



**DORSET & WILTSHIRE
FIRE AND RESCUE
AUTHORITY**

Item 18/08

MEETING	Dorset & Wiltshire Fire and Rescue Authority
DATE OF MEETING	9 February 2018
SUBJECT	Future governance arrangements
STATUS OF REPORT	For open publication
PURPOSE OF REPORT	For discussion and approval
EXECUTIVE SUMMARY	<p>At its meeting on the 8 September 2017, the Authority agreed that a formal request be made to the Home Secretary for a variation to the Dorset & Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 to reduce the membership of the Authority from 30 to 18. It was also agreed that a further report be developed for the Finance, Governance and Audit Committee to initially consider the future governance arrangements. This paper provides Members with an update of the current position with regards to our request to amend the Combination Order and proposes changes to the future governance arrangements to streamline decision-making. These proposals are recommended by the Finance, Governance and Audit Committee following their meeting in December.</p>
RISK ASSESSMENT	<p>The Authority must ensure that the transition to a reduced membership is clear and well-orchestrated. The proposals set out in this paper support this transition. As Members may be aware, amendments to the Combination Order require parliamentary time which is currently at a premium due to the UK exiting the European Union. Currently the Home Office have legal and democratic arrangements aligned to our preferred timetable and the outlook remains a positive one.</p>

COMMUNITY IMPACT ASSESSMENT	None for the purposes of this report.
BUDGET IMPLICATIONS	A reduction in the number of elected members forming the new Authority would result in a direct saving on Members' allowances of approximately £38k. The savings are not material in terms of the Authority's overall budget and the greater significance is the focus that is needed upon streamlining the wider governance arrangements.
RECOMMENDATIONS	<p>It is recommended that Members:</p> <ol style="list-style-type: none"> 1. Approve the proposals to establish revised governance arrangements as set out in this report 2. Approve the revised Standing Orders; Financial Regulations and Scheme of Delegations as appended to this report 3. Agree that, after 12 months of operation, an Independent Remuneration Panel is convened by the Clerk and Monitoring Officer to review Member allowances 4. Agree that revisions to the Authority's governance arrangements are subject to review after 12 months of operation.
BACKGROUND PAPERS	<ol style="list-style-type: none"> 1. Planned changes to the membership and governance of the Fire and Rescue Authority; Dorset and Wiltshire Fire and Rescue Authority meeting, 8 September 2017 2. Statements of assurance for fire and rescue authorities in England; National fire and rescue services framework (England) guidance Department for Communities and Local Government May 2013 3. The Fire and Rescue Authority (Membership) Order 2017. http://www.legislation.gov.uk/id/uksi/2017/1165
APPENDICES	<p>Appendix A - Proposed terms of reference for the Authority and its sub-committees</p> <p>Appendix B - Proposed Standing Orders</p> <p>Appendix C - Proposed Financial Regulations</p> <p>Appendix D - Proposed Scheme of Delegation to officers</p>

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1. Introduction

1.1 At its meeting on 8 September 2017, the Authority resolved to make a formal application to the Home Secretary for a variation to the Dorset & Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 to reduce the membership of the Authority from 30 to 18. At this meeting Members also agreed to an internal review of governance arrangements, to be overseen by the Finance, Governance and Audit Committee. As Members are aware, delegated arrangements require any formal changes to the overall governance arrangements to be approved by the Authority. As well as providing an update on the legal position to vary the Combination Order, this paper proposes changes to the overall governance arrangements in line with the decision made by the Authority.

1.2 Combination Order variation: current position

1.3 Following the Authority's decision at its September meeting, the Chairman formally wrote, on the 5 October, to the Home Secretary requesting a variation to Combination Order. Since early September, the Clerk and Monitoring Officer has been in close dialogue with officials at the Home Office to progress the necessary legal changes. As Members are aware, parliamentary time remains at a premium due to the processes associated with the UK exiting the European Union. As a response to this, a single Combination Order involving our Authority; Hampshire and West Midlands authorities is being progressed by the Home Office, and for consultation purposes, laid in Parliament on 4 December.

2. Proposed governance structure

2.1 As previously stated, the Authority asked that a review of governance arrangements to be overseen by the Finance, Governance and Audit Committee. As Members are aware, delegated arrangements require any formal changes to the overall governance arrangements to be approved by the Authority.

2.2 The current governance structure comprises of:

- Authority
- Policy and Resources Committee
- Finance, Governance and Audit Committee
- Local Performance and Scrutiny Committees
- Appointments and Disputes Committee
- Appeals Committee

2.3 The proposed governance arrangements seek to secure efficiencies without loss of local democratic accountability by removing the Policy and Resources Committee (figure1). It is proposed that all other committees continue.

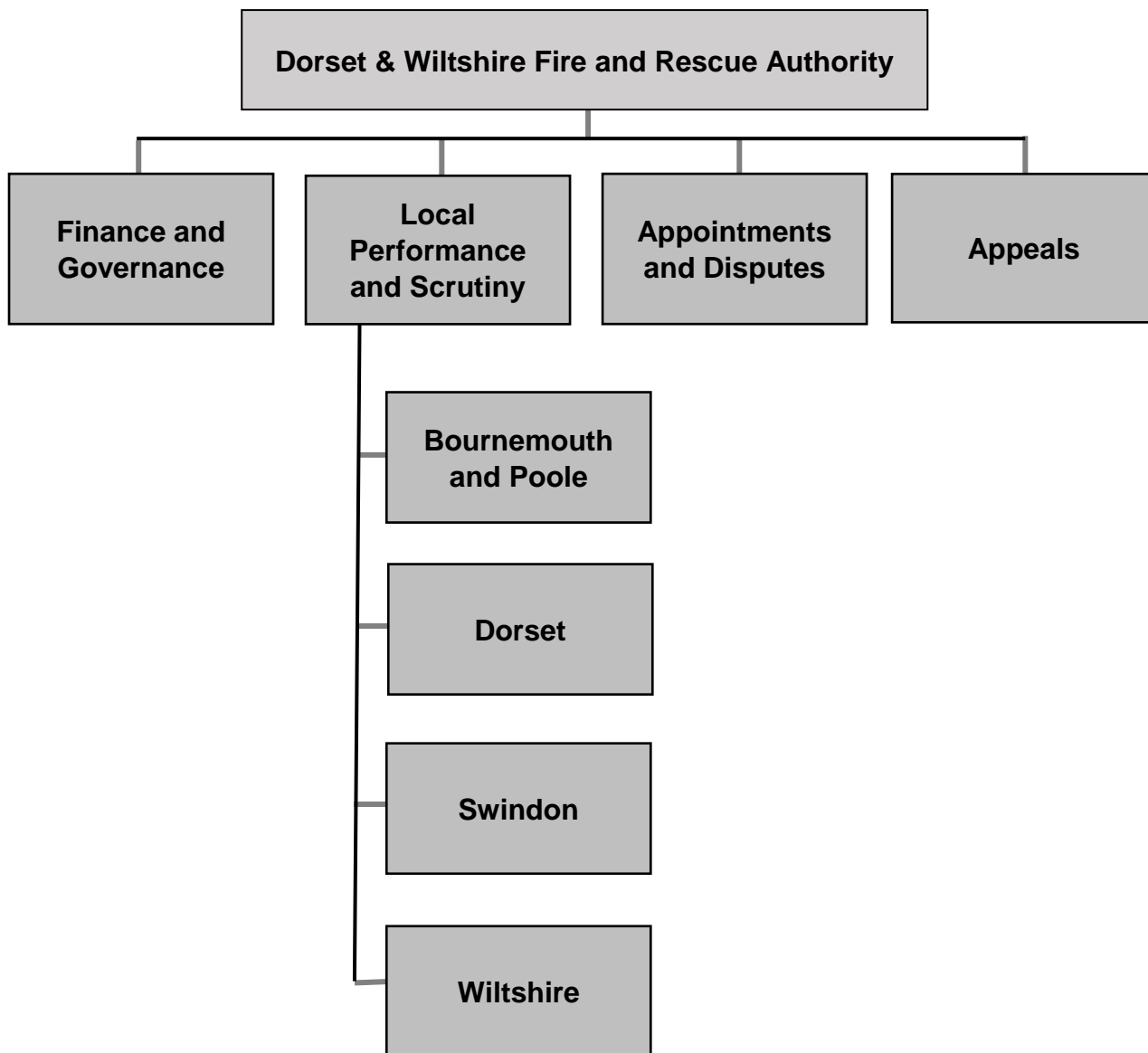


Figure 1: Proposed governance structure from June 2018

2.4 The proposed change to existing governance arrangements are detailed in Table 1 below.

Table 1: Proposed changes to the recommended governance structure

Committee	Change
<p>Authority</p> <p><i>(See appendix A1 for proposed and existing terms of reference)</i></p>	<p>Main purpose</p> <p>The current Policy and Resources Committee has the following responsibilities:</p> <ol style="list-style-type: none"> 1. To monitor the development of the overarching Integrated Risk Management Plan and provide recommendations to the Fire and Rescue Authority for its adoption. 2. To consider the development of any subsequent changes to the Community Safety Plan and underpinning strategies and make recommendations to the Fire and Rescue Authority. 3. To consider and make recommendations to the Fire Authority on any significant reports and proposals issued for consultation. 4. To consider budget proposals in advance of the Fire and Rescue Authority meeting of which the budget falls to be approved. <p>Since the terms of reference are largely associated with ‘<i>consider and recommend</i>’, it is proposed that the Authority itself subsume this responsibility and it has been appropriately incorporated.</p> <p>The proposed terms of reference now explicitly include the approval of the medium term finance plan.</p> <p>Membership and related matters</p> <p>In accordance with the revised draft combination order, the terms of reference to include “<i>Each constituent authority shall appoint 2 representatives to be members of the Authority. Each constituent authority shall, so far as is practicable, appoint such additional number of representatives to be members of the Authority as may be required to ensure that the total number of representatives is proportionate to the number of local government electors in</i></p>

	<p><i>its area in, relation to the number of such electors in each of the other constituent authorities' areas"</i></p> <p>The current level to be quorate is ten and that this is proposed to be reduced proportionately to six. It is also proposed that the April meeting is removed as a standing feature within the democratic calendar as this often conflicts with local election processes. The terms of reference now provide for an extraordinary meeting of the Authority in cases where urgent decisions are needed.</p>
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<p>Local Performance and Scrutiny Committees</p> <p><i>(See appendix A2 for proposed and existing terms of reference)</i></p>	<p>Main purpose</p> <p>There is no significant change to overall purpose or functioning of these committees, although it is proposed that the committees do not <i>"examine and thereafter approve quarterly assurance reports"</i> but rather <i>"monitor and scrutinise performance reports in respect of the key statutory duties within the administrative area overseen by the Committee"</i>.</p> <p>It is also proposed to move away from <i>"recommend to the Fire and Rescue Authority local targets for emergency response"</i> but rather insert <i>"monitor the effectiveness and improvement of local response emergency arrangement"</i>.</p> <p>Membership and related matters</p> <p>To help avoid meetings being potentially inquorate, it is proposed to add into the terms of reference the following <i>"In addition any member of a Local Performance and Scrutiny Committee may arrange for a member of another local performance and scrutiny committee to attend in their place as a substitute. Any substitute's attendance shall count towards achieving quorum for the meeting and they shall be entitled to speak and vote as if they were a full member of the committee."</i></p> <p>Whilst not part of the formal governance arrangements it is proposed that the links between local performance and scrutiny committees and the full Authority should be strengthened. This would be achieved by adding to the agendas of two of the Authority's four meetings an opportunity for local performance and scrutiny chairs to report back on the key issues arising from the work of their committees.</p>
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<p>Finance and Governance Committee</p> <p><i>(See appendix A3 for proposed and existing terms of reference)</i></p>	<p>Main purpose</p> <p>It is proposed to simplify title of this committee to Finance and Governance from the current Finance, Governance and Audit</p> <p>The proposed terms of reference now encompass both financial monitoring and the reprogramming of the agreed budget set by the Authority at its February meeting.</p> <p>It is also proposed that the Statement of assurance required under the National fire and rescue service framework for England is also able to be approved by this committee. This is permissible under the associated government guidance issued in May 2013.</p> <p>Membership and related matters</p> <p>The current membership is 12 and it is proposed a proportionate reduction to eight in proportion to the reduction in the Authority. The current level to be quorate is five and that this is proposed to be reduced proportionately to three.</p>
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<p>Appointments and Disputes Committee</p> <p><i>(See appendix A4 for proposed and existing terms of reference)</i></p>	<p>Main purpose</p> <p>This Committee is currently responsible for the appointment of the Chief Fire Officer (CFO) and all members of the Strategic Leadership Team. It is proposed that with the appointment of the Deputy Chief Fire Officer (DCFO) that this Committee deal with the appointments of the top two tiers of management namely the CFO and DCFO. This would then allow the CFO to make appointments approved by the Authority under the pay policy and deal with disputes for the next tier of management operating at Assistant Chief Fire Officer/Director level. The Committee will continue to include the investigation of any complaints against the CFO/DCFO, and to consider and decide on disputes where there is a recorded failure to agree between the CFO/DCFO and recognised representative bodies.</p> <p>The draft National Framework for fire and rescue services sets out expectations on FRAs not to re-appoint principal fire officers after retirement to their previous role, except in exceptional circumstances when such a decision is</p>
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	<p>necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited. In the exceptional circumstance that a re-appointment is necessary in the interests of public safety, this decision should be subject to agreement by a public vote of the elected Members of the FRA, or a publicised decision by the appropriate elected representative of the FRA. While these requirements only extend to principal fire officers, Government expects FRAs to have regard to this principle when re-appointing at any rank.</p> <p>At present the Authority has no specific restrictions in place on the re-appointment of Brigade Managers and Area Managers to similar roles following their retirement. The proposed revisions to this committee, along with an additional delegation to the CFO (see Scheme of delegation <i>Powers to the CFO: Personnel</i>) would introduce the necessary controls to deal with this expectation.</p> <p>Membership and related matters</p> <p>No change</p>
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<p>Appeals committee</p> <p><i>(See appendix A5 for proposed and existing terms of reference)</i></p>	<p>Main purpose</p> <p>The basic function of this committee to remain with the scope applying to the first two tiers of management (i.e. Chief Fire Officer and the Deputy Chief Fire Officer) rather than all third tiered officer (Assistant Chief Fire Officers and Directors).</p> <p>Membership and related matters</p> <p>No change</p>
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2.5 Proposed changes to Standing Orders; Financial Regulations and Scheme of Delegations to officers

Standing Orders

2.5.1 The proposed Standing Orders now make specific reference to the Fire and Rescue Authority (Membership) Order 2017. These have been amended to explicitly state that the Authority now takes all policy and key decisions with all references to the former Policy and Resources Committee being able to take urgent decisions now removed.

- 2.5.2 The triggering of an extraordinary meeting by Members through a signed requisition presented to the Chairman of the Authority has been reduced to six Members (previously ten) in proportion to the reduced size of the Authority (paragraph 10.4).
- 2.5.3 The previous specific reference to the application of Standing Orders to committees (paragraph 58) has been removed as it was not felt to be necessary by the Clerk and Monitoring officer.
- 2.5.4 An additional order has been inserted to provide clarity for the signing up to external charters.

2.6 Financial Regulations

- 2.6.1 The proposed Standing Orders now make specific reference to the Fire and Rescue Authority (Membership) Order 2017. These have been amended to explicitly state that the Authority now takes all policy and key decisions with all references to the former Policy and Resources Committee being able to take urgent decisions now removed.
- 2.6.2 It is proposed that after 18 months of operation, that the Chief Fire Officer and the Treasurer may approve an increase in the capital programme of up to £50,000 (previously £25,000), and the Chief Fire Officer and Treasurer in consultation with the Chairman of the Authority may approve an increase of up to £100,000 (previously £50,000). In both cases the approved expenditure must be reported to the Authority (Para B10).

2.7 Scheme of Delegations to officers

- 2.7.1 The proposed Standing Orders now make specific reference to the Fire and Rescue Authority (Membership) Order 2017. They have been amended to state explicitly that the Authority now takes all policy and key decisions with all references to the former Policy and Resources Committee being able to take urgent decisions now removed. The proposed terms of reference of the Authority have been reflected in the delegations.
- 2.7.2 As stated earlier, there is an expectation through the draft national framework on authorities not to re-appoint principal fire officers after retirement to their previous roles, except in exceptional circumstances when such a decision is necessary in the interests of public safety. While these requirements only extend to principal fire officers, Government expects FRAs to have regard to this principle when re-appointing at any rank. In addition to the proposed changes to the terms of reference for the Appointments and Disputes Committee, an additional delegation has been added to the Chief Fire Officer to approve re-appointments of Group Managers and below (and their corporate staff equivalents) subject to the principles set out in the draft national framework (*see Standing orders: Powers to the CFO: Personnel*).

3. Member champions

3.1 There appears to be consensus amongst Members and Officers that the Member champion role has been a successful and welcomed one. It is therefore proposed that this be continued. Members are currently aligned to aspects of the Service namely:

- Health and Safety
- Children and Young People
- Equality, Diversity and Inclusion
- Prevention and Health Partnerships
- Response
- Asset Management
- Retained Duty System
- Protection
- Governance

3.2 To create an approach to informal Member engagement that is more aligned to the Community Safety Plan and the associated Service Delivery Plan, it is proposed that Members be centred on the priorities of the Authority. This alignment of Members to priorities would also be a further demonstration of the coherence of our governance arrangements to external partners and inspectors. The priorities and a synopsis of the associated key lines of enquiry are as follows:

1. Making safer and healthier choices
2. Protecting you and the environment from harm
3. Being there when you need us
4. Making every penny count
5. Supporting and developing our people

3.3 To balance and more evenly distribute this engagement, it is proposed that up to three Members could be allocated for each priority. The precise arrangements for this informal engagement have been determined between Members and the senior officers and it is suggested that this continues.

4. Summary and Key Points

4.1 The Authority's decision to reduce its membership from 30 to 18 requires Parliamentary approvals as well as changes to local governance arrangements. The Minister has signed the draft Order to affect this change and was laid in Parliament on the 4th December. This paper details proposed changes to the existing governance structure, along with associated amendments to Standing Orders; Financial Regulations and the Scheme of Delegation to Officers. Officers have also taken this opportunity to propose what they believe to be helpful amendments following a period of 18 months into the operation of the new

Authority and Service. Should Members of this Committee support and approve these proposals, the revised arrangements would take effect at the annual general meeting of the Authority in June 2018.

February 2018

Item 18/08 Appendix A

Proposed terms of reference for the Authority and its sub committees

Appendix A1

Dorset & Wiltshire Fire and Rescue Authority	
<u>Proposed</u> terms of reference	Existing terms of reference
<p>The Fire Authority is constituted in accordance with <i>The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (Statutory Instrument No 435)</i></p> <p>The Fire Authority consists of 30 Members. Meetings will normally be held in June (annual meeting), September, December February each year and will be convened by the Monitoring Officer to the Fire Authority. The Fire Authority has delegated a number of its functions to committees and to senior officers but the following have not been delegated:</p> <ol style="list-style-type: none"> 1. Approval of the annual community safety plan (including the Integrated Risk Management Plan) 2. Approval of the annual budget and agreement as to the precept to give effect to the budget 3. Maintaining a comprehensive performance management system to ensure that the Authority’s objectives are being met 4. Treasury management strategy and policies 5. Approve and adopt a scheme of standing orders 	<p>The Fire Authority is constituted in accordance with <i>The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 (Statutory Instrument No 435)</i></p> <p>The Fire Authority consists of 30 Members. Meetings will normally be held in June (annual meeting), September, December February each year and will be convened by the Monitoring Officer to the Fire Authority. The Fire Authority has delegated a number of its functions to committees and to senior officers but the following have not been delegated:</p> <ol style="list-style-type: none"> 1. Approval of the annual community safety plan (including the Integrated Risk Management Plan) 2. Approval of the annual budget and agreement as to the precept to give effect to the budget 3. Maintaining a comprehensive performance management system to ensure that the Authority’s objectives are being met 4. Treasury management strategy and policies. 5. Approve and adopt a scheme of standing orders

Appendix A2

Local Performance and Scrutiny Committees	
<u>Proposed</u> terms of reference	Existing terms of reference
<p>Main purpose</p> <p>The main purpose of the area based committees is to reduce community and firefighter risks by developing, overseeing and assuring the delivery of activities associated with prevention, and response. The key focus of the committee is to scrutinise performance and improvement at a local level against the priorities 1, 2 and 3 set out in the Authority's Community Safety Plan. There are four committees associated with the administrative areas of the following constituent authorities: Bournemouth Borough Council and the Borough of Poole, Dorset County Council, Swindon Borough Council and Wiltshire Council.</p> <p>Terms of reference</p> <ol style="list-style-type: none"> 1. To monitor the effectiveness and use of local information to best target prevention, protection and response activities and resources to the needs of local communities. 2. To monitor the effectiveness and improvement of local response emergency arrangements appropriate to its area. 3. To monitor the effectiveness of the discharge of fire safety statutory duties and wider fire protection initiatives appropriate to the build environment. 4. To monitor and periodically review the effectiveness of the approach and initiatives associated with fire safety education and prevention. 5. To monitor the outcomes of partnership working and the effectiveness of engagement with local partners. 	<p>Main purpose</p> <p>The main purpose of the area based committees is to reduce community and firefighter risks by developing, overseeing and assuring the delivery of activities associated with prevention, and response. There are four committees associated with the administrative areas of the following constituent authorities: Bournemouth Borough Council and the Borough of Poole, Dorset County Council, Swindon Borough Council and Wiltshire Council.</p> <p>Terms of reference</p> <ol style="list-style-type: none"> 1. To monitor the effectiveness and use of local information to best target prevention, protection and response activities and resources to the needs of local communities. 2. To recommend to the Fire and Rescue Authority local targets for emergency response and to monitor the effectiveness appropriate to its area. 3. To monitor the effectiveness of the discharge of fire safety statutory duties and wider fire protection initiatives appropriate to the build environment. 4. To monitor and periodically review the effectiveness of the approach and initiatives associated with fire safety education and prevention. 5. To monitor the outcomes of partnership working and the effectiveness of engagement with local partners.

<p>6. To monitor the effectiveness of planning, preparedness and local community resilience plans appropriate to their area developed, by the Local Resilience Forum.</p> <p>7. To monitor and scrutinise performance reports in respect of the key statutory duties within the administrative area overseen by the Committee.</p> <p>8. To recommend to the Fire and Rescue Authority proposals for whole Authority performance monitoring or scrutiny.</p> <p>Membership: Number of Members – varies and aligned to the four administrative areas. In addition, any member of a Local Performance and Scrutiny Committee (LPSC) may arrange, after consultation with the Chairman of that LPSC, for a member of another LPSC to attend in their place as a substitute. Any substitute’s attendance shall count towards achieving quorum for the meeting and they shall be entitled to speak and vote as if they were a full member of the committee.</p> <p>Quorum: 3 (and the majority of those in attendance at the meeting must be Members for the administrative area of that LPSC).</p> <p>Meetings: May/June, August/September, November, February/March</p> <p>Reporting: To the Authority. Whilst not part of the formal governance arrangements it is proposed that the links between LPSCs and the full Authority should be strengthened. This would be achieved by adding to the agendas of two of the Authority’s four meetings an opportunity for local performance and scrutiny chairs to report back on the key issues arising from the work of their committees.</p>	<p>6. To monitor the effectiveness of planning, preparedness and local community resilience plans appropriate to their area developed by the Local Resilience Forum.</p> <p>7. To examine and thereafter approve quarterly assurance reports in respect of the key statutory duties (prevention, fire safety and response) to be considered by the full Fire Authority.</p> <p>8. To recommend to the Fire and Rescue Authority proposals for whole Authority performance monitoring or scrutiny.</p> <p>Membership: Number of Members – varies and aligned to the four administrative areas</p> <p>Bournemouth/Poole LPS: Membership - 7 Dorset LPS: Membership – 8 Swindon LPS: Membership – 5 Wiltshire LPS: Membership – 10</p> <p>Quorum: 3</p> <p>Meetings: May/June, August, November, February/March</p> <p>Reporting: To the Authority</p>
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Appendix A3

Finance and Governance Committee	
<u>Proposed</u> terms of reference	Existing terms of reference
<p>Main purpose:</p> <ul style="list-style-type: none"> i. ensuring that sound systems of internal control are in place including establishing, developing and overseeing audit programmes and the delivery of key findings ii. providing an oversight of current Service performance in relation to all aspects of <i>Priority 4: Making every penny count</i> of the Community Safety Plan as well as scrutinising any matters referred to it by the Authority iii. ensuring sound day to day financial management arrangements are in place and overseeing financial expenditure iv. ensuring sound risk and business continuity management arrangements are in place v. ensuring that good governance operates in line with the CIPFA/SOLACE code of good governance and that the Annual Governance Statement and Statement of Assurance are recommended to the Authority 	<p>Main purpose:</p> <ul style="list-style-type: none"> i. ensuring that sound systems of internal control are in place including establishing, developing and overseeing audit programmes and the delivery of key findings ii. providing an oversight of current Service performance in relation to all aspects of <i>Priority 4: Making every penny count</i> of the Community Safety Plan as well as scrutinising any matters referred to it by the Authority iii. ensuring sound day to day financial management arrangements are in place and overseeing financial expenditure iv. ensuring sound risk and business continuity management arrangements are in place v. ensuring that good governance operates in line with the CIPFA/SOLACE code of good governance and that the Annual Governance Statement and Statement of Assurance are recommended to the Authority
<p>Terms of Reference:</p> <ul style="list-style-type: none"> 1. To oversee the internal and external audit arrangements and to approve the audit plans, strategy, programmes and annual letters/reports, and to secure effective co-ordination between internal and external audit, in consultation with the relevant officers. 2. To review proposals made in relation to the appointment of external auditors and internal audit services and to make recommendations as to their appointment. 	<p>Terms of Reference:</p> <ul style="list-style-type: none"> 1. To oversee the internal and external audit arrangements and to approve the audit plans, strategy, programmes and annual letters/reports, and to secure effective co-ordination between internal and external audit, in consultation with the relevant officers. 2. To review proposals made in relation to the appointment of external auditors and internal audit services and to make recommendations as to their appointment.

<p>3. To receive the reports of internal and external audit and to ensure that their recommendations and findings are adequately addressed and implemented by the Authority and its officers.</p> <p>4. To consider reports from the head of internal audit on internal audit's performance during the year in accordance with public sector internal audit standards.</p> <p>5. To monitor financial spend against budget.</p> <p>6. To keep under review, the effectiveness of the internal financial control systems of the Authority. This should include the adequacy of financial policies and practices to ensure compliance with relevant statutes, guidance, policies, standards and codes of corporate governance.</p> <p>7. To consider procedural issues relating to the Accounts and Audit Regulations.</p> <p>8. To monitor the anti-fraud and corruption strategy, bribery policy, actions and resources.</p> <p>9. To scrutinise and approve the Fire and Rescue Authority's Statement of Accounts, including the Annual Governance Statement and Statement of Assurance required under the National Fire and Rescue Service Framework. 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.</p> <p>10. To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.</p> <p>11. To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.</p>	<p>3. To receive the reports of internal and external audit and to ensure that their recommendations and findings are adequately addressed and implemented by the Authority and its officers.</p> <p>4. To consider reports from the head of internal audit on internal audit's performance during the year. These will include:</p> <ul style="list-style-type: none"> (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 Framework or programme. (c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards, considering whether the non-compliance is significant enough that it must be included in the Annual Governance Statement. (d) The statement of the level of conformance with the Public Sector Internal Audit Standards and the results from the Quality Assurance and Improvement Framework or Programme that supports the statement - these will indicate the reliability of the conclusions of internal audit. (e) The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of work supporting the opinion - these will assist the committee in reviewing the Annual Governance Statement. <p>5. To monitor financial spend against budget.</p> <p>6. To keep under review, the effectiveness of the internal financial control systems of the Authority. This should include the adequacy of financial policies and practices to ensure</p>
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<p>12. To consider and recommend to the Authority the Annual Member Development Programme.</p> <p>13. To monitor the risk management and business continuity arrangements and make recommendations to the full Authority as necessary.</p> <p>14. Monitor and, where necessary, revise the Member development policy.</p> <p>Membership: 8</p> <p>Quorum: 3</p> <p>Meetings: March, July, September, December</p> <p>Reporting arrangements: To the Authority</p>	<p>compliance with relevant statutes, guidance, policies, standards and codes of corporate governance.</p> <p>7. To consider procedural issues relating to the Accounts and Audit Regulations.</p> <p>8. To monitor the anti-fraud and corruption strategy, bribery policy, actions and resources.</p> <p>9. To scrutinise and approve the Fire and Rescue Authority's Statement of Accounts, including the Annual Governance Statement. 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.</p> <p>10. To consider the Authority's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.</p> <p>11. To review the Authority's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.</p> <p>12. To consider and recommend to the Authority the Annual Member Development Programme.</p> <p>13. To monitor the risk management and business continuity arrangements and make recommendations to the full Authority as necessary.</p> <p>14. Monitor and where necessary revise the Member development policy.</p> <p>Membership: 12</p> <p>Quorum: 5</p> <p>Meetings: March, July, September, December</p> <p>Reporting arrangements: To the Authority</p>
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Appendix A4

Appointments and Disputes Committee	
<u>Proposed</u> terms of reference	Existing terms of reference
<ol style="list-style-type: none"> 1. To make the appointments of the Chief Fire Officer/Deputy Chief Fire Officer to determine the terms and conditions on which they hold office, including remuneration, and to deal with any related issues concerning their employment. 2. To deal with the investigation of complaints against the Chief Fire Officer/Deputy Chief Fire Officer and to take action on behalf of the Authority under the appropriate discipline regulations prescribed for those officers. 3. To consider and decide on disputes referred to the Authority when there is a recorded 'failure to agree' between the Chief Fire Officer/Deputy Chief Fire Officer and a nationally recognised representative body. 4. To consider and decide on grievances between an employee and the Chief Fire Officer/Deputy Chief Fire Officer. 5. To consider a complaint where the complainant is not satisfied that the complaint has been dealt with satisfactorily. 6. To authorise following their retirement the re-appointment of any Brigade Manager or Area Manager to their previous or a similar post but only in exceptional circumstances when this is necessary in the interests of public safety, having regard to openness, justification and duration of the re-appointment. <p>Membership</p> <p>Number of Members: any five members appointed on a politically proportionate basis. The Appeals Committee has no standing membership. Instead members will be appointed from amongst the whole</p>	<ol style="list-style-type: none"> 1. To make the appointments of the Chief Fire Officer and other appointments of the Senior Leadership Team, to determine the terms and conditions on which they hold office, including remuneration, and to deal with any related issues concerning their employment. 2. To deal with the investigation of complaints against the Chief Fire Officer or other Members of the Senior Leadership Team, and to take action on behalf of the Fire and Rescue Authority under the appropriate discipline regulations prescribed for those officers. 3. To consider and decide on disputes referred to the Fire and Rescue Authority when there is a recorded 'failure to agree' between the Chief Fire Officer and a nationally recognised representative body. 4. To consider and decide on grievances between an employee and the Chief Fire Officer. 5. To consider a complaint where the complainant is not satisfied that the complaint has been dealt with satisfactorily. <p>Membership</p> <p>Number of Members: any five members appointed on a politically proportionate basis. The Appeals Committee has no standing membership. Instead members will be appointed from amongst the whole membership of the Fire and Rescue Authority as the need to meet arises.</p> <p>Chairman – To be appointed on each occasion from amongst the membership of the Committee.</p> <p>Quorum: Any 3 Members</p> <p>Meetings: No standing meetings</p>

<p>membership of the Authority as the need to meet arises.</p> <p>Chairman – To be appointed on each occasion from amongst the membership of the Committee.</p> <p>Quorum: Any 3 Members</p> <p>Meetings: No standing meetings</p> <p>Reporting arrangements: To the Authority</p>	<p>Reporting arrangements: To the Authority</p>
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Appendix A5

Appeals Committee	
Proposed terms of reference	Existing terms of reference
<p>Where the policies of the Authority provide for an appeal to elected members the role of the Appeals Committee is to hear and determine an appeal against dismissal brought by any member of staff (conditioned to the Grey Book or the Green book), whether the termination is for a disciplinary matter, ill health, redundancy or some other substantial reason.</p> <p>Note: Issues related to the employment of the Chief Fire Officer/Deputy Chief Fire Officer. Where Gold Book conditioned officers are entitled to appeal a decision of the Appointments and Disputes Committee then any such appeal shall be to the Appeals Committee.</p> <p>Membership</p> <p>Number of Members: any five members appointed on a politically proportionate basis. The Appeals Committee has no standing membership. Instead members will be appointed from amongst the whole membership of the Fire and Rescue Authority as the need to meet arises.</p> <p>Chairman – To be appointed on each occasion from amongst the membership of the Committee.</p> <p>Meetings</p> <p>No standing meetings.</p> <p>Reporting arrangements</p> <p>To the Authority</p>	<p>Where the policies of the Fire and Rescue Authority provide for an appeal to elected members the role of the Appeals Committee is to hear and determine an appeal against dismissal brought by any member of staff (conditioned to the Grey Book or the Green book), whether the termination is for a disciplinary matter, ill health, redundancy or some other substantial reason.</p> <p>Note: Issues related to the employment of the Chief Fire Officer and any member of the Senior Leadership Team subject to Gold Book terms and conditions shall be referred in the first instance to the Appointments and Disputes Committee for decision. Where Gold Book conditioned officers are entitled to appeal a decision of the Appointments and Disputes Committee then any such appeal shall be to the Appeals Committee.</p> <p>Membership</p> <p>Number of Members: any five members appointed on a politically proportionate basis. The Appeals Committee has no standing membership. Instead members will be appointed from amongst the whole membership of the Fire and Rescue Authority as the need to meet arises.</p> <p>Chairman – To be appointed on each occasion from amongst the membership of the Committee.</p> <p>Meetings</p> <p>No standing meetings.</p> <p>Reporting arrangements</p> <p>To the Authority</p>

Item 18/08 Appendix B

Proposed Standing Orders

(including extracts from legislation printed in italics)

1. Definitions

1.1 In these Standing Orders:

"Dorset & Wiltshire Fire and Rescue Authority", hereinafter referred to as "the Authority", is a fire authority constituted in accordance with Statutory Instrument 2015 No. 435, The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 and the Fire and Rescue Authority (Membership) Order 2017.

"Constituent authorities" shall mean Bournemouth Borough Council, Dorset County Council, the Borough of Poole, Swindon Borough Council and Wiltshire Council.

"Elected Member" shall mean a councillor from the constituent authorities serving on the Authority.

"Chief Fire Officer and Chief Executive" hereafter known as the Chief Fire Officer shall mean the person duly appointed by the Authority with responsibility for the command and general administration of the Dorset & Wiltshire Fire and Rescue Service and shall include such officers of the Dorset & Wiltshire Fire and Rescue Service as the Chief Fire Officer specifically authorises for the purposes of these Standing Orders.

"Clerk and Monitoring Officer" shall mean the designated officer responsible for performing the duties imposed by Section 5 of the Local Government and Housing Act 1989, the Localism Act 2011 and related legislation and with responsibility for the proper conduct of the Authority.

"Treasurer" shall mean the person duly appointed by the Authority with responsibility for the administration of the Authority's financial affairs. Treasurer shall include such persons as the Treasurer specifically authorises for the purpose of these Standing Orders.

"Officer" shall mean all employees of the Authority, including uniformed and non-uniformed staff.

"Chairman" shall mean the person elected annually from amongst the Members to chair Authority meetings.

Meetings of the Dorset & Wiltshire Fire and Rescue Authority

2. Annual meeting

- 2.1 Subject to the provisos in Standing Order 3, the annual meeting of the Authority shall normally be held in June.

3. Meetings

- 3.1 The remaining meetings of the Authority shall normally be held in September, December, February and June.
- 3.2 Provided that:
- 3.2.1 Meetings shall not take place on the date of the quadrennial elections of any of the constituent authorities.
- 3.2.2 In the event of severe weather conditions or some other unforeseen circumstance, which in the Chairman's opinion warrants the postponement of the meeting, the Chairman may postpone for a period of not more than 14 days the date fixed for a meeting of the Authority.

4. Place of meetings

- 4.1 The Authority will meet at such venues as the Authority may provide.
- 4.2 Quorum
- 4.2.1 The quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine.

5. Adjournment - no quorum

- 5.1 If during any meeting of the Authority the Chairman, after counting the numbers present, declares that there is not a quorum, the meeting shall be adjourned.
- 5.2 The consideration of any business not transacted shall be adjourned to a date and time fixed by the Chairman at the time the meeting is adjourned or, if he/she does not fix a date and a time, to the next ordinary general meeting of the Authority.

6. Cancellation of meeting - no quorum

- 6.1 If at the expiration of 30 minutes from the time at which the meeting has been appointed to be held a quorum is not present, the meeting shall not take place, and consideration of any business on the agenda for the meeting shall be adjourned to a date and time fixed by the Chairman or, if he/she does not fix a date and time, to the next ordinary meeting of the Authority.

7. Notice of meeting

- 7.1 In accordance with the Access to Information Rules and, at least five clear days before any meeting of the Authority, notice of its time and place, signed by the Clerk and Monitoring Officer or the Chief Fire Officer, shall be published at the venue of the meeting and at the offices of the constituent authorities.
- 7.2 When the meeting is called for by Members, the notice shall specify the business proposed to be transacted.
- 7.3 Meetings of the Authority shall be called by the Clerk and Monitoring Officer who shall be responsible for the preparation of the agenda and the order of the business thereon.
- 7.4 An extraordinary meeting of the Authority (to be called by the Clerk and Monitoring Officer) may be required by:
- ♦ The Authority by resolution
 - ♦ The Chairman of the Authority
 - ♦ The Clerk and Monitoring Officer
 - ♦ Any 6 Members of the Authority if they have signed a requisition presented to the Chairman of the Authority and he or she has refused to call a meeting or has failed to call a meeting within seven days of presentation of the requisition

8. Delivery of summons

- 8.1 At least five clear days (eight calendar days) before any meeting of the Authority, a summons to attend specifying the business to be transacted and signed by the Clerk and Monitoring Officer or the Chief Fire Officer shall be sent to the email address provided by the Member and, where required, their usual place of residence.
- 8.2 PROVIDED that want of service of the summons or agenda on any Member shall not affect the validity of the meeting.

9. Papers to accompany summons

- 9.1 Minutes of the last meeting of the Authority, together with reports of committees and any other reports for Members, unless already forwarded to Members, shall accompany the summons referred to in Standing Order 8.
- 9.2 This Standing Order shall only apply to the meetings prescribed by Standing Orders 2 and 3 above.

10. Record of attendances

10.1 The names of the Members present at a meeting shall be recorded in the minutes.

10.2 Chairman and Vice-Chairman

10.2.1 The Dorset and Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015, Schedule,

Paragraph 13:

- (1) *The Authority shall elect a Chairman, and may elect a Vice-Chairman, from among the Members of the Authority.*
- (2) *If a Vice-Chairman is elected, that Vice-Chairman must not be from the same constituent authority as the Chairman.*
- (3) *The Chairman and Vice-Chairman if elected shall, subject to paragraphs 8 to 11, hold office for a period not exceeding one year as the Authority shall determine and shall remain in office until successor becomes entitled to act as Chairman or Vice-Chairman, as the case may be.*
- (4) *Sub-paragraph (3) above shall not prevent a person who holds or has held office as Chairman or Vice-Chairman, as the case may be, from being elected or re-elected to either of those offices.*
- (5) *On a casual vacancy occurring in the office of Chairman or the Vice-Chairman, the Authority shall elect from its members a person to replace the Chairman, and may elect a person to replace the Vice-Chairman.*
- (6) *The election of a Chairman under sub-paragraph (5) shall take place not later than the next ordinary meeting of the Authority following the occurrence of the casual vacancy.*

11. Chairman of meeting

11.1 At a meeting of the Authority the Chairman, if present, shall preside;

- ♦ If the Chairman is absent from a meeting of the Authority, then the Vice-Chairman of the Authority, if present, shall preside
- ♦ If both the Chairman and Vice-Chairman are absent from a meeting of the Authority, then another Member of the Authority chosen by the Members of the Authority shall preside.

12. Powers and duties of Chairman

12.1 Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

Order of business

13. Order of business

13.1 The order of business at every meeting of the Authority shall be:

13.1.1 To choose a person to preside if the Chairman and Vice-Chairman are absent.

13.1.2 To receive any apologies for absence.

13.1.3 To deal with any business required by statute to be done before any other business.

13.1.4 To approve as a correct record and sign the minutes of the last meeting of the Authority.

13.1.5 To receive declarations by Members of pecuniary interest from Members.

13.1.6 To deal with any business expressly required by statute to be done.

13.1.7 To deal with any correspondence, communications or other business brought forward by direction of the Chairman.

13.1.8 To dispose of business (if any) remaining from the last meeting.

13.1.9 To receive and consider reports by committees and to answer questions under Standing Orders 15 and 16.

13.1.10 To receive and consider reports by officers.

13.1.11 To answer questions under Standing Order 15.

13.1.12 Other business, if any, specified in the summons.

13.2 Business falling under 13.1.1 to 13.1.5 of paragraph 13.1 shall not be displaced but subject thereto the order of business may be varied:

13.2.1 By the Chairman at the Chairman's discretion; or

13.2.2 By a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

14. Presentations of reports to committees

14.1 On a report of a committee being presented the Chairman, Vice-Chairman or some other Member of the Committee shall move its adoption.

Questions

15. Question arising on report of committee

- 15.1 A Member may ask the Chairman of a committee any question upon any matter before the Authority, or relevant to the functions of the Authority, provided that the decision of the Chairman as to the relevance of the method of dealing with such questions shall be final.
- 15.2 PROVIDED that, in respect of matters which have been determined under delegated powers, the question has been given in writing to the Clerk and Monitoring Officer not later than 10.00 am on the working day before the meeting of the Authority.

16. Questions on any business

- 16.1 A Member present at the meeting may, if the question has been given to the Clerk and Monitoring Officer in writing by 10.00 am three working days before the meeting of the Authority, ask the Chairman of the Authority or the Chairman of any committee any question on any matter in relation to which the Authority has powers or duties or which relates to the business of the Authority.
- 16.2 Members who have submitted written questions may ask relevant supplementary oral questions, subject to a limit of two such questions.

17. No discussion on questions asked

- 17.1 Every question shall be put and answered without discussion.

18. Minutes

Local Government Act 1972

Schedule 12: part V1

- (1) *Minutes of the proceedings of a meeting of a local authority shall, subject to sub paragraph (2) below, be drawn up and entered in a book kept for that purpose and shall be signed at the same time or next suitable meeting of the Authority by the person presiding thereat, and any minute purporting to be signed shall be received in evidence without further proof.*
- (2) *Notwithstanding anything in any enactment or rule of law to the contrary, the minutes of the proceedings of meeting of a local authority may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or next suitable meeting of the Authority, by the person*

presiding thereat, and any minutes purporting to be so signed shall be received in evidence without further proof.

(3) *Until the contrary is proved, a meeting of a local authority a minute of whose proceedings has been made and signed in accordance with this paragraph shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified.*

(4) *For the purpose of sub-paragraphs (1) and (2) above the next suitable meeting of a local authority is their next following meeting or, where standing orders made by the Authority in accordance with regulations under section 20 of the Local Government and Housing Act 1989 provide for another meeting of the Authority to be regarded as suitable, either the next following meeting or that other meeting.*

19. Signing of minutes

19.1 As soon as the minutes of the Authority have been read, or taken as read, the Chairman shall put the question that the minutes be signed as a correct record.

20. Signing of minutes - extraordinary meetings

20.1 Where in relation to any meeting of the Authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of schedule 12 to the Local Government Act 1972, the next following meeting of the Authority (being a meeting called otherwise than under that paragraph) shall be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) (signing minutes) of that Schedule.

21. Accuracy of minutes

21.1 Minutes will contain all motions and amendments in the exact form and order the Chairman put them. No motion or discussion shall take place upon the minutes, except upon their accuracy, and 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 has been disposed of, the Chairman shall sign the minutes.

Rules of debate

22. Motions and amendments which may be moved without notice

22.1 The following motions may be moved without notice:

22.1.1 Appointment of a Chairman of the meeting at which the motion is moved.

22.1.2 Accuracy of the minutes.

22.1.3 The question be now put:

- ◆ the debate be now adjourned;
- ◆ the Authority do now adjourn;
- ◆ the Authority proceed to the next business.

22.1.4 Reference to a committee.

22.1.5 Adoption of reports and recommendations of committees or officers and any consequent resolutions.

22.1.6 Leave to withdraw a motion.

22.1.7 Amendment to a motion.

22.1.8 Extension of time limit for speeches.

22.1.9 Precedence for an item of business specified in the summons.

22.1.10 Suspension of a Standing Order in accordance with the provision of Standing Order 59.

22.1.11 A Member named under Standing Order 43 be not further heard or do leave the meeting.

22.1.12 Giving consent of the Authority where required by these Standing Orders.

22.1.13 Exclusion of the public and press in accordance with the Access to Information rules.

23. Motions and amendments

23.1 A motion or amendment shall not be discussed unless it has been proposed and seconded. Unless notice has already been given in accordance with Standing Order 22, it shall, if required by the Chairman, be put in writing and handed to the Chairman before it is further discussed or put to the meeting.

24. Limit to number of speeches

24.1 A Member shall be entitled to speak once on any motion, but shall not be entitled to speak more than once except:

- ◆ To speak once on an amendment moved by another Member
- ◆ If the motion has been amended since he last spoke, to move a further amendment
- ◆ In exercise of a right of reply given by Standing Order 29
- ◆ On a point of order
- ◆ By way of personal explanation
- ◆ To ask a question

25. Secunder of motion reserving speech

25.1 A Member when seconding a motion or amendment may, if he then declares the intention to do so, reserve his speech until later in the debate.

26. Withdrawal of motion or amendment

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

27. Amendments to motions

27.1 An amendment shall be relevant to the motion and shall be either:

- ◆ to leave out words;
- ◆ to leave out words and insert or add others;
- ◆ to insert or add words.

27.2 An amendment shall not be admitted if it has the effect of negating the motion before the Authority.

28. Order in which amendments to be taken

28.1 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 dealt with.

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

29. Right of reply

29.1 The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote. In his/her reply he/she shall strictly confine himself to answering previous speakers and shall not introduce any new matter into the debate.

29.2 If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

A Member may, however:

- ◆ Explain any material part of his speech which he/she believes to have been misunderstood;
- ◆ If the Member is the Chairman or other Member who has presented the report of a committee, he/she may, with the Chairman's consent, make a statement of the facts at the outset of the debate and also reply generally to the debate; and
- ◆ If he/she is the mover of a motion, speak with the leave of the Chairman on the motion or on any amendment thereto at any time during the debate.

30. Right to speak on a point of order

- 30.1 A Member may speak on a point of order or in personal explanation and shall be entitled to be heard forthwith.
- 30.2 A point of order shall only relate to an alleged breach of Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and the way in which he considers it has been broken.
- 30.3 A personal explanation shall be confined to some material part of the speech which he/she considers has been misunderstood.
- 30.4 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

31. Motions which may be moved during debate

- 31.1 When a motion is under debate no other motion shall be moved except:
- ◆ to amend the motion;
 - ◆ to postpone consideration of the motion;
 - ◆ to adjourn the meeting;
 - ◆ to adjourn the debate;
 - ◆ to proceed to the next business;
 - ◆ that the question be now put;
 - ◆ that a Member be not further heard;
 - ◆ that a Member do leave the meeting;
 - ◆ that the subject of debate be referred back to a committee;
 - ◆ to extend the time limit for speeches;
 - ◆ to suspend Standing Orders under Standing Order 59.

32. Closure motion

- 32.1 A Member who has not spoken in the debate may move without comment at the conclusion of a speech by another Member:

- ◆ That the Authority proceed to the next business;
 - ◆ That the question be now put;
 - ◆ That the debate now be adjourned;
 - ◆ That the Authority do now adjourn;
- on the seconding of which the Chairman shall proceed as follows:

32.2 On a motion to proceed to next business

32.2.1 Unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion a right to reply, and then put to the vote the motion to proceed to the next business.

32.3 On a motion that the question be now put

32.3.1 Unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, he/she shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his/her right of reply before putting the matter before the meeting to vote.

32.4 On a motion to adjourn the debate or meeting

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

32.5 A second motion that "the Authority proceed to the next business" or "the Authority do now adjourn" shall not be made within a period of one hour unless moved by the Chairman.

33. Rescission of preceding Authority resolution

33.1 No motion to rescind any resolution passed by the Authority within the preceding six months, and no motion or amendment to the same effect as one which has been defeated within the preceding six months, shall be moved unless notice thereof signed by at least five Members of the Authority, is delivered to the office of the Clerk at least ten days before the meeting at which it is to be considered.

33.2 When any such motion has been disposed of by the Authority, no Member shall move a similar motion within a further period of six months.

33.3 This order shall not apply to motions moved in or in respect of the report or recommendation of a committee.

34. Review of decisions made under delegated powers

- 34.1 The Authority, at its annual meeting will agree the delegations as set out in the Members Handbook.
- 34.2 Where a matter before the Authority is the subject of a decision taken in the exercise of delegated powers any motion, relating either to the matter or to the decision, to be moved at a meeting of the Authority or of the committee at which such powers were delegated, shall be in writing, shall be signed by at least five Members of the Authority, and shall be delivered to the office of the Clerk and Monitoring Officer not later than 10.00 am three working days before the meeting of the Authority at which it is to be considered. The Chairman of the relevant committee shall move the proposal for the review of the decision by the Authority.
- 34.3 No motion shall be admitted for consideration by the Authority for the review or the rescission of a decision taken under delegated powers:
- ◆ Where an officer or committee has taken the decision after hearing representation from persons other than Members of the Authority; and those
 - ◆ Where the decision concerns the appointment, grading, discipline or dismissal of a member of the Authority's staff.

35. Respect for Chairman

- 35.1 Whenever the Chairman speaks during a debate, a Member then speaking, and the Authority or committee, shall be silent.

36. Addressing the meeting

- 36.1 A Member when speaking shall address the Chairman. If two or more Members speak simultaneously the Chairman shall call on one to speak and the others shall then remain silent. While a Member is speaking the other Members shall remain silent, unless speaking on a point of order or in personal explanation.

37. Relevance and time limit

- 37.1 A Member shall direct his speech to the question under discussion or to a personal explanation or to a point of order. Except in the case of a Chairman or Member of a committee in either case presenting a report, no speech shall exceed five minutes without the consent of the Authority.
- 37.2 Provided that:
- ◆ Member moving a motion may speak for up to ten minutes;
 - ◆ Member moving an amendment may speak for up to seven minutes.

38. Admission of the public and press to meetings

- 38.1 Meetings of the Authority and any of its Committees or Sub-Committees shall be open to the public except to the extent that they are excluded (whether during the whole or part of the proceedings) under section 100A and part II of schedule 12A Local Government Act 1972 during the consideration of confidential items of business.
- 38.2 An item of business shall only be considered at a public meeting:
- ◆ where a copy of the agenda or part of the agenda, including the item, has been available for inspection by the public for at least five clear days before the meeting, or
 - ◆ where the meeting is convened at shorter notice a copy of the agenda including the item has been available for inspection by the public from the time that the meeting was convened.
- 38.3 A copy of the agenda and every report for a public meeting shall be available for inspection by the public at the offices of the Authority and at the offices of each of the constituent authorities.
- 38.4 If the Clerk and Monitoring Officer as proper officer thinks fit, there may be excluded from the copy of any report made available in accordance with paragraph 38.3 above the whole or any part of the report which relates only to the transaction of business during which, in the opinion of the Clerk, the meeting is likely not to be open to the public.
- 38.5 Any document which is required to be available for inspection by the public shall be available for inspection at least five clear working days before the meeting except that:
- ◆ where the meeting if convened on shorter notice a copy of the agenda and associated reports shall be available for inspection at the time when the meeting is convened;
 - ◆ where an item which would be available for inspection is added to the agenda (as an item of urgency) a copy of the revised agenda and of any report relating to that item shall be available for inspection by the public when the item is added to the agenda.
- 38.6 Nothing in these standing orders shall require a copy of the agenda, any item or report to be available for inspection by the public until a copy has been made available to Members of the Authority.
- 38.7 Where the whole or any part of a report is not to be available for inspection by the public every copy of the whole report or where relevant any part thereof shall be marked "not for publication" and that it contains confidential information by

reference to the descriptions of one or more categories of exempt information contained in Part II of schedule 12A Local Government Act 1972.

- 38.8 Except during any part of a meeting during which the public are excluded the Authority shall make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and reports.

39. Matters affecting staff employed by the Authority

- 39.1 If any question arises at a meeting of the Authority as to the appointment, promotion, dismissal, salary, superannuation or conditions of service or as to the conduct of any person employed or formerly employed by the Authority, a motion to exclude the public (including the press) from the meeting shall be made forthwith by the Chairman under Standing Order 22.1.13 identifying the description of exempt information giving rise to the exclusion of the public (under Schedule 12 (A) of the Local Government Act 1972).

40. Deputations

- 40.1 Deputations wishing to be received by the Authority, a Committee or Sub-Committee shall submit a request in writing to the Monitoring Officer at least 48 hours before the time of the meeting. The Clerk and Monitoring Officer shall report the petition to the Chairman of the Authority or to the appropriate Chairman of the Committee or Sub-Committee and to the Chief Fire Officer, and the Chairman of the Authority or Chairman of the relevant Committee shall decide whether the deputation shall be invited to attend the meeting in question.
- 40.2 A deputation invited to a meeting shall not exceed five in number and only two of its Members shall be at liberty to address the meeting.
- 40.3 The time allowed to any deputation or to any outside individual or body to make a presentation to the Authority, Committee, or Sub-Committee shall not exceed ten minutes in total unless the Chairman agrees a longer period.
- 40.4 The matter shall not be further considered by the meeting until the deputation has withdrawn to the area of the Committee Room allocated to members of the public.

41. Disorderly conduct by Members

- 41.1 If at a meeting any Member of the Authority, in the opinion of the Chairman notified to the Authority, misconducts himself by persistently disregarding the Chairman's ruling, by continuous irrelevance or tedious repetition, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Authority, the Chairman or any other Member may move "That the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

41.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried, the Chairman shall:

Either (a) move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion);

Or (b) adjourn the meeting of the Authority for such a period as the Chairman in his discretion shall consider expedient.

41.3 In the event of general disturbance which in the opinion of the Chairman renders the orderly dispatch of business impossible, the Chairman in addition to any power vested in him may, without any question put, adjourn the meeting of the Authority for such period as he/she in his/her discretion shall consider expedient.

42. Disturbance by the public

42.1 If a member of the public interrupts the proceedings at any meeting, the Chairman shall warn them. If they continue the interruption, the Chairman shall order their removal from the meeting. In the case of general disturbance to the meeting, the Chairman shall order that the offending members of the public be removed from the meeting.

43. Voting

*Local Government Act, 1972
Meetings and proceedings of local authorities
Section 99*

The provision of Schedule 12 to this Act shall have effect with respect to the meetings and proceedings of local Authorities and their committees.

Schedule 12: Part VI

(1) Subject to the provisions of any enactment (including any enactment in the Act) all questions coming or rising before a local authority shall be decided by a majority of the members of the Authority present and voting thereon at a meeting of the Authority.

(2) Subject to those provision in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

44. Method of recording votes

44.1 Every question shall be decided by a show of hands.

44.2 PROVIDED that, if six Members present at the meeting so require before the vote is taken, the names of Members shall be called out and their votes recorded in the minutes.

45. Recording of individual votes

- 45.1 Immediately after a vote is taken at a meeting of the Authority, or a committee, any Member who requires, may have recorded in the minutes of the proceedings of that meeting whether he/she cast his/her vote for the question or against the question or whether he/she abstained from voting.
- 45.2 [This standing order is prescribed by law]

46. Voting on appointments

- 46.1 Where more than two persons are nominated for any appointment and of the votes given there is not a majority in favour of one of them, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.
- 46.2 In the case of an equality of votes on an appointment, the Clerk and Monitoring Officer shall draw lots.
- 46.3 Voting shall be by show of hands unless a majority of those present decide the voting shall be by secret ballot.

47. Inspection of documents

- 47.1 A Member of the Authority may inspect, by application to the Clerk and Monitoring Officer, any document in the possession or under control of the Authority which contains material relating to any business to be transacted at a meeting of the Authority, or a committee unless it appears to the Clerk and Monitoring Officer that the document discloses confidential or exempt information (within the meaning of the Local Government Act 1972). A Member of the Authority may inspect any other documents in the possession or under the control of the Authority insofar as such inspection is reasonably necessary to enable him/her to properly perform his/her duties as a Member of the Authority.

48. Minutes open to inspection of Members

- 48.1 The minutes of the Authority and committees shall be open for the inspection of any member of the Authority.

Committees

49. Appointment of committees

- 49.1 The Authority shall appoint the committees at the annual meeting and may at any time alter the membership of a committee.
- 49.2 If in the year of any election to any of the five constituent authorities any Member of the Authority is re-elected to his or her constituent authority, then they shall remain a Member of the Authority and they shall remain a Member of any committee of the Authority to which they have been appointed until the constituent authority appoints their successor in May/June.

50. Appointment of Chairman and Vice-Chairman of a committee

- 50.1 Each committee may appoint, at their first meeting following the annual meeting of the Authority, a Chairman and Vice-Chairman.

51. Absence of Chairman or Vice-Chairman

- 51.1 In the absence from a meeting of a committee of both the Chairman and Vice-Chairman, a Chairman for the meeting shall be appointed from among the Members of the committee who are present.

52. Attendance at meetings

- 52.1 The Chairman, or in his/her absence the Vice-Chairman, of the Authority shall be entitled to attend all meetings of committees of which they are not Members, and to speak (but not vote) at such meetings.
- 52.2 A Member may be invited to attend a Local Performance & Scrutiny committee to represent a committee member who is unable to attend. In this circumstance the invited Member will have both speaking and voting rights and will be entitled to paid attendance, travel and subsistence.
- 52.3 Any Member of the Authority may attend the meeting of any committee of which he/she is not a Member but may not speak without the approval of the Chairman of the meeting and may not vote. Such a Member shall not be entitled to be paid attendance, travelling or subsistence allowances unless invited to attend the meeting.

53. Special meetings of committees

- 53.1 The Chairman of a committee may call on the Clerk and Monitoring Officer to summon a special meeting of the committee at any time.
- 53.2 A special meeting shall also be summoned on the requisition in writing of a half of the whole number of the Members of the committee.

53.3 The summons shall set out the business to be considered at the special meeting and no other business than that set out shall be considered at that meeting.

54. Quorum of committees

54.1 Except where authorised by statute or ordered by the Authority, business shall not be transacted at a meeting of a committee exercising delegated powers unless at least three Members who are entitled to vote are present.

55. Confidential matters

55.1 A Member shall not disclose without permission of the Authority or of the appropriate committee:

- ♦ The content of any document marked "Not for Publication" by virtue of being confidential or exempt, under the relevant provision of the Local Government Act of 1972;
- ♦ Any item dealt with as a confidential or exempt matter, unless or until it has been made public by the Authority or the committee.

56. Attendance of Monitoring Officer

56.1 The Clerk and Monitoring Officer or his representative shall attend the meetings of every committee.

57. Minutes of committees

57.1 Minutes shall be made of every meeting.

General provisions with regard to standing orders

58. Variations and revocation

58.1 Any motion, not being a recommendation of a committee, to vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

59. Suspension

59.1 Any of the preceding Standing Orders (except for Standing Order 45 (right to require individual vote)) may be suspended by the Authority for any item of business at the meeting where its suspension is moved.

60. Issue to Members

60.1 A copy of these Standing Orders shall be issued to each Member.

61. Interpretation of Standing Orders

- 61.1 The ruling of the Chairman of the Authority or, where appropriate, the Chairman of a committee, having taken the advice of the Clerk Monitoring Officer or his representative as to the construction or application of any of these Standing Orders, or as to any proceedings at the meeting shall be final.

62. Disciplinary action against the Chief Fire Officer

- 62.1 In the case of allegations against the Chief Fire Officer the matter shall be referred to the Authority who shall cause it to be investigated in accordance with the Advisory, Conciliation and Arbitration Service (ACAS) Model Scheme of Delegation.

63. Declarations of Interest

- 63.1 If any Member of the Authority or of any committee of the Authority has disclosed a disclosable pecuniary interest under the Localism Act and the Code of Conduct for Members, the Member shall specify fully the nature of the interest, which shall be recorded in the minutes of the meeting. A Member with such an interest must withdraw from the room whenever it becomes apparent that the matter is being considered, unless he/she has obtained prior consent in accordance with Standing Order 40 (Deputations), in which case he/she shall withdraw from the room or chamber immediately after making representations, answering questions or giving evidence.

(Note: It is the individual responsibility of each Member to decide whether an interest exists and, where appropriate, to declare it fully. Members should pay careful regard to the Code of Conduct.

64. Matters of urgency

- 64.1 Subject to 64.2 below, no item of business may be considered at a meeting of the Authority or a committee unless the agenda including the item and any accompanying report(s) have been open to inspection by the public for at least three clear working days before the meeting.
- 64.2 An item of urgency may however be brought before the Authority or a committee with the approval of the Chairman of the Authority, or a committee provided the Chairman is satisfied that there are special circumstances which justify consideration of the item.
- 64.3 Where an item is deemed to be a matter of urgency a minute specifying the special circumstances shall be included in the minutes of the meeting.

Item 18/08 Appendix C

Proposed Financial Regulations

Introduction and overview

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Introduction and Overview

1. Status of financial regulations

What are financial regulations?

These regulations identify the financial responsibilities of Dorset and Wiltshire Fire and Rescue Authority, its Committees, the Chief Fire Officer, the Clerk & Monitoring Officer, the Treasurer and other officers.

Who should read this document?

The regulations and procedures apply to all staff and Members of the Authority. The prime audience for financial regulations consist of:

- ◆ Members
- ◆ Chief Fire Officer
- ◆ Finance Officers
- ◆ Staff with financial responsibilities

More detailed guidance on how the regulations should be implemented in practice is contained in financial procedures, which apply to all Members and all staff.

Why have financial regulations?

Financial regulations form part of the means by which the Authority manages its business. They clarify responsibilities and provide a framework for decision making. Where there are specific statutory powers and duties, the financial regulations seek to ensure that these are duly complied with, as well as setting out best professional practices and processes for all activities and decisions of the Authority, its committees and the Service. Members and officers are required to maintain a written record of any decision-making that has been delegated to members of their staff, including seconded staff. When decisions have been delegated or been devolved to other bodies or responsible officers, references to Members or officers in the regulations should be read as referring to them.

In summary the financial regulations are the regulatory framework within which the financial affairs of the Authority operate.

Corporate governance and financial regulations

All staff and Members must comply with the three fundamental principles of public life, namely openness, integrity and accountability. These regulations reinforce the corporate governance standards governing organisational structures, financial reporting and internal controls and standards of behaviour. The Treasurer is responsible for reporting, where appropriate, breaches of the financial regulations to the Authority. He is also responsible for issuing advice and guidance to underpin

the financial regulations that Members, officers and others acting on behalf of the Authority are required to follow.

What do financial regulations cover?

The regulations apply to all the Authority's activities. In practice this means all budgets, money and funds administered by officers and Members in carrying out their duties across all the Authority's services and activities. This includes:

- ◆ Funds managed on behalf of third parties
- ◆ Partnership arrangements where the Authority is the Accountable Body
- ◆ External providers, such as outsourced services, contractors and consultants managed through the contract process. These include, for example, compliance with key controls procedures; performance standards and statistics; attendance at service client meetings and access to accounts.

Awareness and access

The Chief Fire Officer is responsible for ensuring that all employees with financial responsibilities are made aware of and have access to these regulations and the accompanying financial procedures that set out in more detail how they should implement and comply with the regulations.

Review of financial regulations

The Treasurer is responsible for maintaining a continuous review of these regulations.

Other rules

Apart from these regulations, all officers and Members must comply with certain other rules. These include:

The law:

- ◆ General and specific local government law
- ◆ General civic and criminal law
- ◆ The combination order

Other Authority rules:

- ◆ Standing Orders
- ◆ Scheme of Delegation
- ◆ Contract Standing Orders
- ◆ Human Resources policies and procedures
- ◆ Service Orders
- ◆ Financial procedures and guidance

Failure to comply with financial regulations or the instructions issued under them will constitute misconduct.

2. Definitions

In these Financial Regulations:

- ◆ “Dorset & Wiltshire Fire and Rescue Authority”, (“the Authority”,) is the Authority constituted in accordance with Statutory Instrument 2015 No. 435, The Dorset & Wiltshire Fire and Rescue Authority (Combination Scheme) Order 2015 and the amendments contained within The Fire and Rescue Authority (Membership) Order 2017.
- ◆ “Constituent authorities” are Bournemouth Borough Council, the Borough of Poole Council, Swindon Borough Council, Dorset County Council and Wiltshire Council.
- ◆ “Member” shall mean a person appointed to be a Member, or co-opted Member of the Authority by the constituent authorities.
- ◆ “Chief Fire Officer” - the person appointed as Chief Fire Officer by the Authority, and any person to whom the Chief Fire Officer has delegated any duties in respect of these Regulations, except where the regulations use the term ‘personally’, in which case only the Chief Fire Officer is referred to.
- ◆ “Treasurer” - the person appointed by the Authority with responsibility for the administration of the Authority’s financial affairs, in accordance with Section 151 of the Local Government Act 1972 and Section 112 of the Local Government Finance Act 1988. Treasurer shall include such persons as the Treasurer specifically authorises in writing for the purpose of these Regulations.
- ◆ “Officer” shall mean all persons appointed by the Authority, including uniformed and non-uniformed staff.

3. Changes to financial regulations

Any changes to Financial Regulations shall be drawn up jointly by the Chief Fire Officer, Treasurer and Clerk & Monitoring Officer and be approved by the Authority.

4. Suspension of financial regulations

If the Chief Fire Officer is of the opinion that any of these Regulations are inappropriate in particular circumstances, the Clerk & Monitoring Officer shall be informed in writing. The Clerk & Monitoring Officer may, after consultation with the Treasurer, authorise departure from these Regulations if satisfied that exceptionally, such departure is in the interests of the Authority. The Clerk & Monitoring Officer shall maintain a register of any such authorisations, which shall be available for inspection by any Member of the Authority, and will report such departures to the Authority.

Financial Regulation A: Financial Accountabilities and Management

Introduction

This section covers all the financial accountabilities in relation to running the Service, including the policy framework and the budget.

The Authority

- A1** The Authority is responsible for approving the overall policy framework and budget within which it operates. It is also responsible for approving and monitoring compliance with an overall framework of accountability and control. The Authority does not operate executive arrangements but has agreed that all key decisions are to be made by the full Authority.

The Authority is required to:

- ◆ Agree a budget requirement and set a precept on advice from the Treasurer
- ◆ Approve the Chief Fire Officers proposed allocation of resources
- ◆ Monitor financial outcomes
- ◆ Identify and agree long term spending commitments
- ◆ Approve a capital programme and its financing
- ◆ Decide on the level of general balances it wishes to maintain

The Finance and Governance committee

- A2** The Authority has delegated to this Committee, amongst other things overall responsibility for Audit. The Treasurer has day to day responsibility for this Committee, and will consult with the Committee as necessary on the content of the annual audit plans of both internal and external audit. The Committee is responsible for monitoring the delivery of both plans and additional work undertaken during the year. It also reviews internal audit reports and external audit statutory management letters and makes recommendations for appropriate action, and is responsible for providing independent assurance to the Authority on the effectiveness of the Authority's risk management, financial monitoring, governance and control arrangements.

Statutory Officers

Head of Paid Service (Chief Fire Officer) and his staff

- A3** The Chief Fire Officer, as Head of Paid Service, is responsible for the corporate and overall management of the Fire and Rescue Service. He or she must report to and provide information for the Authority, its committees and any joint committee of which the Authority is a constituent. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

- A4** The Chief Fire Officer is also responsible for, together with the Clerk & Monitoring Officer, for the system of record keeping in relation to all the Authority's decisions.
- A5** The Chief Fire Officer and his staff should have as much day to day responsibility for financial management of the Service as is possible within the framework of the agreed budget and rules of virement.
- A6** The Chief Fire Officer shall control expenditure and income, monitor performance, and take necessary action to avoid exceeding any financial allocation.
- A7** The Chief Fire Officer may authorise other officers to act on his behalf in sanctioning orders for payment, but such delegation does not in any way reduce the overall responsibilities of the Chief Fire Officer.
- A8** Where expenditure or income involves a contract with a third party, the Chief Fire Officer must follow the procedures laid down in Contract Standing Orders.
- A9** The Chief Fire Officer is authorised to incur expenditure for the purpose identified and up to the amount specified in such estimates as approved, including unspent balances from the previous year, within arrangements agreed by the Treasurer and reported to the Authority.

The Treasurer

- A10** The Treasurer as proper financial officer, has statutory responsibilities in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden and arises from:
- ◆ The Local Government Act 1972
 - ◆ The Local Government Finance Act 1988
 - ◆ The Local Government and Housing Act 1989 and
 - ◆ The Account and Audit Regulations
- A11** The Treasurer is responsible for:
- ◆ The proper administration of the Authority's financial affairs
 - ◆ Setting and monitoring compliance with financial management standards
 - ◆ Advising on the corporate financial position and on key financial controls necessary to secure sound financial management
 - ◆ Providing financial information
 - ◆ Preparing the revenue and capital programme
 - ◆ The maintenance of an adequate and effective internal audit
 - ◆ Treasury Management
- A12** In accordance with Section 114 of the Local Government Finance act 1988, the Treasurer must report to the Authority if it or one of its officers:
- ◆ has made, or is about to make, a decision which involves incurring unlawful expenditure

- ◆ has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority
- ◆ Is about to make an unlawful entry in the Authority's accounts.

A13 Section 114 of the 1988 Act also requires the Treasurer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under Section 114 personally.

Clerk and Monitoring Officer

A14 The Monitoring Officer has responsibility for reporting any illegal action, actual or potential breach of any law, code of practice or maladministration or injustice, by:

- ◆ The Authority or any of its Committees or Sub-Committees
- ◆ Any officer of the Service
- ◆ Any employee of the Service, including any fire officer, or local authority or organisation providing services to the Authority

A15 Specifically the Clerk and Monitoring Officer role entails:

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

Other financial accountabilities and management

A16 Virement

Once the annual revenue and capital budgets are approved, and subject to provisions within these Financial Regulations and Standing Orders, the Chief Fire Officer has authority to incur expenditure without the need to obtain further approval from the Authority, except where:

- ◆ the Chief Fire Officer proposes a change in policy and/or objectives in corporate plans and/or
- ◆ there is a proposed virement in excess of £100,000.

Virement is defined as the movement of resources from one budget head to another.

A17 Money may then be spent on any item and at any time in the financial year concerned, provided that either:

- (i) enough money has been earmarked for the item in the budget; or,
- (ii) enough money can be transferred from another budget head (virement), and for amounts in excess of £25,000 the transfer is given prior written approval by the Treasurer.

- A18** Virement shall not be from a capital budget to a revenue budget except where the Authority has approved an amendment of direct revenue funding or the use of balances.

Year-end balances

- A19** The Authority is responsible for agreeing procedures for carrying forward under and overspendings on budget headings on the advice of the Treasurer.

Accounting policies, records, statements and returns

- A20** The Treasurer is responsible for:

- ◆ determining accounting policies and financial systems and ensuring they are applied consistently
- ◆ determining the accounting procedures and financial records for the Authority
- ◆ ensuring that the annual statement of accounts is prepared and certified in accordance with the Code of Practice on Local Authority Accounting in the UK: A statement of Recommended Practice (CIPFA/LASAAC)

Debt write-off, write-off of redundant stock and stock adjustments

- A21** The Chief Fire Officer is authorised to write off debts, redundant stock and stock adjustments up to and including the value of £5,000 personally.
- A22** Debts and/or redundant stock and/or stock adjustments above £5,000 but not exceeding £20,000 can be written off by the Chief Fire Officer subject to written approval of the Treasurer and the Clerk & Monitoring Officer.
- A23** Debts and/or redundant stock and/or stock adjustments in excess of £20,000 require the approval of the Authority to be written off.

Financial Regulation B: Financial Planning

Introduction

The Authority is responsible for agreeing the Service's policy framework and budget, which will be proposed by the Chief Fire Officer. In terms of financial planning, the key elements are the:

- ◆ Community Safety Plan
- ◆ Revenue budget
- ◆ Capital programme
- ◆ Reserves and balances

Budgeting

- B1** The general format of the budget will be approved by the Authority and proposed by the Chief Fire Officer on the advice of the Treasurer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget preparation

- B2** The Treasurer is responsible for ensuring that a budget and a long term budget plan or forward financial forecast (Medium Term Financial Plan) is prepared on an annual basis for consideration by Members. The Authority may amend the budget or ask Members to reconsider it before approving it.
- B3** Members in consultation with the Treasurer are responsible for issuing guidance on the general content of the budget as soon as possible following approval by the Authority.
- B4** The Chief Fire Officer is responsible for ensuring that budget estimates reflecting agreed service plans are submitted to the Members, and that the estimates are prepared in line with Members' guidance.

Budget monitoring and control

- B5** The Treasurer is responsible for providing appropriate financial information and systems to enable budgets to be monitored effectively. The Treasurer must monitor and control expenditure against budget allocations and report regularly to the members on the overall financial position.
- B6** The Chief Fire Officer is responsible for controlling income and expenditure on his or her budgets and for monitoring performance, taking account of financial information provided by the Chief Financial Officer. Variances shall be reported to the appropriate committee and officers should take any necessary action to avoid exceeding their budget allocation and alert the Chief Financial Officer to any problems.
- B7** The Treasurer is responsible for issuing guidelines on budget preparation to Members and senior officers, taking into account the policy framework determined by the Authority.

Capital programme

- B8** The Treasurer is responsible for ensuring that a capital programme is prepared each year for consideration by the Members, before submission to the Authority.
- B9** The Chief Fire Officer is responsible for the control of expenditure against the approved capital programme and for the provision of timely, complete and accurate financial information as required by the Authority and the Treasurer.
- B10** The Chief Fire Officer and the Treasurer may approve an increase in the capital programme of up to £50,000, and the Chief Fire Officer and Treasurer in consultation with the Chairman of the Authority may approve an increase of up to £100,000. In both cases the approved expenditure must be reported to the Authority.

Reserves and balances

- B11** The Treasurer is responsible for advising the Authority on prudent levels of reserves.

Financial Regulation C: Risk Management and Control of Resources

Introduction

It is essential that robust systems are developed and maintained for identifying and evaluating all significant financial and operational risks to the Authority on an integrated basis. This should include the proactive participation of all staff associated with planning and delivering services.

Risk management

- C1** The Authority is responsible for approving the risk management policy and strategy and for reviewing the effectiveness of risk management.
- C2** The Chief Fire Officer is responsible for ensuring that proper insurance exists where appropriate.
- C3** The Chief Fire Officer is responsible for preparing the Authority's risk management policy statement and for promoting it throughout the Service, and for advising the Members on proper insurance cover where appropriate.

Internal control

- C4** Internal control refers to the systems of control to ensure that the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- C5** The Treasurer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations and other relevant statements and best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently and in accordance with the statutory and other authorities that govern their use.
- C6** The Chief Fire Officer is responsible for establishing sound arrangements for planning, appraising, authorising and controlling operations to achieve continuous improvement, economy, efficiency and effectiveness and for achieving financial performance targets.
- C7** The Authority is required to approve on an annual basis an Annual Statement of Assurance containing, amongst other things:
- ◆ a statement, in accordance with the Accounts and Audit Regulations, on measures (including a system of internal control) taken by the Authority to ensure appropriate business practice high standards of conduct and sound governance; and

- ◆ in accordance with the Fire and Rescue Service National framework requirements, an annual assurance statement on financial governance and operational matters and showing how the Authority has had due regard to the expectations set out in their Community Safety Plan and the requirements included in the Framework.

Audit requirements

- C8** The Account and Audit Regulations require all relevant authorities to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance process.
- C9** The Authority is also required to comply with the relevant legislative requirements in relation to external audit.
- C10** The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies which have statutory rights of access, e.g. HM Revenue and Customs.

Preventing fraud, corruption and bribery

- C11** The Chief Fire Officer and Treasurer are jointly responsible for the development and maintenance of an anti-fraud and corruption, and anti-bribery and whistleblowing policies, and for maintaining procedures to prevent fraud, corruption and bribery.
- C12** Any officer or Member who suspects that these Regulations have been or may be breached, or that resources of the Authority have been or may be stolen, must immediately notify the Treasurer personally, or any specific officer designated by the Treasurer. The Treasurer will as appropriate, in consultation with the Chief Fire Officer and the Clerk and Monitoring Officer, decide on an appropriate course of action.
- C13** The Treasurer and the Clerk & Monitoring Officer shall report to the Authority any circumstances which could involve the Authority in:
 - (i) unlawful expenditure;
 - (ii) an unlawful action which could result in a potential loss or deficiency to the Authority: or
 - (iii) an unlawful entry in the accounts.
- C14** The Authority is required to approve a policy on gifts, loans and sponsorship.
- C15** The Chief Fire Officer is responsible for administering the policy agreed by the Authority on the acceptance of gifts, loans and sponsorship, and for ensuring that the prior approval of the Authority is obtained before accepting gifts, loans and sponsorship over the value of £10,000.
- C16** The Chief Fire Officer is responsible for maintaining a register of offers of gifts, loans or sponsorship, which shall be open to inspection by any Member of the Authority.

Assets

- C17** The Chief Fire Officer should ensure that all records and assets are properly maintained and securely held. The Chief Fire Officer should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
- C18** The Chief Fire Officer shall keep an asset register of all property and such inventories and stores records as are necessary, under arrangements approved by the Treasurer which will be subject to periodic checks.
- C19** The Authority will be required to approve:
- (a) the acquisition of land or buildings or disposal of land or buildings considered to be surplus
 - (b) the disposal of any material asset valued in excess of £50,000
 - (c) the write off of redundant stock and/or stock adjustments in excess of £20,000 (see A23 above).
- C20** The relevant procedures as set out or referred to in the Authority's Contract Standing Orders will apply to the acquisition and disposal of land and buildings and the disposal of material assets as provided for at C19(a) and (b) above.
- C21** Any proposals to enter into leasing arrangements must be agreed in advance with the Treasurer and in accordance with any requirements laid down by the Authority. The agreement of any terms for the leasing of any property or the taking of any interest in property must be undertaken only after suitable professional advice has been taken.

Banking arrangements

- C22** The Treasurer is responsible for making such arrangements as are appropriate and necessary with the Authority's bankers relating to all financial transactions and the setting up and closing of subsidiary accounts.
- C23** The Chief Fire Officer is responsible for the daily management and operation of the bank accounts under arrangements agreed by the Treasurer.
- C24** The Chief Fire Officer should arrange for imprest (petty cash) accounts in accordance with arrangements agreed by the Treasurer.

Treasury management

- C25** The Treasurer, as the officer designated for the purposes of Section 112 of the Local Government Act 1988, controls all money in the hands of the Authority.
- C26** The Treasurer has delegated responsibility for implementing and monitoring the Treasury Management Policy Statement and is responsible for making all decisions on borrowing, investment, and financing for monies under his control, in

accordance with CIPFA's 'Code of Practice for Treasury Management in Local Authorities'.

- C27** The Treasurer must report at least annually to the Authority on treasury management activities and decisions implemented, each annual report being made not later than 30 June in the year following the financial year reported on.
- C28** The Authority is required to approve the Treasury Management Policy Statement setting out the matters detailed in CIPFA's 'Code of Practice for Treasury Management in Local Authorities'.

Staffing

- C29** The Chief Fire Officer (as Head of Paid Service) is responsible for providing overall management of staff, and under the advice from the Director of People Services, is also responsible for determining and monitoring adherence to staffing policies and procedures and for ensuring that there is proper use of the evaluation or other agreed systems for determining the pay for all staff.
- C30** The Chief Fire Officer is responsible for controlling staff numbers by:
- ◆ advising the Members on budget necessary in any given year to cover estimated staffing levels
 - ◆ the proper use of appointment procedures in line with advice from the Director of People Services
 - ◆ adjusting the staffing numbers within approved budget provision, varying the provision as necessary within the constraint to meet changing operational needs

Financial Regulation D: Financial Systems and Procedures

Introduction

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

General

- D1** The Treasurer is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. The Service leadership team officers are responsible for the proper operation of financial processes in their own departments in line with advice issued by the Treasurer. Any changes made by officers to the existing agreed financial procedures to meet their own specific service needs, should be agreed with the Treasurer.
- D2** The Chief Fire Officer should ensure all staff receive relevant financial training which has been approved by the Treasurer.
- D3** The Chief Fire Officer must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Officers must

ensure that staff are aware of their responsibilities under the freedom of information legislation.

Income and expenditure

- D4** The Chief Fire Officer is responsible for ensuring that a proper scheme of delegation has been established and is operating effectively. The scheme of delegation should identify staff authorised to act on behalf of the Chief Fire Officer in respect of payments, income collection and placing orders together with the limits of their authority. As part of the overall control framework of accountability and control, the Treasurer is responsible for specifying procedures for ordering, making payments and for collecting income, and for approving procedures for writing off debts.
- D5** It is the responsibility of the Treasurer to advise on the establishment and operation of trading accounts and business units and determine the financial arrangements under which these are operated.

Payments to employees and Members

- D6** The Treasurer is responsible for all payments of salaries, wages and allowances to all staff, Members and pensioners.
- D7** At the Chief Fire Officer's discretion, ex-gratia payments may be awarded to members of the Fire & Rescue Service for personal injury, damage and loss of property, but only up to the actual loss incurred after insurance pay outs are taken into account. Payment is restricted to £500 and only if the injury, damage and/or loss occurred while the person was on duty except that no pay out will be made for any loss which could reasonably be expected to have been insured but was not insured.

Unofficial funds

- D8** Unofficial Funds shall be operated in accordance with instructions issued by the Chief Fire Officer and the Treasurer. All such funds are to be properly audited.

Legal proceedings and public inquiries

- D9** The Clerk & Monitoring Officer shall be empowered to institute legal proceedings for recovery of sums due to the Authority and for the possession of Authority property, to lay information, to make complaints, to institute defend or settle proceedings, to take legal action to enforce rights or obligations, to appear at public inquiries where in his or her opinion it is in the Authority's interest, and to engage counsel.

Contracts

- D10** Those responsible for procuring work, goods or services on behalf of the Authority must adhere to the requirements both of contract procedure rules and financial

regulations. They must also ensure that the most commercially advantageous terms are obtained and that acquisitions can be justified and clearly linked to approved service objectives. In addition, the Public Services (Social Value) Act 2012 requires that the Fire Authority also consider economic, social and environmental wellbeing, as well as value for money, when procuring services on behalf of the Authority which exceed the EU threshold for procurement. (Please note that this does not apply to goods or works).

Taxation

- D11** The Treasurer is responsible for advising officers on all taxation issues that affect the Service in the light of guidance issued by appropriate bodies and relevant legislation.
- D12** The Treasurer is responsible for maintaining the Service's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date.

Financial Regulation E: External Arrangements

Introduction

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

Partnerships

- E1** The Authority is responsible for approving a partnerships policy which sets out the framework for ensuring that partnership arrangements are effective and efficient.
- E2** The policy should cover the levels of approval for participation in a partnership, assessment of risk, liability and financial commitment, clarity of purpose, reporting arrangements and accountability, access to records and audit arrangements, conflict resolution and dissolution procedures.
- E3** The Treasurer and Clerk & Monitoring Officer are responsible for promoting and maintaining within all partnerships, the same high standards of conduct with regard to legal, corporate governance and financial affairs as apply throughout the Authority.

External funding

- E4** The Treasurer is responsible for the Authority's arrangements for the pursuit, receipt and recording of external income.

Work for third parties

- E5** The Treasurer and Clerk & Monitoring Officer are responsible for approving the contractual framework for the provision of services to third parties or external bodies.

Item 18/08 Appendix D

Proposed Scheme of Delegation to Officers

1. Foreword

- 1.1 In order to be able to operate efficiently and effectively the Fire and Rescue Service needs a scheme of delegation which where necessary enables decisions to be made quickly and by the right person without the need for referral through tiers of managers.
- 1.2 As in other types of local authority, combined Fire and Rescue Authority 'Authority' decision making takes place within a sometimes-complex legal framework within which staff are accountable to councillors appointed to the Authority by its five constituent councils.
- 1.3 This document describes how within a legal framework the Fire and Rescue Authority has been able to move away from a very detailed scheme of delegation to one which is more flexible and gives officers greater freedom to make decisions within a framework set by councillors.

Scheme of Delegation

- 1.4 In place of a scheme of delegation listing very specific things that the Chief Fire Officer, Clerk and Monitoring Officer and Treasurer are permitted to, and are permitted to authorise others to do on their behalf, this new scheme of delegation takes as its starting point:
 - ◆ A presumption that officers have delegated authority to exercise functions and make decisions about the service areas for which they are responsible.
 - ◆ That senior managers will delegate functions and decision making to the most appropriate levels within their services so that staff are free to do their jobs without having to needlessly refer questions through tiers of management.
 - ◆ A requirement that all staff will operate within the overall policies approved by the Fire and Rescue Authority and the limitations described in this scheme of delegation.
- 1.5 Reviewing the scheme of delegation has also provided an opportunity to be clear about the respective roles of councillors and officers. Through the introduction of local performance committees this has included defining the role of local performance committee members as the representatives of their communities and the introduction of requirements on officers to engage and consult with local performance committees before exercising any delegated authority which would have particular local impact.

2. How decisions are made

- 2.1 The Fire and Rescue Authority's decision-making arrangements operate in accordance with section 101 of the Local Government Act 1972 under which decisions are made:
- ◆ By the full Authority; or by a committee of the Authority; or
 - ◆ By an officer exercising delegated authority.
- 2.2 Unlike the constituent councils the Fire and Rescue Authority does not operate executive/Cabinet style decision-making arrangements. Instead all decisions are made by the full Authority or by a committee or an officer acting on behalf of the Authority.
- 2.3 Although not an executive/Cabinet type arrangement the Authority has reserved to itself the responsibility for setting overall policy direction.
- 2.4 The decisions which the full Fire and Rescue Authority has reserved to itself are:
1. Approval of the Community Safety Plan and any significant amendments to it or the Integrated Risk Management Programme (Communities Programme)
 2. Approval of any significant reports and proposals issued for public consultation
 3. Approval of the annual budget and agreement as to the precept to give effect to the budget
 4. Approval of the Medium Term Finance Plan
 5. Maintaining a comprehensive performance management system to ensure that the authority's objectives are being met
 6. Treasury management strategy and policies.
 7. Approve and adopt a scheme of standing orders

3. Delegations to officers

- 3.1 Local authority and combined Fire and Rescue Authority decisions are made by elected members but in order for an authority to be able to function on a day to day basis the law enables the full Authority to delegate certain of its functions to officers to exercise on behalf of the Authority. In addition, there are some functions which the law says must be exercised by specific officers.
- 3.2 The Fire and Rescue Authority's statutory officers are the Chief Fire Officer who is also the head of paid service, the Treasurer and the Clerk and Monitoring Officer. The Chief Fire Officer, the other brigade managers and the Clerk and Monitoring Officer are the "senior managers" for the purposes of this scheme and are accountable to the Fire and Rescue Authority for how functions are exercised and how decisions are made within the areas for which they are responsible.

- 3.3 Each of the old authorities' schemes of delegation were very detailed, listing functions delegated to officers, sometimes by reference to individual acts and regulations. These schemes were difficult to maintain and keep up to date and it was sometimes found that there were gaps, meaning that action could not be taken when it was needed because officers lacked specific authority.
- 3.4 The Localism Act gave local authorities a general power of competence (a power to do anything that an ordinary individual may do, unless the law contains some prohibition or limitation on acting). At the same time, the Localism Act extended the powers of fire and rescue authorities by enabling them to do anything considered appropriate for the purposes of carrying out their functions and anything considered appropriate for purposes incidental to their functions.
- 3.5 This scheme of delegation is modelled on the Localism Act approach in the sense that its starting point is a presumption that officers have delegated authority to exercise functions and make decisions in relation to the service areas for which they are responsible. This ability to act will give staff greater freedom and flexibility to act and is subject only to the requirements and limitations set out in this scheme.
- 3.6 Although the general approach in this scheme is a presumption that all officers have authority to exercise functions and make decisions in relation to the service areas for which they are responsible it is still important that this scheme should describe the roles and duties of the three statutory officers and the powers delegated to them in order to perform their duties in addition there are some specific delegations to the statutory officers which need to be set out in the scheme. These delegations may only be exercised by them personally or by an officer authorised by them in writing for that purposes. These delegations are set out at the end of this scheme.

4. Conditions and limitations on the exercise of delegated authority by officers

- 4.1 These conditions and limitations apply not only to senior managers but also to any other officer exercising delegated authority under this scheme. Senior managers must draw attention to the requirements of these conditions and limitations and through line management ensure that they are complied with.
- 4.2 Any action by an officer under delegated powers shall be in accordance with the overall policies approved by the full Fire and Rescue Authority any relevant decision of a committee of the Authority. Officers will also comply with principles for good decision making, described below.
- 4.3 If authority to act has been reserved to the full Fire and Rescue Authority or a committee then no officer may exercise delegated authority in relation to that matter without the approval of the Authority or committee. This limitation includes the ability to make key decisions. A key decision is one which has financial

implications in excess of current provision, for the Authority of more than £100,000 or which will effect response standards or other aspects of service delivery to a significant extent in the area of one or more of the constituent councils. Key decisions will be made by the full Fire and Rescue Authority only.

- 4.4 Before exercising any delegated power officers must consider whether the decision to be made is of such a nature that it ought to be referred for a collective decision by the full Authority. Through the Chief Fire Officer or other appropriate brigade manager clear communication must be maintained with the Chairman of the Authority and where appropriate with political group leaders so that they can if necessary require significant or sensitive issues to be referred to the full Fire and Rescue Authority for decision.
- 4.5 Officers must also consider whether a decision proposed to be taken under delegated powers might have a particular local significance necessitating consultation with the Chairman of or wider member of a local performance and scrutiny committee. If Members of a local performance and scrutiny committee object to a decision being taken under delegated powers, then that decision must be referred to the full Fire and Rescue Authority for a decision.
- 4.6 The other brigade managers have a responsibility for advising the Chief Fire Officer and elected members on strategic issues and they have an overall responsibility for the groups of services they lead and are accountable to councillors for the performance of those services. Service managers and their staff when considering the exercise of delegated authority must be alert to this accountability and should consult the appropriate brigade manager if a delegated decision is likely to be as sensitive or significant (such that the Director might need to consult with the Chief Fire Officer or councillors).
- 4.7 Delegated decisions must not involve the adoption of a new policy or major extension of an existing policy and shall exclude any instance where the magnitude or controversial nature of a proposal is such that responsibility for the decision should be taken by the full Fire and Rescue Authority. Key decisions must be referred to councillors for a collective decision.
- 4.8 All decisions, whether by the full Fire and Rescue Authority/a committee or by officers acting under delegated powers must be in accordance with the principles for good decision making. These are:
 1. Proportionality i.e. the action should be proportionate to the desired outcome.
 2. Due consultation and taking account of professional advice.
 3. Respect for human rights and equalities law.
 4. Presumption in favour of openness
 5. Clarity of aims and desired outcomes.

6. The decision reflects a balance of evidence or legal or financial position
7. The requirement to be able to provide reasons for decisions

4.9 Increasingly there are circumstances where the Fire and Rescue Authority may enter into partnership arrangements with other local authorities, health bodies or other organisations for the shared delivery of services. These arrangements may involve shared budgets, delegations of roles across organisations, shared staffing and management structures. Under any such arrangements it may be necessary for a senior manager to give delegated authority act to someone employed by a partner body and not by the Fire and Rescue Authority. In such cases particular care must be taken to describe in writing the limits of the extent of delegated authority to act on behalf of the Fire and Rescue Authority.

4.10 Where a proposed exercise of delegated authority is such that the Chairman should be consulted and the Chairman is absent or otherwise unavailable then the Vice Chairman should be consulted. Similarly, in the absence of the Chairman of a committee or group leader a Vice Chairman or deputy should be consulted

5. General indemnity

5.1 All councillors and officers involved in decision making on behalf of the Fire and Rescue Authority are protected by a general indemnity which protects each of them from personal liability for the consequences of action taken in good faith on behalf of the Authority.

6 Specific delegations

6.1 The starting point for the delegated authority to staff to act is the general authorisation in Section 3, above given to all officers to act within their roles. There are though instances where the Chief Fire Officer, Treasurer and Clerk and Monitoring Officer retain very specific powers to act and these are listed below:

6.1.2 Chief Fire Officer role

The Chief Fire Officer is the Head of Paid Service responsible for operational leadership of the Fire and Rescue Service and is also the Fire and Rescue Authority's professional adviser on all matters which are not the responsibility of either the Treasurer or the Clerk and Monitoring Officer.

In summary, the Chief Fire Officer's duties are to:

- ◆ Advise the Fire and Rescue Authority on the discharge of its statutory responsibilities, its powers and duties
- ◆ Provide professional leadership of the service and be responsible for operational service delivery

- ◆ Ensure a cohesive policy in planning for all emergencies within the responsibility of the Fire and Rescue Authority and to take command of incidents as necessary
- ◆ Develop and deliver key strategies for discharging the Fire and Rescue Authority's statutory responsibilities.
- ◆ Recommend the resources necessary for the efficient and effective operation of the Fire and Rescue Service
- ◆ Monitor the overall expenditure of the Fire and Rescue Service budget to meet approved objectives and standards of service
- ◆ Develop and recommend to the Fire and Rescue Authority key organisational reports and plans including the Community Safety Plan and Integrated Risk Management Plan.
- ◆ Maintain effective working relationships and liaise with local and national partners on Fire and Rescue Service related issues including but not limited to the other emergency services.
- ◆ Provide the Fire and Rescue Authority with professional advice on all matters relating to the future of the Service.
- ◆ To liaise with the Treasurer and the Clerk and Monitoring Officer on matters relating to the operation of the Fire and Rescue Authority.

6.1.3 Powers Delegated to the Chief Fire Officer

To exercise all powers necessary to fulfil the role and duties of Chief Fire Officer including but not limited to the following powers:

a) Operational

The power to take all operational decisions in relation to the Fire and Rescue Service.

b) Asset Management

To authorise, in cases of urgency, the acquisition or disposal of land or any other transactions which he considers to be in the best interests of the Authority, after consultation with the Chairman and the Vice-Chairman and after having taken advice from the Treasurer and the Clerk and Monitoring Officer.

To make applications for planning permission.

c) Partnership arrangements

To enter, manage and invest in partnership arrangements with such other bodies (both public and private) where they directly contribute to the aims, objectives and statutory functions of the Fire and Rescue Authority.

d) Fire Safety

To exercise all the powers of the Fire and Rescue Authority under fire safety legislation including as an enforcement authority, statutory consultee or adviser to other agencies.

e) Personnel

To deal with all matters relating to the paid employment of persons by the Fire and Rescue Authority other than brigade manager roles.

To approve in the re-appointments of Group managers and below (and their corporate staff equivalents). This should be only exercised in exceptional circumstances when such a decision is necessary in the interests of public safety. Any such appointment must be transparent, justifiable and time limited.

f) Health and Safety

To discharge the responsibilities and duties of the Fire and Rescue Authority under health and safety legislation.

g) General

After consultation with the Chairman, Vice-Chairman and group leaders, to respond to consultation documents on behalf of the Fire and Rescue Authority.

After consultation with the Chairman and in exceptional circumstances only to authorise surveillance for all purposes under the Regulation of Investigatory Powers Act 2000, including where there is a likelihood of acquiring confidential information. (note the authorisation of surveillance where there is a likelihood of acquiring confidential information is personal to the Chief Fire Officer and the Clerk and Monitoring Officer and may not be delegated by them to others to act on their behalf.)

In consultation with the Chairman and Clerk and Monitoring Officer, the Chief Fire Officer may sign up to external charters provided it is within the general scope of delegations associated with this role. Where this is not within scope of his delegations, the Chairman in consultation with the Clerk and Monitoring Officer may decide the appropriateness of tabling this as a matter for consideration by the Authority.

6.1.4 Treasurer role

The Treasurer is the Fire and Rescue Authority's professional adviser on financial matters.

In summary, the treasurer's duties are to:

- ◆ Provide financial advice on all aspects of the Fire and Rescue Authority's activity, including strategic planning and policy making
- ◆ Advise on financial propriety
- ◆ Ensure that accurate, timely and complete financial management information is provided to the Fire and Rescue Authority and the Chief Fire Officer
- ◆ Secure the preparation of statutory and other accounts
- ◆ Secure the provision of an effective audit service and provide assurance of safe and efficient financial arrangements
- ◆ Secure treasury management, including loans and investments
- ◆ Advise in consultation with the Clerk and Monitoring Officer on the safeguarding of assets, including risk management and insurance
- ◆ Arrange for the determination, issue and transfer of the precept; and
- ◆ Advise on budgetary matters including any consequent long-term implications
- ◆ To liaise with the Chief Fire Officer and the Clerk and Monitoring Officer on matters relating to the operation of the Fire and Rescue Authority.

6.1.5 Powers Delegated to the Treasurer

To exercise all powers necessary to fulfil the role and duties of Treasurer including but not limited to the following powers:

- a) As "Proper Officer" in relation to the following provision of the Local Government Act 1972:
 - ◆ In Section 115(2) as the officer who shall receive all money due from every officer employed by the Authority.
 - ◆ In Section 146(1) as the officer in relation to transfers of securities on alteration of area, etc.
 - ◆ In Section 151 as the officer responsible for the proper administration of the Authority's financial affairs.
- b) "Chief Financial Officer" for the purposes of Section 6 of the Local Government and Housing Act 1989.
- c) To incur overdraft on the Authority's bank accounts, the net pooled balance not to exceed £50,000 overdrawn at any one time.
- d) In relation to the Local Government Pension Scheme be responsible for:
 - ◆ admission to scheme
 - ◆ application of interchange rules
 - ◆ surrender of allowances
 - ◆ reintroduction of child's pension.

6.1.6 Clerk and Monitoring Officer Role

The Clerk and Monitoring Officer is the Fire and Rescue Authority's professional adviser on legal, procedural and conduct matters.

In summary, the Clerk and Monitoring Officer's duties are to:

- ◆ Ensure that the Fire and Rescue Authority acts within and through the law, acting as the designated Monitoring Officer under the Local Government and Housing Act 1989.
- ◆ To oversee the Fire and Rescue Authority's decision-making processes, support the Chairman at Authority and Committee meetings and to ensure that decisions are recorded and implemented,
- ◆ To be responsible for the safekeeping of the Fire and Rescue Authority's Common Seal.
- ◆ To provide independent, timely and reliable advice and information on those matters which are not the responsibility of the Chief Fire Officer or the Treasurer
- ◆ To advise the Fire and Rescue Authority on its duties, powers and procedures.
- ◆ To advise the Fire and Rescue Authority and the Chief Fire Officer on issues of governance and public service policy.
- ◆ To advise the Independent Remuneration Panel and implement the agreed scheme of members' allowances.
- ◆ To keep the register of members' disclosable pecuniary interests and to respond to members' requests for advice about their interests.
- ◆ To liaise with the constituent councils about appointments to the Fire and Rescue Authority.
- ◆ To liaise with the Chief Fire Officer and the Treasurer on matters relating to the operation of the Fire and Rescue Authority.

6.1.7 Powers Delegated to the Clerk and Monitoring Officer

To exercise all powers necessary to fulfil the role and duties of Clerk and Monitoring Officer including but not limited to the following powers

- a) To be "Proper Officer" in relation to all provisions in the Local Government Act 1972 concerning:
 - ◆ Receipt of any councillor's declaration of acceptance of office or written notice of resignation.
 - ◆ The summoning of meetings
 - ◆ Receipt of notice and recording of any councillor's interest in contracts with or tenancies of premises owned by the Authority (Section 96(1)).
 - ◆ In Section 225 - the officer with whom documents shall be deposited and in Sections 229 and 234 - the officer who shall certify and authenticate documents on behalf of the Authority.

- b) To be Proper Officer in relation to the provisions of the Local Government and Housing Act 1989 regarding political groups and the allocation of seats to political groups.
- c) To be "Proper Officer" for the purposes of the Local Government (Access to Information) Act 1985.
- d) To be Clerk and Monitoring Officer under the Local Government and Housing Act 1989, the Local Government Act 2000 and the Localism Act 2011.
- e) As its solicitor to institute, defend or settle legal proceedings on behalf of the Fire and Rescue Authority, to appear on behalf of the Authority in proceedings and at any tribunal, to engage counsel and to take all necessary action in connection with such proceedings.
- f) To keep the Fire and Rescue Authority's common seal and sealing or sign any order, deed or other document necessary to give effect to a decision of the Authority or a committee, sub-committee or officer acting under delegated powers.
- g) After consultation with the Chairman and in exceptional circumstances only to authorise surveillance for all purposes under the Regulation of Investigatory Powers Act 2000, including where there is a likelihood of acquiring confidential information. (note the authorisation of surveillance where there is a likelihood of acquiring confidential information is personal to the Chief Fire Officer and the Clerk and Monitoring Officer and may not be delegated by them to others to act on their behalf.)
- h) As the "qualified person" to determine whether information should be regarded as exempt from publication under Section 36 of the Freedom of Information Act 2000.