity.

Budgets and medium-term planning

Why is this important?

2.29 The Authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Authority's plans and policies.

2.30 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Authority. Budgets (spending plans) are needed so that the Authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.

2.31 Medium-term planning (or a three to five-year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the Authority is always preparing for events in advance.

Key Controls

2.32 The key controls for budgets and medium-term planning are:

(a) specific budget approval for all expenditure;

(b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Strategic Enabling Team for their budgets and the level of service to be delivered; and

(c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Chief Financial Officer

2.33 To prepare and submit reports on budget prospects to the Strategic Enabling Team and the Fire Authority, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.

2.34 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Authority, and after consultation with the Strategic Enabling Team.

2.35 To prepare and submit reports to the Fire Authority on the spending plans of the Fire Service and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.

2.36 To advise on the medium-term implications of spending decisions.

2.37 To encourage the best use of resources and value for money by working with the CFO/CEO to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

2.38 To advise the Fire Authority on Strategic Enabling Team proposals in accordance with his responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

2.39 To prepare estimates of income and expenditure, in consultation with the Chief Financial Officer, to be submitted to the Strategic Enabling Team and the Fire Authority.

2.40 To prepare budgets that are consistent with the Authority's annual budget cycle and any relevant cash limits. The format should be prescribed by the Chief Financial Officer in accordance with the Fire Authority's general directions.

2.41 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

2.42 In consultation with the Chief Financial Officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the Fire Authority.

2.43 When drawing up draft budget requirements, to have regard to:

(a) spending patterns and pressures revealed through the budget monitoring process;

(b) legal requirements;

(c) policy requirements as defined by the Authority in the approved policy framework;

(d) initiatives already under way; and

(e) efficiency targets.

Resource allocation

Why is this important?

2.44 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

Key Controls

2.45 The key controls for resource allocation are:

(a) resources are acquired in accordance with the law and using an approved authorisation process;

(b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;

(c) resources are securely held for use when required; and

(d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Chief Financial Officer

2.46 To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

2.47 To assist in the allocation of resources to budget managers.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

2.48 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way to ensure value for money.

2.49 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery, thereby contributing to Fire Service efficiency targets.

Capital Programmes

Why is this important?

2.50 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

2.51 The Government places strict controls on the financing capacity of the Authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key Controls

2.52 The key controls for capital programmes are:

(a) specific approval by the Fire Authority for the programme of capital expenditure;

(b) expenditure on any capital scheme, irrespective of funding stream (i.e., borrowing approval, grant, revenue), is subject to the approval of the Strategic Enabling Team and the Fire Authority;

(c) a capital scheme appraisal, including project plan, objective, capital costs and intended funding, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the Strategic Enabling Team and Fire Authority;

(d) the development and implementation of asset management plans;

(e) accountability for each proposal is accepted by a named Manager; and

(f) monitoring of progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the Chief Financial Officer

2.53 To prepare capital estimates jointly with the CFO/CEO and to report them to the Strategic Enabling Team for approval. The Strategic Enabling Team will make recommendations on the capital estimates and on any associated financing requirements to the Fire Authority.

2.54 To prepare and submit reports to the Strategic Enabling Team and Fire Authority on the projected income, expenditure and resources compared with the approved estimates.

2.55 To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Chief Financial Officer, having regard to government regulations and accounting requirements.

2.56 To prepare regular reports reviewing the capital programme for the Authority as a whole, highlighting any associated financial issues and remedial action required.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

2.57 To comply with guidance concerning capital schemes and controls issued by the Chief Financial Officer.

2.58 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Chief Financial Officer.

2.59 To prepare regular reports reviewing the capital programme provisions for the Fire Service and also prepare a monthly return of estimated final costs of schemes in the approved capital programme for submission to the Chief Financial Officer.

2.60 To ensure that adequate records are maintained for all capital contracts.

2.61 To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Chief Financial Officer.

2.62 To prepare and submit reports, jointly with the Chief Financial Officer, to the Authority of any variation in contract costs greater than the approved limits.

2.63 To prepare and submit reports, jointly with the Chief Financial Officer, to the Authority, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.

2.64 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Financial Officer and, if applicable, approval of the scheme through the capital programme.

2.65 To consult with the Chief Financial Officer and to seek Authority approval where the CFO/CEO proposes to bid for capital grant funding to be issued by government departments to support expenditure that has not been included in the current year's capital programme.

Maintenance of reserves

Why is this important?

2.66 The Fire Authority must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the Authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Policy on the Level and Nature of Reserves

2.67 The level of general reserves should not fall below the lower of 2.5% of the Authority's annual net revenue budget or £2.5 million, unless access to that funding is urgently required. If this situation arises, the level of general reserves should be restored above the minimum level indicated at the earliest opportunity via subsequent budget setting and/or Closedown of Accounts arrangements. The Chief Financial Officer, in considering the corporate risks facing the Authority, will make particular reference to the forecast level of general reserves during the Authority's annual budget setting process and report on the actual level of balances during the closedown of accounts process.

Earmarked reserves will be maintained to meet specific purposes as determined by the Chief Financial Officer and reported to the Authority as part of the closedown of accounts process.

Key Controls

2.68 To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* (the Code) (CIPFA/LASAAC) and agreed accounting policies.

2.69 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.

2.70 Authorisation and expenditure from reserves by the CFO/CEO in consultation with the Chief Financial Officer.

Responsibilities of the Chief Financial Officer

2.71 To advise the Strategic Enabling Team and the Fire Authority on prudent levels of reserves for the Authority, and to take account of the advice of the external auditor in this matter.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

2.72 To ensure that resources are used only for the purposes for which they were intended.

Audit, Risk Management, and Internal Control

Risk management

Why is this important?

3.1 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational wellbeing of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

3.2 It is the overall responsibility of the Fire Authority to approve the Authority's risk management strategy, and to promote a culture of risk management awareness throughout the Authority.

Key Controls

3.3 The key controls for risk management are:

(a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Authority;

(b) a monitoring process is in place to regularly review the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis;

(c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;

(d) provision is made for losses that might result from the risks that remain;

(e) procedures are in place to investigate claims within required timescales;

(f) acceptable levels of risk are determined and insured against where appropriate; and

(g) the Authority has identified business continuity plans for implementation in the event of a disaster that results in significant loss or damage to its resources.

Responsibilities of the Chief Financial Officer

3.4 To prepare and promote the Authority's risk management policy statement.

3.5 To develop risk management controls in conjunction with the CFO/CEO.

3.6 To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

3.7 To provide for the provision of a professional advisory and co-ordinating services to the CFO/CEO on the management of risk within the Fire Authority. The CFO/CEO should provide the Chief Financial Officer with such information as is required for the carrying out of this responsibility.

3.8 To effect all insurance cover in a manner he determines and shall carry out all negotiations and pay claims in consultation with the CFO/CEO where necessary. Such insurance will include suitable fidelity guarantee insurance.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

3.9 In accordance with the Authority's own Corporate Governance agenda and Risk Management Strategy, to take responsibility for the identification, assessment and management of risk within the Fire Service, with a view to ensuring that all threats to the Services' objectives are minimised and controlled, leading to the reduction of costs associated with risk and the continuance of service provision.

3.10 To prepare and maintain a risk register, identifying each risk, its likelihood of occurrence and the impact on service delivery/resources.

3.11 To ensure that there are regular reviews of risk within their service areas and to include the management of risk specifically within the Service Business Planning process, so that risk related threats/weaknesses are addressed within action plans included within individual unit business plans.

3.12 To notify the Chief Financial Officer immediately of any loss, liability or damage that may lead to a claim against the Fire Authority, together with any information or explanation required by the Chief Financial Officer or the authority's insurers.

3.13 To ensure that sound arrangements for the security and continuity of service in the event of disaster are in place.

3.14 To ensure that the recommendations of the Risk Manager are actioned within the Fire Service and will ensure that support is given to the Chief Financial Officer in the role of furthering the Risk Management Strategy of the Fire Authority.

3.15 To ensure that claims information is passed to the Chief Financial Officer within a reasonable time. The CFO/CEO will be responsible for any costs incurred as a result of delays in passing information to the Chief Financial Officer. Such costs could be incurred as a result of failure to comply with the Civil Procedure Rules in respect of liability claims.

3.16 To ensure that the Chief Financial Officer is notified promptly of all new risks, property, vehicle and other assets which require to be insured and of any alterations or deletions affecting insurance cover.

3.17 To ensure that records are properly maintained and securely held.

3.18 To prepare and maintain a record of all assets under their control in accordance with procedures laid down by the Chief Financial Officer and shall supply such information as required to enable the Chief Financial Officer to fulfil his/her responsibilities to effect necessary insurance arrangements.

3.19 To consult the Chief Financial Officer and the head of Sandwell Legal Services on the terms of any indemnity that the Fire Authority is requested to give.

3.20 To ensure that employees, or anyone covered by the Authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment liability in respect of any insurance claim.

Internal controls

Why is this important?

3.21 The Authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.

3.22 The Authority has statutory obligations, and therefore requires internal controls to identify, meet and monitor compliance with these obligations.

3.23 The Authority faces a wide range of financial, administrative, and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

3.24 The system of internal controls is established in order to provide measurable achievement of:

(a) efficient and effective operations;
(b) reliable financial information and reporting;
(c) compliance with laws and regulations; and
(d) risk management.

Key Controls

3.25 The key controls and control objectives for internal control systems are:

(a) key controls should be reviewed on a regular basis and the Authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively;

(b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance, and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;

(c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems; and

(d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Public Sector Internal Audit Standards and with any other statutory obligations and regulations.

Responsibilities of the Chief Financial Officer

3.26 To assist the Authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

3.27 To prepare and complete the annual Governance Statement and report within the Statement of Accounts to comply with the Accounts and Audit Regulations 2011.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

3.28 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.

3.29 To review existing controls in the light of changes affecting the Authority and to establish and implement new ones in line with guidance from the Chief Financial Officer.

3.30 To ensure staff have a clear understanding of the consequences of lack of control.

Audit requirements

Internal Audit

Why is this important?

3.31 The requirement for an internal audit function for authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities "make arrangements for the proper administration of their financial affairs". The Accounts and Audit Regulations 2011, more specifically require that a "relevant body must maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practice in relation to internal controls".

3.32 Accordingly, internal audit is an independent and objective appraisal function established by the Authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Key Controls

3.33 The key controls for internal audit are:

(a) that it is independent in its planning and operation;

(b) the head of internal audit has direct access to all levels of management and to elected Members; and

(c) the internal auditors comply with the Public Sector Internal Audit Standards.

Responsibilities of the Chief Financial Officer

3.34 To carry out an internal audit on whatever basis he determines of the financial and related operations of the Authority and its Services and Officers. In determining the manner in which the Audit is undertaken, the chief financial officer will have regard to his/her statutory responsibilities under section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations as delegated, and any guidelines issued by C.I.P.F.A.

3.35 To ensure that internal auditors have the authority to:

(a) access Authority premises at reasonable times;

(b) access all assets, records, documents, correspondence and control systems;

(c) receive any information and explanation considered necessary concerning any matter under consideration;

(d) require any employee of the Authority to account for cash, stores or any other Authority asset under his control;

(e) access records belonging to third parties, such as contractors, when required;

and

(f) directly access the CFO/CEO and the Fire Authority.

3.36 To approve the strategic and annual audit plans prepared by the internal Audit Services Manager (Sandwell MBC), which take account of the characteristics and relative risks of the activities involved.

3.37 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

3.38 To prepare reports to the CFO/CEO setting out the audit work carried out in the relevant service areas during the previous financial year. To prepare an annual report covering the audit work carried out in all service areas for submission to the Fire Authority.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

3.39 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents, and assets that the auditors consider necessary for the purposes of their work.

3.40 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.

3.41 To consider audit reports promptly and reply to recommendations, unless otherwise requested within four weeks of the date of the audit report.

3.42 To ensure that agreed audit recommendations are implemented, including the identification of an appropriate officer responsible for implementation and the timescale required.

3.43 To notify the Chief Financial Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources. Pending investigation and reporting, the CFO/CEO should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

3.44 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the audit services Manager and Chief Financial Officer prior to implementation.

External audit

Why is this important?

3.45 The Public Sector Audit Appointments Ltd (PSAA) are responsible for appointing external auditors to each local authority in England and Wales. The external auditor has rights of access to all documents and information necessary for audit purposes.

3.46 The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, section 4 of the 1998 Act requires the Audit Commission to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice issued in 2010 sets out the auditor's objectives to review and report upon:

(a) the financial aspects of the audited body's corporate governance arrangements;

(b) the audited body's financial statements; and

(c) Whether the audited body has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources – this conclusion is the VFM conclusion.

3.47 The Authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents a true and fair view of' the financial position of the Authority and its income and expenditure for the year in question and complies with the legal requirements.

Key Controls

3.48 External auditors are appointed by the PSAA normally for a minimum period of five years. The National Audit Office code of audit practice, which external auditors follow when carrying out their audits.

Responsibilities of the Chief Financial Officer

3.49 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.

3.50 To ensure there is effective liaison between external and internal audit.

3.51 To work with the external auditor and advise the Members and the CFO/CEO on their responsibilities in relation to external audit.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

3.52 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

3.53 To ensure that all records and systems are up to date and available for inspection.

Preventing fraud and corruption

Why is this important?

3.54 The Authority is totally committed to creating an environment where fraud and corruption are not tolerated whether from inside or outside the Authority and has approved an Anti-Fraud and Corruption policy. Where fraud or corruption are found firm action will be taken against the instigator(s).

3.55 The Authority's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

3.56 The Authority also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Authority with integrity and without thought or actions involving fraud and corruption.

Key Controls

3.57 The key controls regarding the prevention of financial irregularities are that:

(a) the Authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption;

(b) all Members and staff act with integrity and lead by example;

(c) Senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Authority or who are corrupt;

(d) high standards of conduct are promoted amongst Members by the Standards Committee;

(e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded;

(f) whistle blowing procedures are in place and operate effectively; and

(g) legislation including the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of the Chief Financial Officer

3.58 To develop and maintain an anti-fraud and anti-corruption policy.

3.59 To maintain adequate and effective internal control arrangements.

3.60 To ensure that all irregularities are reported to the Audit Services Manager, the CFO/CEO, and the Fire Authority.

3.61 To ensure that where financial impropriety is discovered and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place. The Chief Financial Officer shall inform the CFO/CEO of the decision to involve the police in any investigation.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

3.62 To ensure that all suspected irregularities are reported to the Audit Services Manager.

3.63 To instigate the Authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

3.64 To maintain a register of interests.

Assets

Security and Control

Why is this important?

3.65 The Authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key Controls

3.66 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:

(a) resources are used only for the purposes of the Authority and are properly accounted for;

(b) resources are available for use when required;

(c) resources no longer required are disposed of in accordance with the law and the regulations of the Authority so as to maximise benefits;

(d) an asset register is maintained for the Authority. Assets are recorded when they are acquired by the Authority and this record is updated as changes occur with respect to the location and condition of the asset;

(e) all staff are aware of their responsibilities with regard to safeguarding the Authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation; and

(f) all staff are aware of their responsibilities with regard to safeguarding the security of the Authority's computer systems, including maintaining restricted access to the information held on them and compliance with the Authority's computer and internet security policies.

Responsibilities of the Chief Financial Officer

3.67 To ensure that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of £10,000. The function of the asset register is to provide the Authority with information about fixed assets so that they are:

- safeguarded
- used efficiently and effectively
- adequately maintained.

3.68 To receive the information required for accounting, costing and financial records from each chief officer.

3.69 To ensure that assets are valued in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* (the Code) (CIPFA/LASAAC).

Responsibilities of the Chief Fire Officer/Chief Executive Officer

3.70 The appropriate Director shall maintain a property database in a form approved by the Chief Financial Officer for all land and buildings currently owned or used by the Authority. Any use of property by a service or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.

3.71 To ensure that lessees and other prospective occupiers of land owned by the Authority are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the CFO/CEO in consultation with the Chief Financial Officer, has been established as appropriate.

3.72 To ensure the proper security of all buildings and other assets under their control.

3.73 Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the CFO/CEO and the Chief Financial Officer.

3.74 To pass title deeds to the appropriate Director who is responsible for custody of all title deeds.

3.75 To ensure that no Authority asset is subject to personal use by an employee without proper authority.

3.76 To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Authority.

3.77 To ensure that the service maintains a register of moveable assets in accordance with arrangements defined by the Chief Financial Officer.

3.78 To ensure that assets are identified, their location recorded and that they are appropriately marked as Fire Brigade property and insured.

3.79 To consult the Chief Financial Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

3.80 To consult the Chief Financial Officer in any case where security of cash is concerned and to ensure cash holdings on premises are kept within limits agreed with the Chief Financial Officer.

3.81 To ensure that keys to safes and similar receptacles are kept secure at all times; loss of any such keys must be reported to the Chief Financial Officer as soon as possible.

3.82 To ensure the disposal of assets is normally by competitive tender or public auction, unless, following consultation with the Chief Financial Officer, the Strategic Enabling Team agrees otherwise.

3.83 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Financial Officer.

3.84 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Authority in some way.

Responsibilities of the Chief Fire Officer/Chief Executive Officer – Inventories

3.85 To maintain inventories in a manner agreed with the Chief Financial Officer. Inventories are to record an adequate description (including serial number where possible) above £500 in value per item of any office equipment, any equipment or moveable plant and machinery and any equipment collectively of a non-operational nature. Items below this value may be included where it is felt that they are particularly attractive or desirable.

3.86 To carry out an annual check of all items on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Authority.

3.87 Any surplus or deficiency revealed by the Annual Inventory check shall be notified to the appropriate Director who shall take such action as is deemed necessary.

3.88 To make sure that property is only used in the course of the Authority's business, unless the Chief Fire Officer has given permission otherwise.

3.89 To ensure obsolete items are disposed of in accordance with Authority's Regulations as per section 3.107.

Responsibilities of the Chief Fire Officer/Chief Executive Officer – Stocks and Stores

3.90 To make arrangements for the care, custody, physical control and security of stocks and stores in the service and for the maintenance of a proper stores control system and stores records.

3.91 To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion. Records of stocks checked and discrepancies found are to be kept.

3.92 To certify the quantity and value of the stocks and stores in his service and forward a copy of the certification to the Chief Financial Officer at least annually.

3.93 To investigate and remove from the Authority's records (i.e. write off) discrepancies as necessary, or to obtain Authority approval if they are in excess of a predetermined limit. The Chief Financial Officer is to be notified of discrepancies written off.

3.94 To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Chief Financial Officer, the Authority Committee approves otherwise in a particular case.

3.95 To keep all stores accounts and records in connection with the accounting stocks in such a manner and form as may be approved by the Chief Financial Officer.

3.96 The Chief Financial Officer, in collaboration with the appropriate officers, is to:

- determine the method to be followed in the valuation of stores for the purposes of charging out stores for evaluating stock in hand at the end of the financial year; and

- determine and review the appropriate rate(s) of overhead charge arising from stocks and stores.

3.97 To supply the Chief Financial Officer with such returns about stores under his control as the Chief Financial Officer may require.

3.98 To designate suitable officers who shall be responsible for:

(a) custody of stocks and stores;
(b) the maintenance of stores and accounting records;
(c) authorising the issue of stocks and stores; and
(d) carrying out the stocktaking of all stores.

Except with the agreement of the Chief Financial Officer, no officer shall be responsible for more than one of the functions of (a), (b), (c) or (d) above.

Intellectual Property

Why is this important?

3.99 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.

3.100 Certain activities undertaken within the Authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Key Controls

3.101 In the event that the Authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with Standing Order 2/12.

Responsibilities of the Chief Financial Officer

3.102 To develop and disseminate good practice through the Authority's intellectual property procedures.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

3.103 To ensure that controls are in place so that staff do not carry out private work in Authority time and that staff are aware of an employer's rights with regard to intellectual property.

Asset disposal

Why is this important?

3.104 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Authority.

Key Controls

3.105 Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Authority, and best price is obtained.

3.106 Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the Chief Financial Officer

3.107 To issue advice/guidelines representing best practice for disposal of assets.

3.108 To ensure appropriate accounting entries are made to remove the value of disposed assets from the Authority's records and to include the sale proceeds if appropriate.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

3.109 To ensure that the sale of scrap or old materials or obsolete items of stock or equipment is made only after quotations or tenders have been invited in accordance with Standing Orders for Contracts unless otherwise agreed by the Chief Finance Officer and where the estimated value exceeds £10,000 disposal is to be by tender and the invitation to tender is by advertisement in appropriate newspapers and periodicals. Payments for scrap by the successful tenderer shall be made in cash before delivery is taken, unless otherwise agreed by the Chief Financial Officer.

3.110 To ensure that income received for the disposal of an asset is properly banked and coded.

<u>Trust Funds and Funds held for Third Parties</u>

Responsibilities of the Chief Fire Officer/Chief Executive Officer

3.111 To have overall responsibility for the financial management and investment of all monies of Trust Funds in the name of the Authority, including instances where the day to day management of a fund is devolved to other Directors.

3.112 To maintain the accounting records of all Trust Funds in the name of the Authority and make arrangements for the safe custody of cash, stock certificates and other documents of title issued in connection with the investment of funds.

3.113 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Imprest Accounts

Responsibilities of the Chief Financial Officer

3.114 To provide employees of the Authority with cash or bank imprest accounts to meet minor expenditure on behalf of the Authority and to prescribe rules for operating these accounts.

3.115 To determine the petty cash limit and to maintain a record of imprests issued, and periodically to review the arrangements for the safe custody and control of these imprests.

3.116 To reimburse imprest holders as often as considered appropriate to restore the imprests.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

3.117 To ensure that employees operating an imprest account:

(a) limit payments from the account to such minor items of expenditure as the Chief Financial Officer may approve and obtain and retain receipted vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained;

(b) make adequate arrangements for the safe custody of the account (cash and records);

(c) produce upon demand by the Chief Financial Officer cash and all vouchers to the total value of the imprest amount;

(d) record transactions promptly;

(e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;

(f) provide the Chief Financial Officer with a certificate of the value of the account held at 31st March each year;

(g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made;

(h) on leaving the Authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Chief Financial Officer for the amount advanced to him or her;

(i) no income received on behalf of the Authority is to be paid into the imprest without the specific authorisation of the Chief Financial Officer; and

(j) statement of imprest account shall be certified as correct and forwarded with all vouchers to the Chief Financial Officer with a claim for reimbursement.

3.118 Where the Chief Financial Officer considers it appropriate, an account shall be opened with the Authority's bankers or suitable alternative Bank/Building Society for use by an imprest holder who shall not cause such an account to be overdrawn.

Treasury Management

3.119 Investments and borrowing shall be made by the Fire Authority in accordance with the approved Treasury Management Strategy and Service Level Agreement with Sandwell MBC.

Financial Systems and Procedures

General

Why is this important?

4.1 The Fire Service has many systems and procedures relating to the control of the Authority's assets, including purchasing, costing and management systems. The Service is increasingly reliant on computers for its financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

4.2 The Chief Financial Officer has a professional responsibility to ensure that the Authority's financial systems are sound and should therefore be notified of any new developments or changes.

Key Controls

4.3 The key controls for systems and procedures are:

(a) basic data exists to enable the Authority's objectives, targets, budgets and plans to be formulated;

(b) performance is communicated to the appropriate managers on an accurate, complete and timely basis;

(c) early warning is provided of deviations from target, plans and budgets that require management attention;

(d) operating systems and procedures are secure; and

(e) appropriate division of duties.

Responsibilities of the Chief Financial Officer

4.4 To make arrangements for the proper administration of the Authority's financial affairs, including to:

(a) issue advice, guidance and procedures for officers and others acting on the Authority's behalf;

(b) determine the accounting systems, form of accounts and supporting financial records;

(c) establish arrangements for audit of the Authority's financial affairs;

(d) approve any new financial systems to be introduced; and

(e) approve any changes to be made to existing financial systems.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

4.5 To ensure that financial and accounting records are properly maintained and held securely in accordance with arrangements approved by the Chief Financial Officer.

4.6 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Chief Financial Officer. No prime documents or records should be disposed of until the completion of the audit of the Authority's accounts by the external auditor for the year to which the records relate.

Generally, all accounting and financial records shall be retained for 6 complete financial years.

These arrangements are subject to any overriding statutory or government requirement and any alternative arrangements agreed with the Chief Financial Officer.

4.7 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.

4.8 To incorporate appropriate controls to ensure that, where relevant:

(a) all input is genuine, complete, accurate, timely and not previously processed;
(b) all processing is carried out in an accurate, complete and timely manner; and
(c) output from the system is complete, accurate and timely.

4.9 To ensure that the organisational structure provides an appropriate division of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.

4.10 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.

4.11 To ensure that systems are documented and staff trained in operations.

4.12 To consult with the Chief Financial Officer before changing any existing system or introducing new systems.

4.13 To establish a scheme of delegation identifying officers authorised to act upon the CFO/CEO's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.

4.14 To supply lists of authorised officers, with specimen signatures and delegated limits, to the Chief Financial Officer, together with any subsequent variations.

4.15 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.

4.16 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.

4.17 To ensure that relevant standards and guidelines for computer systems issued by the CFO/CEO are observed.

4.18 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.

4.19 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:

(a) only software legally acquired and installed by the authority is used on its computers;

(b) staff are aware of legislative provisions; and

(c) in developing systems, due regard is given to the issue of intellectual property rights.

4.20 To ensure employees are aware of the national code of conduct for local government employees.

Income and expenditure

Income

Why is this important?

4.21 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Authority's cashflow and also avoids the time and cost of administering debts.

Key Controls

4.22 The key controls for income are:

(a) all income due to the Authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed;

(b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery;

(c) all money received by an employee on behalf of the Authority is paid without delay to the Chief Financial Officer or, as he or she directs, to the Authority's bank, and is properly recorded. The responsibility for cash collection should be separated from that:

- for identifying the amount due; and
- for reconciling the amount due to the amount received.

(d) effective action is taken to pursue non-payment within defined timescales;

(e) formal approval for debt write-off is obtained;

(f) appropriate write-off action is taken within defined timescales;

(g) appropriate accounting adjustments are made following write-off action;

(h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule; and

(i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the Chief Financial Officer

4.23 To agree arrangements for the collection of all income due to the Authority and to approve the procedures, systems and documentation for its collection.

4.24 To order and supply to services all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control. To approve all other documents which acknowledge the receipt of money.

4.25 To arrange for bank reconciliation statements to be regularly prepared for all bank accounts and for all matters arising from the reconciliations to be cleared as soon as practicable.

4.26 To approve all debts to be written off in consultation with the relevant Director and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit Regulations 2011.

4.27 To obtain the approval of the Authority in consultation with the relevant Director for writing off debts in excess of the approved limit.

4.28 To ensure that appropriate accounting adjustments are made following write-off action.

4.29 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

4.30 To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.

4.31 To designate, in respect of all income arising from services under his control, suitable officers who shall be responsible for:

(a) determining and recording all amounts due;

(b) the collection, custody and deposit of cash including the preparation of an accurate and chronological account of all monies received and deposited; and

(c) the maintenance of accounting records.

Except with the express authority of the Chief Financial Officer, no officer shall be responsible for more than one of the functions, (a), (b) or (c) above.

4.32 To establish and initiate where so approved by Chief Financial Officer, appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

4.33 To ensure that every sum received by an officer of the Fire Service is immediately acknowledged by the issue of an official receipt or voucher, or other authorised record except where other arrangements are agreed with the Chief Financial Officer. All receipts (other than those issued by receipting machines) shall be signed by the officer issuing them in his own name as on behalf of the Chief Financial Officer.

4.34 Where payment is received by cheque and the payer does not require a receipt, such special arrangements as are approved by the Chief Financial Officer shall operate.

4.35 To hold securely receipts, tickets and other records of income for the appropriate period.

4.36 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.

4.37 To ensure that income is paid fully and promptly into the appropriate Authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Each officer who banks cheques shall enter on the Authority's copy of the paying in slip a reference to the related debt (such as receipt number, account number, name of debtor) or otherwise indicate the origin of the cheque; on the reverse of each cheque the officer shall enter the name of his service centre or establishment. Money collected and deposited must be reconciled to the bank account on a regular basis.

4.38 To ensure income is not used to cash personal cheques or other payments.

4.39 To supply the Chief Financial Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Chief Financial Officer to record correctly the sums due to the Authority and to ensure accounts are sent out promptly. The CFO/CEO has a responsibility to assist the Chief Financial Officer in collecting debts that they have originated***,*** by providing any further information requested by the debtor, and in pursuing the matter on the Authority's behalf. Only up to approved levels of cash can be held on the premises.

4.40 To keep a record of every transfer of money between employees of the Authority. The receiving officer must sign for the transfer and the transferor must retain a copy.

4.41 To recommend to the Chief Financial Officer all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

4.42 To ensure that income and Value Added Tax are correctly coded to the appropriate head of account in accordance with arrangements approved by the Chief Financial Officer.

4.43 To notify the Chief Financial Officer of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Chief Financial Officer and not later than 30 April.

<u>Ordering and Paying for Work, Goods and Services</u>

Why is this important?

4.44 Public money should be spent with demonstrable probity and in accordance with the Authority's policies. The Authority has a statutory duty to achieve best value in part through economy and efficiency. The Authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Authority's code of practice on tenders and contracts as specified in Service Policy.

General

4.45 Every officer and Member of the Authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Authority, in accordance with appropriate codes of conduct.

4.46 Official Orders must be in a form approved by the Chief Financial Officer. Official orders must be issued for all work, goods or services to be supplied to the Authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Chief Financial Officer. Orders shall show the quantities and terms of the transaction. Copy Orders shall also show quoted or estimated prices and details of any discounts available. Copy orders shall be retained in safe custody and kept available for audit and record purposes. Goods and services obtained urgently by telephone or verbal Orders shall be confirmed by an Official Order marked "confirmation" within four working days.

4.47 Each order must conform to the guidelines approved by the Authority on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Chief Financial Officer.

4.48 Apart from petty cash, the normal method of payment from the Authority shall be by BACS Transfer, cheque or other instrument or approved method, drawn on the Authority's bank account by the Chief Financial Officer. The use of direct debit shall require the prior agreement of the Chief Financial Officer.

4.49 Official Orders must not be raised for any personal or private purchases, nor must personal or private use be made of Authority contracts.

Key Controls

4.50 The key controls for ordering and paying for work, goods and services are:

(a) all goods and services are ordered only by appropriate persons and are correctly recorded;

(b) all goods and services shall be ordered in accordance with the Authority's code of practice for tenders and contracts unless they are purchased from sources within the Authority;

(c) goods and services received are checked to ensure they are in accordance with the Order. Goods should not be received by the person who placed the Order;

(d) payments are not made unless goods have been received by the Authority to the correct price, quantity and quality standards;

(e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method;

(f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule;

(g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected; and

(h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the Chief Financial Officer

4.51 To ensure that all the Authority's financial systems and procedures are sound and properly administered.

4.52 To approve any changes to existing financial systems and to approve any new systems before they are introduced.

4.53 To approve the form of Official Orders and associated terms and conditions.

4.54 To make payments from the Authority's funds on the CFO/CEO's authorisation that the expenditure has been duly incurred in accordance with financial regulations and procedures.

4.55 To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.

4.56 To make payments to contractors on the certificate of the appropriate Director which must include details of the value of work, retention money, amounts previously certified and amounts now certified.

4.57 To provide advice on making payments by the most economical means to ensure that all payments are despatched direct to creditors unless specific alternative arrangements are agreed by an authorised officer.

4.58 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

Ordering

4.59 To ensure the requirements of Standing Orders for Contracts shall be observed in respect of all orders. Competitive tenders or quotations are to be obtained for goods and services in accordance with the Authority's Procurement Procedures.

4.60 To utilise the services provided by central purchasing that have been established by the Chief Financial Officer in putting purchases out to competitive tender/quotations.

4.61 To ensure that uniquely pre-numbered Official Orders are used for all goods and services, other than the exceptions specified in 4.46.

4.62 To ensure that orders are only used for goods and services provided to the service. Individuals must not use Official Orders to obtain goods or services for private use.

4.63 To ensure that only those staff authorised by the CFO/CEO sign orders and to maintain and forward a copy to the Chief Financial Officer of an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary.

4.64 Orders are to be approved by an authorised officer on behalf of the CFO/CEO. Facsimile signature stamps should not be used on Official Orders, however, suitably secure electronic signature systems can be used.

Delivery

4.65 To ensure that a delivery note is obtained for every delivery of goods, wherever possible, and all practical steps are taken to ensure that the delivery note is available at the time of delivery. All goods are checked as regards quantity at the time of delivery and goods are inspected as regards quality and compliance with specification as soon as practicable after delivery. Non-delivery, shortages, or damage to goods listed on a delivery note must be reported in writing to the appropriate supplier as soon as practicable. This check is to be carried out by a different officer from the person who authorised the order. Goods received records should be maintained where considered appropriate by Chief Financial Officer and entries made in inventories or stores records.

Payment

4.66 To ensure that the service maintains and reviews periodically a list of staff approved to certify invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Chief Financial Officer.

4.67 To ensure that invoices for payment are approved by an authorised officer on behalf of the CFO/CEO. By agreement with the Chief Financial Officer, such authorisation of invoices can be carried out in batches.

4.68 Before certifying an invoice, the certifying officer shall, save to the extent the Chief Financial Officer may otherwise determine, have satisfied himself or herself that:

(a) the goods have been received and are satisfactory in respect of quantity, quality and compliance with specification;

(b) the work done or services rendered have been satisfactorily performed and comply with specification;

(c) grants, awards, allowances and gratuitous payments are in accordance with official scales and the authority for payment given by the Authority;

(d) the prices, extensions, totals, calculations, trade discounts, other allowances, credits and value added tax are correct;

(e) the expenditure has been properly incurred and is within the estimated provision;

(f) appropriate entries have been made in inventories, stores records or stock

books as required;

(g) the invoice has been cross-referenced to the Official Order and has not previously been passed for payment and is a proper legal liability of the Authority;

(h) the expenditure and value added tax have been correctly coded to the appropriate head of account; and

(i) all payments to sub-contractors in the construction industry have the appropriate category for Income Tax indicated on the authorisation slip and the income tax deduction where appropriate, shown and coded.

4.69 To arrange for two separate members of staff to be involved in the ordering, receiving and payment process to ensure an adequate division of duties. If possible, a different officer from the person who signed the order should certify the invoice. A different person from the staff checking an invoice must certify the invoice.

4.70 To ensure, in collaboration with the Chief Financial Officer, that arrangements are made for the division of duties arising from the certification and processing of invoices to provide an adequate internal check on each payment authorised. In particular:

(a) divide between designated officers the responsibilities for the various acts of certification set out in 4.68.

(b) divide between designated officers the following functions of the on-line invoice process:

(i) input of invoices;
(ii) batch authorisation of invoices; and
(iii) creation of creditor reference numbers.

(c) maintain subsidiary records and retain in safe custody all copy Orders, delivery notes, goods received sheets, etc.

4.71 To ensure that all requests for the payment of monies is processed on a form approved by the Chief Financial Officer. The form should contain a standard grid completed to indicate that the various acts of certification set out in 4.68 have been completed. Requests for payment must not be made, otherwise than with the express consent of the Chief Financial Officer, where only one officer has been involved in the acts of certification set out in 4.68. Supplies of payment forms, costing and authorisation slips and other such documents shall be obtained from the Chief Financial Officer. All other documents used for the payment of money shall be in a form approved by the Chief Financial Officer.

4.72 To ensure that any amendment to an invoice is made indelibly and initialled by the officer making it stating briefly the reasons where they are not self-evident. Under no circumstances should the amount of VAT be altered. Where the VAT element is incorrect adjusted invoices or credit notes should be obtained from the supplier.

4.73 To ensure that where it is necessary to pass a copy invoice for payment a thorough check is carried out to ensure the original invoice has not previously been paid. The authorisation slip attached to copy invoices should be endorsed with a copy invoice

stamp supplied by the Chief Financial Officer and brief details should be noted on the stamping as to why a copy document is being processed.

4.74 To encourage suppliers of goods and services to receive payment by the most economical means for the Authority. It is essential, however, that payments made by direct debit have the prior approval of the Chief Financial Officer.

4.75 To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Chief Financial Officer. This is because of the potential impact on the Authority's borrowing powers, to protect the Authority against entering into unapproved credit arrangements, correct accounting treatment and to ensure that value for money is being obtained.

4.76 To notify the Chief Financial Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Chief Financial Officer.

4.77 To notify the Chief Financial Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.

4.78 To arrange for all payment documents, once processed, to be securely retained to prevent re-use. Payment records are to be retained and stored for a defined period, in accordance with legislative and operations requirements. Invoices shall be retained in the batches as processed and in transaction I.D. number order so as to preserve the audit trail.

4.79 To maintain, in a form agreed by the Chief Financial Officer:

(a) a Periodical Payments Register recording the amounts paid by the Authority at recurring intervals under contracts, leases and other agreements; and

(b) a Property Payments Register recording the amounts paid by the Authority for gas, electricity, water, and telephones (other than reimbursement of officers telephone expenses).

4.80 To arrange after certification for the processing of invoices and payment requests on-line to the creditor payments system on the mainframe computer. In order to take account of the Fire Authority's cashflow needs, invoices should be processed so that payment is made on the contract settlement date. Where no settlement date is stated, it is to be assumed the date is 30 days after the invoice date.

Payments to Employees and Members

Why is this important?

4.81 Staff costs are the largest item of expenditure for most Authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Authority.

Key Controls

4.82 The key controls for payments to employees and Members are:

(a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:

- starters;
- leavers;
- variations;
- enhancements; and
- and that payments are made on the basis of contracts or claims.

(b) frequent reconciliation of payroll expenditure against approved budget and bank account;

(c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule;

(d) that all statutory legislation relating to payroll and pension regulations is complied with; and

(e) Proper Division of Duties.

Responsibilities of the Chief Financial Officer

4.83 To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him, on the due date.

4.84 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.

4.85 To make arrangements for payment of all travel and subsistence claims or financial loss allowance upon receiving the prescribed form, duly completed and authorised.

4.86 To make arrangements for paying Members travel or other allowances upon receiving the prescribed form, duly completed and authorised.

4.87 To provide advice and encouragement to secure payment of salaries and wages by the most economical means.

4.88 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

4.89 To ensure appointments are made in accordance with the regulations of the Authority and approved establishments, grades and scale of pay and that adequate budget provision is available.

4.90 To notify the Chief Financial Officer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form

and to the timescale required by the Chief Financial Officer.

4.91 To ensure that adequate and effective systems and procedures are operated, so that:

- payments are only authorised to bona fide employees;
- payments are only made where there is a valid entitlement;
- conditions and contracts of employment are correctly applied; and
- employees' records listed on the payroll are checked at regular intervals to verify accuracy and completeness.

4.92 To send an up-to-date list of the names of officers authorised to sign pay documents to the Chief Financial Officer, together with specimen signatures. Pay documents are to be approved by the authorised officer on behalf of the CFO/CEO. The certification of the pay documents shall mean that:

- the person has worked the period stated on the document;
- the rates of pay and other emoluments shown on the document are correct; and
- any other matters affecting entitlement to pay is correct.

4.93 To ensure that payroll transactions are processed only through the payroll system. Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HM Revenues and Customs applies a tight definition for employee status and, in cases of doubt, advice should be sought from the Chief Financial Officer.

4.94 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Chief Financial Officer is informed where appropriate.

4.95 To ensure that the Chief Financial Officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

4.96 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.

4.97 To ensure all pay documents and records are in a form approved by the Chief Financial Officer.

4.98 To ensure that all staff are aware of procedures and entitlement to payment for subsistence, travelling and incidental expenses. The CFO/CEO should ensure that his/her staff have access to the appropriate documentation available in respect of personnel policy guidelines and the procedures for the claiming of car allowances etc.

4.99 To ensure that all claims for payment of subsistence, travelling and incidental expenses are submitted to the Chief Financial Officer duly certified on a form supplied by him/her, except for those categories of officers and types of travelling expenses for which alternative arrangements are approved by the Chief Financial Officer.

4.100 To ensure salaries and wages in advance is not made except in the case of persons leaving the service before the day on which their salary or wage is normally paid or at the discretion of the Chief Financial Officer.

Responsibilities of Members

4.101 To submit claims for Members' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.

Taxation

Why is this important?

4.102 Like all organisations, the Fire Authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Key Controls

4.103 The key controls for taxation are:

(a) budget managers are provided with relevant information and kept up to date on tax issues;

(b) budget managers are instructed on required record keeping;

(c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales;

(d) records are maintained in accordance with instructions; and

(e) returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the Chief Financial Officer

4.104 To complete all HM Revenue and Customs returns regarding PAYE and NI.

4.105 To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.

4.106 To provide details to HM Revenues and Customs regarding the construction industry tax deduction scheme.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

4.107 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations.

4.108 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

4.109 To ensure that all persons employed by the Authority are added to the Authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

External Arrangements

Partnerships

Why is it important?

5.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

5.2 Authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Authorities will be measured by what they achieve in partnership with others.

General

5.3 The main reasons for entering into a partnership are:

(a) to provide new and better ways of delivering services;
(b) the desire to find new ways to share risk;
(c) the ability to access new resources; and
(d) to forge new relationships.

5.4 A partner is defined as either:

(a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project;

or

(b) a body whose nature or status give it a right or obligation to support the project.

5.5 Partners participate in projects by:

(a) acting as a project deliverer or sponsor, solely or in concert with others;
(b) acting as a project funder or part funder; and
(c) being the beneficiary group of the activity undertaken in a project.

5.6 Partners have common responsibilities:

(a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;

(b) to act in good faith at all times and in the best interests of the partnership's aims and objectives;

(c) be open about any conflict of interests that might arise;

(d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;

(e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature; and

(f) to act wherever possible as ambassadors for the project.

Key Controls

5.7 The key controls for Authority partners are:

(a) if appropriate, to be aware of their responsibilities under the Authority's financial regulations and the code of practice on tenders and contracts;

(b) to ensure that risk management processes are in place to identify and assess all known risks;

(c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise;

(d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences;

(e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution; and

(f) To undertake evaluation to determine the effectiveness of the project.

Responsibilities of the Chief Financial Officer

5.8 To advise on effective controls that will ensure that resources are not wasted.

5.9 To advise on the key elements of funding a project. They include:

(a) a scheme appraisal for financial viability in both the current and future years;
(b) risk appraisal and management ;
(c) resourcing, including taxation issues;
(d) audit, security and control requirements; and
(e) carry-forward arrangements.

5.10 To ensure that the accounting arrangements are satisfactory.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

5.11 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Chief Financial Officer.

5.12 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Chief Financial Officer.

5.13 To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Authority.

5.14 To ensure that all agreements and arrangements are properly documented.

5.15 To provide appropriate information to the Chief Financial Officer to enable a note to be entered into the Authority's statement of accounts concerning material items.

External funding

Why is this important?

5.16 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Authority. Fire Authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery provide additional resources to enable the Authority to deliver services to the local community.

Key Controls

5.17 The key controls for external funding are:

(a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;

(b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Authority; and

(c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the Chief Financial Officer

5.18 To ensure that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

5.19 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.

5.20 To ensure that audit requirements are met.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

5.21 To ensure that all claims for funds are made by the due date.

5.22 To ensure that Members are informed how the proposed external funding fulfils the Authority's policies and desires prior to any bid being submitted for external funding.

5.23 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

5.24 To comply with the rules of the funding body, especially re documentation of grant claims.

Work for third parties

Why is this important?

5.25 Current legislation enables the Authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key Controls

5.26 The key controls for working with third parties are:

(a) to ensure that proposals are costed properly in accordance with guidance provided by the Chief Financial Officer;
(b) to ensure that contracts are drawn up using guidance provided by the Chief Financial Officer and that the formal approvals process is adhered to; and
(c) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of the Chief Financial Officer

5.27 To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of the Chief Fire Officer/Chief Executive Officer

5.28 To ensure that the approval of the Authority is obtained before any negotiations are concluded to work for third parties.

5.29 To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Chief Financial Officer.

5.30 To ensure that appropriate insurance arrangements are made.

5.31 To ensure that the Authority is not put at risk from any bad debts.

5.32 To ensure that no contract is subsidised by the Authority.

5.33 To ensure that, wherever possible, payment is received in advance of the delivery of the service.

5.34 To ensure that the service/unit has the appropriate expertise to undertake the contract.

5.35 To ensure that such contracts do not impact adversely upon the services provided for the Authority.

5.36 To ensure that all contracts are properly documented.

5.37 To provide appropriate information to the Chief Financial Officer to enable a note to be entered into the statement of accounts.

Procurement Procedures Policy

Procurement Procedures Policy available on the Authority's CMIS website.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Part 6 – Code of Conduct, Protocols, Policies and Allowances

MEMBER CODE OF CONDUCT AND REGISTER OF INTERESTS

The latest version of the Members' Code of Conduct is available on the Authority's CMIS site

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MEMBER CODE OF CONDUCT – PROTOCOL ON GIFTS AND HOSPITALITY

The latest version of the Members' Protocol on Gifts and Hospitality is available on the Authority's CMIS site

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PROTOCOL ON MEMBER/EMPLOYEE RELATIONS

The latest version of the Protocol on Members/Employee relations is available on the Authority's CMIS site

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PROCESS FOR MANAGING STANDARDS COMPLAINTS UNDER THE LOCALISM ACT 2011

The latest version of the Protocol on Members/Employee relations is available on the Authority's CMIS site

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MEMBERS' ALLOWANCES SCHEME

The latest version of the Members' Allowances Scheme is available on the Authority's CMIS site

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WHISTLE BLOWING POLICY

The Service Whistleblowing Policy is available on the WMFS website here

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CUSTOMER CARE STANDARDS

The Service Customer Care Standards are available on the WMFS website here

ANTI-FRAUD, CORRUPTION AND BRIBERY POLICY

See The Service Anti-Fraud, Corruption and Bribery Policy are available on the WMFS website here