Policies

The Dorset & Wiltshire Fire and Rescue Authority's high level policies are listed below.

These are not included in this handbook, however, they can be found in the electronic Members' Handbook on our website via https://www.dwfire.org.uk/about-us/who-we- are/service-plans-and-policies/

1. Asset Management Policy
2. Corporate Governance Policy
3. Financial Management Policy
4. Health and Safety Policy
5. People Policy
6. Prevention Policy
7. Protection Policy
8. Response and resilience Policy

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. Membership of the Authority was varied (with effect from 6 June 2018) by the Fire and Rescue Authority (Membership) Order 2017 (Statutory Instrument 1165).

"**Constituent authorities**" shall mean Bournemouth, Christchurch and Poole Council, Dorset Council, 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.

"**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.

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

"Clerk" shall mean the person duly appointed by the Authority with responsibility for the conduct of the Authority and ensuring the Authority ensuring the Authority acts in accordance with procedures and policy.

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 Chair's opinion warrants the postponement of the meeting, the Chair 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.

5. Quorum

5.1 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.

6. Adjournment - no quorum

6.1 If, during any meeting of the Authority, the Chair, after counting the numbers present, declares that there is not a quorum, the meeting shall be adjourned.

6.2 The consideration of any business not transacted shall be adjourned to a date and time fixed by the Chair at the time the meeting is adjourned or, if they do not fix a date and a time, to the next ordinary general meeting of the Authority.

7. Cancellation of meeting - no quorum

7.1 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 Chair or, if they do not fix a date and time, to the next ordinary meeting of the Authority.

8. Notice of meeting

8.1 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 or the Chief Fire Officer, shall be published at the venue of the meeting and at the offices of the constituent authorities.

8.2 When the meeting is called for by Members, the notice shall specify the business proposed to be transacted.

8.3 Meetings of the Authority shall be called by the Clerk who shall be responsible for the preparation of the agenda and the order of the business thereon.

8.4 An extraordinary meeting of the Authority (to be called by the Clerk) may be required by:

The Authority by resolution
The Chair of the Authority
The Monitoring Officer
Any six Members of the Authority if they have signed a requisition presented to the Chair 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.

9. Delivery of summons

9.1 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 or the Chief Fire Officer shall be sent to the secure email address provided by the Member.

9.2 PROVIDED that want of service of the summons or agenda on any Member shall not affect the validity of the meeting.

10. Papers to accompany summons

10.1 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.

10.2 This Standing Order shall only apply to the meetings prescribed by Standing Orders 2 and 3 above.

11. Record of attendances

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

12. Chair and Vice-Chair

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

"Paragraph 13:

(1) The Authority shall elect a Chair, and may elect a Vice-Chair, from among the Members of the Authority.

(2) If a Vice-Chair is elected, that Vice-Chair must not be from the same constituent authority as the Chair.

(3) The Chair, and Vice-Chair 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 a successor becomes entitled to act as Chair or Vice-Chair, as the case may be.

(4) Sub-paragraph (3) above shall not prevent a person who holds or has held office as Chair or Vice-Chair, 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 Chair or the Vice-Chair, the Authority shall elect from its members a person to replace the Chair and may elect a person to replace the Vice-Chair.

(6) The election of a Chair under sub-paragraph (5) shall take place not later than the next ordinary meeting of the Authority following the occurrence of the casual vacancy."

13. Chair of meeting

13.1 At a meeting of the Authority the Chair, if present, shall preside.

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

14. Powers and duties of Chair

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

15. Order of business

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

15.1.1 to choose a person to preside if the Chair and Vice-Chair are absent.

15.1.2 to receive any apologies for absence.

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

15.1.4 to approve as a correct record and sign the minutes of the last meeting of the Authority

15.1.5 to receive declarations by Members of pecuniary interest from Members.

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

15.1.7 to deal with any correspondence, communications or other business brought forward by direction of the Chair.

15.1.8 to dispose of business (if any) remaining from the last meeting.

15.1.9 to receive and consider reports by committees and to answer questions under Standing Order 15 and 16.

15.1.10 to receive and consider reports by officers.

15.1.11 to answer questions under Standing Order 15.

15.1.12 other business, if any, specified in the summons.

15.2 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:

15.2.1 by the Chair at the Chair's discretion; or

15.2.2 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.

16. Presentations of reports to committees

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

17. Question arising on report of committee

17.1 A Member may ask the Chair 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 Chair as to the relevance of the method of dealing with such questions shall be final.

17.2 PROVIDED that, in respect of matters which have been determined under delegated powers, the question has been given in writing to the Clerk not later than 10.00 am on the working day before the meeting of the Authority.

18. Questions on any business

18.1 A Member present at the meeting may, if the question has been given to the Clerk in writing by 10.00 am three working days before the meeting of the Authority, ask the Chair of the Authority or the Chair 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.

18.2 Members who have submitted written questions may ask relevant supplementary oral questions, subject to a limit of two such questions.

19. No discussion on questions asked

19.1 Every question shall be put and answered without discussion.

20. 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.

21. Signing of minutes

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

22. Signing of minutes - extraordinary meetings

22.1 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.

23. Accuracy of minutes

23.1 Minutes will contain all motions and amendments in the exact form and order the Chair 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 Chair shall sign the minutes.

Rules of debate

24. Motions and amendments which may be moved without notice

24.1 The following motions may be moved without notice:

24.1.1 appointment of a Chair of the meeting at which the motion is moved.

24.1.2 accuracy of the minutes.

24.1.3 the question be now put:

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

24.1.4 reference to a committee

24.1.5 adoption of reports and recommendations of committees or officers and any consequent resolutions

24.1.6 leave to withdraw a motion

24.1.7 amendment to a motion

24.1.8 extension of time limit for speeches

24.1.9 precedence for an item of business specified in the summons

24.1.10 suspension of a Standing Order in accordance with the provision of Standing Order 59

24.1.11 a Member named under Standing Order 43 be not further heard or do leave the meeting

24.1.12 giving consent of the Authority where required by these Standing Orders

24.1.13 exclusion of the public and press in accordance with the Access to Information rules.

25. Motions and amendments

25.1 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 Chair, be put in writing, and handed to the Chair before it is further discussed or put to the meeting.

26. Limit to number of speeches

26.1 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.

27. Seconder of motion reserving speech

27.1 A Member when seconding a motion or amendment may, if they then declare the intention to do so, reserve their speech until later in the debate.

28. Withdrawal of motion or amendment

28.1 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.

29. Amendments to motions

29.1 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.

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

30. Order in which amendments to be taken

30.1 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.

30.2 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.

31. Right of reply

31.1 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 their reply they shall strictly confine themselves to answer previous speakers and shall not introduce any new matter into the debate.

31.2. 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 their amendment.

31.3 A Member may, however:

explain any material part of his speech which they believe to have been misunderstood

- if the Member is the Chair or other Member who has presented the report of a committee, they may, with the Chair's consent, make a statement of the facts at the outset of the debate and also reply generally to the debate; and
- if they are the mover of a motion, speak with the leave of the Chair on the motion or on any amendment thereto at any time during the debate.

32. Right to speak on a point of order

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

32.2 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.

32.3 A personal explanation shall be confined to some material part of the speech which they consider have been misunderstood.

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

33. Motions which may be moved during debate

33.1 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.

34. Closure motions

34.1 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 Chair shall proceed as follows:

34.2 **On a motion to proceed to next business**

34.2.1 Unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, they 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.

34.3 **On a motion that the question be now put**

34.3.1 Unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion their right of reply before putting the matter before the meeting to vote.

34.4 **On a motion to adjourn the debate or meeting**

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

34.5 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 Chair.

35. Rescission of preceding Authority resolution

35.1 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.

35.2 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.

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

36. Review of decisions made under delegated powers

36.1 The Authority, at its annual meeting will agree the delegations as set out in the Members' Handbook.

36.2 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 not later than 10.00 am three working days before the meeting of the Authority at which it is to be considered. The Chair of the relevant committee shall move the proposal for the review of the decision by the Authority.

36.3 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.

37. Respect for Chair to include conduct at meetings

37.1 Whenever the Chair speaks during a debate, a Member then speaking, and the Authority or committee, shall be silent.

38. Addressing the meeting

38.1 A Member when speaking shall address the Chair. If two or more Members speak simultaneously the Chair 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.

39. Relevance and time limit

39.1 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 Chair or Member of a committee in either case presenting a report, no speech shall exceed five minutes without the consent of the Authority.

39.2 Provided that a:

- Member moving a motion may speak for up to ten minutes;
- Member moving an amendment may speak for up to seven minutes.

40. Admission of the public and press to meetings

40.1 Meetings of the Fire 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.

40.2 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.

40.3 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.

40.4 If the 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 Monitoring Officer, the meeting is likely not to be open to the public.

40.5 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.

40.6 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.

40.7 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.

40.8 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.

41. Matters affecting staff employed by the Authority

41.1 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 Chair 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).

42. Public Participation

42.1 Questions from members of the public and deputations wishing to be received by the Authority, a Committee or Sub-Committee shall submit a request in writing to the Clerk three clear working days prior to the meeting. It should be no more than 450 words.

42.2 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. At any one meeting no person or organisation may present or participate in more than one deputation.

42.3 The time allowed to all questions or deputations to the Authority, Committee or Sub-Committee shall not exceed 15 minutes in total unless the Chair agrees a longer period.

42.4 At any one meeting, no person or organisation may ask more than two questions in total during public participation time.

42.5 The Chair will consult with the Clerk to decide the most appropriate Member and meeting to reply to any public question or deputation.

Disorderly Conduct

43. Disorderly conduct by Members

43.1 If at a meeting any Member of the Authority, in the opinion of the Chair notified to the Authority, misconducts themselves by persistently disregarding the Chair'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 Chair 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.

43.2 If the Member named continues their misconduct after a motion under the foregoing paragraph has been carried, the Chair shall:

either (a) move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion)
or (b) adjourn the meeting of the Authority for such a period as the Chair in their discretion shall consider expedient.

43.3 In the event of general disturbance which in the opinion of the Chair renders the orderly dispatch of business impossible, the Chair in addition to any power vested in them may, without any question put, adjourn the meeting of the Authority for such period as they in their discretion shall consider expedient.

44. Disturbance by the public

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

If a member of the public interrupt's proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may order his/her/their removal from the remote access.

45. 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.

46. Method of recording votes

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

46.2 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.

47. Recording of individual votes

47.1 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 they cast their vote for the question or against the question or whether they abstained from voting.

47.2 [This standing order is prescribed by law]

48. Voting on appointments

48.1 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.

48.2 In the case of an equality of votes on an appointment, the Clerk shall draw lots.

48.3 Voting shall be by show of hands unless a majority of those present decide the voting shall be by secret ballot.

49. Inspection of documents

49.1 A Member of the Authority may inspect, by application to the Clerk, 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 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 them to properly perform their duties as a Member of the Authority.

50. Minutes open to inspection of Members

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

51. Appointment of committees

51.1 The Authority shall appoint the committees at the annual meeting and may at any time alter the membership of a committee.

51.2 If in the year of any election to any of the four 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.

52. Appointment of Chair and Vice-Chair of a committee

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

53. Absence of Chair or Vice-Chair

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

54. Attendance at meetings

54.1 The Chair, or in their absence the Vice-Chair, 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.

54.2 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.

54.3 Any Member of the Authority may attend the meeting of any committee of which they are not a Member but may not speak without the approval of the Chair 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.

55. Special meetings of committees

55.1 The Chair of a committee may call on the Clerk to summon a special meeting of the committee at any time.

55.2 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.

55.3 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.

56. Quorum of committees

56.1 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.

57. Confidential matters

57.1 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.

58. Attendance of the Clerk and the Monitoring Officer

58.1 The Clerk or a nominated representative shall attend the meetings of every committee. The Monitoring Officer or deputy will attend every full Fire and Rescue Authority meeting. Attendance from the Clerk and the Monitoring Officer or nominated representative will be as required at other committee meetings.

59. Minutes of committees

59.1 Minutes shall be made of every meeting.

General provisions with regard to standing orders

60. Variations and revocation

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.

61. Suspension

61.1 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.

62. Issue to Members

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

63. Interpretation of Standing Orders

63.1 The ruling of the Chair of the Authority or, where appropriate, the Chair of a committee, having taken the advice of the Clerk or their representative, as to the construction or application of any of these Standing Orders, or as to any proceedings at the meeting shall be final.

64. Disciplinary action against the Chief Fire Officer

64.1 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.

65. Declarations of Interest

65.1 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 they have obtained prior consent in accordance with Standing Order 42 (Deputations), in which case they 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.)

66. Matters of urgency

66.1 Subject to 66.2 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.

66.2 An item of urgency may however be brought before the Authority or a committee with the approval of the Chair of the Authority, or a committee provided the Chair is satisfied that there are special circumstances which justify consideration of the item.

66.3 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.

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 (the Authority), its Committees, the Chief Fire Officer, the 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. They are 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, Christchurch and Poole Council, Dorset Council, Swindon Borough 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 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 shall be informed in writing. The Clerk may, after consultation with the Treasurer and Monitoring Officer, authorise departure from these Regulations if satisfied that exceptionally, such departure is in the interests of the Authority. The Clerk 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 the revenue and capital budget requirements and set a council tax precept for the forthcoming year, on advice from the Treasurer
- Approve the Chief Fire Officer's proposed allocation of resources
- Monitor and approve the treasury management strategy
- Monitor and approve the medium-term finance plan
- Decide on the level of general balances it wishes to maintain

The Finance and Audit 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, 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, 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 2012
- The Local Government and Housing Act 1989 and
- The Accounts and Audit Regulations 2015

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.

Monitoring Officer

A14 The Monitoring Officer has responsibility for reporting any illegal action, actual or potential beach 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 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 £250,000.

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:

- enough money has been earmarked for the item in the budget; or
- enough money can be transferred from another budget head (virement), and for amounts in excess of £50,000 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 personally authorised to write off debts, redundant stock and stock adjustments up to and including the value of £10,000.

A22 Debts and/or redundant stock and/or stock adjustments in excess of £10,000 but not exceeding £25,000 can be written off by the Chief Fire Officer subject to written approval of the Treasurer and the Clerk.

A23 Debts and/or redundant stock and/or stock adjustments in excess of £25,000 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 Fire 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 Chair of the Authority may approve an increase of up to £250,000. 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.

Urgent Decisions

B12 Where an urgent financial decision is required that falls outside of the defined process or limits within Financial Regulations, but is felt to be in the wider interests of the Authority, the Treasurer in consultation with the Chief Fire Officer, Clerk and Chair of the Authority can make the decision subject to it being reported back to the Authority.

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 2015 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. His Majesty's' Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) and HM Revenue and Customs (HRMC).

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, the Monitoring Officer and the Clerk, decide on an appropriate course of action.

C13 The Treasurer and the Monitoring Officer shall report to the Authority any circumstances which could involve the Authority in:

- unlawful expenditure;
- an unlawful action which could result in a potential loss or deficiency to the Authority: or
- 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:

- the acquisition of land or buildings or disposal of land or buildings considered to be surplus
- the disposal of any material asset valued in excess of £100,000
- the write off of redundant stock and/or stock adjustments in excess of £25,000 (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.

Treasury management

C24 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.

C25 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 their control, in accordance with CIPFA's 'Code of Practice for Treasury Management in Local Authorities'.

C26 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.

C27 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

C28 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.

C29 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 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 procurement thresholds provided for in UK regulations.

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 well-being of the area it services.

Partnerships

E1 The Fire 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 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 are responsible for approving the contractual framework for the provision of services to third parties or external bodies.

Introduction and Overview

1. Status of contract standing orders

1.1 What are contract standing orders?

These procurement and contract rules are the standing orders which apply to the acquisition of all supplies, services and works by or on behalf of the Dorset & Wiltshire Fire and Rescue Authority (the Authority). This includes where the Authority acts as the lead commissioner on behalf of a third party using external funds.

These rules do not apply to:

- Contracts of Employment; or
- Contracts that relate solely to the purchase or acquisition of land

These procurement and contract rules shall apply to all contracts entered into by or on behalf of the Authority with any other person or body.

1.2 Who should read this document?

The standing orders (procurement and contract rules) apply to all staff and members of the Authority.

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

1.3 Why have contract standing orders?

By law, the Authority must make standing orders with respect to contracts for the supply of goods or materials or for the execution of works which provide for:

- securing competition
- regulating the manner in which tenders are invited.

The main objectives of Contract Standing Orders are to:

- ensure the Authority obtains Best Value in the way it spends money, so in turn it offers Best Value services to the public;
- ensure that the manner in which contracts are handled complies with UK Regulations and all relevant legislation that govern the spending of public money;
- protect individuals from undue criticism or allegation of wrongdoing; and,
- facilitate partnership working.

1.4 Awareness and access

The Treasurer is responsible for ensuring that all employees with financial responsibilities are made aware of and have access to these regulations, and the accompanying procurement and contract procedures that set out in more detail how they should implement and comply with these standing orders.

1.5 Review of contract standing orders

The Treasurer has overall responsibility for procurement and as such is the custodian of these standing orders and is responsible for keeping them under review. The Treasurer is responsible for maintaining a continuous review of these standing orders.

1.6 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:

- Financial regulations
- Scheme of delegation
- Contract standing orders
- Human Resources policies and procedures
- Service orders
- Financial procedures and guidance

2. Definitions

2.1 “Best Tender” – the most advantageous tender (MAT), satisfies both the Authority’s requirements and is the best tender when assessed against the award criteria and assessment methodology.

2.2 “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.

2.3 “Constituent authorities” are Bournemouth, Christchurch and Poole Council, Dorset Council, Swindon Borough Council, and Wiltshire Council.

2.4 "Contract" shall mean any agreement for the supply/disposal of goods, materials or services and the execution of works.

2.5 "Contractor" shall mean any person, company or other organisation that is engaged to provide goods, materials, services or works to the Authority.

2.6 “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. The membership of the Authority was varied (with effect from 6 June 2018) by the Fire and Rescue Authority (Membership) Order 2017 (Statutory Instrument 1165).

2.7 “Member” shall mean a person appointed to be a Member, or co-opted Member of the Authority by the constituent authorities.

2.8 “Officer” shall mean all persons appointed by the Authority, including uniformed and non-uniformed staff.

2.9 “UK Procurement Threshold(s)” shall mean the thresholds that apply to the public advertisement of goods, works or service contracts

2.10 “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.

2.11 “Regulations and legislation – shall mean the Procurement Act 2023 and the Procurement Regulations 2024 as well as any other relevant legislation.

3. Changes to contract standing orders

3.1 Any changes to Contract Standing Orders shall be drawn up jointly by the Chief Fire Officer, Treasurer and Clerk and be approved by the Authority.

4. Suspension of contract standing orders

4.1 If the Chief Fire Officer is of the opinion that any of these Regulations are inappropriate in particular circumstances the Clerk shall be informed in writing. The Clerk may, after consultation with the

Treasurer and Monitoring Officer, authorise departure from these Regulations if satisfied that, exceptionally, such departure is in the interests of the Authority. The Clerk 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.

Contract Standing Orders

5. Compliance with the law

5.1 All contracts, and the procedures for entering into them, shall comply with Procurement Act 2023 and the Procurement Regulations 2024 and other relevant legislation which is enforced and impacts our procurement processes and procedures. In the event of any conflict between these standing orders and the law, the law shall prevail.

5.2 Where a procurement was started under the Public Contract Regulations (2015) governance for that procurement or contract continues to be those Regulations rather than the Procurement Act (2023) until either the end of the contract in question, or for a framework/DPS, the end of the last call off contract.

5.3 Buyers can enter into any contract under these Contract Standing Orders, but we must have regard for:

a) delivering value for money
b) maximising public benefits
c) sharing information for allowing suppliers and others to understand the Authority procurement policies and decisions
d) acting, and being seen to act, with integrity (acting transparently, fairly and proportionately);
e) small and medium enterprises (SMEs)
f) treating suppliers the same
g) not putting a supplier at an unfair disadvantage or advantage
h) the policy objectives set out in the National Procurement Policy Statement (NPSS):

5.4 Buyers must have regard to any legal advice on the form and content of the contract from the Monitoring Officer or other legal adviser.

6. Contracts to be in writing

6.1 All contracts shall be in writing. All relevant contracts over £50,000.00 should be in writing in a form agreed by the Procurement Manager or designated officer. Contract term and conditions: procurement and contract procedures stipulate use of the following forms of contract:

6.2 The Authority's Standard Terms and Conditions or equivalent, or those issued by a relevant professional body (e.g. Joint Contracts Tribunal), must be used where possible.

6.3 Exemptions do not apply to contracts with a value up to £25,000 including VAT or £30,000.00 excluding VAT as the only requirement is to obtain one quote, however this does not mean you should only request one quote.

6.4 Contracts between £25,001 including VAT or £30.001 excluding VAT and the regulated threshold: You may seek an exemption to undertake a procurement procedure other than that advised by Procurement Lead, including making a direct award, where you are able to provide a sound reason and evidence for doing so, for example where:

- the proposed contract is of a very specialist nature and there is a genuine supplier monopoly situation;
- the proposed contract is needed urgently, the urgency is not brought about by events foreseeable by or attributable to the Authority and where the situation would result in risk of harm to individuals or loss or damage to the Authority; or
- it would be in the best interests of the Authority or local people not to undertake the applicable procedure.

6.5 Above regulated threshold contracts: There is scope within the Regulations to make a direct award in cases where the justification set out in the Regulations applies to your proposed contract.

- the production of a prototype or supply of other novel (designed at the request of the Authority) services for the sole purpose of testing, research, study or development.
- the creation or acquisition of a unique work of art or artistic performance.
- a particular supplier having the intellectual property rights or other exclusive rights meaning only the supplier can supply the goods, services or works.
- there is an absence of competition for technical reasons which means only a particular supplier can supply the goods, services or works and there is no reasonable alternative to those goods, services or works.
- the supply of goods, services or works by an existing supplier, which are intended as an extension to or partial replacement of existing goods, services or works where a change in supplier will result in something that is different from or incompatible with.
- the existing goods, services or works, resulting in disproportionate technical difficulties in operation or maintenance.
- the supply of goods, services or works by the supplier that are similar to existing goods, services or works where the existing goods, services or works were supplied under a compliantly tendered contract within the past 5 years and the earlier contract set out the Authority's intention to carry out a later procurement.
- the award of a contract to a particular supplier on terms particularly advantageous to the Authority because a supplier (whether or not it is the

one the contract is being awarded to) is undergoing insolvency proceedings.

- the goods, services or works are strictly necessary for reasons of extreme and unavoidable urgency, not attributable to or capable of being foreseen by the Authority, and the contract cannot be awarded through a competitive tendering process.

6.6 Under the Regulations and Contract Procedures the direct award of a contract on the grounds of urgency applies only where the situation giving rise to the urgency is not attributable to and/or could not have been foreseen by the Authority.

6.7 Where a genuine urgent situation occurs we can put contracts in place without the need for a procurement process. However, the contract can only be awarded for the duration necessary to address the immediate emergency. For example, during the COVID pandemic any contracts in relation to our immediate response to the crisis should have been for the length of time needed for us to then properly procure the requirement, i.e. the point at which the need became foreseeable.

6.8 If we are aware of the potential for a situation to occur which we will need to put a contract in place for, regardless of the likelihood of the situation arising or when it may arise, the need for the contract is foreseeable. Where this is the case advice should be sought from Procurement Team as soon as the potential need is identified.

7. Direct Award Process

7.1 Direct award is when a public contract is awarded without a competitive tendering procedure and the public contract is placed directly with the supplier of the Authority's choosing. The justification for a direct award for above threshold procurement is set out below:

- Protypes and development
- Single suppliers
- Additional or repeat goods or services or works
- Commodities
- Advantageous terms on insolvency
- Urgency
- User choice contracts
- Defence and security

8. Conflicts of Interest

8.1 The Authority has a legal duty under the Act and the PCR (previous regime) to identify (take all reasonable steps to identify, and keep under review, any conflicts of interest or potential conflicts of interest) and mitigate (must take all

reasonable steps to ensure a conflict of interest does not put a supplier at an unfair advantage or disadvantage in relation to the procurement and award of a public contract) conflicts of interest. It is also a requirement of Contract Procedures for all external spend. Processes are in place to assess at pre-market engagement stage, procurement process stage and contract management stage.

9. Use of External Consultant or Agent to undertake a procurement process:

9.1 The external Consultant or Agent must have an understanding of public procurement and the Act. The Procurement Manager or Senior Procurement Officer must be consulted initially.

10. Market research

10.1 Involves collecting, analysing and interpreting data about your requirement to enable you to understand the size, location and capability of market supplying that requirement, for example, but not limited to: internet research, Contract notices and contract award notices published by other contracting authorities who have recently tendered for a similar requirement may be considered. The authority may then be contacted to find out the level of response they had from the market.

11. Preliminary market engagement

11.1 This is a more detailed engagement with suppliers, including those identified at the market research stage, about the specific requirements and proposed procurement. Regardless of the value of the contract it is essential that any preliminary market engagement is undertaken in a fair and transparent manner. Involvement and advice must always be sought from the Procurement department before commencing any form of preliminary market engagement and a record of all activity must be kept for auditing purposes.

12. Tender Clarification (post-submission)

12.1 The Authority reserves the right (but is not obliged) to seek clarification of any aspect of a Tenderer's Tender during the evaluation phase where necessary for the purposes of carrying out a fair evaluation. Tenderers are asked to respond to such requests promptly. Vague or ambiguous answers are likely to score poorly or render the Tender non-compliant.

13. Post-Award Clarification

13.1 Prior to Contract Award, the Tenderer who achieved the highest score in the tender evaluation may be required to attend a Post-Award Clarification Meeting. The purpose of this meeting is to ensure there is a clear mutual understanding between the Authority and the Tenderer regarding the

requirements of the Contract prior to Contract Award. It is important to note that this will not be a negotiation meeting or an opportunity to present new information (unless requested by the Authority).

14. Conformity with financial regulations

14.1 No contract shall be entered into unless the expenditure involved may be properly incurred under the Authority's Financial Regulations in force for the time being.

15. Personal and prejudicial interests of Members

15.1 If any Member of the Authority or a Committee has a disclosable and pecuniary interest, as defined in the Code of Conduct for Members, arising from any contract, proposed contract or other matter and is present at a meeting of the Authority, or a Committee at which the contract or other matter is the subject of consideration, then the Member must act in accordance with the requirements of the Code of Conduct. This means that a Member with a pecuniary interest must disclose to the meeting the existence and the nature of that interest when consideration of that business begins, or when the interest becomes apparent.

15.2 If the pecuniary interest is also a prejudicial one, then the Member must withdraw from the room in which the meeting is being held, not exercise any functions in relation to that contract and not seek improperly to influence a decision about the contract. A Member with a disclosable pecuniary interest should only remain and take part to the extent of any dispensation granted by the Clerk, after consultation with the Chair.

15.3 These obligations extend to consultants employed to act for the Authority.

16. Interests of officers in contracts

16.1 The Clerk shall maintain a record of any notice given by an officer of any interest in a contract and the record shall be available for inspection by any Member of the Authority. The procurement and contract procedures issued by the Treasurer include guidance on how conflicts of interest should be managed by officers.

17. Compliance

17.1 It is an implied condition of employment of all staff of the Authority involved in the letting of contracts that they shall at all times observe the provisions of these Standing Orders and the procurement and contract procedures issued by the Treasurer.

17.2 Failure to comply with Contract Standing Orders or the instructions issued under them will constitute misconduct.

18. Land and property

18.1 In relation to these Procedure Rules:

18.1.1 Land has the meaning provided in Section 205 of the Law of Property Act 1925. In particular, but without in any way limiting that meaning, land includes buildings and easements.

18.1.2 Any purchase, lease or sale of property that involves a receipt or payment exceeding £100,000 must be given the prior approval of the Authority, subject to any purchase, lease or sale of property below £100,000 being reported to the next meeting of the Authority following completion.

18.1.3 References to the acquisition of land include the acceptance of gifts of land and the taking of leases, licenses and easements of or over any land (including buildings) whether by way of valuable consideration or exchange but not the appropriation of land.

18.2 Contract Procedure Rules 1 to 11 inclusive and Contract Procedure Rule 16 and 17 shall apply to contracts for the sale and purchase of interests in land.

18.3 In all other respects, arrangements for the sale and purchase of interests in land and property shall be undertaken by a suitably qualified and experienced person and comply with procedures approved by the Authority.

18.4 The Authority shall only acquire land after having first considered a suitably qualified and experienced person's estimate of the value of the land in question and any recommendation made as to the maximum sum appropriate for such acquisition; and even then, for a sum no greater than the maximum recommended.

18.5 Disposal of land shall be for the best price reasonably obtainable unless the Authority resolve specifically to the contrary.

19. Contract value and principles

19.1 As a general principle the value of a contract shall be deemed to be the total of all payments made to the contractor in respect of that contract regardless of the period of time over which those payments are made. In the case of recurrent transactions for the same type of item the contact value will be the aggregate total of transactions (including VAT) over the life of the contract, not the aggregate value in a single year (unless this is the period of the contract) and not the value of a single transaction.

19.2 If the contract value cannot be reliably estimated prior to the contract being tendered then the above threshold procedure must be followed to award the contract.

19.3 The Authority may decide to require the Chief Fire Officer to advise them in advance over certain contracts because of their sensitivity or size.

19.4 All contracts subject to the procedure set out in section 16 and 17 below must be included in the Register of Contracts maintained by the Procurement Manager.

19.5 All relevant contracts must refer to the Authority's Whistleblowing policy and Freedom of Information requirements.

20. Extensions to existing contracts

20.1 Buyers may only extend an existing contract if there is provision in the procurement documents or tender to do this.

21. Pre-tender market research and consultation

21.1 It is possible to review the market for a proposed purchase by discussion with suppliers (note the difference between pre-tender market research and pre-market engagement) and other research but must not:

- base any specification on one supplier's offering such as to distort competition
- make any indication or commitment to suppliers that their offering may be preferred
- suggest any procurement route which is not consistent with these orders; or
- enter into negotiations about price where a competitive procurement process has yet to take place.
- give any one potential supplier an advantage in bidding over another
- as a result of pre-procurement dialogue shape requirements in favour of any one particular potential supplier.
- engage in a way that disadvantages any one particular potential supplier or group of potential suppliers

22. Procedure for contracts for which no formal tendering exercise is required

22.1 For contracts expected to be below £30,000.00 (excluding VAT), buyers have discretion as to the method to be used for seeking a price and entering into a contract, and may obtain goods from any supplier, subject to the Services' procurement and contract procedures issued by the Treasurer, but must be able to demonstrate that all actions were reasonable, and in the best interests of the Authority, and were not improperly influenced, and that best value has been obtained, as judged on price, quality, and compliance with legislation.

23. Procedure for contracts which do require a formal tendering exercise

23.1 If the estimated or actual annual or total value of a contract exceeds £50,000.00 (excluding VAT) buyers must, before entering into a contract seek the advice of the Procurement Manager or designated officer.

23.2 The remainder of this section describes the formal procedure for entering into a contract and is compulsory for contracts expected to exceed £50,000.00. The Threshold refers to the value of a contract for that contract's total duration.

23.3 Where applicable, a contract notice shall be published on the Central Digital Platform via the Authority's e-Tendering Portal. The notice shall describe the object of the contract, state the latest date and time for the receipt of tenders, the award criteria and invite other submissions expressing interest in tendering where a pre-qualification process is proposed or applications for tender forms where an open tender process is proposed. It shall comply with any relevant UK Regulations. Following publication, further public notice can be given in appropriate media, including local and other newspapers or journals, which, in the opinion of the Chief Fire Officer, are most suitable for publicising the invitation to tender and also on the Authority's website.

23.4 Unless a corporate contract/framework is in place, tenders shall be invited. If a procurement process has been undertaken for an approved list, this list can be used to call off.

23.5 Where the value of a contract is estimated to exceed a relevant UK Procurement Threshold, then tendering procedures shall be in accordance with the Regulations or statutory provision. These Thresholds are externally determined every two years and are included in the procurement and contract procedures issued by the Treasurer.

23.6 All public contract notices and tender invitation notices will be processed through the Authority's e-tendering system or alternative approved e- tendering system.

23.7 The Chief Fire Officer shall ensure that the requirements of the National Procurement Policy Statement are complied with by giving consideration to economic, social and environmental well-being, as well as value for money, in relation to the procurement of services.

23.8 Where appropriate, the Authority's approved e-tendering system must be used for conducting the formal tender process for all procurements valued above £50,000, unless approval to do otherwise has been given by the Chief Fire Officer.

24. List of contractors

24.1 Where appropriate, and in line with legislative requirements, the Authority may procure and maintain lists of contractors who have the necessary skills, expertise and financial credibility required to provide goods, services, consultancy and works. These lists will be operated in accordance with the UK Regulations, seeking expressions from interested companies to be included on the lists. The lists are to be used to invite tenders or quotations, as appropriate,

in relation to opportunities for individual requirements for goods, services, consultancy or works.

24.2 The list shall be maintained by or under arrangements approved by the Clerk.

24.3 Where the Chief Fire Officer, Treasurer or Clerk (as appropriate) remove a name from the list, then the reasons for removal shall be recorded.

24.4 The list shall indicate in respect of a person or body whose name is included on it, the categories of contract, and the values or amounts in respect of those categories for which approval has been given.

24.5 The list shall be reviewed on an annual basis up until the expiry of the contract.

24.6 Contractors shall be entitled to apply to be included on the list at any time, whether or not an advertisement has recently been issued, and shall have their application dealt with promptly.

25. Submissions and opening of tenders

25.1 The Treasurer or an officer designated by the Treasurer is responsible for the receipt and opening of tenders, except where under agreement with the Treasurer, this is carried out on the Services behalf through a third party approved IT based electronic system/process.

25.2 Tenders submitted in accordance with this Rule shall remain in the custody of the Clerk until the time appointed for their opening.

25.3 Tender opening sessions should be arranged to suit the buyer's requirements, provided that sufficient notice is given, and must be conducted according to any procedure required and approved by the Clerk. Tenders shall be opened at one and the same time, in the presence of an officer designated by the Clerk and an officer designated by the Chief Fire Officer for the purpose. A record shall be maintained showing the number of tenders received and all tenders shall be kept for two years.

25.4 Late or otherwise invalid tenders must be opened to enable the contractor to be advised of the reason for disqualification. Any such tender shall not be considered unless it is the only tender which has been received at the time when it is opened, except where permitted by any procedures issued by the Clerk or by the Treasurer. In the case of contracts for the sale of land, those administering a tendering exercise must also have regard to the over-riding requirement of Section 123 of The Local Government Act 1972 to obtain the best price reasonably available which will require the investigation of a late tender, if it appears likely to provide the best consideration, and if no contract has yet been entered into.

26. Acceptance of tenders

26.1 A contract may be awarded by the Chief Fire Officer to the contractor whose tender is judged to provide the best value to the Authority.

26.2 The Chief Fire Officer may award a contract on the following basis:

(a) The Chief Fire Officer may award a contract on the following basis:The best tender judged to provide the best value to the Authority on the basis of the application of an appropriate Tender Evaluation Model which has been approved in advance by the Chief Fire Officer before any tender is opened.

(b) The lowest tender if payment is to be made or the highest if payment is to be received, which meets the tender specification and/or performance targets and can demonstrate best value.

26.3 Advice should be sought from an officer designated by the Treasurer on the development and application of tender evaluation models or assessment summaries, which can assess tenders on the basis of price and quality.

27. Post-tender negotiation

27.1 Post-tender discussions

For the purposes of tender evaluation, contractors will be issued a clarification message on the portal. There are no discussions at this stage.

Post-tender negotiations

Post-tender negotiations are only possible where the competitive flexible procedure has been utilised and shall only be permitted with the express written approval of the Chief Fire Officer in respect of which the following procedures are applicable:

28. Alternative procurement provisions

28.1 On application from the Chief Fire Officer, the Clerk and the Treasurer may approve in writing from time to time alternative methods of tendering and procurement within the scope and purpose of these rules.

28.2 As an alternative to the provisions of sections 16 and 17, buyers may procure supplies and services through a framework agreement or through collaboration arrangements with others provided that the buyer can demonstrate that procurement through such an agreement or arrangement is the most advantageous way of procuring the supplies or services, or that there are special factors which justify such an agreement or arrangement.

28.3 Buyers procuring supplies or services under the provisions of this Regulation must

be satisfied that full, open and fair competition in respect of the creation of framework agreements or through collaboration arrangements.

29. Contract performance

29.1 Irrespective of value, contracts for building, engineering or other works shall always seek to safeguard due performance and in appropriate cases provide for liquidated damages to be paid by the contractor in the event of the contract not being duly performed.

29.2 During the life of a relevant contract, the officer or other person appointed for the purpose of contract monitoring and evaluation must monitor its operation in respect of:

- Performance
- Compliance with specification and contract
- Cost
- Any best value requirements
- User satisfaction and risk management
- Conflicts of Interest Declaration, which is to be updated and assessed on a yearly basis
- Contract Termination Notice, which is to be published on the expiry of each contract

30. Assignment or sub-letting

30.1 A clause shall, where appropriate, be inserted in every written contract for the execution of work or supplies or services, prohibiting the assigning or sub-letting of the contract without the previous written consent of the Chief Fire Officer.

30.2 Where under the terms of a contract a sub-contractor or supplier is to be nominated by the Authority to a main contractor, the Chief Fire Officer shall, wherever practical, comply with these rules as though the sub-contract were a contract with the Authority.

31. Compliance with standards

31.1 Where an appropriate International, European, UK Accreditation Service, British Standard specification, British Standard Code of Practice issued by the British Standards Institution or Public Authority Standard is current at the date of the tender, then unless there is, in the opinion of the Chief Fire Officer, good and sufficient reason to the contrary, every written contract shall require that all goods and materials used or supplied and all workmanship shall be in accordance with that standard. However, in accordance with UK Regulations, no contract shall require the indication of a particular trademark, patent, type or specific origin unless this is essential and is qualified by the words "or equivalent".

32. Fraud, bribery and Corruption and anti-competitive practice

32.1 Every contract shall provide that the Authority may cancel the contract and recover from the contractor the amount of any loss resulting from such cancellation, if:

- the contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do anything in relation to the contract or any other contract with the Authority, or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Authority; or
- if the like acts shall have been done by any person employed by the contractor or any person employed by it or acting on its behalf (whether with or without the knowledge of the contractor); or
- if in relation to any contract with the Authority the contractor or any person employed by him or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under sub-section (2) of section 117 of the Local Government Act 1972.

32.2 Similarly, all tender and contract documents must contain the appropriate clause and a Collusive and Bona Fide Certificate requiring a signature from each contractor submitting a tender document that provides protection to the Authority and the right to terminate the contract and reclaim costs in the event of a contractor proven to have acted in an anti-competitive manner and/or have colluded with others in their tender or contract submission or proposal.

32.3 In contracting with suppliers and contractors, officers must comply with the Bribery Act 2010.

33. Amendments to contract procedure rules

33.1 Any amendments to these Contract Standing Orders are to be drawn up jointly by the Chief Fire Officer, Treasurer and Clerk and be approved by the Authority.

34. Financial thresholds

34.1 The Treasurer may amend the financial thresholds where required to reflect changes in national price indices, statutory provisions or guidance from other bodies. The latest thresholds will be available on request to the Treasurer by all Members of the Authority.

Scheme of Delegation to Officers

1. Foreword

1.1 In order to be able to operate efficiently and effectively the Fire and Rescue Service (the 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 Dorset & Wiltshire Fire and Rescue Authority (the Authority) decision-making takes place within a sometimes complex legal framework within which staff are accountable to Members appointed to the Authority by its four constituent councils.

2. Scheme of Delegation

2.1 In place of a scheme of delegation listing very specific things that the Chief Fire Officer, Clerk, 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 Authority and the limitations described in this scheme of delegation.

2.2 Reviewing the scheme of delegation has also provided an opportunity to be clear about the respective roles of Members 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.

3. How decisions are made

3.1 The 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.

3.2 Unlike the constituent councils the 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.

3.3 Although not an executive/Cabinet type arrangement the Authority has reserved to itself the responsibility for setting overall policy direction.

3.4 The decisions which the full Authority will make under law:

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 the Members Handbook, which includes the Scheme of Delegation

4. Delegations to officers

4.1 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.

4.2 The Authority's statutory officers are the Chief Fire Officer who is also the Head of Paid Service, the Treasurer and Clerk and the Monitoring Officer. The Chief Fire Officer, the other brigade managers, the Treasurer, the Clerk and the Monitoring Officer are the "senior managers" for the purposes of this scheme and are accountable to the Authority for how functions are exercised and how decisions are made within the areas for which they are responsible.

4.3 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.

4.4 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.

4.5 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 purpose. These delegations are set out at the end of this scheme.

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

5.1 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.

5.2 Any action by an officer under delegated powers shall be in accordance with the overall policies approved by the full Authority and any relevant decision made by the Authority or of a committee of the Authority. Officers will also comply with principles for good decision making, described below.

5.3 If authority to act has been reserved to the full 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 £250,000. Key decisions will be made by the full Authority only.

5.4 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 clear communication must be maintained with the Chair of the Authority. To help decide if this decision may require referral to the full Authority, the Chair of the Authority may liaise with the appropriate Chair of the Local Performance and Scrutiny Committee in making this determination.

5.5 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 Members 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 Members).

5.6 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 nature of a proposal is such that responsibility for the decision should be taken by the full Authority. Key decisions must be referred to Members for a collective decision.

5.7 All decisions, whether by the full 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.

5.8 There are circumstances where the 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 to act to someone employed by a partner body and not by the 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 Authority.

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

6. General indemnity

6.1 All Members and officers involved in decision making on behalf of the 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.

7. Specific delegations

7.1 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 instances where the Chief Fire Officer, Treasurer, the Clerk and the Monitoring Officer retain very specific powers to act, and these are listed below:

7.2 Chief Fire Officer Role

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

- advise the 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 Authority and to take command of incidents as necessary
- develop and deliver key strategies for discharging the 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 Authority's 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 Authority with professional advice on all matters relating to the future of the Service
- to liaise with the Treasurer, the Clerk and the Monitoring Officer on matters
- relating to the operation of the Authority.

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 Service.

b) Asset Management

To authorise, in cases of urgency, the acquisition or disposal of land or any other transactions which are considered to be in the best interests of the Authority, after consultation with the Chair and the Vice-Chair and after having taken advice from the Treasurer and the 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 Authority

d) Fire Safety

To exercise all the powers of the 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 Authority other than the Deputy Chief Fire Officer role.

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 Authority under health and safety legislation.

g) General

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

After consultation with the Chair 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 Monitoring Officer and may not be delegated by them to others to act on their behalf).

In consultation with the Chair and the Clerk, 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 the delegations of the Chief Fire Officer, the Chair in consultation with the Clerk may decide the appropriateness of tabling this as a matter for consideration by the Authority.

7.3 Treasurer Role

The Treasurer is the Authority's professional adviser on financial matters. In summary the Treasurer's duties are to:

- provide financial advice on all aspects of the 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 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 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, the Clerk and the Monitoring Officer on matters relating to the operation of the Authority.

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.

7.4 **Monitoring Officer Role**

The Monitoring Officer is the Authority's professional adviser on legal matters. In summary the Monitoring Officer's duties are to:

- ensure that the Authority acts within and through the law, acting as the designated Monitoring Officer under the Local Government and Housing Act 1989
- oversee the Authority's decision-making processes,
- provide independent, timely and reliable advice and information on those matters which are not the responsibility of the Chief Fire Officer or the Treasurer
- advise the Authority on its duties, powers and procedures
- advise the Authority and the Chief Fire Officer on issues of governance and public service policy

Powers Delegated to the Monitoring Officer

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

a) 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.

b) To be "Proper Officer" for the purposes of the Local Government (Access to Information) Act 1985.

c) To be Monitoring Officer under the Local Government and Housing Act 1989, the Local Government Act 2003 and the Localism Act 2011.

d) As its solicitor to institute, defend or settle legal proceedings on behalf of the 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.

e) After consultation with the Chair 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 Monitoring Officer and may not be delegated by them to others to act on their behalf).

f) 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.

7.5 **Clerk Role**

The Clerk is the Authority’s professional adviser on procedural and conduct matters. In summary the Clerks duties are to:

- oversee the Authority’s decision-making processes, support the Chair at Authority and Committee meetings and ensure that decisions are recorded and implemented
- be responsible for the safekeeping of the Authority’s Common Seal
- advise the Authority on its duties, powers and procedures
- advise the Authority and the Chief Fire Officer on issues of governance and public service policy
- advise the Independent Remuneration Panel and implement the agreed scheme of members’ allowances
- keep the register of members’ disclosable pecuniary interests and to
- respond to members’ requests for advice about their interests
- liaise with the constituent councils about appointments to the Authority

- liaise with the Chief Fire Officer and the Treasurer on matters relating to the operation of the Authority.

Powers Delegated to the Clerk

To exercise all powers necessary to fulfil the role and duties of the Clerk 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 Members 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 under the Local Government and Housing Act 1989, the Local Government Act 2003 and the Localism Act 2011.

e) To keep the 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, subcommittee or officer acting under delegated powers.

f) That the Clerk be given delegated authority to be able to make in year changes to Committee memberships in consultation with political group leaders.

g) To determine, after consultation with the Independent Renumeration Panel, how any inflationary increase to Members' Allowances should be implemented in the event of a consolidated cash payment to Green Book conditioned staff.

Appendix A - Process for dealing with complaints related to Members' conduct

1. Receipt of Complaint

1.1. The Clerk will normally acknowledge receipt of the complaint within 5 working days of receiving it and refer it to the Monitoring Officer. The Monitoring Officer will write to the Member concerned (Subject Member) with details of the allegations (subject to any representations from the Complainant on withholding their identity which are accepted as valid by the Monitoring Officer).

1.2. The Subject Member may, within 10 working days of receipt, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint will be dealt with. Representations received after this time may be taken into account, at the discretion of the Monitoring Officer, but will in any event not be considered after the Monitoring Officer has issued the Complaint Initial Assessment.

2. Complaint Assessment

2.1. The Monitoring Officer will review the complaint and, after consultation with the Independent Person, take a decision (Complaint Initial Assessment) as to whether it merits further consideration or another course of action. This decision will normally be taken within 20 working days of receipt of a complaint.

2.2. A complaint will be rejected if:

a) It is not against one or more named Members of the Authority;
b) The Subject Member was not in office at the time of the alleged conduct/or a Code of Conduct was not in force at the time;
c) The complaint, if proven, would not be a breach of the Code of Conduct under which the Subject Member was operating at the time of the alleged misconduct.

2.3 If appropriate, the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be investigated, dealt with informally, or rejected:

a) Whether a substantially similar allegation has previously been made by the Complainant or the complaint has been subject of an investigation by another Regulatory Authority.
b) Whether the complaint is about something that happened over 6 months ago as those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now.
c) Whether the allegation is anonymous.
d) Whether the allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action
e) The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations; or ii. whether, in all the circumstances, there is no overriding public benefit in carrying out an investigation.
f) Whether the complaint appears to be malicious, vexatious, politically motivated or 'tit-for-tat'.
g) Whether the complaint suggests that there is a wider problem throughout the Authority.
h) Whether it is apparent that the Subject Member has apologised for making an error and the matter would not warrant a more serious sanction.
i) Whether training or conciliation would be the appropriate response.

3. Identity of the Complainant

3.1. If the Complainant has asked for their identity to be withheld, this request will be considered by the Monitoring Officer at the Complaint Initial Assessment stage.

3.2. As a matter of fairness and natural justice, the Subject Member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the Complainant's identity if on request from the Complainant, or otherwise, they are satisfied that the Complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or their employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.

3.3. If the Monitoring Officer decides to refuse a request by a Complainant to withhold their identity, the Complainant will be offered the option to withdraw the complaint, rather than proceed with their identity being disclosed.

4. Additional Information

4.1. The Monitoring Officer may require additional information to come to a decision and may request information from the Subject Member or otherwise.

4.2. In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for an investigation. Such Informal Resolution may involve the Subject Member accepting that their conduct was unacceptable and offering an apology, or taking other steps. Where the Subject Member or the Authority (in appropriate cases) make a reasonable offer of informal resolution, but it is rejected by the Complainant, the Monitoring Officer will take account of this in deciding whether the complaint merits further consideration.

5. Further Consideration

5.1. In the event that it is concluded that the complaint merits further consideration, the matter will be dealt with in one of three ways:

a. Informal Resolution
b. Summary Hearing
c. Formal Investigation

5.2. The decision as to how to proceed will be made by the Monitoring Officer following consultation with the Independent Person and will be final.

6. Informal Resolution

6.1. If the Monitoring Officer considers that the matter can reasonably be resolved without the need for a hearing, the Independent Person and the Complainant will be consulted to seek to agree a fair resolution. Such resolution may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action. If the Member accepts the suggested resolution, the Monitoring Officer will take no further action. The target timescale for this will be 10 working days of the Complaint Initial Assessment.

6.2. If the Complainant or the Subject Member refuses Informal Resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a Summary Hearing or a Formal Investigation without further reference to the Complainant or the Subject Member. The target timescale for this will be 15 working days from the refusal to cooperate.

6.3. Engagement in the Informal Resolution process will usually prevent the complaint from progressing to a Summary Hearing or an investigation.

7. Summary Hearing

7.1. Where, in the opinion of the Monitoring Officer, Informal Resolution is not appropriate or the Complainant and/or Subject Member refuse to co-operate, the Monitoring Officer will report on the complaint to a panel made up from the Appointments and Disputes Committee which may then conduct a Summary Hearing by the Panel before deciding whether the Member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member. Alternatively, if the Panel decides that the complaint is not suitable for a Summary Hearing it may direct that a Formal Investigation takes place.

7.2. Under this procedure, the complaint and the comments made by the Subject Member will be collated into a report for the hearing. The Complainant and the Subject Member will be informed of the hearing date and the complaint, together with supporting evidence/witnesses and the Subject Member's comments and supporting evidence/ witnesses will be presented to the hearing. The only witnesses permitted are people referred to in the evidence, and not, for example, character witnesses.

7.3. The Independent Person will be invited to attend the hearing.

7.4. The Panel will make a decision based on the evidence presented by the two parties about whether there has been a breach of the Code, and if so, what sanctions they may impose; and the views of the Independent Person.

7.5. This hearing should take place within 20 working days of the Complaint Initial Assessment.

8. Formal Investigation

8.1. Where the Monitoring Officer (following consultation with the Independent Person) considers that a complaint merits formal investigation, an Investigating Officer will be appointed. The Investigating Officer may be an Officer of the Authority or an external investigator.

8.2. The role of the Investigating Officer is to determine whether or not the Subject Member has a case to answer i.e. whether there is sufficient evidence to indicate that a potential breach of the Code may have occurred.

8.3. The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost-effective use of resources and shall be interpreted in line with these principles.

8.4. At the end of their investigation, the Investigating Officer will send a copy of their draft report to the Complainant and the Subject Member for any comments and will take these

into account before issuing their final report to the Monitoring Officer.

8.5. The target time for completion of the investigation is 12 weeks from the date of appointment.

9. Investigating Officer Finding of No Case to Answer

9.1. The Monitoring Officer (following consultation with the Independent Person) will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is satisfactory, will within 10 working days make a Confirmation Decision to confirm the finding of no failure to comply with the Code of Conduct.

9.2. The Monitoring Officer will write to the Complainant and the Subject Member with a copy of the Confirmation Decision and the Investigating Officer's final report. The target timescale will be 10 working days from receipt of the report.

9.3. If the Monitoring Officer is not satisfied that the investigation has been conducted satisfactorily, the Investigating Officer may be asked to reconsider their report and conclusion. This should be done within 5 working days of receipt of the report.

10. Investigating Officer finding of A Case to Answer

10.1 The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for Hearing before the Panel or, after consulting the Independent Person, seek Informal Resolution. The target timescale is 10 working days from receipt of the report. Any Hearing shall take place as soon as reasonably practical.

11. Panel Hearing Procedure

11.1. The Hearing will be conducted fairly and in accordance with the rules of natural justice.

11.2. Prior to the Hearing the Monitoring Officer will give directions as to the presentation of evidence by the Independent Investigator and the Subject Member and the calling of any witnesses.

11.3. The Investigating Officer, the Subject Member and Independent Person shall be invited to attend the hearing.

11.4. At the hearing the procedure will be as follows (subject to any directions given under 11.2 above):

a) The Independent Investigator will present their report to the Panel and call any witnesses in support.
b) The Subject Member may ask the witnesses any questions.
c) The Panel may ask the witnesses any questions.
d) The Independent Investigator may clarify any issues with witnesses arising from the questions asked.
e) The Subject Member will respond to the report and call any witnesses in support
f) The Independent Investigator may ask the witnesses any questions.
g) The Panel may ask the witnesses any questions.
h) The Subject Member may clarify any issues with witnesses arising from the questions asked.

i) The Independent Person may provide their views to the Panel.
j) The Investigating Officer may make closing arguments.
k) The Subject Member may make closing arguments.
l) The Panel will retire with the Monitoring Officer (or their Deputy) to consider the case making findings of fact and come to a decision on whether the Code of Conduct has been breached.
m) The Panel will announce their decision and give an indication of the sanction(s) it believes appropriate in the circumstances.
n) If a breach of the code is found the Panel shall invite representations on the proposed sanction(s) to be imposed as set out in 12 below.
o) The Panel will consider those representations and announce its final decision on sanction(s).

12. Action the Panel may take where a Member has failed to comply with the Code of Conduct

12.1 Where the Panel finds that a Member has failed to comply with the Code of Conduct, the Authority has delegated to the Panel such of its powers to take action in respect of individual Members as may be necessary to promote and maintain high standards of conduct. Accordingly, the Panel may decide to do one or more of the following:

a) Publish its findings in respect of the Subject Member's conduct.
b) Report its findings to the Authority for information.
c) Recommend to the Authority that the Subject Member be censured.
d) Recommend to the Authority that the appointing Unitary Authority replaces the Subject Member on the Authority.
e) Recommend to the Subject Member's Group Leader (or in the case of un-grouped Members, recommend to the Authority) that they be removed from any or all Committees or Sub-Committees of the Authority.
f) Instruct the Monitoring Officer to arrange training for the Member.
g) Withdraw facilities provided to the Subject Member by the Authority.
h) Exclude the Subject Member from the Authority's premises, with the exception of meeting rooms as necessary for attending Authority, Committee and other approved meetings.
i) Require an apology in suitable terms to the Complainant/the Authority.

13. Confidentiality

13.1 All complaints received shall be dealt with on a confidential basis and all reports prepared for the Panel shall be regarded as containing Exempt Information under the Local Government Act 1972.

13.2 At the end of the process following a Summary Hearing or a Hearing following a formal investigation the Panel shall determine what (if any) information received shall be published and in what format subject to any views expressed by the Complainant and the Subject Member and the requirements of the General Data Protection Regulation and the Data Protection Act 2018.

14. Revision of these arrangements

14.1 The Panel may by resolution agree to amend these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter

(following consultation with the Monitoring officer and the Independent Person).

15. Appeals

15.1 There is no right of appeal against a decision of the Monitoring Officer or of the Panel although redress to judicial review is available