



WEST MIDLANDS FIRE AND RESCUE AUTHORITY

29 June 2015

BOOK 2

Agenda Item 9

The Constitution

West Midlands
Fire and Rescue Authority

THE CONSTITUTION



WEST MIDLANDS FIRE SERVICE

[ILO: UNCLASSIFIED]

West Midlands Fire and Rescue Authority Constitution

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Preface

Introduction

West Midlands Fire and Rescue Authority is a Joint Authority established under the Local Government Act 1985.

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

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

Governance of the Authority

Clerk to the Authority

In accordance with Section 34(8) of the Local Government Act 1985 the Authority has appointed a Chief Officer to act as Clerk to the Authority. The Strategic Enabler – Strategic Hub undertakes this role.

Monitoring Officer

In accordance with the Section 5, Local Government and Housing Act 1989 the Authority has appointed a Monitoring Officer. The Deputy Chief Executive from Sandwell Metropolitan Borough Council undertakes this role. A Deputy Monitoring Officer has also been appointed.

Treasurer to the Authority

In accordance with Section 73 of the Local Government Act 1985 the Authority has appointed the Strategic Enabler - Finance and Resources to act as the officer responsible for the administration of the Authority's financial affairs. A Deputy has also been appointed.

The Authority's Constitution

The purpose of this Constitution is to outline the way in which West Midlands Fire and Rescue Authority is organised to carry out its affairs. It explains how decisions are made and brings together in one document the detailed rules and procedures that govern the behaviour of those who work for or represent the Authority.

The Constitution is made up of articles and rules of procedure and associated material. Articles are intended to set the overall framework and in general will not be subject to frequent change, although an annual review will normally be undertaken to highlight essential or procedural amendments. The Articles are about what is to be done and by whom. Procedure Rules, Codes of Conduct and other material local after the Articles are broadly about how the Articles are put into effect. These are subject to more frequent change, especially as we learn from the experience of new ways of working.

Legislative Context for the Fire Service

The work of West Midlands Fire and Rescue Service is underpinned by the following key documents:-

The Fire and Rescue Services Act 2004 (The Act)

The Act (which replaced the Fire Services Act 1947) places prevention at the heart of what fire services do. Within that is a duty to promote fire safety – and other powers to help create safer communities, particularly for the most vulnerable in society.

The Act also formally recognises that the role of the service has broadened beyond the traditional fire fighting role in recent decades and now includes rescues from road traffic accidents as well as responding to other serious incidents such as major flooding and the threat of terrorism.

Fire and Rescue National Framework for England

As a requirement of the Fire and Rescue Services Act, the Government published the Fire and Rescue National Framework. The Framework sets out the government's priorities and objectives for fire and rescue authorities and all fire and rescue authorities must have regard to it in carrying out their duties.

The Framework places responsibility on fire and rescue services to prepare an Integrated Risk Management Plan. The plan must include targets and objectives for reducing risks, balancing prevention and intervention, and determining response standards and resource allocation. In West Midlands this is called our [Community Safety Strategy](#).

The Fire and Rescue Services (Emergencies) (England) Order 2007

As a requirement of the The Act, section 58 specifies other emergencies for which fire and rescue authorities must make provision. These are set out in The Fire and Rescue Services Order 2007.

This Order specifies functions in connection with emergencies involving chemical, biological, or radio-active contaminants, structural collapse or a train, tram or aircraft (“transport emergencies”), but does not apply in relation to transport emergencies unless the incident is likely to require a fire and rescue authority to use resources beyond the scope of its normal day to day operations.

In addition where a fire and rescue authority has specialist resources, including specialist trained personnel, to enable it to deal with emergencies of a kind described in this Order, and such an emergency occurs or is likely to occur in the area of another authority, this order requires the authority with the specialist resources, if asked to do so, to use those resources in that other authority’s area so far as is reasonable for the purpose of dealing with the emergency.

Civil Contingencies Act 2004

The Civil Contingencies Act delivers a framework for civil protection. It focuses on local arrangements for civil protection, establishing a statutory framework of roles and responsibilities for local responders; and on emergency powers, establishing a framework for the use of special legislative measures that might be necessary to deal with the effects of the most serious emergencies.

The Act also divides local responders into two categories, depending on the extent of their involvement in civil protection work, and places a proportionate set of responsibilities on each. The fire service is a Category 1 responder. This means that it is at the core of emergency response.

Regulatory Reform (Fire Safety Order) 2005

The Regulatory Reform (Fire Safety Order) 2005 places emphasis on business continuity and containing and preventing the spread of small fires. It provides a minimum fire safety standard in all non domestic premises. It designates a person (e.g. employer, manager or owner) as a responsible person who is then required to carry out certain fire safety duties which include ensuring the general fire precautions are satisfactory and conducting a fire risk assessment.

Fire authorities are the primary enforcing agencies for all fire legislation in non-domestic use. Resources and inspections are targeted at those premises that present the highest risk. Where breaches of the Regulatory Reform Order occur the Fire Authority can provide practical advice or, where the risk is serious, formal notices (including notices preventing use).

The Authority has delegated the power to prosecute to the Chief Fire Officer.

The Plan

[‘The Plan’](#) is the Authority’s corporate strategy; it outlines the strategic direction for the Authority over a three-year period and includes key priorities, outcomes and strategic objectives. It defines the range of services that will be provided, outcomes that will be achieved and the commitment to work in partnership with others.

Community Safety Strategy

The Community Safety Strategy provides an outline of how we intend to manage risk over a three-year period. The document sets out in detail an analysis of foreseeable fire and rescue related risks in West Midlands. It describes the work that the Service is currently engaged in to make West Midlands safer and it identifies new initiatives, changing priorities and the changes of direction required to respond.

Your Chance to Comment

This Constitution is available for public inspection at the offices of the Clerk to the Authority and the Monitoring Officer. It is also available electronically via the Committee Management Information System (CMIS) on the Fire Service’s website (www.wmfs.net) and on request in CD-Rom format. The document is kept under constant review and updated to ensure that it remains valid and valued. A full review is undertaken every 12 months.

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

Monitoring Officer to West Midlands Fire and Rescue Authority
Sandwell Metropolitan Borough Council
Sandwell Council House
Oldbury
West Midlands
B69 3DE

Summary and Explanation

The Authority's Constitution

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

The Constitution itself is divided into 17 Articles, set out in Part 2, which set out the basic rules governing the Authority's business. More detailed procedures, codes of practice and protocols are provided in Parts 3 to 8 of the Constitution.

What's in the Constitution?

Article 1 sets out the primary purpose of the Constitution and how the Authority will discharge its functions.

Articles 2 to 17 explain the rights of citizens and how the key parts of the Authority operate. These are:

- Article 1 – The Constitution
- Article 2 – Members of the Authority
- Article 3 – Citizens and the Authority
- Article 4 – The Role of the Authority
- Article 5 – Policy Planning Forum
- Article 6 – Executive Committee
- Article 7 – Scrutiny Committee
- Article 8 – Audit Committee
- Article 9 – Standards Committee
- Article 10 – Appointments Committee
- Article 11 – Appeals Committee
- Article 12 – Joint Arrangements and Partnerships
- Article 13 – Officers
- Article 14 – Decision Making
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How the Authority Operates

The Authority is composed of 27 members, all of whom must be a councillor elected to one of the seven constituent district councils within West Midlands, as described in Article 2. The overriding duty of members of the Authority is to the whole community of West Midlands.

Members have to agree to follow an approved Code of Conduct designed to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises members on the Code of Conduct.

All members meet together as the Fire and Rescue Authority. Meetings of the Authority are normally open to the public. Members decide the Authority's overall policies and set the budget each year. At the annual meeting they make appointments to the various committees.

How Decisions are Made

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

The Authority aims to ensure decision making is efficient, transparent and accountable and in accordance with the following principles:-

- the action taken is proportionate to the desired outcome;
- decisions are taken on the basis of due consultation and professional advice from officers;
- decisions taken by elected members will be based on information provided in a written report prepared by the responsible officer(s);
- respect for human rights;
- a presumption in favour of openness;

Reports will only be considered in private where they contain confidential or exempt information as defined under specific legislative provisions (see Part 4 Access to Information Rules – Rules 10 and 11)

- Clarity of aims and desired outcomes;

The written reports submitted to elected members will contain a clear recommendation for every decision they are asked to take.

Scrutiny

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

Article 1 - The Constitution

1.1 Discharge of Functions

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

1.2 Purpose of the Constitution

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

- (i) assisting members to discharge their role as decision makers efficiently and effectively;
- (ii) ensuring that the decision making processes are clearly identifiable to citizens;
- (iii) enabling officers of the Authority to deliver the agreed key priorities, outcomes and strategic objectives as set out in The Plan, in order to achieve the vision of making West Midlands Safer;
- (iv) providing citizens with information about their rights and right to be involved in the process of decision making to encourage their active involvement;
- (v) providing a means for improving the democratic accountability of the Authority in the delivery of services to the community.

1.3 Monitoring

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

Article 2 – Members of the Authority

2.1 Composition and Eligibility

- (i) Composition – The Authority comprises 27 members, each of whom is an elected councillor, elected to one of the seven constituent district councils comprising West Midlands.
- (ii) The constituent councils appoint members to the Authority at their annual meetings each year and in accordance with the provisions of the Local Government Act 1985. These appointments are made in the following proportions, which reflect the size of the population of each Council:-

<u>Council</u>	
Birmingham	10
Coventry	3
Dudley	3
Sandwell	3
Solihull	2
Walsall	3
Wolverhampton	3

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

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

2.2 Roles and Functions of Members

All members are expected to:-

- (i) act corporately for the good governance of the Authority, balancing the needs of the whole community of West Midlands with their role of local representative;
- (ii) to actively represent, promote and support the work of the Authority in the provision of Fire and Rescue Services within the whole area and community of West Midlands;

- (iii) on a regular basis, to attend meetings of the Authority and any committees, sub-committees, fora or external bodies to which the member has been appointed and to fully participate in policy formulation and decision making including the development of strategic policies, determination of the budget and approving 'The Plan' in accordance with principles of good public governance, including a requirement to act at all times in accordance with:
 - statutory and other legal requirements
 - the code of conduct for members
 - standing orders of the Authority
 - the member/officer protocol
- (iv) represent the Authority throughout the West Midlands;
- (v) if appointed by the Authority to an external body; to represent the interests of the Authority on that body;
- (vi) to be actively aware of all issues inside and outside of the Authority, relevant to the provision of fire and rescue services in order to fulfil a community leadership and representative function, working as necessary in partnership with other local organisations in order to effectively promote the safety and well being of the whole community of West Midlands;
- (vii) to actively engage in training and development to respond to the growing complexities and demands on fire and rescue services, to enable them to carry out their role to their full potential and to assist the Service in making West Midlands safer, as set out in the Member Development Strategy.

2.3 Chair and Vice Chair of the Authority

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

2.4 Roles and Responsibilities of Designated Office Holders

2.4.1 Chair of the Authority

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

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

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

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

To chair the Executive and Appointments Committees and any other meetings as required by the Authority;

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

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

To take overall political responsibility within the Authority for:-

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

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

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

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

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

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

2.4.2 Vice Chair of the Authority

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

2.4.3 Minority Party Group Leaders

The role of minority party leaders is:-

- to ensure that their party contributes effectively, positively and constructively to the Authority's activities;
- to act as the principal political spokesperson for their political group;
- to provide leadership to their party group.

2.4.4 Chairs of Committees

The role of a committee chair is:-

- to chair the committee and ensure its overall effectiveness;
- to have a working knowledge of the Authority's relevant policies and strategies and to ensure that he/she is sufficiently and effectively briefed by officers on matters coming before the committee;
- to coordinate and manage the work of the committee;
- to support the role of the Chair of the Authority in the development of policy, strategy and budget proposals;
- to provide an annual report covering the performance of the committee for the AGM.

2.4.5 Committee Vice-Chairs:

The role of a committee vice-chair is:-

- to support the committee chair in discharging his/her role;
- to deputise for the committee chair during his/her absence.

2.4.6 All Members

All members have a responsibility:-

- to ensure that the Fire Authority provides an efficient and effective fire and rescue service, taking into account the needs of all sections of the community.
- to contribute actively to the formation and scrutiny of the Fire Authority's policies, priorities, plans, targets, performance and budget.
- to ensure that the Fire Authority is an equal opportunities employer, and considers the needs of all sections of the community.
- to ensure that the Fire Authority delivers value for money.
- to develop and maintain a sound working knowledge of the Fire Authority's duties, policies and practices.
- to participate in Member development to ensure the appropriate acquisition of skills and knowledge in accordance with the Member Development Strategy.
- to develop and maintain a working knowledge of the organisation's services, activities and other matters, which affect and impact on the local community.
- to comply with relevant protocols and codes of conduct.
- to participate effectively as a member of any committee or other body to which you are appointed by the Authority.
- to participate in performance review of the services provided by the Fire Authority, including scrutiny of policies and budgets and their effectiveness in achieving strategic objectives.
- to participate effectively in any consultative processes with the local community and with other organisations, as required.
- to encourage the community to participate constructively in consultative arrangements and service provision.
- to develop and maintain good and effective working relationships with the Fire Authority's Chair and Vice-Chair and relevant officers of the Fire Authority.
- to consider recommendations/options put forward by the Treasurer in relation to the Fire Authority's budget and precept and participate in the budget and precept setting process.

2.4.7 Section 41 Members

In addition to the responsibilities and competences set out in 2.4.6 members appointed as 'lead' members for their constituent council, under Section 41 of the Local Government Act 1985, will be required to answer questions put to them at meetings of their constituent council relating to the discharge of functions of the Fire and Rescue Authority.

2.5 Rights and Duties of Members

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

2.6 Failure to Attend Meetings

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

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

2.7 Conduct

Councillors will at all times be guided by the Members' Code of Conduct and the Protocol on Member/Employee Relations set out in Part 5 of this Constitution.

2.8 Allowances

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

Article 3 - Citizens and the Authority

3.1 Citizens' Rights

Citizens have the following rights:

3.1.1 Information – Citizens have the right to:

- i) Attend meetings of the Authority and its committees, except during items of business where confidential or exempt information is likely to be discussed or disclosed, in which case the meeting or that part of any meeting will be held in private to the exclusion of citizens.
- ii) Film, audio record, take photographs, blog or tweet authority meetings in accordance with (i) above.
- iii) See reports and background papers (except for confidential or exempt reports and papers) and any record of decisions by the Authority and its committees.
- iv) Inspect the Authority's accounts and make representations to the external auditor about the content of those accounts.
- v) Request a permanent copy of any personal information held about them under the provisions of the Data Protection Act 1998, subject to any of the exemptions to disclosure contained in that Act applying.
- vi) Request information relating to Authority business under the provisions of the Freedom of Information Act 2000 and Environmental Information Regulations 2004, subject to any of the exemptions to disclosure contained within the respective legislation applying.

3.1.2 Participation and Consultation

- (i) The rights of citizens to speak at meetings of the Authority and its committees shall be at the discretion of the Chair.
- (ii) The Authority has established arrangements for consultation for key areas of activity, for example, consultation procedures involving all relevant stakeholders on its Community Safety Strategy and Corporate Strategy – 'The Plan'.
- (iii) Citizens can expect to be consulted on significant issues on either a local or authority-wide basis depending upon the nature of the matter and its relative effect on the community.

3.1.3 Complaints – Citizens have the right to complain to:

- (i) The Authority, under its Compliments, Comments and Complaints Policy.
- (ii) The Local Government Ombudsman after using the Authority's complaints scheme.

- (iii) The Monitoring Officer/Standards Committee about a breach of the Code of Conduct by any member of the Authority.

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

3.2 Citizens' Responsibilities

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

Article 4 - The Authority

4.1 Legal Structure/Delegations

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

- (i) statutory or legal requirements;
- (ii) standing orders and financial regulations of the Authority;
- (iii) strategic and corporate policies adopted by the Authority and/or any directions given by the Authority in relation to the exercise of delegated functions.

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

4.2 Matters Reserved to the Authority

Only the Authority will exercise the following functions:-

4.2.1 Governance

- (i) Appointment of committees and panels, their terms of reference, appointment of chairs and vice chairs, Section 41 members and appointments to other bodies.
- (ii) Approval and variation of Authority procedural Standing Orders, procurement standing orders and Financial Regulations and any other standing orders/procedures/protocols deemed, by the Chair, to be reserved to the Authority.
- (iii) Approval of the Members' Allowances Scheme.
- (iv) Establishment of a Standards Committee and appointment of the independent person(s) appointed in pursuance of Section 28 of the Localism Act 2011.
- (v) Overview of corporate governance and the regulatory framework [delegated to Audit Committee].

- (vi) Overview of governance arrangements in relation to any collaborative working agreements and shared service delivery arrangements [delegated to Executive Committee].
- (vii) To ensure compliance in the management and administration of the Pensions Board.

4.2.2 Finance and Land Matters

- (i) Capital and revenue budget setting including setting the precept and budget monitoring.
- (ii) Approval of expenditure that exceeds that included in approved revenue or capital budget.
- (iii) Approval of expenditure exceeding £250, 000.
- (iv) Approval of the accounts and the Annual Governance Statement.
- (v) Approval of the Property Asset Management Plan.
- (vi) Acquisition and disposal of land and property where not otherwise delegated to the Chief Fire Officer.
- (vii) Overview of internal and external audit functions [delegated to Audit Committee].
- (viii) Matters reserved to the Authority under financial regulations and procurement standing orders including approving:-
 - The procurement process in respect of tenders with value in excess of £250,000 [delegated to Executive Committee];
 - The award of contracts valued in excess of £100k where it is proposed to accept a tender other than the lowest price, or where there is no budget provision, or in any case where the Committee has reserved the right to approve the award of a contract [delegated to Executive Committee];
 - Approval of commissioning arrangements in excess of £250,000;
 - Virement in excess of £100k [delegated to Executive Committee];
- (ix) Approval of sponsorship arrangements in excess of £100,000 [delegated to Executive Committee];
- (x) Overview of the Authority's risk management strategy as defined in the Financial Regulations [delegated to Audit Committee].

4.2.3 Human Resources

- (i) Approval of the staffing structure and pay and conditions of service for principal and statutory officers.

- (ii) Appointment of Chief Fire Officer, Deputy and Assistant Chief Fire Officers - [delegated to Appointments Committee]; appointment of the Clerk, Monitoring Officer and Treasurer.
- (iii) Discipline and dismissal of the Chief Fire Officer, Clerk, Monitoring Officer and Treasurer; to hear and decide upon appeals by the Deputy Chief Fire Officer, and Assistant Chief Fire Officer against dismissal or other disciplinary action. [Appointments Committee]
- (iv) Deciding appeals under the firefighter pension schemes and the local government superannuation regulations [Appeals Committee].

4.2.4 Service Delivery

- (i) Ensuring that the Brigade delivers an effective and efficient fire and rescue service underpinned by prevention and protection activities.
- (ii) Approval of 'The Plan' (the Authority's strategic planning document), including:
 - Any significant changes, which fundamentally change the priorities set out in The Plan.
- (iii) Approval of the Authority's Community Safety Strategy (Integrated Risk Management Plan).
- (iv) The strategy set via The Plan is reviewed each year and consideration of an amendment(s) to The Plan will be conducted via the framework as set out in Article 14.
- (v) Approval of any significant matters arising from the consultation on 'The Plan' and the Authority's Community Safety Strategy. All matters arising from public consultation will be considered as part of the planning process and within the framework set out in Article 14.

The above reservations to the Authority, as part of the corporate planning process, will provide the Chief Fire Officer with a clear framework to lead the organisation when aligning resources to risk and varying them through risk based resource management and planning.

4.2.5 Generally

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

4.3 Authority Meetings

There are three types of Authority meeting:-

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

Article 5 – Policy Planning Forum

- 5.1 The Authority has established a Policy Planning Forum comprising all elected members and independent members of the Authority. The Forum operates in a less formal setting than full Authority meetings, but is not open to the public or the press. The Forum is not a decision making body, but provides a forum for discussion of important issues affecting the Service prior to formal submission and discussion with members via the Committee framework as appropriate.

It is a successful feature of the Authority's governance arrangements and provides a forum for consultation on key policy areas affecting the Authority and service delivery. It is recognised as a particularly effective way of engaging members and officers on key discussions on major issues faced by the Authority.

The Forum also acts as a vehicle to provide training to members.

- 5.2 Role and Functions:-

To provide for the consideration of key policy areas affecting the Authority and service delivery.

May refer matters to the Scrutiny Committee for consideration.

To act as a training facility for members and support member development.

To submit its notes to the Authority.

Article 6 - Executive Committee

6.1 The Authority has established an Executive Committee of 10 members. The membership of the Executive Committee will be such members of the political groups represented on the Authority as are appointed in proportion to their representative allocation under the Local Government and Housing Act 1989 and the political group regulations.

6.2 Role and Functions:-

To deal with all matters of an urgent nature which in the opinion of the Clerk/Monitoring Officer, cannot reasonably be delayed until the next ordinary meeting of the Authority or appropriate committee.

To approve, where due to timescales the Authority is unable to, any significant matters arising from the consultation on 'The Plan' and the Authority's Community Safety Strategy.

To consider recommendations from the Scrutiny Committee in respect of completed reviews and to respond to the Scrutiny Committee on what action it proposes to take.

Overview of governance arrangements in relation to any collaborative working agreements and shared service delivery arrangements.

To approve the procurement process in respect of tenders where the estimated value exceeds £250,000.

To approve the award of contracts valued in excess of £100,000 where it is proposed to accept a tender other than the most economically advantageous (highest score) or lowest price; or the value of the contract exceeds the identified funding provisions; or where the Committee/Authority has indicated at pre-tender stage that it reserves the right to approve the award of a particular contract.

To monitor retrospectively twice yearly the award of all contracts in excess of £250,000 and in particular those to which an exemption to the Procurement Procedures has been approved.

To monitor retrospectively the award of contracts valued over £30,000 but less than £100,000 where a tender other than the most economically advantageous (highest score) or lowest price has been accepted, or where the contract has been extended and this was not an option at the time of the award of the contract.

To approve arrangements for partnership working, funding and/or goods, works or services provided freely from external sources, including external funding agreements, above £100,000 in value.

To deal with matters relating to the Members' Allowances Scheme.

To oversee member development activities including the identification of members' learning and development needs, the annual programme of development activities and the identification of resources to deliver an effective member development programme.

To consider and make recommendations to the Authority on the conditions of service and salary of the posts of Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer.

To deal with any other matters referred to it by the Authority.

To submit its minutes to the Authority.

Article 7 - Scrutiny Committee

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

The main purpose of the scrutiny function is to:-

- i) Inform Policy Development
(i.e. pre-decision scrutiny - to provide a political steer before a decision is taken/implemented. The Committee may do this by calling in matters considered at the Policy Planning Forum stage.)
- ii) Hold officers and the Service to Account
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon officers to respond to its enquiries.)
- ii) Hold the Authority to account
(i.e. the Committee may call-in decisions for scrutiny before they are implemented, may examine decisions that have already been implemented and may call upon relevant members to respond to its enquiries.)
- iv) Conduct Reviews into Specific Issues.
(i.e. the Committee will identify matters that it wishes to conduct reviews into and call the relevant officers and members to assist it in carrying out those reviews.)

In carrying out its role the Committee may look at both operational and strategic issues.

- 7.2 Role and Functions:-

To carry out a maximum of two scrutiny reviews per annum selected by the Committee. Such reviews will be member-led and evidence based, and will produce SMART (specific, measurable, attainable, realistic and timely) recommendations to the Executive Committee.

To track and monitor the implementation of review recommendations that are accepted by the Executive Committee.

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

To manage, in consultation with the Strategic Enabler for Finance and Resources, a specific budget for the purpose of buying in any necessary external advice and support in connection with the reviews.

To receive and scrutinise performance information including progress against the Community Safety Strategy and 'The Plan', the Service's objectives and corporate performance indicators and review performance targets.

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

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

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

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

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

To deal with any matters referred to it by the full Authority, the Policy Planning Forum or Executive Committee, the Chief Fire Officer, Clerk, Monitoring Officer or Treasurer, not within its work programme.

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

To submit its minutes and an Annual Report to the Authority.

In order to allow for separation of the scrutiny and decision making functions, members of the Scrutiny Committee shall not sit on the Executive Committee.

The Committee will sit in public with minimum exceptions.

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

Article 8 – Audit Committee

- 8.1 The Authority has established an Audit Committee comprising six members, selected in accordance with current proportionality requirements.
- 8.2 In order to reinforce the independence of the Committee, the Authority has appointed an independent member to the Committee.
 - 8.2.1 The role of the Independent Member is to assist members of the Committee in providing independent assurance of the adequacy of the Authority's risk management framework and associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and overseeing the Authority's financial reporting process.
 - 8.2.2 The appointment is reviewed on a three-year basis.
- 8.3 Role and Functions:-

Statement of purpose

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

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

Governance, risk and control

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

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

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

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

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

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

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

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

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

Internal Audit

To approve the internal audit charter.

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

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

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

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

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

- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
- Regular reports on the results of the quality assurance and improvement programme;

- Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.

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

- The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
- The opinion on the overall adequacy and effectiveness of the Authority's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.

To consider summaries of specific internal audit reports as requested.

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

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

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

To support the development of effective communication with the head of internal audit.

External Audit (Grant Thornton)

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

To consider specific reports as agreed with the external auditor.

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

To commission work from internal and external audit.

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

Financial Reporting

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

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

Accountability arrangements

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

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

Pensions Board

To have delegated responsibility as Scheme Manager for making decisions in the management and administration of the fire fighter pension scheme. The pensions board assists the audit committee in the role as Scheme Manager to secure compliance with regulations relating to Governance and Administration.

To submit its minutes and Annual Report to the Authority.

Article 9 – Standards Committee

- 9.1 The Localism Act 2011 requires local authorities to have in place arrangements under which allegations of breach of the Member Code of Conduct can be investigated and decisions on allegations can be made.
- 9.2 The Authority has established a Standards Committee comprising six members selected in accordance with current proportionality requirements to carry out this role.
- 9.3. The Act also states that at least one independent person must be appointed, whose views must be sought and taken into account before a decision on an allegation is made. The Authority has appointed one independent person to the Standards Committee.
- 9.3.1 The role of the Independent Person is as follows:-
- they must be consulted by the Authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
 - they may be consulted by the Authority in respect of a standards complaint at any other stage; and
 - they may be consulted by a member or co-opted member of the Authority against whom a complaint has been made.
- 9.4 Role and Functions:-

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

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

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

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

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

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

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

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

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

To meet at least annually and as and when appropriate.

To submit an Annual Report to the Authority.

To submit its minutes to the Authority.

Article 10 – Appointments Committee

10.1 The Authority has established an Appointments Committee comprising nine members, selected in accordance with current proportionality requirements and to represent each of the seven constituent authorities.

10.2 Role and Functions:-

To make the appointments of the Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer.

To make an appointment to act up to the post of Chief Fire Officer.

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

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

To hear and decide upon appeals by the Deputy Chief Fire Officer and Assistant Chief Fire Officer against dismissal or other disciplinary action.

To oversee, consider and where appropriate make a recommendation to the Authority on dismissal in respect of the Chief Fire Officer, following the appropriate application of the procedure set out in the relevant scheme of conditions, in line with APFO guidance and Authority Standing orders

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

To submit its minutes to the Authority.

Article 11 - Appeals Committee

11.1 The Appeals Committee operates as a quasi-judicial body in determining appeals relating to pensions and superannuation matters.

11.2 Role and Functions:-

To hear and decide upon:-

- Appeals under the Firefighters Pensions Scheme, New Firefighters Pensions Scheme and the Firefighters Compensation Scheme.
- Appeals under the Local Government Superannuation Regulations.

To submit its minutes to the Authority.

Article 12 - Joint Arrangements and Partnerships

12.1 Joint Arrangements

12.1.1 Clerk to the Authority

In accordance with Section 34(8) of the Local Government Act 1985 the Authority has appointed a Chief Officer to act as Clerk to the Authority. The Strategic Enabler - Strategic Hub undertakes this role.

12.1.2 Monitoring Officer

In accordance with the Section 5, Local Government and Housing Act 1989 the Authority has appointed a Monitoring Officer. The Assistant Chief Executive from Sandwell Metropolitan Borough Council, undertakes this role. A Deputy Monitoring Officer has also been appointed.

12.1.3 Treasurer to the Authority

In accordance with Section 73 of the Local Government Act 1985 the Authority has appointed the Strategic Enabler - Finance and Resources to act as the officer responsible for the administration of the Authority's financial affairs.

12.2 General Power of Competence

12.2.1 The Localism Act 2011 includes a 'general power of competence'. It gives local authorities the legal capacity to do anything that an individual can do that is not specifically prohibited; they will not, for example, be able to impose new taxes, as an individual has no power to tax.

12.2.2 The new general power gives authorities more freedom to work together with others in new ways to drive down costs. It gives them increased confidence to enable creativity and innovation to meet local people's needs.

12.2.3 The general power of competence does not remove any duties from local authorities - just like individuals they will continue to need to comply with duties placed on them. The Act does, however, give the Secretary of State the power to remove unnecessary restrictions and limitations where there is a good case to do so, subject to safeguards designed to protect vital services.

- 12.2.4 In pursuance of these powers, the Authority has established a Trading Company – West Midlands Business Fire Safety Limited – to undertake trading activity in order to generate income
- 12.2.5 Any income generated by the limited company will be invested in front line services, enabling for the continued provision of the best possible fire and rescue service to the people of the West Midlands.
- 12.2.6 The Company is accountable to the Fire Authority in all aspects of its operation (although the Trading Company is currently “dormant”).

12.3 Cross-Border Collaboration

- 12.3.1 Section 16 of the Fire and Rescue Services Act 2004, the Authority may enter into arrangements with another fire and rescue authority or another person for the purpose of discharging its functions.
- 12.3.2 The Authority has established arrangements with neighbouring fire and rescue services in Staffordshire, Warwickshire, Hereford and Worcester and Shropshire, for reciprocal support at times of peak demand.
- 12.3.3 In addition, the Authority is able to rely on mutual aid nationally, during a major emergency and reciprocates by contributing its support to other services from time to time, on a national basis.
- 12.3.4 These reciprocal regional arrangements described here are formalised in documented agreements between the regional services.
- 12.3.5 These agreements extend not just to fire engines and their crews but also to cooperation in the use of senior officers for incident command and control, or for designated specialist roles during an emergency incident, should that be necessary.

12.4 Partnership Working

- 12.4.1 The Authority works proactively with local authorities, government agencies, voluntary organisations and the private sector to achieve the vision of ‘Making the West Midlands Safer’. The Authority has in place partnership and sponsorship arrangements with companies in the private sector.

- 12.4.2 The Authority participates in statutory partnerships in pursuance of its prevention agenda including Community Safety Partnerships and Health and Wellbeing Boards in each of the seven constituent districts within the West Midlands conurbation.
- 12.4.3 The Authority has in place collaborative initiatives with a number of Fire Authorities.
- 12.4.4 The Authority intends to explore opportunities for shared services with other public service providers.
- 12.4.5 The Authority may establish joint arrangements with one or more local authorities to exercise its functions. Such arrangements may involve the appointment of a joint committee with these other local authorities. Any such arrangements will be set out in the Scheme of Delegation set out in Part 3 of this Constitution. The Access to Information Procedure Rules set out in Part 4 of this Constitution will apply to any such joint committees.

Article 13 - Officers

13.1 Management Structure

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

13.2 Chief Fire Officer

The Chief Fire Officer will engage appropriately with the Authority on the manner in which the discharge of the Authority's functions are coordinated, the organisation's structure, including substantive changes in staffing models, and pay and conditions of service.

13.3 Deputy Chief Fire Officer

The Deputy Chief Fire Officer will deputise for the Chief Fire Officer by prior arrangement or in event of illness.

13.4 Assistant Chief Fire Officer (uniformed)

The Authority has designated an Assistant Chief Fire Officer as set out in Part 7 of this Constitution.

13.5 Strategic Enablers (uniformed and non-uniformed)

The Authority has established posts of 11 Strategic Enablers as set out in Part 7 of this Constitution.

13.6 Clerk to the Authority

In accordance with the Local Government Act 1985 the Authority has appointed a Chief Officer to act as Clerk to the Authority. The Strategic Enabler – Strategic Hub undertakes this role.

The functions of the Clerk are to:

- Oversee the effective management of the Authority's democratic services
- Advise officers and members of the proper operation of the Authority, Committees and other forums.
- Sign and/ or seal documents on behalf of the Authority.

- To support the monitoring officer in the maintenance of the constitution, maintaining the Statutory Register of Members interests and Register of Gifts and Hospitality
- Undertaking the development, review and administration of the Members Allowances Scheme, in accordance with the Local Authorities (Members' Allowances) Regulations 2003.

13.7 Monitoring Officer

In accordance with the Local Government and Housing Act 1989 the Authority has appointed Sandwell Metropolitan Borough Council's Assistant Chief Executive its Monitoring Officer.

13.7.1 Functions of the Monitoring Officer:-

- Maintaining an up to date version of the constitution and ensuring that it is available for inspection by members, staff and the public.
- Appointment and replacement of members on the Authority under the procedures set out in the Local Government Act 1985.
- Maintaining the Statutory Register of Members' Interests and the Register of Gifts and Hospitality under the Authority's Code of Conduct, and advising on members' interests as appropriate.
- Assisting the Authority in meeting its obligations under Freedom of Information and Data Protection legislation as required.
- Ensuring lawfulness and fairness of decision-making - After consulting with the Treasurer and the Chief Fire Officer, the Monitoring Officer will report to the Authority in relation to any proposal, decision or omission which, in his/her view would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- Supporting the Standards Committee and contributing to the promotion and maintenance of high standards and support the Standards Committee in dealing with any allegations of misconduct.
- Conducting investigations into matters referred to him/her into complaints made against members of the Authority and/or (providing no conflict arises) provide or arrange for the provision of legal advice to the Standards Committee.

- Ensuring that the requirements of the Local Government Act 1972, as amended, will be met in relation to the publication of relevant committee reports, background papers and decisions and that they will be made publicly available (subject to any restrictions on disclosure) as soon as possible
- Providing advice on the scope of the powers of the Authority and its committees and officers to take decisions and in connection with matters involving maladministration and probity.

13.6.2 The Monitoring Officer cannot be the Chief Finance Officer.

13.7 Treasurer

In accordance with Section 73 of the Local Government Act 1985, the Authority has appointed the Strategic Enabler - Finance and Resources as Treasurer.

13.7.1 Functions of the Treasurer

- Ensuring lawfulness and financial prudence of financial decision making - After consulting with the Clerk and the Monitoring Officer, the Treasurer will report to the Authority and to the Authority's external auditor, if he/she considers that any proposal decision or course of action will involve incurring unlawful expenditure or is unlawful and likely to cause a loss or deficiency, or if the Authority is about to enter an item of account unlawfully. He/she will also make a report to the Authority if it appears that the expenditure of the Authority (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to meet that expenditure.
- Administration of financial affairs of the Authority.
- Contributing to corporate management, in particular, through the provision of professional financial advice.
- Providing advice on the scope and powers of the Authority to take decisions about financial impropriety, probity and budget and policy framework issues to the Authority, its committees, members and officers and will support and advise members and officers in their respective roles

13.8 Duty to provide sufficient resources to the Monitoring Officer and the Treasurer

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

13.9 Conduct

Officers will comply with the Officer Code of Conduct set out in Part 5 of this constitution.

13.10 Employment

The recruitment, selection and dismissal of officers will comply with the Authority's Standing Order 27 set out in Part 4 of this constitution.

Article 14 – Decision Making

14.1 Responsibility for Decision Making

Responsibility for decision making by the Authority, its committees, and officers is in accordance with Articles 4 to 11 of this constitution and the Officers' Scheme of Delegations set out in Part 3 of this constitution which together comprise the record of responsibility for decision making.

14.2 Principles of Decision Making

All decisions of the Authority will be made in accordance with the following principles:

- be within the lawful powers of the Authority;
- proportionality (i.e. the action taken is proportionate to the desired outcome);
- decisions are taken on the basis of due consultation and professional advice from officers and statutory officers (Decisions taken by members of the Authority will be based on information provided in a written report prepared by the responsible officer/s.);
- respect for human rights;
- a presumption in favour of openness (Reports will only be considered in private where they contain exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended)(see Part 4 Access to Information Rules – Rule 11);
- clarity of aims and desired outcomes (The written reports submitted to elected members will contain a clear recommendation of the professional officer for every decision they are asked to take).

14.3 Types of Decisions

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

14.4 Decision Making by the Authority and its Committees

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

14.5 Decision Making by Officers

Officers have full authority to control all matters relating to the administration of the Authority's functions under the Fire and Rescue Services Act 2004 and any other enabling legislation which shall include taking and implementing decisions that are:-

- (a) concerned with maintaining the operational effectiveness of the Service, including varying the deployment of resources in order to ensure the effective delivery of The Plan.
- (b) matters incidental to the discharge of the Authority's functions which fall within a policy decision taken by the Authority.
- (c) within their authorised remit in accordance with the terms of the Officer Scheme of Delegations set out in Part 3 of this constitution.

Explanatory note on the business planning process and feedback to members of the Authority:

Article 4 of this Constitution indicates that the Authority is responsible for the approval of The Plan, the Authority's strategic planning document, and the Community Safety Strategy. The Authority will approve the key priorities, outcomes and strategic objectives set out in The Plan and where appropriate significant changes to these, which will support the delivery of outcomes for the community and the achievement of the vision of, 'Making the West Midlands Safer'. The Plan is a 'rolling' 3-year strategy, enabling local service delivery plans to focus on current business whilst indicating the Authority's intentions for subsequent years. The Community Safety Strategy (Integrated Risk Management Plan) sets out how the Service will address risk in the community to achieve the outcomes agreed in The Plan.

The Authority will approve the priorities, outcomes and strategic objectives to be included in the Plan for the following financial year at the February meeting of the Authority. Following Authority approval the Chief Fire Officer will, via his/her Scheme of Delegations, ensure the appropriate and flexible allocation of resources to meet the needs of local communities and enable the delivery of The Plan, based on analysis of risk and best fit with the resources available to him/her.

In order to ensure Authority members are kept informed of the progress in delivering the strategic objectives and outcomes set out in The Plan, a six weekly progress briefing will be sent to all Authority members. This briefing will be sent out in a timely manner that allows members, who require further information or clarification on matters contained within the briefing, to request that an item be placed on the agenda for the Policy Planning Forum, which provides a forum for the discussion of issues affecting the Service.

Article 15 – Finance, Contracts and Legal Matters

15.1 Financial Management

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

15.2 Contracts

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

15.3 Legal Proceedings

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

15.4 Authentication of Documents

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

Article 16 – Review and Revision of the Constitution

16.1 Duty to Monitor and Review the Constitution

- 16.1.1 The Monitoring Officer in partnership with the Clerk to the Authority will monitor and review the operation of the constitution to ensure that the aims and principles of the Constitution are given full effect.
- 16.1.2 A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Authority and to make recommendations to the Authority and Chief Fire Officer for ways in which it could be amended, in order to better achieve the purposes set out in Article 1. In performing this duty the Monitoring Officer may, in his/her discretion:
- (i) attend and observe meetings of different parts of the member and officer structure;
 - (ii) examine the audit trail relating to decision making;
 - (iii) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders;
 - (iv) compare practices in the Authority with those in other comparable authorities or national examples of best practice.

16.2 Changes to the Constitution

Changes to the constitution will only be approved by the Authority after consideration of proposals submitted by the Monitoring Officer and following consultation with Fire Service Officers.

Article 17 - Suspension, Interpretation and Publication of the Constitution

17.1 Suspension of the Constitution

- (i) *Limit to Suspension* - The articles of this Constitution may not be suspended. However the rules specified below may be suspended to the extent permitted within those rules and the law.
- (ii) *Rules Capable of Suspension*

The following rules may be suspended in accordance with Article 17.1 (i):

Authority Standing Orders
Access to Information Procedure Rules
Officer Employment Procedure Rules
Financial Regulations
Procurement Procedures

17.2 Interpretation

- (i) Except as otherwise provided and subject to (ii) below, the decision of the Monitoring Officer on the interpretation of the Constitution shall be final.
- (ii) In relation to proceedings of the Authority, the ruling of the Chair of the Authority as to the construction or application of this Constitution shall be final at any meeting of the Authority.

17.3 Publication

- (i) The Clerk to the Authority will arrange for copies to be available for inspection at West Midlands Fire and Rescue Service Headquarters and at other appropriate locations and by publication on the Authority's official website.
- (iii) The Clerk to the Authority will give a printed copy of the relevant practical parts of this Constitution to each member of the Authority after that member has signed the Code of Conduct acceptance following their appointment.

West Midlands Fire and Rescue Authority

Scheme of Delegations

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

The scheme should be read in conjunction with the ‘Matters Reserved to the Authority’, as set out in Article 4 of the Authority’s Constitution, and will be reviewed at each annual meeting of the Authority and otherwise as necessary. Paragraph 33 of the Authority’s Procedural Standing Orders also applies to the scheme of delegation.

1. Conditions of Delegations

- 1.1** It is the duty of officers to whom the exercise of powers is delegated to keep members of the Authority informed of activity arising within the scope of the delegated powers given to them.
- 1.2** In exercising delegated powers, officers shall consult with each other as appropriate in the circumstances and shall have regard to any advice given.
- 1.3** It shall always be open to an officer to seek authority or guidance from the Authority (particularly Statutory Officers) and to elect not to exercise delegated powers; or to consult with members on the exercise of delegated powers.
- 1.4** The exercise of delegated powers by an officer shall be in accordance with:-
 - (a) The policies of the Authority and its decisions from time to time;
 - (b) The Authority’s Standing Orders and Financial Regulations.
- 1.5** A written record will be kept of all actions taken under delegated authority.

2. Powers not to be delegated

- 2.1** This Scheme does not delegate:-
 - (a) Any matter reserved to the Authority.
 - (b) Any matter that must not by law be delegated to an officer.

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Powers should not be delegated:

- 2.2 Where to do so would effectively result in the officer making a decision reviewing their own decision in relation to pension and disciplinary matters.
- 2.3 Where to do so would result in a breach of the Authority's Contract Standing Orders for the time being in force.
- 2.4 In respect of action constituting the entering into of sponsorship arrangements, the value of which exceeds £100,000.
- 2.5 In respect of action constituting the appointment or dismissal of the Chief Fire Officer, the Clerk, Monitoring Officer or the Treasurer; appointment of the Deputy Chief Fire Officer or Assistant Chief Fire Officer; or the determination of appeals against dismissal or other disciplinary action in respect of the Deputy Chief Fire Officer or the Assistant Chief Fire Officer.
- 2.6 Where to do so would result in the Authority incurring expenditure for which no budgetary provision exists within the budget heads for which the officer proposing to exercise delegated powers is responsible.
- 2.7 Where to do so would result in expenditure entailing the virement of sums totaling in excess of £100k from one budget line approved by the Authority to another budget line.
- 2.8 No officer other than the Treasurer shall have the power to write off debts due to the Authority.
- 2.9 The term "officer" means the holder of a post named as having delegated powers or duties under this scheme.

3. Delegations to the Chief Fire Officer

- 3.1 To control all matters relating to the administration of the Authority's functions under the Fire and Rescue Service Act 2004 and any other enabling legislation which shall include taking and implementing decisions that are:-

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- (a) Concerned with maintaining the operational effectiveness of the Service, including varying the deployment of resources in order to ensure the effective delivery of The Plan;
 - (b) Matters incidental to the discharge of the Authority's functions which fall within a policy decision taken by the Authority.
- 3.2** To make, sign, issue and serve such Notices, Orders, Statements and other documents as may be necessary or appropriate for the above purposes (3.1) or to give effect to, or carry out his/her decision under powers delegated to him/her under this scheme.
- 3.3** To submit comments on any town & country planning matter, Building Regulations, Safety of Sports Grounds and other applications or licences, where the Authority is a consultee, statutory or otherwise.
- 3.4** To exercise all the powers of the Authority as an enforcement authority under relevant legislation, without prejudice to the generality of this position he/she may in particular:-
 - 3.4.1 Authorise the commencement of criminal proceedings (after consultation with the Monitoring Officer to the Authority) for any breach of any law or regulation, the enforcement of which the Authority is empowered to undertake.
 - 3.4.2 Take appropriate action on behalf of the Authority under the Regulatory Reform (Fire Safety) Order 2005.
 - 3.4.3 Designate persons as Inspectors under Article 26 of the Fire Safety Order 2005 and the Health and Safety at Work Act 1974.
 - 3.4.4 Authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Fire Safety Order 2005.
- 3.5** To ensure that nationally and locally agreed conditions of service are properly implemented in line with agreed Authority policies.
- 3.6** After consultation with the Treasurer, to authorise the implementation of any nationally agreed pay award in respect of all employees, subject to any element of discretion being referred to the Authority for consideration.

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- 3.7** To manage all staff and staffing structures and decide on personnel issues in line with agreed Authority policies.
- 3.8** To vary the grading of individual posts up to (but not including) Assistant Chief Fire Officer-(including progression within and between grades), having regard to the national Job Evaluation Scheme.
- 3.9** To make and terminate appointments, including voluntary and compulsory redundancy, of uniformed and non uniformed staff up to (but not including) those appointments to be made/terminated by the Appointments Committee, save for any matters reserved for decision by the Authority which shall include the determination of appeals against dismissal or other disciplinary action in respect of the Deputy Chief Fire Officer or Assistant Chief Fire Officer, which is delegated to the Appointments Committee.
- 3.10** To determine and implement acting-up arrangements in respect of vacancies occurring at Deputy Chief Fire Officer/Assistant Chief Fire Officer/Strategic Enabler level, subject to regular review in accordance with the Authority's employment policies.
- 3.11** To ensure that the Fire Authority's employment policies and procedures are based on best practice guidance and are properly applied and enforced.
- 3.12** To make determinations, in consultation with the Treasurer and the Chair of the Authority, in relation to discretionary elements of the Local Government Pension Scheme/ Firefighters Pension Scheme and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.
- 3.13** To hear disputes under the first stage of the Internal Disputes Resolution Procedure, which have been lodged in relation to the Firefighters Pension Scheme or the Local Government Pension Scheme.
- 3.14** To manage and maintain land and property on a day-to-day basis, whether owned or leased, including determining requests received for the use of the Authority's premises and to waive or vary charges in appropriate circumstances or in circumstances where this is beneficial to the Authority.

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- 3.15** To deal with urgent matters, not otherwise delegated, in consultation with the Clerk to the Authority and the Monitoring Officer, Treasurer and Chair and Vice Chair in accordance with the process set out in paragraph 17 of the Authority's Procedural Standing Orders.
- 3.16** To undertake all matters of day-to-day financial administration for the Service, in accordance with the Standing Orders and Financial Regulations of the Authority.
- 3.17** To approve virement on budgets under his control of amounts up to £100,000 on any one budget head during the year, subject to consultation with the Directors/Strategic Enablers affected by the virement and notification to the Treasurer and in accordance with the scheme of virement set out in the Financial Regulations. Virement in excess of £100,000 requires the approval of the Executive Committee.
- 3.18** Subject to 3.20 below, to authorise disposal or write off of redundant stocks and equipment by competitive quote or auction unless, following consultation with the Treasurer, the Executive Committee approves otherwise in a particular case.
- 3.19** Subject to 3.20 below, to dispose of scrap or old/obsolete items of stock or equipment in accordance with procurement standing orders unless otherwise agreed with the Treasurer, and where the estimated value exceeds £10,000, disposal is to be by tender.
- 3.20** To approve requests for items of obsolete equipment and uniform to be donated overseas or in the UK [excluding fire appliances, which will be disposed of on the open market].
- 3.21** To approve sponsorship arrangements up to £100,000, subject to consultation with the Chair of the Authority.
- 3.22** To implement and maintain a register of interests in accordance with the Authority's Code of Conduct for officers.
- 3.23** To issue any certificate required under Section 3 of the Local Government and Housing Act 1989 and to determine whether posts should be included in the list of politically restricted posts; and to maintain the list of politically restricted posts.

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- 3.24** To seek repudiation from trades unions of any industrial action that does not comply with the legal process set out in the Trades Union and Labour Relations (Consolidation) Act 1992; in consultation with the Treasurer, to take such measures to mitigate risk to the community in the event of a firefighters' strike or any type of industrial action by Authority employees and to report such action and associated expenditure to the Executive Committee; and to pursue the recovery of actual and necessary expenditure on contingency arrangements with CLG and the LGA.
- 3.25** The Chief Fire Officer (and in his/her absence the Deputy Chief Fire Officer) may further delegate to any member of the Strategic Enabling Team as appropriate. In the event of the inability of the Chief Fire Officer to act due to absence or a conflict of interest, the authority to act as prescribed in any individual delegation will pass to the officer of the Service who holds management responsibility for the said post/postholder, except where otherwise indicated within the delegation itself.
- 3.26** Officers appointed to posts at Assistant Chief Fire Officer level of the Authority shall have all of the powers set out above subject to appropriate delegation by the Chief/Deputy Chief Fire Officer, the restrictions set out in paragraph 1 above, and the matter of the exercise of delegated powers being within the role and area of responsibility of the Assistant Chief Fire Officer/Strategic Enabler.

4. Delegations to Monitoring Officer

- 4.1** To act as the Proper Officer for the purposes of the Local Government (Access to Information) Act 1985 and the Local Government and Housing Act 1989, Section 15 (proportionality on committees).
- 4.2** To act as Monitoring Officer for the purposes of Section 5 of the Local Government and Housing Act 1989 with all powers and duties under the Act.
- 4.3** To implement and maintain a register of interests in accordance with the Authority's Code of Conduct for Members.
- 4.4** To take all necessary steps, including the obtaining of Counsel's advice, in connection with any matter concerning legal advice to and representation of the Authority and incur expenditure in connection therewith.

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- 4.5** To institute on behalf of the Authority such proceedings or to take such other steps as he/she may consider necessary to:-
- (a) Secure the payment of any debt;
 - (b) Recover possession of any land;
 - (c) Enforce the performance of any obligations due to the Authority and to take such steps as he/she may consider necessary to enforce any judgment or order obtained in any such proceedings after consultation with the Chair of the Authority.
- 4.6** To take any necessary action to give effect to, or carry out any decision of the Authority, or the Chief Fire Officer acting under his/her delegated powers, with regard to the acquisition or disposal of land and premises, the management of leasehold land and premises [including the letting, underletting, licensing, re-letting and surrender of land, property or facilities under the control of the Authority for up to ten years with rent reviews at five-yearly intervals, management of tenancies of residential properties, the grant of rights of way, wayleaves and easements, consents to assign and alteration and variation of user
- 4.7** To enter a defence to any claim brought against the Authority.
- 4.8** To authorise any person to appear on behalf of the Authority in any court, tribunal or inquiry on any matter relating to the business of the Authority.
- 4.9** The above powers may be delegated to a solicitor other than the Authority Solicitor.
- 4.10** To deal with urgent matters, not otherwise delegated, in consultation with the Chief Fire Officer, Treasurer, Clerk, Chair and Vice Chair and in accordance with the process set out in paragraph 17 of the Authority's Procedural Standing Orders.

5. Delegations to the Clerk to the Authority

In line with section 4 above and specifically 4.6 above:

- 5.1** To execute and issue all legal documents (including all contracts) necessary to implement decisions made by the Authority or its Committees or officers in pursuance of delegated powers, except where another officer has been authorised to take such action or the Monitoring Officer has authorised him/her to do so.
- 5.2** To act on behalf of the Authority in the formal and final signing of contractual documents, signing and/or affixing, where necessary, the Authority's common seal to documents.
- 5.3** To deal with urgent matters, not otherwise delegated, in consultation with the Chief Fire Officer, Treasurer, Monitoring Officer, Chair and Vice Chair and in accordance with the process set out in paragraph 17 of the Authority's Procedural Standing Orders.
- 5.4** To enable notification to the Monitoring Officer and Chair of the Authority of organisational changes which will require their engagement at an early stage prior to reporting to the Authority.
- 5.5** To ensure the maintenance of effective and proactive work relationships between the Chief Fire Officer and Statutory Officers in line with this Constitution.

6. Delegations to the Treasurer

- 6.1** To act as the officer responsible for the administration of the Authority's financial affairs in accordance with Section 73 of the Local Government Act 1985.
- 6.2** To write off as irrecoverable individual items of general income up to and including £5,000 in accordance with the provisions of the Financial Regulations.
- 6.3** To make determinations relating to capital expenditure required in any particular year in accordance with the Local Government Act 2003.

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- 6.4** To determine the accounting procedures and audit arrangements for the Authority.
- 6.5** To deal with urgent matters, not otherwise delegated, in consultation with the Chief Fire Officer, Treasurer, Chair and Vice Chair and in accordance with the process set out in paragraph 17 of the Authority's Procedural Standing Orders.

7. Delegations to miscellaneous officers

Fire safety officers

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

Strategic Enabler - Finance and Resources

- 7.2** To award tenders and agree extensions and variations of contracts and exemptions in accordance with Standing Order 1/8 [procurement procedures] except where decisions are reserved to the Executive Committee of the Authority.
- 7.3** To approve the procurement process in respect of tenders with value of up to £250,000.

8. Interpretation

- 8.1** In this scheme, the powers of the Chair may, in the absence or unavailability of the Chair, be exercised by the Vice Chair.
- 8.2** Any relevance in this scheme to any enactment shall be deemed to include a reference to any statute incorporated therewith or any Statutory Instrument, Order in Council Bylaws or other Order made there under and any enactment repealing, amending or extending the provision thereof. Any reference to the Authority shall, where the sense allows, be deemed to include references to a Committee.

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

STANDING ORDERS OF THE AUTHORITY

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

STANDING ORDERS

C O N T E N T S

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PART 1 – PRELIMINARY

1. Standing Orders

- (1) Only the Authority can change or revoke these Standing Orders.
- (2) The Authority shall not consider any motion to change or revoke any of these Standing Orders until it has received a written report from the Monitoring Officer.
- (3) Apart from this Standing Order, the other Standing Orders may be suspended during a meeting of the Authority provided that either:-
 - (a) notice of intention to move such a suspension has been included in the agenda for the meeting; or
 - (b) at least 14 Members of the Authority support the suspension.
- (4) No motion to suspend any of these Standing Orders shall be considered if the effect of adopting the motion would be to contravene any legal provision, regulation or other statutory requirement.
- (5) The ruling of any person presiding at any meeting to which these Standing Orders apply, concerning the interpretation or application of any of these Standing Orders, shall not be challenged at that meeting.
- (6) Any challenge to the ruling of the person presiding at any meeting to which these Standing Orders apply concerning the interpretation or application of any of these Standing Orders shall be made in writing, to the Monitoring Officer, after the meeting.
- (7) A copy of these Standing Orders shall be provided to every Member of the Authority.

PART 2 – MEETINGS OF THE AUTHORITY

2. Annual and Ordinary Meetings of the Authority

- (1) Unless special or emergency circumstances arise, the annual meeting of the Authority shall be held during June on a date, time and in a venue to be decided by the Authority.
- (2) Other ordinary meetings of the Authority for the transaction of general business shall be held on dates, times and in venues to be decided by the Authority.
- (3) Where it becomes necessary (for whatever reason) to change the date, time or venue of a meeting of the Authority, the Clerk shall make the necessary arrangements following consultation with the Chair of the Authority and the Leader of the Main Opposition Group.

3. Extraordinary Meetings of The Authority

- (1) Meetings of the Authority, which are in addition to the programme of ordinary meetings, may be called by:-
 - (a) the Authority itself;
 - (b) the Chair of the Authority (or in his/her absence or inability to act, the Vice-Chair);
 - (c) the Clerk/Monitoring Officer.
- (2) A minimum of any three Members of the Authority may request the Chair of the Authority (or in his/her absence the Vice-Chair), to call an extraordinary meeting of the Authority. Such a request must be in writing and signed by the Members concerned. The request may be presented to the Chair by leaving it for him/her with the Clerk.
- (3) The Clerk shall arrange for the additional meeting to be held within 21 days of the receipt of the request. If, after such a request has been made, and for whatever reason, no meeting has been called within seven days, the Members concerned shall inform the Clerk of their intention to call an extraordinary meeting of the Authority, the business to be transacted and the date and time of the meeting. The Clerk will ensure that the proper notices of the meeting are published and sent.

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

4. Person Presiding at Meetings of the Authority

- (1) The Chair of the Authority shall preside at meetings of the Authority. In his/her absence, the Vice-Chair of the Authority shall preside at meetings of the Authority.
- (2) Any power of the Chair in relation to the conduct of a meeting of the Authority may be exercised by the person presiding at that meeting.
- (3) If it is necessary to choose a Member to preside in the absence of the Chair and Vice-Chair, or for any other reason, the Clerk shall invite the Authority to nominate a Member to preside at that meeting.

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

- (4) If discussion arises about the choice of a person to preside at a meeting, the Clerk shall regulate that discussion, and maintain order at the meeting, until such time as a person is appointed to preside.
- (5) In the case of an equality of votes, the person presiding at any meeting of the Authority, who is also entitled to vote at that meeting, shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

5. Quorum of Meetings of the Authority

- (1) Seven Members who are eligible to vote shall form the quorum of the Authority. No business shall be transacted at any meeting of the Authority unless a quorum is present.
- (2) No meeting of the Authority shall commence unless there is a quorum present. If a meeting has not started within 15 minutes of the time specified on the summons and agenda, the meeting shall be postponed.

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

- (3) If during any meeting of the Authority, the person presiding declares that there is not a quorum present, the meeting shall be adjourned for 15 minutes.
- (4) If, after 15 minutes, there is still no quorum present, the meeting shall be adjourned. All business which has not been completed shall stand referred to the next ordinary meeting of the Authority, unless arrangements are made for an extraordinary meeting of the Authority or the business is dealt with as a matter of urgency.

6. Order Of Business at Authority Meetings

- (1) As a general rule, the order of business at meetings of the Authority shall be:-
 - (a) at the annual meeting, and at any other meeting which is the first after the office of Chair has become vacant, to elect a Chair;
 - (b) at the annual meeting, and at any other meeting which is the first after the office of Vice-Chair has become vacant, to elect a Vice-Chair;
 - (c) in the absence of both the Chair and Vice-Chair to appoint a person to preside at the meeting;
 - (d) to receive any apologies for absence;
 - (e) to receive any declarations of interests by Members and employees of the Authority;
 - (f) to receive announcements from the person presiding;
 - (g) to approve as a correct record the minutes of previous meeting(s) of the Authority;
 - (h) to receive any petitions under Standing Order 8;
 - (i) to consider any other specific items of business included at this point in the summons and agenda;
 - (j) to receive minutes, reports and recommendations from any of the Committees, Panels or Fora established by the Authority;
 - (k) to deal with any opposition business:

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

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

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

- (l) to consider notices of motion given by Members under Standing Order No. 7;
 - (m) any other items of business, not on the agenda, but which the person presiding is of the opinion should be considered at the meeting as a matter of urgency.
- (2) With the exception of (a) to (g) above, the order of business can be varied:-
- (a) at the direction of the person presiding;
 - (b) by resolution of the Authority. Such a motion may be moved, seconded and put to the vote without discussion.

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

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

7. Written Notices of Motion from Members at Authority Meetings

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

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

- (2) The Chair of the Authority may give notice of more than one motion for consideration at any meeting of the Authority.

- (3) Unless the person presiding at any meeting of the Authority is of the opinion that a motion should be considered as a matter of urgency, notice of every motion to be moved at any meeting of the Authority shall:-
- (a) be given in writing and signed by the Member or Members who propose to move the motion;
 - (b) state the date of the Authority meeting at which it is proposed to be moved;
 - (c) be delivered to the Clerk not later than 12 noon on the sixth working day before the day of the Authority meeting, but not including the day of the meeting itself.
- (4) Motions will be listed on the agenda in the order of which notice was received by the Clerk unless the Member giving notice states in writing that they propose to move it to a later meeting or withdraw it.
- (5) The Clerk shall only accept notices of motion which relate to matters for which the Authority has responsibility or functions and which affects the area of the Authority, or part of it, or the inhabitants of the area, or some of them. The Clerk shall keep a record of the date and time at which every motion is delivered to him/her. That record shall be open to inspection by the public.
- (6) A motion shall only be moved by the person who has submitted it or by another Member nominated by the person prior to the commencement of the meeting.
- (7) Unless a Member requests otherwise under paragraph (1) above, a motion, notice of which has been received, shall stand referred to the appropriate Committee.

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

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

- (8) Where a Member has given notice of his/her intention to move a motion under this Standing Order which relates to any matter which has already been determined by a Committee, or an officer acting under delegated powers, such a motion shall not seek to amend the decision.
- (9) The mover of a motion, under this Standing Order, may speak in support of that motion for no more than 10 minutes.

At the close of the debate on the motion, and immediately before it is put to the vote, the mover has a right of reply for not more than 5 minutes.

If an amendment is moved, the mover of the original motion shall have a right of reply of not more than 5 minutes at the close of the debate on the amendment, but shall not otherwise speak on the amendment.

- (10) Where notice of a motion has been given and has been included on the agenda for a meeting of the Authority, but the motion has not been moved and seconded (for whatever reason) nor deemed to have been referred to a Committee, that motion shall lapse.
- (11) Where a meeting of the Authority is cancelled, postponed or adjourned to a later date under Standing Order 5, any unconsidered motions will be considered at the next meeting of the Authority or at a later meeting selected by the Member proposing the motion.

8. Presentation of Petitions to Meetings of the Authority

- (1) Petitions can be presented by Members if they relate to matters for which the Authority has responsibility or functions and which affect the area of the Authority, or part of it, or the inhabitants of the area, or some of them.
- (2) Any Member wishing to present a petition to the Authority shall:-
 - satisfy him/herself that the petition is relevant to be received;
 - give notice to the Clerk before the meeting at which the petition is to be presented;
 - notify the Clerk of the name and address of the person who has organised the petition.
- (3) At meetings of the Authority, the presentation of a petition shall be limited to not more than 3 minutes and shall be confined to summarising the purpose of the petition, stating to which Committee he/she feels it should be referred, the number of signatories and any further relevant supporting remarks.
- (4) Petitions shall be presented in the order of which notice of them was given to the Clerk. Any question as to where a petition should be referred shall be determined by the Clerk.
- (5) The right of Members of the public to speak at meetings of the Authority shall be at the discretion of the person presiding.

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

- (1) Reports and recommendations will be submitted for consideration by the Authority in accordance with the agreed scheme of delegation and terms of reference of committees. Any Member of the Authority shall be entitled to ask questions and the Authority may discuss matters arising from the reports and recommendations.
- (2) Members shall be allowed to move any motions which are relevant to the reports and recommendations under consideration.
- (3) Where a Member moves a motion under paragraph (2) above, relating to any matter which has been determined by a Committee or an officer acting under delegated powers, such a motion shall not seek to amend the decision.

PART 3 – COMMITTEES

10. Appointment of Committees

- (1) Subject to the provisions of the Local Government Act 1972, and other relevant legislation, the Authority shall decide at its annual meeting which Committees shall be appointed for the ensuing year. The Authority shall decide the terms of reference of those Committees, the number of voting Members to be appointed and whether the Committees are to have delegated powers.
- (2) Following the receipt of a report from the Clerk, the Authority may, at any time during the year, make changes to the terms of reference, functions and political composition of any of its Committees.
- (3) Whenever the Authority resolves, or is required by statute, Government or legal directive to review the allocation of seats on Committees between political groups, the Clerk shall, as soon as practicable, submit a report to the Authority showing what allocation of seats would, in his/her opinion, best meet the requirement for the allocation of seats on Committees to be in proportion to the political composition of the Authority.
- (4) Every Committee constituted by the Authority shall continue in being, exercising the functions allocated to it, until such time as it is disestablished by the Authority.
- (5) Any person appointed to serve on a Committee shall continue to serve on it until such time as his/her appointment is terminated by the Authority or if he/she resigns or becomes disqualified for any reason. A Member will automatically cease to be appointed to any of the Authority's Committees if he/she ceases to be a Member of the Authority.
- (6) So far as the law permits, the Authority may decide whether or not persons who are not elected Members should be appointed to serve on any of the Committees of the Authority and whether those persons should be treated as voting or non-voting Members or advisors.
- (7) The Authority may establish other Panels and Fora to act in an advisory capacity. Any such Panels and Fora shall not be regarded as ordinary committees for the purposes of Section 15 of the Local Government and Housing Act 1989.

- (8) Whenever an appointment of a voting Member of a Committee is to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment is to be terminated in accordance with such wishes, then the Proper Officer shall make arrangements to deal with the matter accordingly.
- (9) Sub-Committees shall be appointed only with the prior approval of the Authority.

11. Substitute Members

- (1) In appointing Members to Committees, Panels and Fora, the Authority may make arrangements for the appointment of named substitute Members to attend meetings in the absence of ordinary Members.
- (2) Where the appointment is to a body external to the Authority, a substitute may only be appointed where the rules governing that organisation permit.
- (3) Substitute Members may attend meetings in that capacity only:
 - (a) to take the place of the ordinary Member for whom they are the designated substitute;
 - (b) where the ordinary Member will be absent for the whole of the meeting except, in the case of a quasi-judicial body, a Member is required to withdraw for, or cannot attend to hear a particular case, where substitution will be permitted;
 - (c) after they or the Member they are substituting for has provided the Clerk with notice of the substitution before the start of the meeting in question;
 - (d) where an adjourned meeting is reconvened and it is essential for that substitute Member to continue to attend to comply with the spirit of natural justice. In such instances, the ordinary Member may not attend other than as an observer.
- (4) Substitute Members will have all the same powers and duties of any ordinary Member of the committee but will not be able to exercise any additional powers or duties which may be exercisable by the person they are substituting.

12. Meetings of Committees

- (1) The Authority may set the date, time and place of ordinary meetings of Committees.
- (2) If the date, time or place of the ordinary meetings of a Committee are not set by the Authority, a Committee may agree those details itself. However, the person who has been appointed to Chair the Committee (or the Chair of the Authority in his/her absence) may set the details of the first ordinary meeting of the Committee in any particular year.
- (3) The person who has been appointed as the Chair of a Committee may cancel or change any of the details of programmed meetings of the Committee concerned. This is subject to a requirement to consult (so far as practicable) with the lead spokesperson of the main opposition group represented on the Committee. This paragraph shall not apply to a special meeting called under the provisions of paragraphs (5) to (7) below.
- (4) The person appointed as the Chair of a Committee or, in their absence, the Vice-Chair may call a special meeting of the Committee at any time.
- (5) One quarter of the voting Members of a Committee, or any two voting Members of that Committee (whichever is the greater) may request the Chair of a Committee to call a special meeting. Such a request must be in writing and signed by the Members concerned. The request may be presented to the Chair of the Committee by leaving it for him/her with the Clerk.
- (6) If, after such a request has been made and for whatever reason no meeting has been called within seven days of the request, the Members concerned shall inform the Clerk of their intention to call a special meeting, the business to be transacted and the date and time of the meeting.
- (7) Within 7 days, the Clerk shall arrange a suitable venue, issue the summons and agenda for the meeting and shall publish the necessary notices of the meeting.
- (8) No special meeting shall be called unless it is to consider a matter which falls within the terms of reference of that Committee.

13. Persons Presiding At Meetings of Committees

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

- (2) If both the appointed persons referred to in (1) above are absent, the Committee shall choose, from amongst its membership, a person to preside at that meeting.
- (3) If it is necessary to choose a person to preside, the Clerk shall invite the Committee to nominate a Member to preside at that meeting.

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

- (4) All legal powers in relation to the conduct of a meeting may be exercised by the person appointed to preside at that meeting.
- (5) If discussion arises about the appointment of a person to preside at a meeting, the Clerk shall regulate that discussion and maintain order at that meeting, until such time as a person is appointed to preside.
- (6) In the case of an equality of votes, a person presiding at any meeting of a Committee who is also entitled to vote at that meeting, shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

14. Quorum of Committees

- (1) No business may be transacted at any meeting to which these Standing Orders apply unless a quorum is present.

The quorum is equal to one quarter of the total number of voting Members or at least 2 voting Members (whichever is the greater).

- (2) No meeting shall commence unless there is a quorum present. If a meeting has not started within 15 minutes of the time specified on the agenda, the meeting shall be postponed.
- (3) If during any meeting of a Committee, the person presiding declares that there is not a quorum present, the meeting shall be adjourned for 15 minutes.
- (4) If after 15 minutes there is still no quorum, the meeting shall be adjourned.
- (5) All business which has not been completed at a meeting which has been postponed or adjourned shall stand referred to the next ordinary meeting, unless arrangements are made for a special meeting to consider that business or the business is dealt with as a matter of urgency.

15. Committee Business Raised at Members' Request

- (1) Any Member of a Committee may give notice of not more than one item for consideration at any meeting of the Committee.
- (2) Unless the person presiding at any meeting is of the opinion that an item should be considered as a matter of urgency, notice of every item for consideration at a meeting proposed by a Member of a Committee shall:-
 - (a) be given in writing and signed by the Member concerned;
 - (b) state the name of the Committee to which the item should be referred;
 - (c) be delivered to the Clerk at least 14 days before the date of the next scheduled meeting of the Committee concerned;

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

- (3) The Clerk shall only accept matters which fall within the terms of reference of the Committee concerned.

16. Order of Business in Committees

- (1) As a general rule the order of business shall be:-
 - (a) at any meeting after the office(s) have become vacant, to appoint a person to preside at meetings of the Committee (and a person to preside in his or her absence);
 - (b) to appoint a person to preside at the meeting if both of the people appointed under (a) above are absent;
 - (c) to receive apologies for absence;
 - (d) disclosure of interests by Members and employees of the Authority;
 - (e) to approve, as a correct record, the minutes of previous meeting(s);
 - (f) all items of business which have been, or are deemed to have been, referred to the Committee by the Authority or by another Committee, Panel or Forum;
 - (g) business raised at Members' request under Standing Order 15;
 - (h) all reports submitted to the Committee by any Chief Officer;

- (i) any items of business directed to be included by the Chair of the Committee;
 - (j) any other item of business, not on the agenda, but which the person presiding is of the opinion should be considered at the meeting as a matter of urgency.
- (2) With the exception of (a) to (e) above, the order of business can be varied:-
- (a) at the direction of the person presiding;
 - (b) by resolution of the Committee;

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

- (3) Subject to any directions given by the person appointed to preside at a meeting of a Committee, the items of business for that meeting shall be arranged in such order as the Clerk thinks will best ensure the effective transaction of business.

17. Arrangements to Act in Matters of Urgency

- (1) The Authority shall make arrangements for its function to be discharged, in cases of urgency, as follows:-
- (a) by delegation to the Executive Committee which shall deal with all matters of an urgent nature which cannot be reasonably delayed until the next ordinary meeting of the Authority or appropriate Committee; or
 - (b) in cases of extreme urgency, by delegation to a Chief Officer.

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

- (2) Where a Chief Officer proposes to act on a matter of urgency, such action must be within approved Authority policy. A Chief Officer proposing to act under these arrangements must:-
- (a) seek the agreement of the Clerk that he/she is satisfied that the matter in question constitutes a genuine matter of urgency, that all other avenues for the determination of the matter have been exhausted and that the urgency has not arisen due to a failure to finalise reports in time under normal procedures;

- (b) consult the Chair and Vice-Chair of the Authority on the action the Chief Officer proposes to take.
- (3) The Chief Officer concerned shall record the urgent circumstances which make it necessary for action to be taken before the next ordinary meeting of the Authority or relevant Committee concerned.
- (4) Where action is taken under any of these circumstances, a report of that action, including a note of the circumstances which made it necessary, must be reported to the next ordinary meeting of the Authority.

18. Reference-up of Decisions

- (1) Any Committee may resolve to refer a matter to the Authority for determination. Any Committee may refer a matter to another Committee in accordance with the terms of reference and scheme of delegations approved by the Authority.
- (2) This Standing Order shall not apply to the business of quasi-judicial bodies when they are considering individual matters before them. However, such bodies shall be required to refer any issues which are contrary to Authority policy or do not fall within their terms of reference, in accordance with (1) above.

PART 4 – CONDUCT OF MEETINGS

19. Confirmation of Minutes as a Correct Record

- (1) The person presiding shall put the question that the minutes submitted to the meeting be approved as a correct record.
- (2) No discussion shall take place on the minutes, except upon their accuracy. Any question of their accuracy shall be raised by motion. If no such question is raised or, if it is raised then as soon as it is disposed of, the minutes shall be confirmed and signed in due course.
- (3) Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

20. Rules of Debate

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

Speeches

- (1) While a Member is speaking, the other Members shall not speak, unless raising a point of order or a point of personal explanation.
- (2) Whenever the person presiding rises or issues a clear instruction of intent during a debate, Members shall resume their seats and the meeting shall be silent.
- (3) If two or more Members ask to speak, the person presiding shall decide the order in which they may address the meeting.
- (4) When speaking, a Member shall address the person presiding.
- (5) A Member shall direct his/her speech to the matter under discussion, or to a personal explanation or a point of order.

Motions

- (6) A motion shall not be discussed unless it has been moved and seconded except in a Committee of five Members or less where motions do not need to be seconded.
- (7) When seconding a motion, a Member may reserve his/her speech unless a later period of the debate by declaring his/her intention to do so.
- (8) On consideration of a report or a recommendation from another Committee or a Chief Officer, the adoption of the report or recommendation and any resolutions relevant to that adoption may be moved.
- (9) The following motions may be moved at any meeting at which they would be in order:
 - (a) motions to nominate a Member to Chair the meeting;
 - (b) motions to refer an item of business to the next appropriate meeting;
 - (c) motions to refer an item of business to another Committee, Panel or Forum;
 - (d) motions to withdraw an item of business from consideration at that meeting provided that to do so would not contravene any statutory provision;
 - (e) motions relating to the accuracy of the minutes;
 - (f) motions to change the order of business;
 - (g) closure motions under paragraph (14) below;
 - (h) motions to exclude the public from a meeting where there is likely to be disclosure of exempt or confidential information;
 - (i) motions giving consent of the meeting where it is required under these Standing Orders;
 - (j) motions concerning the prevention of disorderly conduct;

- (k) motions to record appreciation or condolences;
 - (l) motions concerning the constitution of Committees;
 - (m) motions to suspend any of these Standing Orders (see Standing Order 1).
- (10) When any motion has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.
- (11) With the consent of the meeting, signified without discussion, a Member may:
- (a) alter a motion which he/she has moved; or
 - (b) with the further consent of the seconder, alter a motion which has been moved and seconded.
- (12) With the consent of the seconder (if he/she is still present) and of the meeting, signified without discussion, the mover of a motion may withdraw it. No Member shall speak on a motion which has been withdrawn.

Motions Which May Be Moved During a Debate

- (13) When a motion is under debate, no other motion shall be moved except the following:
- (a) to amend the motion;
 - (b) to withdraw the motion;
 - (c) a closure motion;
 - (d) a motion concerning the prevention of disorderly conduct;
 - (e) a motion to exclude the public.

Closure Motions

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

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

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

- (a) on a motion that the meeting proceed to the next business or that the matter be put to the vote, the person presiding shall first put the closure motion to the vote, without discussion. If this is passed, the mover of the original motion may exercise his/her right of reply under paragraph (16) below, before the original motion is put to the vote;
- (b) on a motion to adjourn the meeting, the person presiding shall put the adjournment motion to the vote without discussion and without giving the mover of the original motion his/her right of reply on that occasion.

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

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

Right of Reply

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

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

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

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

Points of Order or Personal Explanation

- (17) A Member may ask to speak on a point of order or in personal explanation, and shall be entitled to be heard immediately.

A point of order shall relate only to an alleged breach of a specified statutory provision or a specified Standing Order or procedural rule, and the way in which the Member raising it considers that it has been broken.

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

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

Amendments to Motions

- (19) An amendment shall be relevant to the motion and shall either be:-

- (a) to refer the matter to the appropriate body or individual, another Committee, Panel or Forum or an officer for consideration (or reconsideration);
- (b) to leave out words; or
- (c) to insert or add other words;

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

- (20) An amendment shall not be discussed unless it has been moved and seconded except in a Committee of five Members or less, where amendments do not need to be seconded.
- (21) When seconding an amendment, a Member may reserve his/her speech until a later period of the debate by declaring his/her intention to do so.
- (22) No amendment shall be moved to an amendment.

- (23) When any amendment has been moved and seconded, the person presiding may require that it shall be put into writing and handed to him/her before it is further discussed.
- (24) With the consent of the seconder (if he/she is still present) and of the meeting, signified without discussion, the mover of an amendment may withdraw it. No Member shall speak on an amendment that has been withdrawn.
- (25) Only one amendment may be moved and discussed at a time, and no further amendment shall be moved until the amendment under discussion has been disposed of. However, the person presiding may permit two or more amendments to be discussed together (but not voted upon) if circumstances suggest that this would facilitate the proper conduct of business, and may direct the order in which such amendments are to be put to the vote.
- (26) If an amendment is not carried, other amendments may be moved to the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

Consent of the Meeting

- (27) Where the consent of a meeting is required for anything, that consent may be given either:-
 - (a) by the person presiding asking the meeting whether there are objections to the consent being given, and if no objection is raised, giving that consent; or
 - (b) if objection is raised, or if the person presiding so chooses, by a motion moved, seconded and put to the meeting.

Previous Decisions and Motions

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

However, such a motion may be moved if:-

- (a) it is a recommendation of a Committee; or
- (b) notice of such motion is given and signed by 7 Members of the Authority in accordance with the timescales set out in Standing Order No. 7.

21. Prevention of Disorderly Conduct

- (1) If the person presiding is of the opinion that any Member has misconducted or is misconducting themselves by persistently disregarding the ruling of the person presiding or by behaving irregularly, improperly or offensively or wilfully obstructing the conduct of business, he/she shall inform the meeting and may take the following course of action:-
 - (a) the person presiding may move that the named Member be not further heard. If seconded, the motion shall be put and decided without comment. If it is carried the Member named shall not speak further at that meeting;
 - (b) if the Member continues to behave improperly, the person presiding may move that the named Member shall leave the meeting. This motion shall not require to be seconded, but shall be put and decided without comment. If it is carried the Member named shall forthwith leave the meeting;
 - (c) at any time, the person presiding may adjourn the meeting for an appropriate period.
- (2) If a Member or Members of the public interrupt the proceedings at any meeting, or in the event of a general disturbance at any meeting, the person presiding may take the following action as appropriate to the circumstances:-
 - (a) warn the person(s) concerned;
 - (b) order the person(s) to leave the room;
 - (c) order the person(s) to be removed from the room;
 - (d) adjourn the meeting for an appropriate period.

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

22. Voting

- (1) Unless these Standing Orders or specific legal provisions require otherwise, any matter will be decided by a simple majority of those Members present in the room and eligible to vote at the time the question was put. The person presiding will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.
- (2) Immediately after any vote is taken any Member may request the Clerk to record in the minutes of that meeting the way he/she voted (or abstained).
- (3) Immediately before any matter is put to the vote, any Member may request that a named vote be taken. Such a request must be supported by at least five other voting Members, and all six Members shall clearly signify their support of this request.

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

- (4) When a vote is required to appoint or elect Members of the Authority or other persons to positions to be filled by the Authority, nominations to such positions shall be moved, seconded and determined in accordance with the motions and amendments procedure (see Standing Order 20).
- (5) If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- (6) In the case of an equality of votes, the person presiding at any meeting who is also entitled to vote at that meeting shall have a second or casting vote. There is no restriction on how the person presiding chooses to exercise the casting vote.

23. Attendance Register

- (1) The Clerk shall keep a record of attendances at meetings.

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

24. Observers at Meetings

- (1) The Chair and Vice-Chair of the Authority may attend the whole of the proceedings of any meeting of any Committee of which they are not ordinary Members. They may speak, but may not vote, at meetings of a Committee of which they are not voting Members. This entitlement shall also apply to the leader of any political group represented on the Authority.
- (2) Any Member of the Authority may attend any meeting of a Committee, to which he/she has not been appointed, to observe the public part of the proceedings of that Committee. Members attending meetings as observers shall not be entitled to vote and shall only speak at such meetings:-
 - (a) on a matter relating to a motion of which he/she gave notice or seconded at an Authority meeting which has been referred to that Committee;
 - (b) with the agreement of the person presiding at that meeting.
- (3) A Member's attendance as an observer during the confidential proceedings of any Committee shall be at the discretion of the person presiding at that meeting, subject to that Member satisfying the person presiding of his/her need to know.

PART 5 – DECLARATION OF INTERESTS

25. Members Interests

- (1) If a Member has any interest to declare in any matters to be discussed at a meeting, and that interest is not already included in their Statutory Declaration of Interests, they must disclose the interest verbally at that meeting. The disclosure of an interest should be recorded in the minutes of the meeting at which it is made. Following the meeting, the member must notify the Clerk and Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification).
- (2) Members shall be required to declare interests in accordance with any relevant statutory provisions and the Members' Code of Conduct. The question of the participation of a Member in the discussion of any item where he/she has disclosed an interest shall be determined in accordance with the provisions of the Members' Code of Conduct.
- (3) The requirements for Members to disclose their interests shall apply equally to any co-opted Members, advisors or persons appointed to discharge any functions in connection with a Committee whether they have voting rights or not.
- (4) The Clerk shall be responsible for keeping a register of Members interests and making it open for public inspection during office hours.

26. Officers Interests

- (1) Officers shall be required to declare any interests in accordance with their terms and conditions of employment, any relevant statutory provisions and the requirements of any codes of conduct, standing orders or protocols which the Authority may adopt from time to time.
- (2) For the purposes of this Standing Order, an officer shall be considered to have an interest in a matter if, on the assumption that if he/she were a Member of the Authority, the interest would have to be declared in accordance with the Member Code of Conduct set out in the Appendix to these Standing Orders.
- (3) Where any employee submits a written report to any meeting on any matter in which he/she has disclosed an interest, the report should contain a separate paragraph in the document setting out the details of the nature of the interest.

- (4) If an employee advises any meeting verbally on any matter in which he/she has disclosed an interest, he/she should state the nature of the interest and this should be recorded in the minutes of that meeting.
- (5) The Chief Fire Officer shall maintain a register of officers interests to be open for inspection during normal office hours.

PART 6 – APPOINTMENT AND DISCIPLINE OF STAFF

27. Appointment, Dismissal and Disciplinary Action

- (1) The appointment of the Chief Fire Officer, the Deputy Chief Fire Officer and the Assistant Chief Fire Officer shall be made by the Appointments Committee of the Authority. These posts shall be subject to the National Joint Council's scheme of conditions of service for Brigade Managers of Local Authorities Fire and Rescue Services as amended from time to time and be subject to the relevant disciplinary regulations which apply to the employee(s) concerned.
- (2) Where the Authority proposes to appoint an officer, as described in (1) above, the Authority:-
 - (a) will draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
 - (b) will make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it;
 - (c) will make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to all applicants for any particular post and to any other person on request.

The Authority will either interview all qualified applicants for the post or select a short list of qualified applicants and interview those on the short list. If no qualified person applies, the Authority shall make arrangements for further advertisement in accordance with (b) above.

- (3) Subject to paragraphs (7), (8) and (9) below, the appointment, dismissal and taking disciplinary action against any other employee must be carried out by the Chief Fire Officer or by an officer who can lawfully be nominated by him/her. Any such action shall be taken in accordance with any legislative requirements, the Authority's policies and procedures and be subject to any specific rules or regulations which apply to the conditions of service of the employee(s) concerned.

Councillors will not be involved in disciplinary action against any officer below Assistant Chief Fire Officer level.

- (4) The Authority will require any candidate for appointment to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Authority, or the partner of such persons.
- (5) No candidate related to a councillor or officer as described above will be appointed without the agreement of the Chief Fire Officer or an officer nominated by him/her.
- (6) The Authority will disqualify any applicant who directly or indirectly seeks the support of any member of the Authority for any appointment. No member of the Authority will seek support for any person for any appointment with the Authority.
- (7) The Authority shall make the arrangements for the appointment of:-
 - (a) the Clerk under the provisions of the Local Government Act 1985;
 - (b) the Monitoring Officer under the provisions of the Local Government and Housing Act 1989;
 - (c) an officer to be responsible for the proper administration of the authority's financial affairs under the provisions of the Local Government Act 1985 (the Treasurer).
- (8) No disciplinary action in respect of the Chief Fire Officer, Clerk/Monitoring Officer or the Treasurer, except action described in paragraph (9), may be taken by the Authority, or by a committee, a joint committee on which the Authority is represented or any other person acting on behalf of the Authority, other than in accordance with a recommendation in a report made by a designated independent person as set out under this Standing Order.
- (9) The action mentioned in paragraph (8) is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect. The decision to suspend shall be made by the Authority.
- (10) If it appears to the Authority that an allegation of misconduct by the Chief Fire Officer, Clerk/Monitoring Officer or the Treasurer as the case may be ('The Relevant Officer') requires to be investigated, the Authority must appoint a person ('the Designated Independent Person').
- (11) The Designated Independent Person must be such person as may be agreed between the Authority and the Relevant Officer or, in default of agreement, nominated by the Secretary of State.

(12) The Designated Person:

- (a) may direct:-
 - (i) that the Authority terminate any suspension of the Relevant Officer;
 - (ii) that any such suspension must continue after the expiry of the period referred to in paragraph (9);
 - (iii) that the terms on which the suspension has taken place must be varied in accordance with that direction; or
 - (iv) that no steps (whether by the Authority or any committee or officer acting on behalf of the Authority) towards disciplinary action or further disciplinary action against the Relevant Officer, other than steps taken in the presence, or with the agreement, of the Designated Independent Person, are to be taken before a report is made under sub-paragraph (d).
- (b) may inspect any documents relating to the conduct of the Relevant Officer which are in the possession of the Authority, or which the Authority has the power to authorise him or her to inspect;
- (c) may require any Member of staff of the Authority to answer questions concerning the conduct of the Relevant Officer;
- (d) must make a report to the Appointments Committee:-
 - (i) stating his or her opinion as to whether (and if so to what extent) the evidence that he or she has obtained supports any allegation of misconduct against the Relevant Officer; and
 - (ii) recommending any disciplinary action which appears to him or her to be appropriate for the Authority to take against the Relevant Officer; and
- (e) must no later than the time at which he or she makes their report under sub paragraph (d) send a copy of the report to the Relevant Officer.

(13) The Appointments Committee will, after considering the report of the Designated Person, make a recommendation to the Authority with regard to dismissal or any disciplinary action in respect of the Chief Fire Officer, Clerk/Monitoring Officer or the Treasurer.

- (14) In paragraph (12) ‘disciplinary action’ and ‘designated independent person’ have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

28. **Arbitration**

- (1) It is in the interests of the Authority for a constructive working relationship to exist between chief officers and authority members, in particular their relationship with the Chair of the Authority.
- (2) If it appears to the Authority that the relationship between the Chief Fire Officer, Clerk/Monitoring Officer or the Treasurer as the case may be (‘The Relevant Officer’) and the Chair of the Authority has broken down, the Authority must appoint a person (‘the Designated Independent Person’) to act as Arbitrator to seek to resolve the issues.

PART 7 – MISCELLANEOUS

29. Attestation of Documents

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

30. Papers and Advice

- (1) The Clerk shall be responsible for the distribution of papers for all Authority and committee meetings in accordance with the access to information provisions of the Local Government Act 1972 (as amended). The Clerk shall determine any questions regarding the entitlement of any person to receive such papers.
- (2) At his/her request, the Authority and every committee shall give a Chief Officer who is concerned with the work of that committee an opportunity to advise on any matter under consideration either in writing or orally.
- (3) If the Authority considers a matter which has not previously been the subject of consideration or a report to the Authority or relevant Committee, the person presiding shall ensure that the question is not put to the vote before any Chief Officer who has responsibilities relating to the matter has had the opportunity to advise the Authority orally.

31. Access to Documents, Information and Land

- (1) In addition to their legal rights, but subject to certain restrictions, the following persons shall have access to information as follows:-
 - (a) any Member of the Authority may have access to any document held by the Authority or any other information which it is necessary for the Member to have access to for the proper discharge of his/her function as a Member of the Authority or as a Member of any Committee.
 - (b) any co-opted Member or advisor appointed to any Committee may have access to any document or any other information held by the Authority relating to a matter under consideration by a Committee of which he/she is a Member/advisor, which is necessary for that person to properly discharge his/her functions/duties in respect of that Committee;

- (c) any employee of the Authority may have access to any document or any other information held by the Authority which is necessary for him/her to properly discharge his/her duties as an employee.
- (2) No Councillor or co-opted Member/advisor of a Committee or any employee of the Authority shall be entitled to inspect any document or to have access to any information relating to a matter in which he/she has a personal or prejudicial interest.

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

- (3) A Councillor, co-opted Member/advisor or an employee may be refused the right to inspect a document which, in the opinion of the appropriate Chief Officer, it is not necessary for him/her to inspect for the proper discharge of their functions as a Member of the Authority or in relation to a Committee or as an employee, or if there is good reason why such access should be refused.
- (4) The Monitoring Officer shall be responsible for deciding whether any Councillor, co-opted Member/advisor or employee of the Authority shall be entitled to inspect a document or have access to certain categories of information taking account of issues such as their need to know and potential legal restrictions.
- (5) Access to information not in the form of a document need not be given where the cost of providing the information would be unreasonably high or in cases where the period of time required to provide the information would unreasonably disrupt the work of the Authority.
- (6) Where a person exercises their right to inspect a document and the Authority may lawfully make a copy of it, he/she shall be entitled to a copy on request, provided that:-
 - (a) a reasonable charge, at a level to be decided by the Authority, may be made for the copy, unless the appropriate Chief Officer directs otherwise;
 - (b) a copy may be refused if the appropriate Chief Officer considers it impractical to make a copy.

- (7) If any Councillor, co-opted Member/advisor or employee is dissatisfied with any decision of a Chief Officer relating to access to information, he/she may refer the matter to the Executive Committee for consideration. This is additional to any other statutory rights which they may have in relation to access to information.
- (8) No Member of the Authority and no other Member (whether voting or non voting) of a Committee shall have any claim by virtue of his/her position:-
- (a) to enter any land or buildings occupied by the Authority to which the public do not have access or to which Members of the Authority do not regularly have access except with the permission of the Chief Officer responsible for the service for which the land or buildings are occupied;
 - (b) to exercise any power of the Authority to enter or inspect other land or buildings, except where specifically authorised to do so by the Authority;
 - (c) to exercise any other power of the Authority.
 - (d) to issue any order with respect to any works which are being carried out by, or on behalf of the Authority, or with respect to any goods or services which are being, or might be, purchased by the Authority.
- (9) If a Member of the Authority or a co-opted Member/advisor of a Committee wishes to have access to land or buildings to which the public or Councillors do not regularly have access, he/she should apply to the Chief Officer responsible for the service to which the request relates.

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

32. Public Disclosure of Information Relating to Employees

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

33. Delegation of Powers to Chief Officers

- (1) The Clerk shall maintain a register of powers delegated to Chief Officers where such arrangements are made for an unspecified period or a specified period of more than six months. This register shall be open for inspection by the public during office hours.
- (2) A member of the Authority may inspect any document relating to action taken by Chief Officers under delegated powers subject to any restrictions on access to information referred to in Standing Order No. 30.
- (3) Where a Chief Officer is given delegated authority to act on any matter, the Authority or a Committee may require that Chief Officer to submit reports as appropriate on the action he/she has taken under those arrangements.
- (4) Every Chief Officer shall be required to maintain a record of the actions taken under their delegated powers as referred to in paragraph (1) above.

34. Definitions

- (1) The Interpretation Act 1978 shall apply to the interpretation of these Standing Orders as it applies for the interpretation of an Act of Parliament.
- (2) In these Standing Orders, unless the context otherwise demands, the following terms have the meaning assigned to them:

“Authority” – the West Midlands Fire and Rescue Authority;

“Chair of the Authority” – the person appointed by the Authority at its annual meeting pursuant to Section 34 of the Local Government Act 1985 to preside at its meetings;

“Vice-Chair of the Authority” – the person appointed by the Authority at its annual meeting to act in the absence of the Chair of the Authority;

“Chief Fire Officer” – the officer appointed as the executive operational and administrative head of West Midlands Fire Service in accordance with the provisions of the Fire Services Act 1947;

“Treasurer” – the officer appointed as having the responsibility for the proper administration of the Authority’s financial affairs pursuant to Section 73 of the Local Government Act 1985;

“Clerk” – the officer appointed as Clerk to the Authority pursuant to Section 34(8) of the Local Government Act 1985;

“Monitoring Officer” – the person appointed as Clerk to the Authority or such other person designated under Section 5 of the Local Government and Housing Act 1989 (designation and reports of Monitoring Officer) or, if that person is unable to act owing to absence or illness, the person nominated as his/her deputy;

“Chief Officer” – the Chief Fire Officer, Clerk or Treasurer;

“Committee” – a Committee of the Authority;

“Employee” – an employee of the Authority or the holder of a paid office under the Authority (excluding Members of the Authority);

“Meeting” – a meeting of the Authority or a Committee as the case may be;

“Member” – in relation to the Authority, a Member appointed by one of the constituent district councils as a Member of the Authority and in relation to any committee a person appointed as a Member of that Committee;

“Person Presiding” – the person entitled, or appointed, to preside at any meeting;

“Political Group” – a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990;

“Leader of a Political or Opposition Group” – the person nominated as such by any political group represented on the Authority;

“Standing Orders” – means these procedural Standing Orders unless otherwise stated;

“Without Comment” – in relation to the moving, seconding or putting of a motion, means without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the Person Presiding) the effect of adopting the motion.

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

Part 4 - Access to Information Procedure Rules

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

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

1. Scope

These rules apply to all meetings of the Authority, and its Committees, with the exception of the Policy Planning Forum.

2. Additional Rights to Information

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

3. Rights to Attend Meetings

Members of the public may attend all meetings under 1 above, subject only to the exceptions in these rules.

4. Notices of Meeting

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

- a) posting details of the meeting at the Fire Service Head Quarters;
- b) placing details of the meeting on the Committee Management Information System (CMIS) on the Authority's website.

5. Access to Agenda and Reports Before the Meeting

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

If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda but no report on those items shall be made available to the public until after the completed report is sent to councillors.

6. Supply of Copies

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

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda;
- (c) if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item.

7. Access to Minutes etc after the Meeting

The minutes of any meeting, as defined in these Rules, will be available for public inspection via CMIS on the Authority's website within 10 working days of the date of the meeting or as soon as is practicable thereafter. They will be kept available in this form for at least six years after the meeting.

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

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

- (b) on request a summary of any proceedings not open to the public where the minutes which are open to public inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting;
- (d) reports relating to items considered when the meeting was open to the public.

8. Background Papers:

8.1 List of Background Papers

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

- (a) disclose any facts or matters on which the report or an important part of the report is based:
- (b) have been relied upon to a material extent in preparing the report.

8.2 Public Inspection of Background Papers

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

9. Financial Documents

- (i) A member of the Authority has a right to inspect its accounts.
- (ii) Any local government elector for a district within West Midlands area has the right to inspect an order for the payment of money made by the Authority, and the right to inspect the statement of accounts prepared by the Authority under the Accounts and Audit Regulations 1996.
- (iii) At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers and receipts relating to them - except that no personal information about a member of the Authority's staff is required to be disclosed.

10. Summary of Public Rights

This Constitution will be kept available to the public via CMIS on the Authority's website as a written summary of the public's rights to attend meetings and to inspect and copy documents.

It will also be available for inspection at the designated office during normal office hours.

11 Exclusion of the Public and Press from Meetings

11.1 Confidential Information - Requirement to Exclude the Public and Press

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

11.2 Exempt Information - Discretion to Exclude the Public

Further to Rule 11.1 above, where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

11.3 Meaning of Confidential Information

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

11.4 Meaning of Exempt Information

In accordance with Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. Effective: 1st March, 2006.

Exempt information means information falling within the following 7 categories (subject to any condition)

- 1 Information relating to any individual.
2. Information that is likely to reveal the identity of an individual.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
 - a. to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b. to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

NOTE - Qualifications on the application of the Exemptions

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

The Companies Act 1985

The Friendly Societies Acts 1974 or 1992

The Industrial and Provident Societies Acts 1965 to 1978

The Building Societies Act 1986

The Charities Act 1993.

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

10. Information which:-

- a. falls within any of Paragraphs 1 to 7 above; and
- b. is not prevented from being exempt by virtue of paragraphs 8 or 9 above,

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

12. **Exclusion of Access to Reports**

If the Proper Officer thinks fit, the Authority may exclude access by the public to reports which in his/her opinion relate to items during which, in accordance with Rule 11, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication” together with the category of information likely to be disclosed.

WEST MIDLANDS FIRE SERVICE

FINANCIAL REGULATIONS

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Introduction

- 1.1 To conduct its business efficiently, a Fire Authority needs to ensure that it has sound financial management policies in place and that they are strictly adhered to. Part of this process is the establishment of financial regulations that set out the financial policies of the Authority.
- 1.2 Financial regulations provide the framework for managing the Authority's financial affairs. They apply to every Member and officer of the Authority and anyone acting on its behalf.
- 1.3 The regulations identify the financial responsibilities of the Fire Authority, the Chief Financial Officer ^(see note 1) and the Chief Fire Officer ^(see note 2). The Chief Fire Officer/Chief Financial Officer should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible officers, references to the Chief Fire Officer in the regulations should be read as referring to them.
- 1.4 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.5 The Chief Financial Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Authority. The Chief Financial Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Fire Authority.
- 1.6 The Chief Fire Officer is responsible for ensuring that all staff within the Fire Service are aware of the existence and content of the Authority's financial regulations and other internal regulatory documents and that they comply with them. He must also ensure that copies are available for reference within the Service.
- 1.7 The Chief Financial Officer is responsible for issuing advice and guidance to underpin the financial regulations that Members, officers and others acting on behalf of the Fire Authority are required to follow.

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

Note 2 The Chief Fire Officer's responsibility may also be transferred to other Directors (i.e. Deputy Chief Fire Officer, Assistant Chief Officers).

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Financial management

FINANCIAL MANAGEMENT STANDARDS

Why is this important?

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

Key Controls

- 1.02** The key controls and control objectives for financial management standards are:
- (a) their promotion throughout the Authority; and
 - (b) a monitoring system to review compliance with financial standards that is reported to the Strategic Enabling Team and the Fire Authority.

Responsibilities of the Chief Financial Officer

- 1.03** To ensure the proper administration of the financial affairs of the Authority.
- 1.04** To set the financial management standards and to monitor compliance with them.
- 1.05** To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance staff in the Authority.
- 1.06** To advise on the key strategic controls necessary to secure sound financial management.
- 1.07** To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of the Chief Fire Officer

- 1.08** To promote the financial management standards set by the Chief Financial Officer and to monitor adherence to the standards and practices, liaising as necessary with the Chief Financial Officer.
- 1.09** To promote sound financial practices in relation to the standards, performance and development of staff within the Fire Service.

MANAGING EXPENDITURE

Scheme of Virement

Why is this important?

- 1.10** The scheme of virement is intended to enable the Chief Fire Officer and his staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Authority, and therefore to optimise the use of resources.

Key Controls

- 1.11** Key controls for the scheme of virement are:

- (a) It is administered by the Chief Financial Officer within guidelines set by the Authority. Any variation from this scheme requires the approval of the Fire Authority.
- (b) The overall budget is agreed by the Strategic Enabling Team and approved by the Fire Authority. Directors and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a line in the approved budget report, or, as a minimum, at an equivalent level to the standard service sub-division as defined by CIPFA's Service Expenditure Analysis.
- (c) Virement does not create additional overall budget liability. Directors and budget managers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Directors and budget managers must plan to fund such commitments from within their own budgets.

Responsibilities of the Chief Financial Officer

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

Responsibilities of the Chief Fire Officer

- 1.13** The Chief Fire Officer may exercise virement on budgets under his control for amounts up to **£100,000** on any one budget head during the year, following notification to the Chief Financial Officer, subject to paragraph 1.17 below.
- 1.14** Virements up to **£100,000** may be exercised between budgets managed by different Directors subject to the approval of all Directors affected by the virement. Written confirmation of the agreed virement should be forwarded to the Chief Financial Officer who will ensure such amended figures are included in future monitoring reports.

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- 1.15** Amounts greater than **£100,000** require the approval of the Executive Committee, following a joint report by the Chief Financial Officer and the Chief Fire Officer, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year.
- 1.16** Virement that is likely to impact on the level of service activity of another Director should be implemented only after agreement with the relevant Director.
- 1.17** No virement relating to a specific financial year should be made after 31st March in that year.
- 1.18** Where an approved budget is a development budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:
- (a) the amount is used in accordance with the purpose for which it has been established; and
 - (b) the Fire Authority has approved the basis and the terms, including financial limits, on which it will be allocated.

Treatment of Year-End Balances

Why is this important?

- 1.19** The Authority's scheme of virement sets out the treatment of year-end balances on devolved budgets. It is administered by the Chief Financial Officer within guidelines set by the Fire Authority. Any variation from the scheme of virement (as set out above) requires the approval of the Fire Authority.
- 1.20** The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward relating to devolved budgets. For the purposes of this scheme, a budget heading is a line in the budget report, or, as a minimum, at an equivalent level to the standard service sub-division as defined by CIPFA in its Service Expenditure Analysis.

Key Controls

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

Responsibilities of the Chief Financial Officer

- 1.22** To administer the scheme of carry-forward within the guidelines approved by the Authority.
- 1.23** To report all overspendings and underspendings on service estimates carried forward to the Strategic Enabling Team and the Fire Authority.

Responsibilities of the Chief Fire Officer

- 1.24** Any overspending on service estimates in total on budgets which have been devolved under the control of the Chief Fire Officer must be carried forward to the following year, and will constitute the first call on service estimates in the following year. The Chief Financial Officer will report the extent of overspendings carried forward to the Strategic Enabling Team and the Fire Authority. The requirement to meet overspend from future year budget allocations can be waived by the Strategic Enabling Team if the circumstances of the overspend warrant this course of action.
- 1.25** Net underspendings on service estimates under the control of the Chief Fire Officer which have been devolved may be carried forward, subject to the approval by the Strategic Enabling Team and the Fire Authority of a report presented jointly by the Chief Fire Officer and the Chief Financial Officer regarding the source of underspending or additional income and the proposed application of those resources.

ACCOUNTING POLICIES

Why is this important?

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

Key Controls

- 1.27** The key controls for accounting policies are:
- (a) systems of internal control are in place that ensure that financial transactions are lawful;
 - (b) suitable accounting policies are selected and applied consistently;
 - (c) proper accounting records are maintained; and
 - (d) financial statements are prepared which present a true and fair view of the financial position of the Authority and its expenditure and income.

Responsibilities of the Chief Financial Officer

- 1.28** To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31st March each year, and covers such items as:
- (a) separate accounts for capital and revenue transactions;
 - (b) the basis on which debtors and creditors at year end are included in the accounts;
 - (c) details on substantial provisions and reserves;
 - (d) fixed assets;
 - (e) depreciation;
 - (f) capital charges;
 - (g) work in progress;
 - (h) stocks and stores;
 - (i) deferred charges;
 - (j) accounting for value added tax;
 - (k) government grants;
 - (l) leasing; and
 - (m) pensions.

Responsibilities of the Chief Fire Officer

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

ACCOUNTING RECORDS AND RETURNS

Why is this important?

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

Key Controls

- 1.31** The key controls for accounting records and returns are:
- (a) all Directors, budget managers and finance staff operate within the required accounting standards and timetables;
 - (b) all the Authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis;
 - (c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure;
 - (d) reconciliation procedures are carried out to ensure transactions are correctly recorded; and
 - (e) prime documents are retained in accordance with legislative and other requirements.

Responsibilities of the Chief Financial Officer

- 1.32** To determine the accounting procedures and records for the Fire Authority.
- 1.33** To arrange for the compilation of all accounts and accounting records under his direction.
- 1.34** To comply with the following principles when allocating accounting duties:
- (a) separating the duties of providing information about sums due to or from the Authority and calculating, checking and recording these sums from the duty of collecting or disbursing them; and
 - (b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- 1.35** To make proper arrangements for the audit of the Authority's accounts in accordance with the Accounts and Audit Regulations 2011.
- 1.36** To ensure that all claims for funds including grants are made by the due date.

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- 1.37** To prepare and publish the audited accounts of the Authority for each financial year, in accordance with the statutory timetable and with the requirement for the Authority to approve the statement of accounts before 30th September.
- 1.38** To administer the Authority's arrangements for under and overspendings on devolved budgets to be carried forward to the following financial year.
- 1.39** To ensure the proper retention of financial documents in accordance with the legislative and operational requirements.

Responsibilities of the Chief Fire Officer

- 1.40** To consult and obtain the approval of the Chief Financial Officer before making any changes to accounting records and procedures.
- 1.41** To comply with the principles outlined in paragraph 1.34 when allocating accounting duties.
- 1.42** To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 1.43** To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Chief Financial Officer.

THE ANNUAL STATEMENT OF ACCOUNTS

Why is this important?

- 1.44** The Fire Authority has a statutory responsibility to prepare its own accounts to present a true and fair view of its operations during the year. The Fire Authority is responsible for approving the statutory annual statement of accounts.

Key Controls

- 1.45** The key controls for the annual statement of accounts are:

- the Authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Authority, that officer is the Treasurer to the Authority; and
- the Authority's statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom*: (CIPFA/LASAAC).

Responsibilities of the Chief Financial Officer

- 1.46** To select suitable accounting policies and to apply them consistently.
- 1.47** To make judgements and estimates that are reasonable and prudent.
- 1.48** To comply with the Code.
- 1.49** To sign and date the statement of accounts, stating that it presents a true and fair view of the financial position of the Authority at the accounting date and its income and expenditure for the year ended 31st March.
- 1.50** To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

Responsibilities of the Chief Fire Officer

- 1.51** To comply with accounting guidance provided by the Chief Financial Officer and to supply the Chief Financial Officer with information when required.

Financial Planning

CORPORATE PLANS

Why is this important?

- 2.01** The Authority publishes an annual Corporate Plan called 'The Plan' highlighting priorities and objectives and an Annual Report detailing past performance. In line with the Public Involvement in Health Act 2007, the Authority must still take into account and demonstrate the principles of best value and this is done through the ongoing development and review of the Corporate Plan and performance across the Authority. The Corporate Plan and Annual Report is a key element in the Authority's programme of engaging with the public.

Key Controls

- 2.02** The key controls for performance plans are:

- (a) to ensure that all relevant plans are produced and that they are consistent;
- (b) to produce plans in accordance with statutory requirements;
- (c) to meet the timetables set;
- (d) to ensure that all performance information is accurate, complete and up to date; and
- (e) to provide improvement targets which are meaningful, realistic and challenging.

Responsibilities of the Chief Financial Officer

- 2.03** To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.
- 2.04** To contribute to the development of corporate and service targets and objectives and performance information.
- 2.05** To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- 2.06** To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

Responsibilities of the Chief Fire Officer

- 2.07** To contribute to the development of performance plans in line with statutory requirements.
- 2.08** To contribute to the development of corporate and service targets and objectives and performance information.

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BUDGETING

Format of the Budget

Why is this important?

- 2.09** The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

Key Controls

- 2.10** The key controls for the budget format are:
- (a) the format complies with all legal requirements;
 - (b) the format complies with CIPFA's *Service Reporting Code of Practice*; and
 - (c) the format reflects the accountabilities of service delivery.

Responsibilities of the Chief Financial Officer

- 2.11** To advise the Corporate Board/Strategic Enabling Team on the format of the budget that is approved by the Fire Authority.

Responsibilities of the Chief Fire Officer

- 2.12** To comply with accounting guidance provided by the Chief Financial Officer.

Revenue Budget Preparation, Monitoring and Control

Why is this important?

- 2.13** Budget management ensures that once the budget has been approved by the Authority, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Authority to review and adjust its budget allocations during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 2.14** By continuously identifying and explaining variances against budgetary targets, the Authority can identify changes in trends and resource requirements at the earliest opportunity. The Authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Authority in total does not overspend, each functional area is required to manage its own expenditure within the cash-limited budget allocated to it.
- 2.15** For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a functional area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the Chief Fire Officer's scheme of delegation.

Key Controls

2.16 The key controls for managing and controlling the revenue budget are:

- (a) there is a nominated budget manager for each cost centre or account code heading;
- (b) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- (c) budget managers follow an approved certification process for all expenditure;
- (d) income and expenditure are properly recorded and accounted for; and
- (e) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

Responsibilities of the Chief Financial Officer

2.17 To establish an appropriate framework of budgetary management and control that ensures that:

- (a) budget management is exercised within annual cash limits;
- (b) The Chief Fire Officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
- (c) expenditure is committed only against an approved budget head;
- (d) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations;
- (e) each cost centre or account code has a single named manager, determined by the relevant Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure; and
- (f) significant variances from approved budgets are investigated and reported by budget managers regularly.

2.18 To administer the Authority's scheme of virement.

2.19 To submit reports to the Strategic Enabling Team and to the Fire Authority, in consultation with the Chief Fire Officer, where a Director is unable to balance expenditure and resources within existing approved budgets under his/her control.

2.20 To prepare and submit reports on the Authority's projected income and expenditure compared with the budget on a regular basis to the Fire Authority (and Executive Committee where appropriate).

Responsibilities of the Chief Fire Officer

- 2.21** To maintain budgetary control within the Fire Service, in adherence to the principles in 2.17, and to ensure that all income and expenditure are properly recorded and accounted for.
- 2.22** To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Chief Fire Officer (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- 2.23** To ensure that budgets are set on a value for money basis to support the service delivery level required.
- 2.24** To ensure that spending remains within the Service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- 2.25** To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- 2.26** To prepare and submit to the Fire Authority reports on the Fire Service's projected expenditure compared to its budget, in consultation with the Chief Financial Officer.

To ensure prior approval by the Authority for new proposals, of whatever amount, that:
 - (a) create financial commitments in future years;
 - (b) change existing policies, initiate new policies or cease existing policies; and
 - (c) materially extend or reduce the Authority's services.
- 2.27** To ensure compliance with the scheme of virement.
- 2.28** To determine with the relevant Director where it appears that a budget proposal, including a virement proposal, may impact materially on another functional area or Director's level of service activity.

BUDGETS AND MEDIUM-TERM PLANNING

Why is this important?

- 2.29** The Authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Authority's plans and policies.
- 2.30** The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Authority. Budgets (spending plans) are needed so that the Authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.
- 2.31** Medium-term planning (or a three to five-year planning system) involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the Authority is always preparing for events in advance.

Key Controls

- 2.32** The key controls for budgets and medium-term planning are:
- (a) specific budget approval for all expenditure;
 - (b) budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Strategic Enabling Team for their budgets and the level of service to be delivered; and
 - (c) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Chief Financial Officer

- 2.33** To prepare and submit reports on budget prospects to the Strategic Enabling Team and the Fire Authority, including resource constraints set by the Government. Reports should take account of medium-term prospects, where appropriate.
- 2.34** To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Authority, and after consultation with the Strategic Enabling Team.
- 2.35** To prepare and submit reports to the Fire Authority on the spending plans of the Fire Service and on the resources available to fund them, identifying, where appropriate, the implications for the level of council tax to be levied.
- 2.36** To advise on the medium-term implications of spending decisions.

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- 2.37** To encourage the best use of resources and value for money by working with the Chief Fire Officer to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- 2.38** To advise the Fire Authority on Strategic Enabling Team proposals in accordance with his responsibilities under section 151 of the Local Government Act 1972.

Responsibilities of the Chief Fire Officer

- 2.39** To prepare estimates of income and expenditure, in consultation with the Chief Financial Officer, to be submitted to the Strategic Enabling Team and the Fire Authority.
- 2.40** To prepare budgets that are consistent with the Authority's annual budget cycle and any relevant cash limits. The format should be prescribed by the Chief Financial Officer in accordance with the Fire Authority's general directions.
- 2.41** To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- 2.42** In consultation with the Chief Financial Officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the Fire Authority.
- 2.43** When drawing up draft budget requirements, to have regard to:
- (a) spending patterns and pressures revealed through the budget monitoring process;
 - (b) legal requirements;
 - (c) policy requirements as defined by the Authority in the approved policy framework;
 - (d) initiatives already under way; and
 - (e) efficiency targets.

RESOURCE ALLOCATION

Why is this important?

- 2.44** A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

Key Controls

- 2.45** The key controls for resource allocation are:
- (a) resources are acquired in accordance with the law and using an approved authorisation process;
 - (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
 - (c) resources are securely held for use when required; and
 - (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Chief Financial Officer

- 2.46** To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.
- 2.47** To assist in the allocation of resources to budget managers.

Responsibilities of the Chief Fire Officer

- 2.48** To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way to ensure value for money.
- 2.49** To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery, thereby contributing to Fire Service efficiency targets.

Capital Programmes

Why is this important?

- 2.50** Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

- 2.51** The Government places strict controls on the financing capacity of the Authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key Controls

- 2.52** The key controls for capital programmes are:

- (a) specific approval by the Fire Authority for the programme of capital expenditure;
- (b) expenditure on any capital scheme, irrespective of funding stream (i.e. borrowing approval, grant, revenue), is subject to the approval of the Strategic Enabling Team and the Fire Authority;
- (c) a capital scheme appraisal, including project plan, objective, capital costs and intended funding, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the Strategic Enabling Team and Fire Authority;
- (d) the development and implementation of asset management plans;
- (e) accountability for each proposal is accepted by a named Manager; and
- (f) monitoring of progress in conjunction with expenditure and comparison with approved budget.

Responsibilities of the Chief Financial Officer

- 2.53** To prepare capital estimates jointly with the Chief Fire Officer and to report them to the Strategic Enabling Team for approval. The Strategic Enabling Team will make recommendations on the capital estimates and on any associated financing requirements to the Fire Authority.
- 2.54** To prepare and submit reports to the Strategic Enabling Team and Fire Authority on the projected income, expenditure and resources compared with the approved estimates.
- 2.55** To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Chief Financial Officer, having regard to government regulations and accounting requirements.
- 2.56** To prepare regular reports reviewing the capital programme for the Authority as a whole, highlighting any associated financial issues and remedial action required.

Responsibilities of the Chief Fire Officer

- 2.57** To comply with guidance concerning capital schemes and controls issued by the Chief Financial Officer.
- 2.58** To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Chief Financial Officer.

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- 2.59** To prepare regular reports reviewing the capital programme provisions for the Fire Service and also prepare a monthly return of estimated final costs of schemes in the approved capital programme for submission to the Chief Financial Officer.
- 2.60** To ensure that adequate records are maintained for all capital contracts.
- 2.61** To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Chief Financial Officer.
- 2.62** To prepare and submit reports, jointly with the Chief Financial Officer, to the Executive Committee of any variation in contract costs greater than the approved limits.
- 2.63** To prepare and submit reports, jointly with the Chief Financial Officer, to the Executive Committee, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.
- 2.64** To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Financial Officer and, if applicable, approval of the scheme through the capital programme.
- 2.65** To consult with the Chief Financial Officer and to seek Executive Committee approval where the Chief Fire Officer proposes to bid for capital grant funding to be issued by government departments to support expenditure that has not been included in the current year's capital programme.

MAINTENANCE OF RESERVES

Why is this important?

- 2.66** The Fire Authority must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the Authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Policy on the Level and Nature of Reserves

- 2.67** The level of general reserves should not be allowed to fall below the lower of 2.5% of the Authority's annual net revenue budget or £2.5 million. The Chief Financial Officer, in considering the corporate risks facing the Authority, will make particular reference to the forecast level of general reserves during the Authority's annual budget setting process and report on the actual level of balances during the closedown of accounts process.

Earmarked reserves will be maintained to meet specific purposes as determined by the Chief Financial Officer and reported to the Authority as part of the closedown of accounts process.

Key Controls

- 2.68** To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* (the Code) (CIPFA/LASAAC) and agreed accounting policies.
- 2.69** For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- 2.70** Authorisation and expenditure from reserves by the Chief Fire Officer in consultation with the Chief Financial Officer.

Responsibilities of the Chief Financial Officer

- 2.71** To advise the Strategic Enabling Team and the Fire Authority on prudent levels of reserves for the Authority, and to take account of the advice of the external auditor in this matter.

Responsibilities of the Chief Fire Officer

- 2.72** To ensure that resources are used only for the purposes for which they were intended.

Audit, Risk Management and Internal Control

RISK MANAGEMENT

Why is this important?

- 3.01** All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.
- 3.02** It is the overall responsibility of the Fire Authority to approve the Authority's risk management strategy, and to promote a culture of risk management awareness throughout the authority.

Key Controls

- 3.03** The key controls for risk management are:
- (a) procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Authority;
 - (b) a monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis;
 - (c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
 - (d) provision is made for losses that might result from the risks that remain;
 - (e) procedures are in place to investigate claims within required timescales;
 - (f) acceptable levels of risk are determined and insured against where appropriate; and
 - (g) the Authority has identified business continuity plans for implementation in the event of a disaster that results in significant loss or damage to its resources.

Responsibilities of the Chief Financial Officer

- 3.04** To prepare and promote the Authority's risk management policy statement.
- 3.05** To develop risk management controls in conjunction with the Chief Fire Officer.
- 3.06** To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.
- 3.07** To provide for the provision of a professional advisory and co-ordinating services to the Chief Fire Officer on the management of risk within the Fire Authority. The Chief Fire Officer should provide the Chief Financial Officer with such information as is required for the carrying out of this responsibility.
- 3.08** To effect all insurance cover in a manner he determines and shall carry out all negotiations and pay claims in consultation with the Chief Fire Officer where necessary. Such insurance will include suitable fidelity guarantee insurance.

Responsibilities of the Chief Fire Officer

- 3.09** In accordance with the Authority's own Corporate Governance agenda and Risk Management Strategy, to take responsibility for the identification, assessment and management of risk within the Fire Service, with a view to ensuring that all threats to the Services' objectives are minimised and controlled, leading to the reduction of costs associated with risk and the continuance of service provision.
- 3.10** To prepare and maintain a risk register, identifying each risk, its likelihood of occurrence and the impact on service delivery/resources.
- 3.11** To ensure that there are regular reviews of risk within their service areas and to include the management of risk specifically within the Service Business Planning process, so that risk related threats/weaknesses are addressed within action plans included within individual unit business plans.
- 3.12** To notify the Chief Financial Officer immediately of any loss, liability or damage that may lead to a claim against the Fire Authority, together with any information or explanation required by the Chief Financial Officer or the authority's insurers.
- 3.13** To ensure that sound arrangements for the security and continuity of service in the event of disaster are in place.
- 3.14** To ensure that the recommendations of the Risk Manager are actioned within the Fire Service and will ensure that support is given to the Chief Financial Officer in the role of furthering the Risk Management Strategy of the Fire Authority.
- 3.15** To ensure that claims information is passed to the Chief Financial Officer within a reasonable time. The Chief Fire Officer will be responsible for any costs incurred as a result of delays in passing information to the Chief Financial Officer. Such costs could be incurred as a result of failure to comply with the Civil Procedure Rules in respect of liability claims.

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- 3.16** To ensure that the Chief Financial Officer is notified promptly of all new risks, property, vehicle and other assets which require to be insured and of any alterations or deletions affecting insurance cover.
- 3.17** To ensure that records are properly maintained and securely held.
- 3.18** To prepare and maintain a record of all assets under their control in accordance with procedures laid down by the Chief Financial Officer, and shall supply such information as required to enable the Chief Financial Officer to fulfil his/her responsibilities to effect necessary insurance arrangements.
- 3.19** To consult the Chief Financial Officer and the head of Sandwell Legal Services on the terms of any indemnity that the Fire Authority is requested to give.
- 3.20** To ensure that employees, or anyone covered by the Authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment liability in respect of any insurance claim.

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INTERNAL CONTROLS

Why is this important?

- 3.21** The Authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- 3.22** The Authority has statutory obligations, and therefore requires internal controls to identify, meet and monitor compliance with these obligations.
- 3.23** The Authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 3.24** The system of internal controls is established in order to provide measurable achievement of:
 - (a) efficient and effective operations;
 - (b) reliable financial information and reporting;
 - (c) compliance with laws and regulations; and
 - (d) risk management.

Key Controls

- 3.25** The key controls and control objectives for internal control systems are:
 - (a) key controls should be reviewed on a regular basis and the Authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively;
 - (b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;
 - (c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems; and
 - (d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Public Sector Internal Audit Standards and with any other statutory obligations and regulations.

Responsibilities of the Chief Financial Officer

- 3.26** To assist the Authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- 3.27** To prepare and complete the annual Governance Statement and report within the Statement of Accounts to comply with the Accounts and Audit Regulations 2011.

Responsibilities of the Chief Fire Officer

- 3.28** To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- 3.29** To review existing controls in the light of changes affecting the Authority and to establish and implement new ones in line with guidance from the Chief Financial Officer.
- 3.30** To ensure staff have a clear understanding of the consequences of lack of control.

AUDIT REQUIREMENTS

Internal Audit

Why is this important?

- 3.31** The requirement for an internal audit function for authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2011, more specifically require that a “relevant body must maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practice in relation to internal controls”.
- 3.32** Accordingly, internal audit is an independent and objective appraisal function established by the Authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Key Controls

- 3.33** The key controls for internal audit are:
- (a) that it is independent in its planning and operation;
 - (b) the head of internal audit has direct access to all levels of management and to elected Members; and
 - (c) the internal auditors comply with the Public Sector Internal Audit Standards.

Responsibilities of the Chief Financial Officer

- 3.34** To carry out an internal audit on whatever basis he determines of the financial and related operations of the Authority and its Services and Officers. In determining the manner in which the Audit is undertaken, the chief financial officer will have regard to his/her statutory responsibilities under section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations as delegated, and any guidelines issued by C.I.P.F.A.
- 3.35** To ensure that internal auditors have the authority to:
- (a) access Authority premises at reasonable times;
 - (b) access all assets, records, documents, correspondence and control systems;
 - (c) receive any information and explanation considered necessary concerning any matter under consideration;
 - (d) require any employee of the Authority to account for cash, stores or any other Authority asset under his control;
 - (e) access records belonging to third parties, such as contractors, when required; and

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- (f) directly access the Chief Fire Officer and the Fire Authority.
- 3.36** To approve the strategic and annual audit plans prepared by the internal Audit Services Manager (Sandwell MBC), which take account of the characteristics and relative risks of the activities involved.
- 3.37** To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.
- 3.38** To prepare reports to the Chief Fire Officer setting out the audit work carried out in the relevant service areas during the previous financial year. To prepare an annual report covering the audit work carried out in all service areas for submission to the Fire Authority.

Responsibilities of the Chief Fire Officer

- 3.39** To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 3.40** To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 3.41** To consider audit reports promptly and reply to recommendations, unless otherwise requested within four weeks of the date of the audit report.
- 3.42** To ensure that agreed audit recommendations are implemented, including the identification of an appropriate officer responsible for implementation and the timescale required.
- 3.43** To notify the Chief Financial Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources. Pending investigation and reporting, the Chief Fire Officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- 3.44** To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the audit services Manager and Chief Financial Officer prior to implementation.

EXTERNAL AUDIT

Why is this important?

- 3.45** The Local Government Finance Act 1982 set up the Audit Commission, which is responsible for appointing external auditors to each local authority in England and Wales. The external auditor has rights of access to all documents and information necessary for audit purposes.
- 3.46** The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, section 4 of the 1998 Act requires the Audit Commission to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice issued in 2010 sets out the auditor's objectives to review and report upon:
- (a) the financial aspects of the audited body's corporate governance arrangements;
 - (b) the audited body's financial statements; and
 - (c) Whether the audited body has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources – this conclusion is the VFM conclusion.
- 3.47** The Authority's accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts 'presents a true and fair view of' the financial position of the Authority and its income and expenditure for the year in question and complies with the legal requirements.

Key Controls

- 3.48** External auditors are appointed by the Audit Commission normally for a minimum period of five years. The Audit Commission prepares a code of audit practice, which external auditors follow when carrying out their audits.

Responsibilities of the Chief Financial Officer

- 3.49** To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- 3.50** To ensure there is effective liaison between external and internal audit.
- 3.51** To work with the external auditor and advise the Members and the Chief Fire Officer on their responsibilities in relation to external audit.

Responsibilities of the Chief Fire Officer

- 3.52** To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- 3.53** To ensure that all records and systems are up to date and available for inspection.

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PREVENTING FRAUD AND CORRUPTION

Why is this important?

- 3.54** The Authority is totally committed to creating an environment where fraud and corruption are not tolerated whether from inside or outside the Authority and has approved an Anti-Fraud and Corruption policy. Where fraud or corruption are found firm action will be taken against the instigator(s).
- 3.55** The Authority's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 3.56** The Authority also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Authority with integrity and without thought or actions involving fraud and corruption.

Key Controls

- 3.57** The key controls regarding the prevention of financial irregularities are that:
- (a) the Authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption;
 - (b) all Members and staff act with integrity and lead by example;
 - (c) Senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Authority or who are corrupt;
 - (d) high standards of conduct are promoted amongst Members by the Standards Committee;
 - (e) the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded;
 - (f) whistle blowing procedures are in place and operate effectively; and
 - (g) legislation including the Public Interest Disclosure Act 1998 is adhered to.

Responsibilities of the Chief Financial Officer

- 3.58** To develop and maintain an anti-fraud and anti-corruption policy.
- 3.59** To maintain adequate and effective internal control arrangements.
- 3.60** To ensure that all irregularities are reported to the Audit Services Manager, the Chief Fire Officer, and the Fire Authority.
- 3.61** To ensure that where financial impropriety is discovered and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place. The Chief Financial Officer shall inform the Chief Fire Officer of the decision to involve the police in any investigation.

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Responsibilities of the Chief Fire Officer

- 3.62** To ensure that all suspected irregularities are reported to the Audit Services Manager.
- 3.63** To instigate the Authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- 3.64** To maintain a register of interests.

ASSETS

Security and Control

Why is this important?

3.65 The Authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key Controls

3.66 The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:

- (a) resources are used only for the purposes of the Authority and are properly accounted for;
- (b) resources are available for use when required;
- (c) resources no longer required are disposed of in accordance with the law and the regulations of the Authority so as to maximise benefits;
- (d) an asset register is maintained for the Authority. Assets are recorded when they are acquired by the Authority and this record is updated as changes occur with respect to the location and condition of the asset;
- (e) all staff are aware of their responsibilities with regard to safeguarding the Authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation; and
- (f) all staff are aware of their responsibilities with regard to safeguarding the security of the Authority's computer systems, including maintaining restricted access to the information held on them and compliance with the Authority's computer and internet security policies.

Responsibilities of the Chief Financial Officer

3.67 To ensure that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of £10,000. The function of the asset register is to provide the Authority with information about fixed assets so that they are:

- safeguarded
- used efficiently and effectively
- adequately maintained.

3.68 To receive the information required for accounting, costing and financial records from each chief officer.

3.69 To ensure that assets are valued in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom* (the Code) (CIPFA/LASAAC).

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Responsibilities of the Chief Fire Officer

- 3.70** The appropriate Director shall maintain a property database in a form approved by the Chief Financial Officer for all land and buildings currently owned or used by the Authority. Any use of property by a service or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- 3.71** To ensure that lessees and other prospective occupiers of land owned by the Authority are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Chief Fire Officer in consultation with the Chief Financial Officer, has been established as appropriate.
- 3.72** To ensure the proper security of all buildings and other assets under their control.
- 3.73** Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the Chief Fire Officer and the Chief Financial Officer.
- 3.74** To pass title deeds to the appropriate Director who is responsible for custody of all title deeds.
- 3.75** To ensure that no Authority asset is subject to personal use by an employee without proper authority.
- 3.76** To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Authority.
- 3.77** To ensure that the service maintains a register of moveable assets in accordance with arrangements defined by the Chief Financial Officer.
- 3.78** To ensure that assets are identified, their location recorded and that they are appropriately marked as Fire Brigade property and insured.
- 3.79** To consult the Chief Financial Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- 3.80** To consult the Chief Financial Officer in any case where security of cash is concerned and to ensure cash holdings on premises are kept within limits agreed with the Chief Financial Officer.
- 3.81** To ensure that keys to safes and similar receptacles are kept secure at all times; loss of any such keys must be reported to the Chief Financial Officer as soon as possible.
- 3.82** To ensure the disposal of assets is normally by competitive tender or public auction, unless, following consultation with the Chief Financial Officer, the Strategic Enabling Team agrees otherwise.

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- 3.83** To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Financial Officer.
- 3.84** To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Authority in some way.

Responsibilities of the Chief Fire Officer – Inventories

- 3.85** To maintain inventories in a manner agreed with the Chief Financial Officer. Inventories are to record an adequate description (including serial number where possible) above £500 in value per item of any office equipment, any equipment or moveable plant and machinery and any equipment collectively of a non-operational nature. Items below this value may be included where it is felt that they are particularly attractive or desirable.
- 3.86** To carry out an annual check of all items on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Authority.
- 3.87** Any surplus or deficiency revealed by the Annual Inventory check shall be notified to the appropriate Director who shall take such action as is deemed necessary.
- 3.88** To make sure that property is only used in the course of the Authority's business, unless the Chief Fire Officer has given permission otherwise.
- 3.89** To ensure obsolete items are disposed of in accordance with Authority's Regulations as per section 3.107.

Responsibilities of the Chief Fire Officer – Stocks and Stores

- 3.90** To make arrangements for the care, custody, physical control and security of stocks and stores in the service and for the maintenance of a proper stores control system and stores records.
- 3.91** To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion. Records of stocks checked and discrepancies found are to be kept.
- 3.92** To certify the quantity and value of the stocks and stores in his service and forward a copy of the certification to the Chief Financial Officer at least annually.
- 3.93** To investigate and remove from the Authority's records (i.e. write off) discrepancies as necessary, or to obtain Authority approval if they are in excess of a predetermined limit. The Chief Financial Officer is to be notified of discrepancies written off.

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- 3.94** To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Chief Financial Officer, the Executive Committee approves otherwise in a particular case.
- 3.95** To keep all stores accounts and records in connection with the accounting stocks in such a manner and form as may be approved by the Chief Financial Officer.
- 3.96** The Chief Financial Officer, in collaboration with the appropriate officers, is to:
- determine the method to be followed in the valuation of stores for the purposes of charging out stores for evaluating stock in hand at the end of the financial year; and
 - determine and review the appropriate rate(s) of overhead charge arising from stocks and stores.
- 3.97** To supply the Chief Financial Officer with such returns about stores under his control as the Chief Financial Officer may require.
- 3.98** To designate suitable officers who shall be responsible for:
- (a) custody of stocks and stores;
 - (b) the maintenance of stores and accounting records;
 - (c) authorising the issue of stocks and stores; and
 - (d) carrying out the stocktaking of all stores.

Except with the agreement of the Chief Financial Officer, no officer shall be responsible for more than one of the functions of (a), (b), (c) or (d) above.

Intellectual Property

Why is this important?

- 3.99** Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- 3.100** Certain activities undertaken within the Authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

Key Controls

- 3.101** In the event that the Authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with Standing Order 2/12.

Responsibilities of the Chief Financial Officer

- 3.102** To develop and disseminate good practice through the Authority's intellectual property procedures.

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Responsibilities of the Chief Fire Officer

- 3.103** To ensure that controls are in place so that staff do not carry out private work in Authority time and that staff are aware of an employer's rights with regard to intellectual property.

ASSET DISPOSAL

Why is this important?

- 3.104** It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Authority.

Key Controls

- 3.105** Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Authority, and best price is obtained.
- 3.106** Procedures protect staff involved in the disposal from accusations of personal gain.

Responsibilities of the Chief Financial Officer

- 3.107** To issue advice/guidelines representing best practice for disposal of assets.
- 3.108** To ensure appropriate accounting entries are made to remove the value of disposed assets from the Authority's records and to include the sale proceeds if appropriate.

Responsibilities of the Chief Fire Officer

- 3.109** To ensure that the sale of scrap or old materials or obsolete items of stock or equipment is made only after quotations or tenders have been invited in accordance with Standing Orders for Contracts unless otherwise agreed by the Chief Finance Officer and where the estimated value exceeds £10,000 disposal is to be by tender and the invitation to tender is by advertisement in appropriate newspapers and periodicals. Payments for scrap by the successful tenderer shall be made in cash before delivery is taken, unless otherwise agreed by the Chief Financial Officer.
- 3.110** To ensure that income received for the disposal of an asset is properly banked and coded.

Trust Funds and Funds held for Third Parties

Responsibilities of the Chief Fire Officer

- 3.111** To have overall responsibility for the financial management and investment of all monies of Trust Funds in the name of the Authority, including instances where the day to day management of a fund is devolved to other Directors.
- 3.112** To maintain the accounting records of all Trust Funds in the name of the Authority and make arrangements for the safe custody of cash, stock certificates and other documents of title issued in connection with the investment of funds.
- 3.113** To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

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Imprest Accounts

Responsibilities of the Chief Financial Officer

- 3.114** To provide employees of the Authority with cash or bank imprest accounts to meet minor expenditure on behalf of the Authority and to prescribe rules for operating these accounts.
- 3.115** To determine the petty cash limit and to maintain a record of imprests issued, and periodically to review the arrangements for the safe custody and control of these imprests.
- 3.116** To reimburse imprest holders as often as considered appropriate to restore the imprests.

Responsibilities of the Chief Fire Officer

- 3.117** To ensure that employees operating an imprest account:
- (a) limit payments from the account to such minor items of expenditure as the Chief Financial Officer may approve and obtain and retain receipted vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained;
 - (b) make adequate arrangements for the safe custody of the account (cash and records);
 - (c) produce upon demand by the Chief Financial Officer cash and all vouchers to the total value of the imprest amount;
 - (d) record transactions promptly;
 - (e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;
 - (f) provide the Chief Financial Officer with a certificate of the value of the account held at 31st March each year;
 - (g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made;
 - (h) on leaving the Authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Chief Financial Officer for the amount advanced to him or her;
 - (i) no income received on behalf of the Authority is to be paid into the imprest without the specific authorisation of the Chief Financial Officer; and
 - (j) statement of imprest account shall be certified as correct and forwarded with all vouchers to the Chief Financial Officer with a claim for reimbursement.

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3.118 Where the Chief Financial Officer considers it appropriate, an account shall be opened with the Authority's bankers or suitable alternative Bank/Building Society for use by an imprest holder who shall not cause such an account to be overdrawn.

Treasury Management

3.119 Investments and borrowing shall be made by the Fire Authority in accordance with the approved Treasury Management Strategy and Service Level Agreement with Sandwell MBC.

Financial Systems and Procedures

GENERAL

Why is this important?

- 4.01** The Fire Service has many systems and procedures relating to the control of the Authority's assets, including purchasing, costing and management systems. The Service is increasingly reliant on computers for its financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 4.02** The Chief Financial Officer has a professional responsibility to ensure that the Authority's financial systems are sound and should therefore be notified of any new developments or changes.

Key Controls

- 4.03** The key controls for systems and procedures are:
- (a) basic data exists to enable the Authority's objectives, targets, budgets and plans to be formulated;
 - (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis;
 - (c) early warning is provided of deviations from target, plans and budgets that require management attention;
 - (d) operating systems and procedures are secure; and
 - (e) appropriate division of duties.

Responsibilities of the Chief Financial Officer

- 4.04** To make arrangements for the proper administration of the Authority's financial affairs, including to:
- (a) issue advice, guidance and procedures for officers and others acting on the Authority's behalf;
 - (b) determine the accounting systems, form of accounts and supporting financial records;
 - (c) establish arrangements for audit of the Authority's financial affairs;
 - (d) approve any new financial systems to be introduced; and
 - (e) approve any changes to be made to existing financial systems.

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Responsibilities of the Chief Fire Officer

- 4.05** To ensure that financial and accounting records are properly maintained and held securely in accordance with arrangements approved by the Chief Financial Officer.
- 4.06** To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Chief Financial Officer. No prime documents or records should be disposed of until the completion of the audit of the Authority's accounts by the external auditor for the year to which the records relate.

Generally, all accounting and financial records shall be retained for 6 complete financial years.

These arrangements are subject to any overriding statutory or government requirement and any alternative arrangements agreed with the Chief Financial Officer.

- 4.07** To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 4.08** To incorporate appropriate controls to ensure that, where relevant:
- (a) all input is genuine, complete, accurate, timely and not previously processed;
 - (b) all processing is carried out in an accurate, complete and timely manner; and
 - (c) output from the system is complete, accurate and timely.
- 4.09** To ensure that the organisational structure provides an appropriate division of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 4.10** To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 4.11** To ensure that systems are documented and staff trained in operations.
- 4.12** To consult with the Chief Financial Officer before changing any existing system or introducing new systems.
- 4.13** To establish a scheme of delegation identifying officers authorised to act upon the Chief Fire Officer's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- 4.14** To supply lists of authorised officers, with specimen signatures and delegated limits, to the Chief Financial Officer, together with any subsequent variations.
- 4.15** To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.

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- 4.16** To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 4.17** To ensure that relevant standards and guidelines for computer systems issued by the Chief Fire Officer are observed.
- 4.18** To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 4.19** To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- (a) only software legally acquired and installed by the authority is used on its computers;
 - (b) staff are aware of legislative provisions; and
 - (c) in developing systems, due regard is given to the issue of intellectual property rights.
- 4.20** To ensure employees are aware of the national code of conduct for local government employees.

INCOME AND EXPENDITURE

Income

Why is this important?

- 4.21** Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Authority's cashflow and also avoids the time and cost of administering debts.

Key Controls

- 4.22** The key controls for income are:

- (a) all income due to the Authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed;
- (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery;
- (c) all money received by an employee on behalf of the Authority is paid without delay to the Chief Financial Officer or, as he or she directs, to the Authority's bank, and is properly recorded. The responsibility for cash collection should be separated from that:
 - for identifying the amount due; and
 - for reconciling the amount due to the amount received.
- (d) effective action is taken to pursue non-payment within defined timescales;
- (e) formal approval for debt write-off is obtained;
- (f) appropriate write-off action is taken within defined timescales;
- (g) appropriate accounting adjustments are made following write-off action;
- (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule; and
- (i) money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the Chief Financial Officer

- 4.23** To agree arrangements for the collection of all income due to the Authority and to approve the procedures, systems and documentation for its collection.
- 4.24** To order and supply to services all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control. To approve all other documents which acknowledge the receipt of money.

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- 4.25 To arrange for bank reconciliation statements to be regularly prepared for all bank accounts and for all matters arising from the reconciliations to be cleared as soon as practicable.
- 4.26 To approve all debts to be written off in consultation with the relevant Director and to keep a record of all sums written off up to the approved limit and to adhere to the requirements of the Accounts and Audit Regulations 2011.
- 4.27 To obtain the approval of the Authority in consultation with the relevant Director for writing off debts in excess of the approved limit.
- 4.28 To ensure that appropriate accounting adjustments are made following write-off action.
- 4.29 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

Responsibilities of the Chief Fire Officer

- 4.30 To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies.
- 4.31 To designate, in respect of all income arising from services under his control, suitable officers who shall be responsible for:
 - (a) determining and recording all amounts due;
 - (b) the collection, custody and deposit of cash including the preparation of an accurate and chronological account of all monies received and deposited; and
 - (c) the maintenance of accounting records.

Except with the express authority of the Chief Financial Officer, no officer shall be responsible for more than one of the functions, (a), (b) or (c) above.

- 4.32 To establish and initiate where so approved by Chief Financial Officer, appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- 4.33 To ensure that every sum received by an officer of the Fire Service is immediately acknowledged by the issue of an official receipt or voucher, or other authorised record except where other arrangements are agreed with the Chief Financial Officer. All receipts (other than those issued by receipting machines) shall be signed by the officer issuing them in his own name as on behalf of the Chief Financial Officer.
- 4.34 Where payment is received by cheque and the payer does not require a receipt, such special arrangements as are approved by the Chief Financial Officer shall operate.
- 4.35 To hold securely receipts, tickets and other records of income for the appropriate period.
- 4.36 To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling.

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- 4.37** To ensure that income is paid fully and promptly into the appropriate Authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Each officer who banks cheques shall enter on the Authority's copy of the paying in slip a reference to the related debt (such as receipt number, account number, name of debtor) or otherwise indicate the origin of the cheque; on the reverse of each cheque the officer shall enter the name of his service centre or establishment. Money collected and deposited must be reconciled to the bank account on a regular basis.
- 4.38** To ensure income is not used to cash personal cheques or other payments.
- 4.39** To supply the Chief Financial Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Chief Financial Officer to record correctly the sums due to the Authority and to ensure accounts are sent out promptly. The Chief Fire Officer has a responsibility to assist the Chief Financial Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Authority's behalf. Only up to approved levels of cash can be held on the premises.
- 4.40** To keep a record of every transfer of money between employees of the Authority. The receiving officer must sign for the transfer and the transferor must retain a copy.
- 4.41** To recommend to the Chief Financial Officer all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- 4.42** To ensure that income and Value Added Tax are correctly coded to the appropriate head of account in accordance with arrangements approved by the Chief Financial Officer.
- 4.43** To notify the Chief Financial Officer of outstanding income relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Chief Financial Officer and not later than 30th April.

Ordering and Paying for Work, Goods and Services

Why is this important?

- 4.44** Public money should be spent with demonstrable probity and in accordance with the Authority's policies. The Authority has a statutory duty to achieve best value in part through economy and efficiency. The Authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Authority's code of practice on tenders and contracts as specified in Brigade Standing Order 1/8.

General

- 4.45** Every officer and Member of the Authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Authority, in accordance with appropriate codes of conduct.
- 4.46** Official Orders must be in a form approved by the Chief Financial Officer. Official orders must be issued for all work, goods or services to be supplied to the Authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Chief Financial Officer. Orders shall show the quantities and terms of the transaction. Copy Orders shall also show quoted or estimated prices and details of any discounts available. Copy orders shall be retained in safe custody and kept available for audit and record purposes. Goods and services obtained urgently by telephone or verbal Orders shall be confirmed by an Official Order marked "confirmation" within four working days.
- 4.47** Each order must conform to the guidelines approved by the Authority on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Chief Financial Officer.
- 4.48** Apart from petty cash, the normal method of payment from the Authority shall be by BACS Transfer, cheque or other instrument or approved method, drawn on the Authority's bank account account by the Chief Financial Officer. The use of direct debit shall require the prior agreement of the Chief Financial Officer.
- 4.49** Official Orders must not be raised for any personal or private purchases, nor must personal or private use be made of Authority contracts.

Key Controls

- 4.50** The key controls for ordering and paying for work, goods and services are:
- (a) all goods and services are ordered only by appropriate persons and are correctly recorded;
 - (b) all goods and services shall be ordered in accordance with the Authority's code of practice for tenders and contracts unless they are purchased from sources within the Authority;
 - (c) goods and services received are checked to ensure they are in accordance with the Order. Goods should not be received by the person who placed the Order;
 - (d) payments are not made unless goods have been received by the Authority to the correct price, quantity and quality standards;
 - (e) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method;
 - (f) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule;

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- (g) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected; and
- (h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the Chief Financial Officer

- 4.51** To ensure that all the Authority's financial systems and procedures are sound and properly administered.
- 4.52** To approve any changes to existing financial systems and to approve any new systems before they are introduced.
- 4.53** To approve the form of Official Orders and associated terms and conditions.
- 4.54** To make payments from the Authority's funds on the Chief Fire Officer's authorisation that the expenditure has been duly incurred in accordance with financial regulations and procedures.
- 4.55** To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- 4.56** To make payments to contractors on the certificate of the appropriate Director which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- 4.57** To provide advice on making payments by the most economical means to ensure that all payments are despatched direct to creditors unless specific alternative arrangements are agreed by an authorised officer.
- 4.58** To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

Responsibilities of the Chief Fire Officer

Ordering

- 4.59** To ensure the requirements of Standing Orders for Contracts shall be observed in respect of all orders. Competitive tenders or quotations are to be obtained for goods and services in accordance with the Authority's Procurement Procedures.
- 4.60** To utilise the services provided by central purchasing that have been established by the Chief Financial Officer in putting purchases out to competitive tender/quotations.
- 4.61** To ensure that uniquely pre-numbered Official Orders are used for all goods and services, other than the exceptions specified in 4.46.
- 4.62** To ensure that orders are only used for goods and services provided to the service. Individuals must not use Official Orders to obtain goods or services for private use.

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- 4.63** To ensure that only those staff authorised by the Chief Fire Officer sign orders and to maintain and forward a copy to the Chief Financial Officer of an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary.
- 4.64** Orders are to be approved by an authorised officer on behalf of the Chief Fire Officer. Facsimile signature stamps should not be used on Official Orders.

Delivery

- 4.65** To ensure that a delivery note is obtained for every delivery of goods, wherever possible, and all practical steps are taken to ensure that the delivery note is available at the time of delivery. All goods are checked as regards quantity at the time of delivery and goods are inspected as regards quality and compliance with specification as soon as practicable after delivery. Non-delivery, shortages, or damage to goods listed on a delivery note must be reported in writing to the appropriate supplier as soon as practicable. This check is to be carried out by a different officer from the person who authorised the order. Goods received records should be maintained where considered appropriate by Chief Financial Officer and entries made in inventories or stores records.

Payment

- 4.66** To ensure that the service maintains and reviews periodically a list of staff approved to certify invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Chief Financial Officer.
- 4.67** To ensure that invoices for payment are approved by an authorised officer on behalf of the Chief Fire Officer. By agreement with the Chief Financial Officer, such authorisation of invoices can be carried out in batches.
- 4.68** Before certifying an invoice, the certifying officer shall, save to the extent the Chief Financial Officer may otherwise determine, have satisfied himself or herself that:
- (a) the goods have been received and are satisfactory in respect of quantity, quality and compliance with specification;
 - (b) the work done or services rendered have been satisfactorily performed and comply with specification;
 - (c) grants, awards, allowances and gratuitous payments are in accordance with official scales and the authority for payment given by the Authority;
 - (d) the prices, extensions, totals, calculations, trade discounts, other allowances, credits and value added tax are correct;
 - (e) the expenditure has been properly incurred and is within the estimated provision;
 - (f) appropriate entries have been made in inventories, stores records or stock books as required;

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- (g) the invoice has been cross-referenced to the Official Order and has not previously been passed for payment and is a proper legal liability of the Authority;
 - (h) the expenditure and value added tax have been correctly coded to the appropriate head of account; and
 - (i) all payments to sub-contractors in the construction industry have the appropriate category for Income Tax indicated on the authorisation slip and the income tax deduction where appropriate, shown and coded.
- 4.69** To arrange for two separate members of staff to be involved in the ordering, receiving and payment process to ensure an adequate division of duties. If possible, a different officer from the person who signed the order should certify the invoice. A different person from the staff checking an invoice must certify the invoice.
- 4.70** To ensure, in collaboration with the Chief Financial Officer, that arrangements are made for the division of duties arising from the certification and processing of invoices to provide an adequate internal check on each payment authorised. In particular:
- (a) divide between designated officers the responsibilities for the various acts of certification set out in 4.68.
 - (b) divide between designated officers the following functions of the on-line invoice process:
 - (i) input of invoices;
 - (ii) batch authorisation of invoices; and
 - (iii) creation of creditor reference numbers.
 - (c) maintain subsidiary records and retain in safe custody all copy Orders, delivery notes, goods received sheets, etc.
- 4.71** To ensure that all requests for the payment of monies is processed on a form approved by the Chief Financial Officer. The form should contain a standard grid completed to indicate that the various acts of certification set out in 4.68 have been completed. Requests for payment must not be made, otherwise than with the express consent of the Chief Financial Officer, where only one officer has been involved in the acts of certification set out in 4.68. Supplies of payment forms, costing and authorisation slips and other such documents shall be obtained from the Chief Financial Officer. All other documents used for the payment of money shall be in a form approved by the Chief Financial Officer.
- 4.72** To ensure that any amendment to an invoice is made indelibly and initialled by the officer making it stating briefly the reasons where they are not self-evident. Under no circumstances should the amount of VAT be altered. Where the VAT element is incorrect adjusted invoices or credit notes should be obtained from the supplier.
- 4.73** To ensure that where it is necessary to pass a copy invoice for payment a thorough check is carried out to ensure the original invoice has not previously been paid. The authorisation slip attached to copy invoices should be endorsed with a copy invoice

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stamp supplied by the Chief Financial Officer and brief details should be noted on the stamping as to why a copy document is being processed.

- 4.74** To encourage suppliers of goods and services to receive payment by the most economical means for the Authority. It is essential, however, that payments made by direct debit have the prior approval of the Chief Financial Officer.
- 4.75** To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Chief Financial Officer. This is because of the potential impact on the Authority's borrowing powers, to protect the Authority against entering into unapproved credit arrangements, correct accounting treatment and to ensure that value for money is being obtained.
- 4.76** To notify the Chief Financial Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Chief Financial Officer.
- 4.77** To notify the Chief Financial Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- 4.78** To arrange for all payment documents, once processed, to be securely retained to prevent re-use. Payment records are to be retained and stored for a defined period, in accordance with legislative and operations requirements. Invoices shall be retained in the batches as processed and in transaction I.D. number order so as to preserve the audit trail.
- 4.79** To maintain, in a form agreed by the Chief Financial Officer:
 - (a) a Periodical Payments Register recording the amounts paid by the Authority at recurring intervals under contracts, leases and other agreements; and
 - (b) a Property Payments Register recording the amounts paid by the Authority for gas, electricity, water, and telephones (other than reimbursement of officers telephone expenses).
- 4.80** To arrange after certification for the processing of invoices and payment requests on-line to the creditor payments system on the mainframe computer. In order to take account of the Fire Authority's cashflow needs, invoices should be processed so that payment is made on the contract settlement date. Where no settlement date is stated, it is to be assumed the date is 30 days after the invoice date.

Payments to Employees and Members

Why is this important?

- 4.81** Staff costs are the largest item of expenditure for most Authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Authority.

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Key Controls

4.82 The key controls for payments to employees and Members are:

- (a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
 - starters;
 - leavers;
 - variations;
 - enhancements; and
 - and that payments are made on the basis of contracts or claims.
- (b) frequent reconciliation of payroll expenditure against approved budget and bank account;
- (c) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule;
- (d) that all statutory legislation relating to payroll and pension regulations is complied with; and
- (e) Proper Division of Duties.

Responsibilities of the Chief Financial Officer

- 4.83** To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him, on the due date.
- 4.84** To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- 4.85** To make arrangements for payment of all travel and subsistence claims or financial loss allowance upon receiving the prescribed form, duly completed and authorised.
- 4.86** To make arrangements for paying Members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- 4.87** To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- 4.88** To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

Responsibilities of the Chief Fire Officer

- 4.89** To ensure appointments are made in accordance with the regulations of the Authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 4.90** To notify the Chief Financial Officer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Chief Financial Officer.

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- 4.91** To ensure that adequate and effective systems and procedures are operated, so that:
- payments are only authorised to bona fide employees;
 - payments are only made where there is a valid entitlement;
 - conditions and contracts of employment are correctly applied; and
 - employees' records listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- 4.92** To send an up-to-date list of the names of officers authorised to sign pay documents to the Chief Financial Officer, together with specimen signatures. Pay documents are to be approved by the authorised officer on behalf of the Chief Fire Officer. The certification of the pay documents shall mean that:
- the person has worked the period stated on the document;
 - the rates of pay and other emoluments shown on the document are correct; and
 - any other matters affecting entitlement to pay is correct.
- 4.93** To ensure that payroll transactions are processed only through the payroll system. Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HM Revenues and Customs applies a tight definition for employee status and, in cases of doubt, advice should be sought from the Chief Financial Officer.
- 4.94** To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that the Chief Financial Officer is informed where appropriate.
- 4.95** To ensure that the Chief Financial Officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- 4.96** To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule.
- 4.97** To ensure all pay documents and records are in a form approved by the Chief Financial Officer.
- 4.98** To ensure that all staff are aware of procedures and entitlement to payment for subsistence, travelling and incidental expenses. The Chief Fire Officer should ensure that his/her staff have access to the appropriate documentation available in respect of personnel policy guidelines and the procedures for the claiming of car allowances etc.

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- 4.99** To ensure that all claims for payment of subsistence, travelling and incidental expenses are submitted to the Chief Financial Officer duly certified on a form supplied by him/her, except for those categories of officers and types of travelling expenses for which alternative arrangements are approved by the Chief Financial Officer.
- 4.100** To ensure salaries and wages in advance is not made except in the case of persons leaving the service before the day on which their salary or wage is normally paid or at the discretion of the Chief Financial Officer.

Responsibilities of Members

- 4.101** To submit claims for Members' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year end.

TAXATION

Why is this important?

4.102 Like all organisations, the Fire Authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

Key Controls

4.103 The key controls for taxation are:

- (a) budget managers are provided with relevant information and kept up to date on tax issues;
- (b) budget managers are instructed on required record keeping;
- (c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
- (d) records are maintained in accordance with instructions; and
- (e) returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the Chief Financial Officer

4.104 To complete all HM Revenue and Customs returns regarding PAYE and NI.

4.105 To complete a monthly return of VAT inputs and outputs to HM Revenue and Customs.

4.106 To provide details to HM Revenues and Customs regarding the construction industry tax deduction scheme.

Responsibilities of the Chief Fire Officer

4.107 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations.

4.108 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

4.109 To ensure that all persons employed by the Authority are added to the Authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

External Arrangements

PARTNERSHIPS

Why is it important?

- 5.01** Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- 5.02** Authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Authorities will be measured by what they achieve in partnership with others.

General

- 5.03** The main reasons for entering into a partnership are:
- (a) to provide new and better ways of delivering services;
 - (b) the desire to find new ways to share risk;
 - (c) the ability to access new resources; and
 - (d) to forge new relationships.
- 5.04** A partner is defined as either:
- (a) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project;
- or
- (b) a body whose nature or status give it a right or obligation to support the project.
- 5.05** Partners participate in projects by:
- (a) acting as a project deliverer or sponsor, solely or in concert with others;
 - (b) acting as a project funder or part funder; and
 - (c) being the beneficiary group of the activity undertaken in a project.
- 5.06** Partners have common responsibilities:
- (a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
 - (b) to act in good faith at all times and in the best interests of the partnership's aims and objectives;

- (c) be open about any conflict of interests that might arise;
- (d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- (e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature; and
- (f) to act wherever possible as ambassadors for the project.

Key Controls

5.07 The key controls for Authority partners are:

- (a) if appropriate, to be aware of their responsibilities under the Authority's financial regulations and the code of practice on tenders and contracts;
- (b) to ensure that risk management processes are in place to identify and assess all known risks;
- (c) to ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise;
- (d) to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences;
- (e) to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution; and
- (f) To undertake evaluation to determine the effectiveness of the project.

Responsibilities of the Chief Financial Officer

5.08 To advise on effective controls that will ensure that resources are not wasted.

5.09 To advise on the key elements of funding a project. They include:

- (a) a scheme appraisal for financial viability in both the current and future years;
- (b) risk appraisal and management ;
- (c) resourcing, including taxation issues;
- (d) audit, security and control requirements; and
- (e) carry-forward arrangements.

5.10 To ensure that the accounting arrangements are satisfactory.

Responsibilities of the Chief Fire Officer

5.11 To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Chief Financial Officer.

5.12 To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Chief Financial Officer.

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- 5.13** To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Authority.
- 5.14** To ensure that all agreements and arrangements are properly documented.
- 5.15** To provide appropriate information to the Chief Financial Officer to enable a note to be entered into the Authority's statement of accounts concerning material items.

EXTERNAL FUNDING

Why is this important?

- 5.16** External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Authority. Fire Authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery provide additional resources to enable the Authority to deliver services to the local community.

Key Controls

- 5.17** The key controls for external funding are:
- (a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
 - (b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Authority; and
 - (c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the Chief Financial Officer

- 5.18** To ensure that all funding notified by external bodies is received and properly recorded in the Authority's accounts.
- 5.19** To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- 5.20** To ensure that audit requirements are met.

Responsibilities of the Chief Fire Officer

- 5.21** To ensure that all claims for funds are made by the due date.
- 5.22** To ensure that Members are informed how the proposed external funding fulfils the Authority's policies and desires prior to any bid being submitted for external funding.
- 5.23** To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.
- 5.24** To comply with the rules of the funding body, especially re documentation of grant claims.

WORK FOR THIRD PARTIES

Why is this important?

- 5.25** Current legislation enables the Authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key Controls

- 5.26** The key controls for working with third parties are:
- (a) to ensure that proposals are costed properly in accordance with guidance provided by the Chief Financial Officer;
 - (b) to ensure that contracts are drawn up using guidance provided by the Chief Financial Officer and that the formal approvals process is adhered to; and
 - (c) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of the Chief Financial Officer

- 5.27** To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of the Chief Fire Officer

- 5.28** To ensure that the approval of the Authority is obtained before any negotiations are concluded to work for third parties.
- 5.29** To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Chief Financial Officer.
- 5.30** To ensure that appropriate insurance arrangements are made.
- 5.31** To ensure that the Authority is not put at risk from any bad debts.
- 5.32** To ensure that no contract is subsidised by the Authority.
- 5.33** To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- 5.34** To ensure that the service/unit has the appropriate expertise to undertake the contract.
- 5.35** To ensure that such contracts do not impact adversely upon the services provided for the Authority.
- 5.36** To ensure that all contracts are properly documented.
- 5.37** To provide appropriate information to the Chief Financial Officer to enable a note to be entered into the statement of accounts.

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**WEST MIDLANDS FIRE SERVICE
PROCUREMENT PROCEDURES**

1. STRATEGY

It is the strategy of West Midlands Fire Service (WMFS) that all expenditure or income, incurred or received, in relation to any contract into which the Service enters, shall be processed in accordance with this standing order and the Authority's Financial Regulations. The aim is to ensure a consistent value for money approach to procurement in all areas of activity, in a way that maintains public accountability and complies with all UK and EU Procurement Legislation and minimises the risk of any allegations of fraud or malpractice.

There are three documents to ensure spending officers receive the support they need when undertaking any kind of procurement activity. These documents are as follows:

- Standing Order 1/8 – Procurement Procedures;
- Procurement Manual; and
- Financial Regulations (Refer to Finance and Procurement Intranet Library).

This standing order must be read in conjunction with the Procurement Manual which is available on the Finance and Procurement Intranet Library. The manual contains more detailed guidance on all areas of the procurement process.

When letting a contract, its monetary value and strategic importance shall determine the appropriate course of action in accordance with the WMFS Procurement Policy. All procurements, no matter of value, must follow the EU Treaty principles of Equal Treatment, Non-discrimination, Mutual Recognition, Proportionality and Transparency.

All procedural matters set out in the Procurement Standing Order shall be subject to audit by the Authority's internal and external auditors.

It is a mandatory requirement that all expenditure by the Authority in excess of £500 is published on the Authority's internet site and this can lead to the submission of Freedom of Information requests. It is therefore vital that suitable records of all expenditure are maintained for this as well as audit purposes.

The Procurement Standing Orders must be complied with on all occasions.

The procurement of all ICT goods and services must be secured via ICT and must not be purchased directly.

2. PROCEDURES

2.1 Conformity with Procurement Standing Order and Financial Regulations

This standing order applies to capital and revenue expenditure. It shall also apply in respect of income, excluding income obtained from external funding, partnerships, sponsorship, or any special funding obtained as part of a bidding process, (see Standing Order 22/2 Partnership Working)

These procedures will also apply to any tendering activity that is carried out by West Midlands Fire Service Business Safety Limited.

2.2 Pecuniary and other interests

Any employee of WMFS with a pecuniary or other interest in any contract let by the Authority must, whether or not they have been directly involved in the award of such a contract, submit a report to the Team Leader, People Support detailing the nature of their interest.

People Support will maintain a register of pecuniary interests for inspection by auditors and will verify annually that any declared interests are still current.

Employees should not let personal or private interests affect their judgement of the public interest. Members of the Authority and employees should treat these non-pecuniary interests on the same basis as the law requires them to treat pecuniary interests. Members' interests shall be registered by the Clerk to the Authority.

Employees should ensure that hospitality given or received in connection with their appropriate duties can always be justified in the public interest. Similarly, gifts should not be accepted, the only exception being items of a very minor complimentary or token nature which could in no way be construed as offering financial or other material inducement (see [Standing Order 2/15](#) – Declaration of Membership of External Organisations and Acceptance of Donations, Gifts and Hospitality for further guidance).

2.3 Definition of terms:

'Authority': West Midlands Fire and Rescue Authority (WMFRA)

'contract': an agreement between two or more competent parties for the provision of goods, services or works. Some contracts are required to be in writing in order to be enforced.

'contract value': the total sum for the whole period of the contract excluding VAT.

'Corporate Procurement': central procurement charged with providing strategic direction and advice to secure value for money on all procurement matters. The Corporate Procurement Manager is in charge of this section under the Strategic Enabler - Finance and Resourcing.

'EU Threshold': the contract value at which the EU Procurement Directives apply.

'Financial Regulations': The financial regulations outlining employee responsibilities for financial matters and issued by the Strategic Enabler – Finance and Resourcing.

'formal quotations': An offer to provide goods, services or works, with a value exceeding £30,000, in writing, using the Authority's quotation documentation, as provided by Corporate Procurement.

'formal tenders': An offer to provide goods, services or works, with a value exceeding £100,000, in writing, using the documentation for the completion of tenders as provided by Corporate Procurement.

'framework agreement': An arrangement set up by the Authority or a third party organisation for the procurement of specific goods, services or works on agreed terms with agreed supplier(s) that may be utilised by other organisations as specified in the contractual agreement.

'Lots': The parts into which a procurement of supplies, works or services might be divided.

'most economically advantageous tender': Represents value for money when assessing both quality and cost. This should be used as the basis to assess more complex tenders that are high risk or above £30,000 in value.

'People Support': the section charged with the responsibility for despatching, opening and registering formal quotations and tenders and notifying the successful tenderer of the Authority's intention to award. This section is also responsible for the retention of all documentation relating to formal quotations and tenders.

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'Procurement Manual': the guidance notes, together with a number of standard documents and forms, which support the implementation of this standing order. The manual is available on the Finance and Procurement Intranet Library.

'spending officer': an employee of WMFS who has a requirement for goods, services or works to be purchased from a third party in order to support the West Midlands Fire Service.

'specification': a detailed description of the characteristics of a commodity or service required or desired.

'supplier': a person, firm, company or organisation supplying, tendering or quoting for goods, services or works. May also be known as a contractor or service provider.

'whole life costs': all costs associated with the acquisition, use, maintenance and disposal of the good(s) being purchased.

2.4 Letting contracts

The letting of all contracts shall comply with any UK legislation and/or any overriding requirement of the European Union.

Financial provision must exist within the approved budgets; if it does not, a report should be submitted to the Strategic Enabler - Finance and Resourcing to consider the issue.

Spending officers shall ensure that a purchase order is raised for the provision of all goods, services or works.

Spending officers must determine whether there is an existing contract already in place for the goods, services or works to be purchased. This information can be obtained from the contracts database by contacting Corporate Procurement.

Spending officers must ensure they protect the interests of the Authority and it may be appropriate to enter into a legally binding contract irrespective of the level of expenditure. Clarification can be sought from the Corporate Procurement Manager.

In obtaining quotations and tenders, spending officers must ensure that (where possible) the appropriate levels of quality are specified and when considering quotations and tenders, that outcomes are evaluated on a comparable basis.

In respect of income, this Procurement Standing Order and values shall apply, for example, for the disposal of assets.

When any employee either of the Authority or of a service provider may be affected by any transfer arrangement, spending officers must ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain advice from Human Resources and Corporate Procurement before proceeding with inviting quotations or tenders.

2.5 Use of other public sector contracts or framework agreements

Where it is considered advantageous to make use of the contracts or framework agreements awarded by other Public Sector Organisations, for example, Crown Commercial Supplies (CCS), or other Fire Authorities, the spending officer must ensure that they offer value for money. Advice should be sought from the Corporate Procurement Manager before using any such contracts or agreements.

2.6 Monetary limits

All reference to monetary limits included in this standing order shall be deemed to exclude value added tax applicable to the contract, levied by the Government, for the time being in force.

For the purpose of applying the monetary limits throughout this Procurement Standing Order, the appropriate estimated value shall be the contract value. Values

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(or estimated values) used in the operation of this standing order will normally be the total value of the goods and services supplied. However, where a series of purchases are made for the same or similar purpose, then the value will be the aggregate value (or estimated value) of the purchases made within any single contract or period of 12 consecutive months.

The aggregate contract value must also take into account both capital and revenue expenditure during the life of the contract, for example, the purchase of a software package may also include ongoing annual support and training. All of these costs must be aggregated to arrive at the total contract value where it is to be included in the same quotation or tender exercise.

Purchase orders must not be artificially divided to make two or more orders of a lower value to avoid the requirement to obtain quotations or tenders.

In the event that the contract value exceeds £500,000 the contract should be awarded in lots where appropriate. A lot can be a specific geographical area or subject category e.g. goods and training. Where the contract exceeds £500,000 and is not divided into lots a justification of the reasons must be submitted to the Strategic Enabler - Finance and Resourcing. Corporate Procurement should also be contacted for advice in this instance.

2.7 Contract value guidance

The procurement process adopted is dependent on the value of the purchase. Please refer to the table below to determine the process to be adopted and refer to the appropriate section within this order to obtain guidance.

If an existing contract or framework agreement is not in place, the appropriate procedure shall be followed as detailed in the table below:

Value of purchase (contract value)	Procurement process	Approval Required	Procedure
Under £3,000	Obtain three quotations if appropriate.	If lowest quote, accept. If you wish to accept other than the lowest quote, the reasons and justification must be recorded and retained by spending officer.	Section 2.8
£3,000 - £29,999	Three written quotations Where the estimated contract value exceeds £10,000 three sealed written quotations must be obtained and opened in the presence of two officers	If lowest quote, accept (subject to the signing provisions contained in <u>Standing Order 1/6</u>) If wish to accept other than the lowest quote, report to be submitted to the Corporate Procurement Manager to obtain approval prior to acceptance.	Section 2.9
£30,000 up to £99,999	Formal quotations from at least three suppliers processed through People Support	Spending officer must submit written report to the Corporate Procurement Manager (where contract value is	Section 2.10

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		<p>less than £50,000) or the Strategic Enabler - Finance and Resourcing (where the contract value exceeds £50,000) to obtain approval prior to acceptance or in his or her absence refer to a Brigade Manager.</p> <p>A copy of the report and approval must be forwarded to People Support for information and retention.</p>	
£100,000 – E U Threshold	Formal tenders from at least three suppliers	<p>Spending officer must submit written report to the Strategic Enabler - Finance and Resourcing to obtain approval prior to acceptance or in his or her absence refer to a Brigade Manager.</p> <p>Such approval will be subject to:</p> <p>a) The contract being awarded to the supplier submitting the most economically advantageous tender or lowest price tender</p> <p>b) The value of the contract being within identified funding provisions</p> <p>If either of the above criteria are not met, a report must be submitted to the Executive Committee or Authority for consideration prior to the award of the contract.</p>	Section 2.11
<p>Goods or services in excess of £172,514*</p> <p>Works or construction in excess of £4,322,012*</p>	Formal tender (in accordance with EU Legislation).	As £100,000 to EU above	Section 2.11

The Strategic Enabler - Finance and Resourcing shall review all monetary limits (with the exception of the EU Thresholds) shown in this standing order annually and any resulting amendments shall be reported to the Authority.

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**European Public Procurement Thresholds*

For the procurement of goods and services the expenditure threshold value is €207,000 Euros or £172,514.

For construction the expenditure threshold value is €5,186,000 Euros or £4,322,012.

These limits are applicable for the period 1st January 2014 to 31st December 2015.

2.8 Contracts valued at under £3,000

This section shall apply to contracts for the provision of goods, services or works where the estimated contract value is below £3,000 and there is no existing contract in place.

Due regard should be given to the desirability of securing competition in appropriate cases and, in so doing, spending officers must take steps to obtain the best value for money and be prepared to justify the method of selection of the supplier.

Where considered appropriate, a minimum of three verbal or written quotations must be recorded and documentation retained locally for a period of six years. In circumstances where three quotations have not been obtained, the reasons to justify the method of selection shall be recorded for audit purposes.

Examples of cases where it may not be considered appropriate to obtain 3 verbal or written quotations are as follows:

- security works;
- health and safety works;
- operational impact;
- specialist works;
- Contract valued under £100; and
- proprietary item(s).

Reference should also be made to the special exemptions detailed in section 2.17 of this standing order.

Spending officers must not disclose the contents and value of quotations between competing suppliers.

2.9 Written quotations (contracts valued between £3,000 and £29,999)

This section shall apply to contracts for the provision of goods, services or works where the estimated contract value is between £3,000 and £29,999 and there is no existing contract or framework agreement in place.

Where the estimated cost exceeds the sum of £10,000 spending officers should obtain at least three sealed written quotations which must be opened simultaneously. Spending officers shall record and retain the quotations received.

Where the spending officer has endeavoured to obtain three quotations and where fewer than three were received, the reasons why must be justified and approved by the Corporate Procurement Manager. In the event of only one quotation being received the Corporate Procurement Manager may request that additional bids are obtained.

If the spending officer wishes to accept other than the lowest quote a report must be submitted to the Corporate Procurement Manager to obtain approval prior to acceptance.

Spending officers wishing to enter into a contract where there is deemed to be a 'special exemption' (as detailed in section 2.17 of this standing order), must obtain prior approval from the Corporate Procurement Manager.

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The Spending Officer must contact Corporate Procurement to place a Purchase Order.
All associated documentation is to be retained within the section of the spending officer for six years.

2.10 Formal quotations (contracts valued between £30,000 and £99,999)

In the case of contracts with an estimated value between £30,000 and £99,999, formal quotations must be processed via People Support.

The involvement and approval of Corporate Procurement is required on all occasions for contracts with an estimated value that exceeds £30,000.

Spending officers must submit the following information to Corporate Procurement:-

- The name and contact details of the spending officer
- a completed specification;
- a note of any special conditions that will apply;
- evaluation criteria, e.g. MEAT or lowest cost
- completion or delivery date
- a list of tenderers (minimum of three) from which quotations are to be invited;
- an estimate of the predicted contract value, and
- the proposed closing date for quotations (this should be a minimum of 2 weeks from the date the quotation is despatched and the date must not fall on a weekend or public bank holiday).

The quotation request must be submitted to Corporate Procurement at least one week prior to the quotation despatch date. People Support will then arrange for quotations to be invited and returned.

Completed quotations must be returned to People Support. The time of receipt of quotations shall be recorded and quotations shall remain in the custody of the Team Leader, People Support or their nominated representative until the time of opening.

The quotations will be opened in the presence of:

- the administrative officer, People Support or their nominated representative;
- the Strategic Enabler – Finance and Resourcing or their nominated representative; and
- the Corporate Procurement Manager or their nominated representative.

At the time quotations are opened, the following information shall be recorded:

- the nature of the contract;
- the name of each person by or on whose behalf the quotation was submitted;
- the date and time of receipt of each quotation;
- the date and time of opening of the quotation;
- the names of all persons present at the opening of the quotation, and
- the quotation value or where this is not immediately apparent the words 'Schedule of Rates' shall be recorded.

The quotations will then be forwarded to both Corporate Procurement and the appropriate spending officer to evaluate and to submit a report to the Strategic Enabler - Finance and Resourcing (when the value of the quotation exceeds £50,000) or the Corporate Procurement Manager (when the value of the quotation is less than £50,000) detailing their recommendations and requesting approval to proceed.

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Where a quotation is received after the closing time and date, the quotation shall be opened by the Team Leader, People Support or their nominated representative, to ascertain the name of the person or persons submitting the quotation. No details will be recorded or disclosed and the supplier will be notified by People Support that the quotation cannot be considered. People Support will inform the spending officer of any late quotations.

Where the spending officer has endeavoured to obtain three quotations and where fewer than three were received, the reasons why must be justified and approved by the Corporate Procurement Manager or the Strategic Enabler - Finance and Resourcing. In the event of only one quotation being received the Corporate Procurement Manager may request that additional bids are obtained.

Where examination of a quote reveals:

- any manifest error or ambiguity (such as an obvious arithmetical error) that can readily be clarified, the supplier shall be given the opportunity to clarify their quotation and confirm this in writing;
- an abnormally low quote, the spending officer shall ask the bidder to confirm the details of the costing
- that the offer requires clarification, the spending officer shall contact the supplier to seek clarification; and
- an arithmetical error, subject to the prior approval of the Strategic Enabler - Finance and Resourcing or an officer designated by him or her, the necessary correction shall be notified to the supplier in writing who shall within seven days from receipt of such notice either confirm their quote in writing as corrected or withdraw it.

Once approved by the Corporate Procurement Manager or the Strategic Enabler – Finance and Resourcing, the appropriate spending officer must send a copy of the report and recommendations and all quotations received to People Support who shall send successful and regret letters to the suppliers as appropriate. People Support will retain a copy of all relevant documents, for audit purposes, for a period of six years and will scan and upload them onto the contracts database. The Spending Officer must then contact Corporate Procurement to place a Purchase Order.

2.11 Formal tenders (contracts valued in excess of £100,000)

For any contract for the provision of goods, services or works where the estimated contract value exceeds £100,000, a sourcing strategy shall be agreed between the spending officer and Corporate Procurement in accordance with WMFS Procurement Manual. Formal tenders must be processed via People Support.

Prior to commencing the procurement process a report must be submitted to the Executive Committee or Fire Authority detailing the rationale for the forthcoming tender exercise and must include the proposed route to market and funding provisions. Corporate Procurement is responsible for collating and submitting these reports.

2.11.1 EU Directives

The EU Procurement Directives set out the legal framework for public procurement. They apply when public authorities and utilities seek to acquire goods, services, civil engineering or building works. They set out procedures which must be followed before awarding a contract when its value exceeds the published thresholds. They are incorporated into UK law by the Public Contract Regulations 2006 and amendments.

It is necessary to advertise in the Official Journal of the European Union (OJEU) in the case of contracts to which the Regulations apply. To confirm whether a contract necessitates advertising, spending officers shall contact Corporate Procurement to seek advice.

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Any contract for the provision of goods or services for which the estimated contract values exceeds the limits stated in 2.7 (formal tender in accordance with EU legislation) must be advertised in the OJEU irrespective of the method of letting the contract.

It should be noted that the contract value is the total estimated value over the **whole** of the contract life including any extension options and includes both capital and revenue expenditure that is to be included in the same tender exercise.

The above financial thresholds are applicable to 'public contracts' with effect from 31st January 2014 and are revised every two years.

The Authority is also required to consider the provisions of the Public Services (Social Value) Act 2012 for any service contracts that are above the EU financial threshold. The main aim of this Act is to ensure that public bodies consider how the services that they are commissioning and procuring might improve the economic, social and environmental well-being of the area in which the services will operate.

All OJEU notices shall be placed by Corporate Procurement who will also provide advice in this regard.

General guidance regarding EU Procurement Rules and the requirements of the Social Value Act 2012 can be obtained from Corporate Procurement.

2.11.2 The tendering process

The sourcing strategy shall encompass the tendering process, which may be by:

- competitive tendering
- negotiation;
- further competition or direct award under a framework agreement.
- E-auction

2.11.3 Public advertisement

Any contract where a public advertisement is required must comply with the following guidance.

Methods of advertisement **may** include:

- Official Journal of the European Union (OJEU) - mandatory when value exceeds EU Thresholds;
- WMFS Procurement website;
- portal websites specifically created for contract advertisements, e.g. Contracts Finder, Find it in Birmingham, Find it in Sandwell
- national official journals;
- local and national newspapers; and
- other specialist publications or trade journals.

All such advertisements will be placed via Corporate Procurement, who will advise on the content.

Advertisements must provide information regarding the nature of goods, services or works being tendered and the minimum capabilities required from a supplier e.g. technical capacity, financial stability, insurance cover, relevant contract experience, etc. The advertisement will also disclose the scoring criteria and the closing date.

All documentation shall be available to download from the Authority's website.

2.11.4 Invitation to tender

Short listing following public advertisement and pre-qualification exercise

If it is intended that after public advertisement a shortlist of tenderers will be compiled then the procedure below must be followed:

- A minimum of 14 days' public notice should be given using one or more of the advertising methods mentioned in section 2.11.3 above. The wording of any advertisement must clearly indicate that a select list of potential suppliers will be compiled.
- All such advertisements will be placed by Corporate Procurement who will advise on the content.
- A pre-qualification questionnaire (PQQ) will be produced by Corporate Procurement in conjunction with the appropriate spending officer and will be available for all interested firms to download from the Authority's website.

The purpose of the PQQ is to assess potential suppliers in the following areas:

- economic and financial standing including insurance cover;
- technical ability and capacity;
- health and safety (where applicable);
- equality & diversity (where applicable);
- sustainability (where applicable);
- The timescales for conducting a pre-qualification process for an EU tender exercise are prescribed within the EU Procurement Directives and Corporate Procurement **must** be contacted for advice in this instance.
- The process for the receipt of PQQs will be handled by People Support.
- Completed questionnaires must be evaluated by the appropriate spending officer in conjunction with Corporate Procurement (and other stakeholders as appropriate) against the above mentioned and pre-determined criteria. Only suppliers who meet the minimum pre-qualification criteria will be invited to tender. People Support will notify any applicants that are excluded with the reasons why.
- Any appeal by an unsuccessful applicant or request for further details of the reason for exclusion must be handled by Corporate Procurement in conjunction with the spending officer. Details should then be forwarded to the Team Leader, People Support, who will provide a written response to the applicant.
- If there are fewer than three persons who have expressed an interest or who meet the minimum pre-qualification criteria, then the written approval of the Strategic Enabler - Finance and Resourcing must be sought, prior to inviting tenders.

Open procedure

If it is not intended to shortlist following public advertisement then the procedure below must be followed:

- A minimum of 14 days' public notice should be given using one or more of the advertising methods mentioned in section 2.11.3 above.
- All such advertisements will be placed by Corporate Procurement who will advise on the content.
- An invitation to tender (ITT) will be produced by Corporate Procurement in conjunction with the appropriate spending officer and will be available for all interested firms to download from the Authority's website.

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- The ITT will include selection and award sections with detailed scoring criteria. All bidders passing mandatory selection questions will go through to the award section.
- The timescales for conducting an open tender process for an EU tender exercise are prescribed within the EU Procurement Directives and Corporate Procurement **must** be contacted for advice in this instance.
- The process for the receipt of tenders will be handled by People Support.
- Completed tenders must be evaluated by the appropriate spending officer in conjunction with Corporate Procurement (and other stakeholders as appropriate) against the criteria detailed in the ITT.

2.11.5 Developing the invitation to tender (ITT)

All tender documentation must be developed in conjunction with Corporate Procurement and should include:

- a specification of the goods, services or works that describes the Authority's requirements in sufficient detail;
- the schedule of rates or pricing schedule;
- the terms and conditions of payment;
- the contract period or time within which the contract is to be performed (including any extension options);
- the basis (lowest whole life cost or most economically advantageous tender) on which the tenders will be evaluated;
- the evaluation criteria against which the tenders will be evaluated (including weightings);
- the conditions of contract or specimen contractual agreement (advice should be sought from Corporate Procurement regarding suitable conditions of contract); and
- the statement that the Authority does not bind itself to accept the lowest or any tender and will not be responsible for any costs incurred by suppliers associated with the preparation of their tender.

Unless otherwise agreed, the formal advice of the Corporate Procurement Manager must be sought for the following types of tenders or contracts:

- where the total value exceeds £100,000;
- those involving leasing arrangements;
- where it proposed to use a supplier's own terms and conditions; and
- those involving the purchase of ICT hardware and/or application software (Note: The strategic head of ICT should also be informed of these types of contracts).
- any tenders that may be let using an e-auction.

2.11.6 Developing specifications

Specifications should set out the characteristics and quantity of the goods, service or works to be purchased to enable the supplier to determine and understand that which is to be supplied. This information can be in the form of a description of the physical, functional or performance characteristics. It can include a description of any requirement for inspecting, testing or preparing a material, equipment, supplies, or service for delivery.

The spending officer must ascertain the relevant British, European or International Standards which are necessary to describe the required quality.

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To comply with the EU Directives the use of brand or trade names must be avoided where possible when describing products. Alternatively, the words 'or equivalent and approved' must also be included.

Specifications must not be written to discourage competition regardless of the contract value.

Developing the tender evaluation criteria

Under the EU Regulations, there is an obligation to state the criterion and sub-criterion on which the tenders will be evaluated in addition to the relative weighting given to each criterion. Although this is not a mandatory requirement for contracts that are valued below the EU Thresholds it is still considered best practice to follow this same procedure when developing the evaluation criteria.

Tender evaluation criteria and their relevant weightings should be determined and agreed prior to the invitation of tenders and must be published in either the tender advertisement or the tender documentation.

The basic criteria shall be either:

- most economically advantageous tender (MEAT);
- lowest price; or
- highest price – where payment is to be made to the Authority, for example, disposal of assets

When the MEAT criterion is adopted it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, delivery date, cost effectiveness, health and Safety considerations, environmental considerations, aesthetic and functional characteristics, safety, after sales service, technical assistance and any other relevant factors.

Evaluation criteria must not include:

- non-commercial considerations;
- matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement, for example, giving preference to local or UK based suppliers; or
- anything that contravenes the EU Treaty principles of equal treatment, non-discrimination, mutual recognition, proportionality and transparency
- criteria that has already been applied as part of the pre-qualification process

Once the tender documentation is complete the spending officer or Corporate Procurement Officer should forward it to People Support, who will despatch the complete tender to all short listed suppliers.

2.11.7 Submission, opening and registration of formal tenders

Where the procurement falls above the EU Threshold then specific tendering time periods must be adhered to (refer to the guidance in the Procurement Manual and seek advice from Corporate Procurement).

For tenders below the EU Threshold, suppliers must be given an adequate period of time in which to prepare and submit a proper tender which is consistent with the complexity of the contract requirement.

Normally a minimum of two weeks must be allowed for the submission of tenders following despatch.

All communications in relation to tender correspondence must be issued, returned and opened via People Support on behalf of Corporate Procurement.

People Support (assuming the role of Clerk) will ensure that all tenders are opened at the same time, as soon as possible after the closing date and time.

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Tenders will be returned to and opened at Fire Service Headquarters in the presence of:

- the Team Leader, People Support or their nominated representative
- the Strategic Enabler – Finance and Resourcing or their nominated representative; and
- the Corporate Procurement Manager or their nominated representative.

Upon opening, a summary of the main pricing and terms of each tender must be recorded in the tender schedule (see following list), which must then be stamped and initialled by all officers present at the opening:

- the nature of the goods, materials to be supplied or the work to be executed or the services to be supplied (title of the tender);
- the name of the person or firm who has submitted the tender;
- the date and time of receipt of each tender;
- the date and time of opening of the tender;
- the names of all persons present at the opening of the tender; and
- the tender value or where this is not immediately apparent the words 'schedule of rates' shall be recorded.

The tenders will then be forwarded to Corporate Procurement and the appropriate spending officer for evaluation.

Where a tender is received after the closing time and date, the tender shall be opened to ascertain the name of the person or persons submitting the tender. No details will be recorded or disclosed and the supplier will be notified by People Support that the tender cannot be considered.

People Support will inform the spending officer and Corporate Procurement of any late tenders.

Where the spending officer has endeavoured to obtain three tenders and where fewer than three were received, the reasons why must be justified and approved by the Strategic Enabler - Finance and Resourcing. In the event of only one tender being received the Corporate Procurement Manager may request that additional bids are obtained and that the tender exercise is repeated.

2.11.8 Tender evaluation

Tenders shall be evaluated to assess how requirements will be met and to ensure that consideration has been given to the cost and quality of the solutions offered. Evaluations shall be carried out by the spending officer and Corporate Procurement following receipt of completed tenders.

Evaluations shall be carried out in an open and transparent manner ensuring that all tenders submitted are treated equally.

All completed tenders shall be evaluated against the assessment or award criteria as set out in the invitation to tender documentation.

Where the examination of a tender reveals:

- any manifest error or ambiguity (such as an obvious arithmetical error) that can readily be clarified, the supplier shall be given the opportunity to clarify their tender and confirm this in writing;
- that the offer requires clarification, Corporate Procurement shall contact the supplier to seek clarification; and
- an arithmetical error, subject to the prior approval of the Strategic Enabler – Finance and Resourcing or an officer designated by him or her, the necessary

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correction shall be notified to the supplier in writing who shall within seven days from receipt of such notice either confirm their tender in writing as corrected or withdraw it.

2.11.9 Acceptance of quotations and tenders

Spending officer must submit written report to the Strategic Enabler - Finance and Resourcing to obtain approval prior to acceptance or in his or her absence a Brigade Manager. Such approval will be subject to:

- a) The contract being awarded to the supplier submitting the most economically advantageous tender or lowest price tender
- b) The value of the contract being within identified funding provisions

If either of the above criteria are not met, a report must be submitted to the Executive Committee or Authority for consideration prior to the award of the contract.

A report would also be submitted to the Executive Committee or Authority prior to the award of a contract if such a requirement was indicated by Members following receipt of the pre tender report (see section 2.11).

As a minimum this report must include the following information:

- title or details of the contract;
- date tenders were opened;
- details of recommended supplier;
- period of contract (including any extension options);
- value of the contract;
- whether the award is within the approved budget;
- any other relevant information, for example, savings or efficiency gains.

A retrospective twice yearly Summary Report must be submitted to the Executive Committee or Authority for information only. This will be produced by Corporate Procurement in conjunction with the spending officer.

In respect of contracts in excess of the EU Threshold the 'mandatory standstill period' must be undertaken prior to submitting a report to the Strategic Enabler - Finance and Resourcing or the Executive Committee or Authority.

Once approved the spending officer must send a copy of the report, approval and all tenders received to People Support for retention.

2.12 Award of contracts and notification of suppliers

2.12.1 Award of contracts

Spending officers may accept quotations where the total value is less than £30,000 provided they have been sought and evaluated in accordance with this standing order and they have the appropriate authorisation limit as stated in Standing Order 1/6. The Spending Officer must arrange for a purchase order to be raised via Corporate Procurement.

2.12.2 Where the contract value is over £30,000, People Support are responsible for the notification of all suppliers simultaneously, of the intention to award the contract to the successful tenderer.

Every contract in excess of £30,000 shall be in writing and must specify:

- the goods, services or works to be provided and the conditions to apply;
- the provisions for payment (for example, what is to be paid and when with a statement of discounts or other deductions);

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- the time or times within which the contract is to be performed (contract period) including any extension provisions;
- the provisions for the Authority to terminate the contract;
- the reference of the framework agreement where the contract is being placed under a framework agreement; and
- any other matters specific to the contract.

All Contracts between £3,000 and £99,999 must be accepted by issuing a purchase order containing the above information.

2.12.3 Award of contracts over £100,000

Spending officers shall consult with People Support following receipt of an approval to award, regarding any formal tenders (over £100,000). A minimum period of 6 weeks is required by People Support to prepare all the paperwork and for Sandwell Legal Services to send formal contracts to the successful tenderer for signature. Where possible spending officers should build this timescale into the procurement process to ensure that contracts can be awarded prior to the required commencement date i.e. the date that the new contract begins.

People Support will retain a copy of all relevant documents for 6 years for audit purposes and will inform unsuccessful firms.

If it is determined that the contract for the goods, services or works is no longer required and therefore the procurement exercise needs to be terminated, the spending officer shall forward all associated documentation to Corporate Procurement with an explanation of why the exercise needs to be terminated. In the event that the procurement exercise is terminated People Support will notify the suppliers and retain the documentation on file for audit purposes for a period of 6 years.

For EU tenders, Corporate Procurement shall publish details of the successful firm(s) in a Contract Award Notice placed in OJEU within 48 days of the contract award.

2.12.4 Notifying and debriefing of suppliers

Apart from the debriefing required or permitted by this standing order, the confidentiality of quotations, tenders and the identity of suppliers must be preserved at all times and information about one supplier's response must not be given to another.

Where the total value of the contract exceeds the EU Threshold the debriefing process will be handled by Corporate Procurement in conjunction with the spending officer. This is a mandatory process which is governed by the EU Procurement Directives and is known as the 'mandatory standstill period'.

Notification of the acceptance of a tender shall be sent in writing to the successful tenderer. Such notification will be issued by People Support and clearly marked 'Subject to Contract' where a subsequent formal contract let by the Clerk to the Authority is required by this standing order.

All rejection letters shall include the scores awarded and reasons for the score. Where the value of the contract exceeds the EU Threshold the rejection letter shall also include the relative characteristics/advantages of the winning tenderer and shall comply with the EU Directive 'mandatory standstill period'.

2.12.5 Signature of contracts (including purchase orders)

Contracts will be signed as follows:

Total value	Method of completion	Person responsible
Up to £29,999	Signature and Purchase Order	Person authorised as per <u>Standing Order 1/6</u>
£30,000-99,999	Signature on acceptance letter	Person authorised as per

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	and purchase order	<u>Standing Order 1/6</u>
Above £100,000	Signature and common seal of the Authority	Clerk to the Authority

All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Strategic Enabler - Finance and Resourcing or in his or her absence a Brigade Manager. An award letter is insufficient. Refer to section 2.17 for special exemptions.

2.13 Negotiation

This section of the standing order shall have effect where it has been decided that it would be in the best interests of the Authority that a contract shall be let by way of negotiation.

If the contract value is above the EU Threshold, then negotiations are only permitted if the 'negotiation procedure' is used. Advice on this procedure should **always** be sought from the Corporate Procurement Manager.

Spending officers wishing to let a contract by way of negotiation must obtain the prior written approval of the Strategic Enabler - Finance and Resourcing. Once approval is obtained, Corporate Procurement shall agree a negotiation strategy with the spending officer and support or conduct negotiations as appropriate.

The following procedures shall be adopted in all negotiations:

- an agreed record of the discussions held with prospective suppliers shall be kept;
- any agreement must be confirmed in writing by the prospective supplier;
- no information shall be given to a potential supplier as to any competitors' quotation or tender, particularly prices and discounts;
- all negotiations must be held in an open and fair manner;
- each supplier should be given the same opportunity to revise their offer;
- documentation must allow the Authority to reserve the right to award following the initial offer without the need for further negotiation;
- only officers designated by the Strategic Enabler - Finance and Resourcing or Corporate Procurement Manager shall be permitted to conduct negotiations; and
- a minimum of two officers must be present during all negotiations.

A report on the financial or other benefits resulting from any negotiations should be submitted to the Strategic Enabler - Finance and Resourcing, prior to the award of any contract.

If the contract value is above £100,000 then a retrospective report must be submitted to the Executive Committee/Authority (See section 2.11.10) for information purposes.

2.14 Use of approved supplier lists

Approved lists of pre-qualified suppliers should be used where recurrent transactions of a similar type are likely but where such transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise. Approved lists cannot be used where the EU procedure applies.

Spending officers with devolved procurement responsibilities may draw up in consultation with Corporate Procurement:

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- approved lists of firms ready to perform contracts to supply goods, services or works of particular types including without limitation on the basis of agreed contract terms; and
- criteria for the selection of firms from the approved list.

No firm may be entered onto an approved list until there has been an adequate investigation by representatives of Finance, Procurement and any other appropriate sections into the firm's financial standing (where the contract exceeds £30,000) and their technical ability to perform the contract, unless such matters will be investigated each time quotes are invited from that list.

The list and short listing criteria must be reviewed periodically.

Review means:

- the reassessment of the financial and technical ability and performance of those persons on the list, unless such matters will be investigated each time quotes are invited from that list; and
- the deletion of those persons no longer qualified, with a written record kept justifying the deletion.

All approved lists shall be maintained in an open, fair and transparent manner.

2.15 Use of framework agreements

A framework agreement is an arrangement set up by a third party organisation for the procurement of specific goods, services or works on agreed terms with agreed suppliers, that may be utilised by other organisations as specified in the contractual agreement. Examples of organisations with framework agreements include Crown Commercial Supplies (CCS), Yorkshire Purchasing Organisation (YPO), The Consortium, etc. Other Fire and Rescue Services and Public Sector bodies may also establish framework agreements. It is the responsibility of the spending officer and Corporate Procurement to ensure the framework agreement can be utilised.

Contracts based on framework agreements may be awarded in one of two ways as follows:

1. applying the specification and terms laid down in the framework agreement (where such specification and terms are sufficiently precise to cover the particular call-off) without reopening competition, that is, placing an order against a catalogue of goods and/or services.
2. where the specification and terms laid down in the framework agreement are not precise enough or sufficiently detailed for the particular call-off, by conducting a further competition exercise in accordance with the procedure detailed below. In any event the framework call-off conditions must **always** be followed.

2.15.1 Option 1 - Placing an order under a framework agreement

When placing an order against a framework agreement catalogue the purchase order essentially acts as the contract.

The spending officer will be expected to compare the pricing from the listed suppliers for the products or services required in order to justify best value.

The authorisation prior to placing the purchase order must therefore be as follows:

Total value of purchase order	Person responsible for authorisation
Up to £29,999	Person authorised as per <u>Standing Order 1/6</u>
£30,000 – £49,999	Corporate Procurement Manager or in his or her absence the Strategic Enabler - Finance and

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	Resourcing
£50,000 up to £100,000	Strategic Enabler – Finance and Resourcing or in his or her absence a Brigade Manager
Over £100,000	Strategic Enabler - Finance and Resourcing or in his or her absence a Brigade Manager plus a retrospective report to the Executive Committee or Authority will be required as per section 2.11.9

2.15.2 Option 2 - Conducting a further competition exercise using a framework agreement

Where the value of the purchase exceeds £100,000 a preliminary report will need to be submitted to the Executive Committee or Authority as detailed in section 2.11.

When conducting a further competition exercise the following requirements must be taken into account:

- always follow the framework agreement call-off conditions
- invite to tender all the suppliers listed within the framework agreement that are capable of meeting the particular need or requirement. This should be undertaken as per this standing order and should allow a sufficient time limit for tenders to be submitted, taking into account factors such as the complexity of the contract and the required response. Ideally this should be a minimum period of 2 weeks;
- evaluating and awarding each contract to the supplier who has submitted the best tender (as per the guidance in this standing order) on the basis of the award criteria set out within the framework agreement;
- acceptance of quotations or tenders must follow the guidance contained in this standing order under section 2.11.9; and
- a letter of acceptance or signed order form must be sent to the successful tenderer which must be signed as per the provisions of section 2.12.5

It should be noted that an OJEU advertisement or any other advertisement does not need to be placed when conducting a further competition exercise under a framework agreement.

The advice of Corporate Procurement should always be sought prior to using a framework agreement.

2.16 Contract variations

2.16.1 Extensions or variations to existing contracts (contract values exceeding £3,000)

To clarify an extension refers to an extension of the contract period and a variation refers to changes or amendments to the contract specification.

Extensions or variations may be undertaken to existing contracts awarded competitively or following invitation to tender provided that:

- provision was made in the original advertisement and/or tender documentation that the contract may be subject to an extension
- the total value of the extension or variation is not greater than 25% of the original contract value;
- the Corporate Procurement Manager and spending officer are satisfied that no better terms or pricing could be obtained by obtaining competitive quotes or tenders or that the nature or urgency of the work make it desirable that the same supplier or contractor is employed;

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- the extended contract may involve further work at the same site or similar work at a different site;
- the original contract was let in accordance with standing orders;
- the likely benefit of further competition would be outweighed by the administrative cost and/or delay involved;
- the additional volume and value of goods, services or works does not breach EU tendering thresholds;
- the interests of the Authority will not be compromised;
- there is sufficient budget provision available and Finance have agreed and confirmed the revised contract value; and
- the details of the extension or variation have been recorded in writing and sent to the supplier.

For extensions or variations between £3,000 and £49,999 and where the total revised contract value does not exceed £49,999, a written report should be compiled and submitted to the Corporate Procurement Manager for approval.

For extensions or variations to contracts where the revised contract value is in excess of £50,000 a written report should be compiled detailing the required extension or variation and submitted to the Strategic Enabler – Finance and Resourcing for approval or a Brigade Manager in his or her absence.

For contract extensions (only) that were not incorporated as an option at the time of contract advertisement and award and where the revised contract value now exceeds £100,000, a retrospective report must be submitted to the Authority or Executive Committee for their information. In this instance there should only be one negotiated contract extension per contract.

For any extensions or variations to a contract that was originally awarded under the EU Tendering Regulations, advice must be obtained from Corporate Procurement.

Extensions or variations should not be agreed with suppliers until approval has been obtained.

2.16.2 Contingency allowance – Estates or building works contracts only

Where contingency sums are deemed necessary contingency allowances should not exceed 10% of the original estimated contract value.

2.17 Special exemptions to this standing order

Spending officers wishing to enter into a contract where there is deemed to be a 'special exemption' **must** obtain prior approval from the Corporate Procurement Manager for contracts valued under £50,000 and the Strategic Enabler – Finance and Resourcing for contracts valued at £50,000 and over, identifying the reason for the exemption and that part of the standing order to which it applies.

If the Strategic Enabler – Finance and Resourcing was involved in the initial decision making process then approval for the exemption must be sought from a Brigade Manager.

Examples of circumstances in which an exemption might be appropriate are as follows:

- a) the goods or materials are purchased or sold at auction, public fairs or markets;
- b) the provision of goods, services or works is obtainable only from one supplier and no satisfactory alternative is available;
- c) there are less than three suppliers known to be in the market for particular goods, services or works, (in such cases, tenders shall be invited from such lesser number of suppliers);

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- d) the prices of the goods, services or works are wholly controlled by trade organisations or government order and no reasonable satisfactory alternative is available;
- e) tenders have or will be invited on behalf of any consortium, collaboration or similar body in which the Authority is participating, in accordance with any method adopted by such a body;
- f) the goods or services are deemed expedient for Service requirements;
- g) where the goods, services or works are so urgently required as not to permit the invitation of tenders. In such case, the prior approval of the Strategic Enabler – Finance and Resourcing or Brigade Manager must be obtained; and

Separate special exemption rules apply where the value exceeds the E U Threshold and are very limited. Advice must be sought from the Corporate Procurement Manager in this instance. Under no circumstances does the Authority have the power to waive its obligations under law.

Where a contract or agreement is entered into under paragraph 2.17 (above) and its value exceeds £100,000, a retrospective report must be submitted to the next available Authority Meeting or Executive Committee. Corporate Procurement is responsible for the compilation and submission of these reports.

2.18 Bonds and parent company guarantees

The spending officer must consult the Strategic Enabler – Finance and Resourcing about whether a parent company guarantee is necessary when a candidate is a subsidiary of a parent company and:

- the total contract value exceeds £100,000;
- the award is based on evaluation of the parent company; and
- there is some concern about the financial stability of the candidate.

The spending officer must consult the Strategic Enabler – Finance and Resourcing about whether a bond is needed where:

- the total contract value exceeds £500,000; and
- it is proposed to make staged or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the financial stability of the candidate.

2.19 Contract management

Heads of departments involved with procurement are required to name a contract manager for each contract.

Contract managers must follow the procedures and guidance contained within this Standing Order and the Procurement Manual.

2.20 Risk assessment and contingency planning

A corporate risk assessment must be prepared for all procurements with a potential value over the EU Threshold or where the failure of the contract will have a significant impact on the core operations of the Authority.

Contract managers (in conjunction with Corporate Procurement) must:

- maintain a risk register during the contract period;
- undertake appropriate risk assessments for identified risks; and
- ensure contingency measures are in place to comply with the WMFS Business Continuity Plan where appropriate.

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3. CROSS REFERENCES

[Standing Order 1/6](#) – Authorisation or Expenditure and Certification and Retention of Documents

[Standing Order 1/22](#) – Anti Fraud and Corruption Policy

[Standing Order 2/12](#) – Code of Conduct

[Standing Order 2/15](#) – Declaration of Membership of External Organisations and Acceptance of Donations, Gifts and Hospitality

Standing Order 2/14 – Equality Impact Assessment

[Standing Order 2/25](#) – Outside Employment and Secondary Contracts Policy

[Standing Order 22/2](#) – Partnership Working

Standing Order 2/20 – Whistle Blowing Policy

Standing Order 22/7 – Corporate Risk Management

The Authority's Financial Regulations

Procurement Manual

4. KEY CONSULTEES

Procurement staff

Team Leader, People Support

Facilities Manager

Strategic Head of ICT

Transport and Engineering Workshops Manager

Finance Manager

The Strategic Enabler – Finance and Resourcing

Sandwell MBC – Legal Services Department

Sandwell MBC – Internal Audit Department

Sandwell MBC – Democratic Services Department

Area Commander – People and Performance

Station Commander – Haden Cross

Station Commander – Fire Safety

Station Commander – Willenhall

Group Commander – TopS IRM

Station Commander – Command Development

Walsall Green

Oldbury Red

Aston White

Bournbrook blue

Equality and Diversity

Safety, Health and Environmental Team

FBU

UNISON

Fire Officers' Association

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5. EQUALITY IMPACT ASSESSMENT

The EIA Preliminary Assessment classed this standing order as low impact and a full Equality Impact Assessment was not required.

6. OWNERSHIP

This standing order was approved by Corporate Board.

7. RESPONSIBILITY AND REVIEW/AMENDMENT DETAILS

7.1 Responsible SET Member/Department

The Strategic Enabler – Finance and Resourcing/Corporate Procurement.

7.2 Created/fully reviewed/amended

January 2004 by Administration Officer, Secretariat

April 2006 by Administration Officer, Secretariat and Senior Buyer, Supply Chain Section

January 2007 by Senior Buyer, Supply Chain Section

June 2008 amended by Purchasing Administration Manager, Procurement

December 2009 fully reviewed by the Corporate Procurement Manager

March 2011 amended by the Corporate Procurement Manager

Amendment made to EU Threshold, section 2.7 and 2.11.1, December 2011, by Senior Contracts Manager, Procurement

September 2014 fully reviewed by Corporate Procurement Manager

The Code of Conduct for Members and Co-Opted Members

together with

The Rules for Registration of Interests and Conflicts of Interest

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The Code of Conduct for Members of West Midlands Fire and Rescue Authority

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- II. Scope of the Code
- III. Public Duties of Members
- IV. General Principles of Conduct
- V. Expectations of Conduct

Part 2

Registration, Disclosure and Duties on Interests held by Members

- I. Registration of Interests
- II. Duties in Respect of Interests

The Code of Conduct for Members of West Midlands Fire and Rescue Authority

Prepared pursuant to Chapter 7 of the Localism Act 2011

I. Purpose of the Code

1. The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Authority, their local communities and the public at large by:
 - a) setting out the standards of conduct that are expected of Members and co-opted Members of the Authority when they are acting in that capacity, and in so doing
 - b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.
2. The standards of conduct of Members and co-opted Members of the Authority by reference to the Code as a whole must be consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

II. Scope of the Code

3. The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority business, ward/division/constituent district business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
4. The obligations set out in this Code are complementary to those which apply to all Members by virtue of law, the procedural and other rules of the Authority and the rulings of the Chair.
5. The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of any related Codes and Protocols of the Authority.

III. Public Duties of Members

6. Members have a duty to uphold the law, including the general law against discrimination and the requirements of the Localism Act 2011, and to act on all occasions in accordance with the public trust placed in them.

7. Members have an overriding duty to act in the interests of the area covered by West Midlands Fire and Rescue Authority as a whole, but also have a special duty to represent the views of the residents and communities of their ward and constituent districts.

IV. General Principles of Conduct

8. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Member, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken into consideration when any allegation is received of breaches of the provisions of the Code.

“Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.”

V. Expectations of Conduct

9. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.
10. Members shall at all times ensure that their use of expenses, allowances, facilities and services provided from the public purse is strictly in accordance with the rules laid down on these matters, and that they observe any limits placed by the Authority on the use of such expenses, allowances, facilities and services.
11. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority and never undertake any action which would bring the Authority, or its Members or officers generally, into disrepute.

VI. Registration and Declaration of Interests

12. Members shall fulfil conscientiously the requirements of the Authority in respect of the registration of interests in the Register(s) of Members' Interests and, where it is required or appropriate to do so, shall always draw attention to any relevant interest in any proceeding of the Authority or its Committees, or in any communications with the Authority, its Members or officers as required in Part 2.
13. **Gifts and Hospitality**
Members must, within 28 day of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £100 which they have accepted as a Member or co-opted Member from any person or body other than the authority. The Monitoring Officer will place your notification on a public register of gifts and hospitality.

VII. Duties in respect of the Authority's Standards Committee and the Monitoring Officer

14. The application and guidance on the application of this Code shall be a matter for the Authority and for the Authority's Standards Committee and, as appropriate, the Monitoring Officer, acting in accordance with their terms of reference.
15. Members shall co-operate, at all stages, with any investigation into their conduct by or under the authority of those persons and shall not seek to intimidate or attempt to intimidate any person who is or is likely to be a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with his or her authority's code of conduct.

16. No Member shall lobby a member of the Authority's Standards Committee in a manner calculated or intended to influence their consideration of a complaint of a breach of this Code otherwise than in accordance with the arrangements laid down by the Authority.

Registration, Disclosure and Duties on Interests

Held by Members and Co-Opted Members of West Midlands Fire and Rescue Authority

I. Registration of Interests

1. **Do** fulfil the requirements of the law and the Authority in registering your interests in the Register of Members' Interests. These are explained on the following pages.
2. **Do** draw attention to any relevant interest, where it is required or appropriate to do so, in any proceeding of the Authority or its Committees with which you are involved or in any communications with any colleague, officer or outside body in your role as a member.
3. **Do** approach the Authority's Monitoring Officer if you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation.

Disclosable Pecuniary Interests

A pecuniary interest is a disclosable pecuniary interest in relation to a Member or of a co-opted Member if it is of a description specified in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and either:

- (a) it is an interest of the Member, or co-opted Member; or
- (b) it is an interest of -
 - (i) the Member's or co-opted Member's spouse or civil partner;
 - (ii) a person with whom the Member or co-opted Member is living as husband and wife; or
 - (iii) a person with whom the Member or co-opted Member is living as if they were civil partners;and the Member or co-opted Member is aware that that other person has the interest.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specify that the following are pecuniary interests:-

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a Member or co-opted Member in carrying out duties as a member, or towards the election expenses of Member or co-opted Member .</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a Member's or co-opted Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to a Member's or co-opted Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

II. Disclosure and Duties in Respect of Interests Held by Members

1. Declaration of interests not included in the Register

- 1.1 **Do** ensure, if you have an interest that is not entered in the authority's register, that
- (i) where you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, you disclose the interest to the meeting (unless the authority's Monitoring Officer has agreed that it is a sensitive interest); and
 - (ii) you notify the authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure (unless it is subject of a pending notification)
- 1.2 **Do** then act accordingly.

2. Disclosable Pecuniary Interests

- 2.1 **Do** ensure, where you
- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
 - (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,
- that you
- **do not** participate, or participate further, in any discussion of the matter at the meeting; and
 - **do not** participate in any vote, or further vote, taken on the matter at the meeting
- 2.2 **Do** ensure, where you
- (i) are to discharge a function of the authority acting alone, and
 - (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, in the course of discharging that function
- that you

- **do not** take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- 2.3 **Do** make a written request made to the proper officer of the authority if you consider it appropriate that the Authority grant a dispensation relieving you from either or both of the restrictions in paragraph 2.1
- 2.4 **Do** be aware that, in respect of disclosable pecuniary interests, failing to act as required by the Localism Act 2011 is a criminal offence.

3 General

- 3.1 **Do** act in accordance with the Authority's standing orders (Procedure Rules) where you
- (i) are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority; and
 - (ii) are or become aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting,
- 3.2 **Do** base your conduct when acting as a Member on a consideration of the public interest, avoiding conflict between your personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest. To assist you in doing this you may choose to register personal and other pecuniary interests which are not covered under Disclosable Pecuniary Interests.

PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY

1. Introduction

This Protocol applies to members of the Authority and independent and co-opted members (voting and non-voting).

2. General Caution

Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally.

Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality.

The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived.

No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

3. Criminal Law

It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Authority.

The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Authority.

4. Limits of Guidance

This guidance does not apply to:

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.

- The acceptance of facilities or hospitality provided to you by the Authority.
- Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

5. Meaning of Gifts and Hospitality

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:

- The free gift of any goods or services.
- The opportunity to acquire any goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

Common gifts include pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

6. Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.

- Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens.).
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts (e.g. arising from twin-town and other civic events).

7. Principles to Apply in Relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gift or hospitality you must apply the following principles:

- Do not accept a gift or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- “Reward” includes remuneration, reimbursement and fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:
 - a) From parties involved with the Authority in a competitive tendering or other procurement process.
 - b) From applicants for planning permission and other applications for licences, consents and approvals.
 - c) From applicants for grants, including voluntary bodies and other organisations applying for public funding.
 - d) From applicants for benefits, claims and dispensations.
 - e) From parties in legal proceedings with the Authority.

- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence.
- Do not solicit any gift or hospitality and avoid giving any perception of so doing.

8. Gifts Received and Donated to the Mayor's Charities or Appeals

Some members receiving gifts of value may prefer not to retain these personally but to pass them to the Lord Mayor/Mayor's Office for use in relation to any Mayor's charities or appeals.

Members should indicate this intention to the provider and make this clear on the register of interests.

9. Registration of Gifts and Hospitality

Gifts or hospitality that you receive in connection with your official duties as a member worth £100 or over must be registered within 28 days of you receiving it. You should register the interest as soon as possible after acceptance of the gift or hospitality. The registration should include the source and nature of the gift or hospitality.

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

You should ask yourself, would I have been given this if I was not on the Fire Authority? If you are in doubt as to the motive behind a gift or hospitality it is recommended that you register it or at least seek advice from the Clerk and Monitoring Officer.

You must declare or disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the authority at which business is considered to which the interest relates. (i.e. business relating to the interests of the person or body giving the gift or hospitality). The disclosure requirement does not however apply to gifts and hospitality interests registered more than 3 years ago.

Whilst the registration requirement in the Code is limited to gifts or hospitality over the value of £100, members are encouraged to register any significant gift or hospitality they receive below this value. There is no obligation to make a declaration or disclosure in relation to gifts and hospitality on the register which are below £100 in value.

The general rule is, if in doubt as to the value of a gift or hospitality, you should register it, as a matter of good practice and in accordance with the principles of openness and accountability in public life.

You may have to estimate how much a gift or hospitality is worth. Also, an accumulation of small gifts you receive from the same source over a short period that add up to £100 or over should be registered.

10. Reporting of Inappropriate Gifts and Hospitality offered

It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Authority.

You must immediately report to the Clerk and Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.

You may thereafter be required to assist the Police in providing evidence.

11. Enforcement

Allegations of any failure to meet the Protocol must be made in writing to the Clerk and Monitoring Officer. The Standards Committee has responsibility for overseeing compliance with this Protocol.

WEST MIDLANDS FIRE SERVICE CODE OF CONDUCT

1. PRINCIPLES

The public is entitled to expect the highest standards of conduct from all employees of the West Midlands Fire Service (WMFS). Employees are expected to observe certain standards of behaviour and to bring to light any irregularity in behaviour or procedure. An employee of West Midlands Fire Service should not put themselves in a position where duty and private interests conflict.

Core Values

West Midlands Fire Service has adopted the National Fire and Rescue Service Core Values to give the Service a clear and consistent picture of its guiding principles. The Corporate Strategy is about what we will do and the Core Values are about how we will do it. The Core Values are concerned with the behaviours we wish to support and develop within the organisation and we expect all employees to adopt and demonstrate these behaviours which include:

- honesty;
- integrity;
- mutual trust;
- co-operation;
- respect;
- taking responsibility;
- open mindedness;
- learning from our experience;
- including and consulting others;
- considering constructive criticism; and
- challenging prejudice and discrimination.

This is not an exhaustive list.

This policy relates to employees of the WMFS; the elected members of the West Midlands Fire and Rescue Authority have adopted the National Code of Local Government Conduct as set out in the schedule to the Local Authorities (Model Code of Conduct) Order 2007 (SI. 2007 No.1159).

2. STANDARDS

As a public sector organisation, WMFS must provide a transparent and ethical service, one which is cost effective and efficient. Employees are accountable to the public for their actions and the way in which they carry out their responsibilities. In order to do this, all employees must:

- be diligent, honest and ethical in the performance of their duties;
- give their services in a professional and competent manner in willing co-operation with others;
- co-operate fully and honestly with any scrutiny appropriate to their role;
- make sure their personal and professional life does not adversely affect the Service's standing and reputation;
- comply with WMFS policies, procedures and legal requirements, including those on equality and diversity;
- making sure public funds and Service resources are used in a responsible and lawful manner;
- be polite and courteous in their behaviour at all times; and
- dress appropriately maintaining a high standard of tidiness.

In addition, employees must be aware of and maintain political neutrality, not allowing their own personal or political opinions to interfere with their work. Some posts are politically restricted and must comply with any statutory restrictions on political activities (see Standing Order 1/13 Restrictions on Political Activities).

2.1 Disclosure of information

The law requires that certain information must be available to Members, auditors, government departments, service users and the public. Information must only be disclosed in accordance with the requirements of the Data Protection Act 1998. Please make reference to Standing Order 2/16 Data Protection Act 1998 and Disclosure of Information which details how we manage our information and data.

Employees should not use or pass on any information obtained in the course of their employment for personal gain or benefit.

2.2 Political neutrality

Employees serve the WMFS as a whole and serve Members of the Fire Authority equally. Any dealings with Councillors and/or political groups should not compromise the employee's political neutrality.

Employees must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their own work. However, it is recognised that this does not include personal opinions that reflect the Core Values of the organisation, for example, valuing diversity. See Standing Order 1/13 Restriction on Political Activities which details posts that are restricted under the Local Government and Housing Act 1989.

2.3 Appointment

Employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with him or her.

Similarly employees should not be involved in decisions relating to discipline, promotion, or pay adjustments for another employee who is in a close personal relationship. See paragraph 2.11.1.

2.4 Outside commitments

2.4.1 Outside Employment

All employees should not take outside employment which conflicts with the Authority's interests and Core Values, irrespective of whether or not the work is paid. See Standing Order 2/25 Secondary Employment for guidance.

No outside work should be undertaken in the service and use of facilities is forbidden. Correspondence and incoming calls relating to outside work are not allowed.

2.4.2 Networking sites

Employees who use social networking websites (for example Facebook, Twitter and Myspace) and identify that they work for WMFS need to ensure that their representation does not conflict with that of the WMFS Core Values and does not bring the WMFS into disrepute. See Standing Order 1/20 Internet Acceptable Use Policy.

2.5 Personal interests

Employees must declare to their line manager any personal interests that could bring about conflict with the WMFS interests. Such an interest may be financial or non-financial.

Personal interests would include the following:

- acting as a school governor;
- membership or involvement with an organisation receiving grant aid from the Authority;
- memberships of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct (for example, Freemasons); and

- membership of any organisation which is involved with the Authority in any formal way such as through any decision making process.

Employees needing to declare interests should see Standing Order 02/15 Declaration of Membership of External Organisations and Acceptance of Donations, Gifts and Hospitality.

2.6 Procurement

Employees who have responsibility to both procure and provide services must be clear on the separation of the roles related to the provision of services within the WMFS and be aware of the need for accountability and openness. Fairness and impartiality must be exercised when dealing with all customers, suppliers, other contractors and sub-contractors. Please refer to Standing Order 1/8 Procurement Procedures.

2.7 Corruption

It is a serious offence for employees to ask for or receive any gift, loan, fee, reward or advantage for doing, or not doing anything or showing favour, or disfavour, to any person in their official capacity.

See Standing Order 1/8 Procurement Procedures and Standing Order 1/22 Anti-Fraud and Corruption Policy.

2.8 Use of financial resources

Employees must ensure that they use public funds in a responsible and lawful manner. They should strive to ensure value for money (see Value for Money Strategy available on SPIRIT's intranet site).

Employees should also be aware of Standing Orders on contracts and financial and administrative regulations and any other Routine Notices and comply with them.

2.9 Social events

When representing WMFS at official functions or taking part in work-related social events your activities there may affect your work, your working relationships and the image of the Service.

Such social events can take place on WMFS premises or away from the workplace and outside normal working hours, but certain principles of conduct should be observed for the protection and comfort of all, which include:

- responsible use of alcohol;
- no use whatsoever of any illegal drugs; and
- awareness of your behaviour, activities or language that may offend, intimidate, bully, harass, embarrass or upset another person, whether meant as a joke or not.

Breaches of the above may lead to disciplinary action under the Service's policies and procedures. The principles are to make sure that everyone can enjoy work-related social events in an atmosphere of friendliness without feeling uncomfortable about anyone else's conduct. See Standing Order 16/11 Misuse of Alcohol, Drugs and Other Substances.

2.10 Dress and appearance

All employees are required to be clean, tidy, presentable and safe whilst at work, either at WMFS premises or elsewhere. Uniformed employees should adhere to the principles outlined in Standing Order 7/3 Wearing of Uniform. Non-uniformed employees should dress appropriately to the situation, circumstances and environment in which their work takes them, taking into consideration the professionalism and image of the Service and business conventions.

If an employee's appearance is considered by the Service Manager to be unacceptable, the employee will be asked to return home to change. In these circumstances, the employee will not be paid for the duration of his or her absence from work. Any decision by the Manager on an employee's appearance will take into consideration issues of race, gender, age, disability, religious belief and sexual orientation, whilst

ensuring that the professionalism, image, health and safety regulations and public perceptions of the Service are maintained.

WMFS uniform must not be worn to canvass or promote other causes for personal gain by using their position as a WMFS employee to gain sympathy and therefore potentially gain financial or other rewards.

2.11 Working relationships

All employees are entitled to enjoy harmonious working relationships with colleagues and managers without fear of bullying, harassment or prejudice.

See the Standing Orders 2/13 Equality and Diversity and Standing Order 2/17 Workplace Harassment and Bullying.

2.11.1 Close personal and family relationships

The Service values, and relies upon, the professionalism and integrity of its employees and should employees have a close personal or family relationship with another employee, their behaviour must be appropriate. Improper behaviour, abuse of authority or conflicts of interest will not be tolerated.

Close personal relationships are defined as employees who are married, dating or co-habiting. Family relations are defined as immediate family members (parents, children, siblings, grandparents or grandchildren, aunts, uncles, cousins, nieces and nephews).

2.11.2 Responsibilities

Employees

Close personal relationships where an employee manages, or is managed by, an employee with whom they share a close personal relationship must be declared.

Employees should make sure that their relationship does not interfere with their work. They are expected to conduct themselves in a professional manner and to deal sensitively with any confidential information which they may possess.

Managers

Managers should deal with close personal relationships at work sensitively and effectively, looking at the individual circumstances and taking into account natural justice and equal opportunities.

Managers need to consider whether operational employees who share a close personal or family relationship should work on the same watch. This is due to the interest of health and safety and any conflict of interest.

2.12 Canvassing Members of the Authority

To ensure that WMFS is impartial and unbiased, restrictions are placed on employees of WMFS having, or seeking, contact with Members of the Authority in relation to their work in WMFS.

Employees should only attend meetings with Members of the Authority, or a constituent authority, in their official capacity, unless a meeting is convened by, or with the approval of, the Chief Fire Officer. This does not preclude attendance at Authority meetings as a member of the public or where employees are constituents of the Authority Members. An exception to this would be a trade union official acting in accordance with their trade union duties.

Employees should not make personal appeals, written or oral, direct or indirect to Members of the Authority or co-opted members of a Committee or Sub-Committee and should not canvas support from other employees for matters concerning their employment with the Authority. Employees should utilise internal employment procedures and policies to resolve workplace disputes.

2.13 Publications, broadcasts, distribution of information and lectures

Employees, who choose to share their opinions, must make it clear that they are their personal views and not the views of the WMFS. No opinions should be expressed about the Service or Authority policies and any interviews given to the media about incidents

attended by the Service should be purely factual and in line with the guidance in Standing Order 01/24 Communications Strategy.

2.14 Equality issues

Employees should ensure that policies relating to equality issues are complied with in addition to the requirements of the law.

2.15 Criminal charges

WMFS employees facing criminal charges, including for example arrests and cautions will give notice of this, without delay, to their line manager. Employees are required to give notification in all circumstances, whether they personally feel the matter is relevant or not.

All employees who find themselves party to such knowledge must at all times maintain the strictest confidence.

See Standing Order 2/1 Disciplinary Procedure.

2.16 Confidentiality

Employees must be aware which information the WMFS is, and is not, open about and to whom it can be released. They must also be aware of their legal or professional duty to disclose information.

Employees should not use any Service information for personal gain or benefit, nor pass it on to others who might use it in such a way. All employees should be aware of the legal requirements covered by the Data Protection Act.

See Standing Order 2/16 Data Protection Act and Disclosure of Information.

2.17 Breach of the code

Breach of this code by an employee will be regarded as a disciplinary offence. Serious breach will be regarded as gross misconduct.

3. CROSS REFERENCES

Standing Order 1/13 Restrictions on Political Activities

Standing Order 1/15 Copyright, Designs and Patents

Standing Order 1/8 Procurement Procedures

Standing Order 1/22 Anti-Fraud and Corruption Policy

Standing Order 1/23 Media Relations Policy

Standing Order 1/24 Communications Strategy

Standing Order 2/1 Disciplinary Procedure

Standing Order 2/2 Grievance Procedure

Standing Order 2/7 Capability Procedure

Standing Order 2/13 Equality and Diversity Policy

Standing Order 2/15 Declaration of Membership of External Organisations and Acceptance of Donations, Gifts and Hospitality

Standing Order 2/16 Data Protection Act and Disclosure of Information

Standing Order 2/17 Workplace Harassment and Bullying

Standing Order 2/20 Whistle Blowing Policy

Standing Order 2/25 Secondary Employment Policy

Standing Order 2/34 Criminal Records Information Policy

Standing Order 7/3 Wearing of Uniform

Standing Order 16/11 Misuse of Alcohol, Drugs and Other Substances

4. KEY CONSULTEES

5. EQUALITY IMPACT ASSESSMENT

A Full Impact Assessment has been carried out which found no adverse affects.

6. OWNERSHIP

This Order has been noted and approved by the Standards Committee.

7. RESPONSIBILITY AND REVIEW/AMENDMENT DETAILS

7.1 Responsible Corporate Board Member/Department

Director Human Resources/HR Employee Relations Team.

7.2 Created/fully reviewed/amended

This Order has been created by the Employee Relations Team in December 2009.

West Midlands Fire and Rescue Authority

Protocol for Member/Employee Relations

1. **Introduction**

- 1.1 The purpose of this Protocol is to guide Members and Employees in their relations with one another in such a way as to ensure the smooth running of the Authority.
- 1.2 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- 1.3 This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Employees are protected from accusations of bias and any undue influence from Members.
- 1.4 It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members (available on the Authority's website) and Employees (Standing Order 2/12). The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand high standards of personal conduct.
- 1.5 Members and Employees of the Authority are servants of the public. They are indispensable to one another. Mutual respect between Members and Employees is essential for good local government. Close personal familiarity between individual Members and employees can damage this relationship and prove embarrassing to other Members and Employees.
- 1.6 It is important that any dealings between Members and Employees should observe standards of courtesy and that neither party should seek to take unfair advantage of their position.

- 1.7 A Member should not raise matters directly relating to the conduct or capability of an Employee at meetings held in public. This is not intended to prevent a Member from expressing criticism of a particular service. Such criticism should not, however, be expressed in such a way as to be a direct personal criticism of an individual Employee. This is a longstanding tradition in public service. An Employee has no means of responding to such criticisms in public. If a Member feels s/he has not been treated with proper respect or courtesy or has any concern about the conduct or capability of an Employee, and fails to resolve it through direct discussion with the Employee, s/he should raise the matter with the relevant Director. The Director will then look into the facts and report back promptly to the Member. If the Member continues to feel concern, or does not receive a prompt response, s/he should then report the facts to the Chief Fire Officer who will look into the matter afresh. In the event that the Member's concern relates to a Director, s/he should raise his/her concern with the Chief Fire Officer. Any action taken against an Employee in respect of a complaint, will be in accordance with the provisions of the Authority's disciplinary process.
- 1.8 Where an Employee feels that s/he has not been properly treated with respect and courtesy s/he should raise the matter with his/her Director, especially if s/he does not feel able to discuss it directly with the Member concerned. In these circumstances the Director will take appropriate action by approaching the individual Member and/or the appropriate group leader.

2. **Complaints Against Employees Received by Members**

- 2.1 There is the potential for complaints or allegations to be made against Employees in a variety of situations. Such complaints and allegations can be extremely damaging to the Authority and to the Employees involved.
- 2.2 They can easily be made, particularly in respect of Employees carrying out their duties, on behalf of the Authority, to make sure that public funds are being managed responsibly and/or that legal requirements are being complied with. They can, however, be very difficult to correct in the wider public arena. If not managed correctly, they can leave the Authority open to legal challenge as well as causing considerable adverse impact on staff morale and effectiveness and great personal distress to the individuals involved and their families. Ill-founded and malicious allegations can tarnish Employees' careers and their livelihoods and also

impact on the reputation and credibility of the Authority. At the same time, it should be recognised that complaints and allegations must be handled on their individual merits, in accordance with a recognised process that is transparent, prompt and as far as possible reaches unequivocal conclusions.

- 2.3 Where a Member receives an oral complaint about an Employee of the Authority s/he should inform the complainant that the complaint should be made in writing to the Member concerned and/or to the Chief Fire Officer. In the event that it is not practicable for the complainant to put his/her complaint in writing, the Member may do so him/herself.
- 2.4 Where a Member receives a complaint about an Employee of the Authority in accordance with paragraph 2.3 above, s/he should immediately pass on the complaint, in confidence, to the Chief Fire Officer.
- 2.5 Where a complaint is made directly about an Employee of the Authority at a meeting attended by Members of the Authority and members of the public and/or other organisations, Members present should adopt the following procedure:-
 - a. Immediately acknowledge the complaint verbally;
 - b. Inform the complainant that any complaint should be made in writing to the Chief Fire Officer (preferably within 24 hours) but, if this is not possible, the complainant should make an appointment with the Chief Fire Officer to discuss the issue further;
 - c. In the event that the complainant is acting as a member of the management of an organisation represented at the meeting, this should be made clear to the Chief Fire Officer or the Monitoring Officer if appropriate.

3. **Complaints Against Members Received by Employees**

- 3.1 Occasionally Employees may receive complaints or allegations against a Member. As with complaints against Employees these can be extremely damaging to the Authority and to the Member involved and leave the Authority open to legal challenge. Members are in the public spotlight and can attract a great deal of interest and public scrutiny of their personal and public lives. Ill-founded and malicious allegations can tarnish the Member's reputation and the credibility of the Authority. Complaints and

allegations must be handled on their individual merits, in accordance with a recognised process that is transparent, prompt and as far as possible reaches unequivocal conclusions.

- 3.2 Where an Employee receives a complaint about a Member of the Authority s/he should raise it with the Chief Fire Officer who will discuss it with the Monitoring Officer.
- 3.3 Where a complaint is made directly about a Member of the Authority at a meeting attended by Employees of the Authority and members of the public and/or other organisations, the most senior Employee present should:-
 - a. Immediately acknowledge the complaint verbally;
 - b. Inform the complainant that any complaint should be made to the Chief Fire Officer (preferably within 24 hours) but that, if this is not possible, the complainant should make an appointment with the Chief Fire Officer (or the Monitoring Officer) to discuss the issue further;
 - c. In the event that the complainant is acting as a member of the management of an organisation represented at the meeting, this should be made clear to the Chief Fire Officer or the Monitoring Officer if appropriate.
- 3.4 Complaints that relate to a potential breach of Code of Conduct for Members should be made in writing to the Monitoring Officer who acts on behalf of the Standards Committee. Advice on such issues can be obtained from the Monitoring Officer before a complaint is formally submitted.

4. **Employee Advice to Members and Party Groups**

- 4.1 It must be recognised by all Employees and Members that in discharging their duties and responsibilities, Employees serve the Authority as a whole and not exclusively any party group, combination of groups or any individual Member of the Authority.
- 4.2 It is now common practice for party groups to give preliminary consideration to matters of Authority business in advance of such matters being considered by the relevant Authority decision-making body. Employees may properly be called upon to support and contribute to such deliberations by party groups and to assist independent Members but must at all times maintain political neutrality. All Employees must, in their dealings with party groups

and individual Members, treat them in a fair and even-handed manner.

- 4.3 The support provided by Employees can take many forms, ranging from a briefing meeting with a Member of the Authority to a Committee or other meeting e.g. full party group meeting to a presentation to a Committee or full Authority meeting. Where an employee advises a political group on a particular matter, he or she should be able to advise other political groups in the same matter. Employees can provide advice on professional, procedural and policy development matters but their duties are to the Authority as a whole and they must carry out their duties with political neutrality.
- 4.4 Certain points must be clearly understood by all those participating in this type of process, Members and Employees alike. In particular:
 - 4.4.1 Employee support must not extend beyond providing information and advice in relation to matters of Authority business. Employees must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Employees are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed;
 - 4.4.2 Party group meetings, whilst they form part of the preliminaries to Authority decision-making, are not empowered to make decisions on behalf of the Authority. Conclusions reached at such meetings do not therefore rank as Authority decisions and it is essential that they are not interpreted or acted upon as such;
 - 4.4.3 Similarly, where Employees provide information and advice to a party group meeting in relation to a matter of Authority business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or full Authority when the matter in question is considered;
 - 4.4.4 Subject to paragraph 4.5 below, where Employees provide information and advice to a party group meeting, they must provide all relevant information, whether or not that information supports the line of argument or option preferred by the Employees and/or any other political group.
- 4.5 Special care needs to be exercised whenever Employees are involved in providing information and advice to a party group meeting which includes persons who are not Members of the

Authority. Such persons are not bound by the Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Employees may not be able to provide the same level of information and advice as they would to a Member-only meeting.

- 4.6 Employees must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 4.7 Whilst any Member may ask a relevant Director for written factual information about a service, such requests must be reasonable. Requests will be met subject to any overriding legal considerations (which will be determined by the Authority's Monitoring Officer) or if the recipient of any request considers the cost of providing the information requested or the nature of the request to be unreasonable. If that is the case, s/he will raise the matter with the Director who will discuss the issue with the Chief Fire Officer.
- 4.8 Where a Member requests factual information from an Employee as set out in paragraph 4.7 above, that information will also be supplied to any other Member if requested.
- 4.9 Where a Member requests policy advice, that advice will not be supplied to any other Member without the consent of the requesting member.
- 4.10 In relation to budget proposals:
 - a. The Controlling Group shall be entitled to confidential discussions with Employees regarding options and proposals. These will remain confidential until determined by the Authority or until published in advance of Committee, Executive, Authority or other meetings, whichever is the earlier; and
 - b. The opposition groups shall also be entitled to confidential discussions with Employees to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective opposition groups or until published in advance of Committee, Authority, Executive or other meetings, whichever is the earlier.
- 4.11 It must not be assumed by any party group or Member that any Employee is supportive of any policy or strategy developed

because of that Employee's assistance in the formulation of that policy or strategy.

- 4.12 Any particular cases of difficulty or uncertainty in this area of Employee advice to Members should be raised with the Chief Fire Officer who will discuss them with the relevant Group Leaders.

5. Support Services to Members and Party Groups

- 5.1 The only basis on which the Authority can lawfully provide support services (e.g. office accommodation, stationery, typing, printing, photo-copying, transport, etc.) to Members is to assist them in discharging their role as Members of the Authority. Such support services must therefore only be used on Authority business. They should not be used in connection with party political (unless legally permissible and authorised by the Authority) or campaigning activity or for private purposes. In the event that any items, such as telephones, fax machines or computers, provided for Members are used by them other than for Authority business, the cost of such use (provided that it can be separately identified) must be met by the Member concerned.

6. Members' Access to Information and to Council Documents

- 6.1 Members are free to ask for information in accordance with paragraph 4.7. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their roles as Members of the Authority. This can range from a request for general information about some aspect of the Authority's activities to a request for specific information on behalf of a constituent. Such approaches should normally be made to the Director of the Department concerned. In cases of doubt, Members should approach the Clerk of the Authority for assistance.
- 6.2 As regards the legal rights of Members to inspect Fire Service documents, these are covered partly by statute and partly by the common law.
- 6.3 Members have a statutory right to inspect any document which contains material relating to any business which is to be transacted at an Authority, Executive Committee or other official meeting. This right applies irrespective of whether the Member is a Member of the Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to

documents relating to certain items which may appear as a confidential (Pink) item on the agenda for a meeting. The items in question are those which contain exempt information relating to employees, occupiers of Fire Service property, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

- 6.4 The common law right of Members is much broader and is based on the principle that any Member has a prima facie right to inspect Fire Service documents so far as his/her access to the document is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Authority. This principle is commonly referred to as the “need to know” principle.
- 6.5 The exercise of this common law right depends, therefore, upon an individual Member being able to demonstrate that s/he has the necessary “need to know”. In this respect a Member has no right to “a roving commission” to go and examine documents of the Authority. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must initially be determined by the particular Director whose Department holds the document in question. In the event of dispute, the question falls to be determined by the Chief Fire Officer. In the event that the Member is dissatisfied with the decision of the Chief Fire Officer, s/he may refer the matter to the Monitoring Officer for consideration.
- 6.6 In some circumstances (e.g. a Committee Member wishing to inspect a document relating to the business of that Committee) a Member’s “need to know” will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature, are either not accessible to Members or are accessible only to the Controlling Group. An example of this latter category would be draft documents compiled in the context of emerging Authority policies and draft reports, the disclosure of which prematurely might be against the Authority’s and the public interest.
- 6.7 Whilst the term “Fire Service document” is very broad and includes, for example, any document produced with Fire Service resources, it is accepted by convention that a Member of one party group will not have a “need to know”, and therefore, a right to

6.8 Further and more detailed advice regarding Members' rights to inspect Fire Service documents may be obtained from the Clerk to the Authority. In particular, the Data Protection Act 1998 and the Freedom of Information Act 2000 have had a significant impact in this area.

6.9 The Code of Conduct for Members contains the following terms:

"You must not:

- a. Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:*
 - (i) you have the consent of a person authorised to give it;*
 - (ii) you are required by law to do so;*
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or*
 - (iv) the disclosure is:*
 - (aa) reasonable and in the public interest; and*
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority;**or*
- b. Prevent another person from gaining access to information to which that person is entitled by law."*

7. Employee/Chairman/Vice-Chairman/Lead Member Relations

7.1 It is clearly important that there should be a close working relationship between the above Members and the Employees who are involved in providing the service for which that Member is responsible. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into

question the Employee's ability to deal impartially with other Members and other party groups.

- 7.2 Whilst the Lead Member will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations an Employee will be under a professional duty to submit a report. Similarly, the Chief Fire Officer or other officers of the Authority, e.g. Clerk/Treasurer will always be fully responsible for the contents of any report submitted in his/her name. This means that any such report will be amended only where the amendment reflects the professional judgment of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between a Member and Director in this area should be referred to the Chief Fire Officer for resolution in conjunction with the Chairman.
- 7.3 At some meetings, a resolution may be passed, which authorises named Employees to take action between meetings in consultation with the Chairman and Vice-Chairman. It must be recognised that it is the Employee, rather than the Chairman, Vice-Chairman, who takes the action in such circumstances and it is the Employee who is accountable for it.
- 7.4 Finally, it must be remembered that Employees within a Department are accountable to their Director and that, whilst Employees should always seek to assist they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director.

8. **Correspondence**

- 8.1 Subject to paragraph 4.8, correspondence between an individual Member and an Employee should not normally be copied (by the Employee) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed.
- 8.2 Official letters on behalf of the Authority should normally be sent in the name of the appropriate Employee, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. letters to employees and representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the

Authority should never be sent out in the name of a Member.

9. **Involvement of District Councillors**

- 9.1 Whenever a public meeting is organised by the Authority to consider a local issue, all the Members representing the District or Districts affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Authority undertakes any form of consultative exercise on a local issue, the District Members should be notified at the outset of the exercise.

10. **Press Releases**

- 10.1 From time to time Employees and/or Members may wish to make press releases in relation to the activities of the Authority. Press releases are an important method of keeping in touch with the public and informing them of the work of the Authority. They can range from those which seek comments from members of the public to those which publicise forthcoming activities.
- 10.2 Great care has to be taken that the releases on behalf of the Authority are politically balanced, factually correct, informative and maintain generally accepted moral standards. They cannot be prejudicial or unreasoned and cannot form the basis of political promotion or attacks on individuals or organisations.
- 10.3 The nature of local government is such that there will be a multitude of opinions on any given subject and some will be more controversial than others. Care must be taken, when explaining the Authority's position, that it is not used to persuade public opinion. This could be unlawful in certain circumstances.
- 10.4 The Media Relations Officer, or if it is required, the on duty Press Officer will handle any press release or media queries.
- 10.5 Employees, who wish to issue a press release in their capacity as Trade Union officials, will not be bound by the requirements of paragraph 10.4 of this Protocol, provided that the press release makes it clear that they are speaking in that capacity.
- 10.6 Elected Members perform many roles, e.g. Ward Members, Committee Members, Chairs of Committees or Lead Members. Whilst the role and the capacity in which the Member is acting at any one time will be clear to the Member, it can be difficult for members of the public to differentiate between these roles.

- 10.7 If a Member wishes to issue a statement through the Authority s/he will need to consider how the information may be interpreted by members of the public, e.g. will the public understand that s/he is speaking as a Member of the Authority and not as a Member of the Council they are representing on the Authority.
- 10.8 Members, who wish to release statements about the work of the Authority and who may be perceived by the public as speaking on behalf of the Authority, should discuss the matter with the Chief Fire Officer.
- 10.9 When statements are issued by Elected Members of the Authority it has to be remembered that they may be viewed by the public as being endorsed by the Authority and not just as the opinions of the individual Member. Statements made on behalf of the Authority have to comply with detailed rules about their content.

For this reason the Media Relations Officer is under a duty to inform the Chief Fire Officer if they are of the opinion that the proposed release may breach the publicity rules. If the matter cannot be resolved between the Chief Fire Officer and the Elected Member, the Chief Fire Officer will seek advice from the Monitoring Officer who will discuss the matter with the Member concerned.

11. **Conclusion**

- 11.1 Mutual understanding, openness on these sorts of sensitive issues and basic respect represent an important safeguard of the integrity of the Authority, its Members and Employees.

West Midlands Fire and Rescue Authority

Members' Allowances Scheme

The West Midlands Fire and Rescue Authority, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme: –

1. This scheme may be cited as the West Midlands Fire and Rescue Authority Members' Allowances Scheme, and shall have effect for the period from 23rd June 2008 until 31st March 2009 and in subsequent years from 1st April to 31st March.

2. In this scheme: –

‘Councillor’ means a member of the West Midlands Fire and Rescue Authority who is appointed by the City Councils of Birmingham, Coventry and Wolverhampton and the Metropolitan Borough Councils of Dudley, Sandwell, Solihull and Walsall;

‘Independent Member’ means a person who is not a member of the Authority but who is a member of a Committee or Sub-Committee of the Authority.

‘Year’ means the 12 months ending with 31st March.

3. **Basic Allowance and Co-optees Allowance**

Subject to paragraph 6, for each year:-

- (i) a basic allowance of £3,500.00 shall be paid to each Councillor;
- (ii) a co-optee's allowance of £350 shall be paid to each independent member on the Audit Committee.

4. **Special Responsibility Allowances**

- (i) For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in schedule 1 to this scheme;

- (ii) Subject to paragraph 6, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule;
- (iii) Where a Councillor holds more than one position for which a Special Responsibility Allowance is payable, only one such allowance shall be paid to the Councillor concerned.

5. Dependants' Carers' Allowance

- 5.1 A Dependants' Carers' Allowance is payable to those elected members and independent members who incur expenditure for the care of their children or other dependants whilst undertaking particular approved duties as set out in paragraph 3 of this Scheme.
- 5.2 The amount of the dependants' carers' allowances payable in respect of approved duties will be the actual costs incurred up to a total annual maximum amount of 10% of elected members' basic allowance.

6. Renunciation

A Councillor or an independent member may, by notice in writing given to the Clerk, elect to forego any part of his/her entitlement to an allowance under this scheme.

7. Part Year Entitlement

Basic Allowance and Co-optees Allowance

Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his/her term of office as a member subsists bears to the number of days in that year.

Special Responsibility Allowance

Where a member does not have throughout the whole of a year any such special responsibilities as entitle him/her to a special responsibility allowance, his/her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole the same proportion as the number of days during which he/she has such special responsibilities bears to the number of days in that year.

Backdating

Where an amendment to this scheme is made which affects an allowance payable for the year in which the amendment is made, the entitlement of a member to such allowance, as amended, may at the discretion of the Authority, be backdated to apply with effect from the beginning of the year in which the amendment is made.

8. **Subsistence Allowances**

Members of the Authority and independent members may claim subsistence allowances in connection with or relating to the duties set out in Schedule 2 to this scheme.

Lead members [as identified in Schedule 1] may claim subsistence allowance for attendance at meetings and events in pursuance of their official duties outside of the West Midlands but within the UK.

Members shall only claim allowances for actual expenditure reasonably incurred in connection with approved duties.

Members must submit receipts to substantiate all claims for subsistence allowances.

For approved duties the following rates apply:-

- (i) Breakfast allowance (more than 4 hours away from normal place of residence before 11.00 am) £4.92
- (ii) Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime between 12 noon and 2.00 pm) £6.77
- (iii) Tea allowance (more than 4 hours away from normal place of residence including the period 3.00 pm to 6.00 pm) £2.67
- (iv) Evening meal allowance (more than 4 hours away from normal place of residence ending after 7.00 pm) £8.38

The rates set out above shall be reduced by an appropriate amount in respect of any meal provided free of charge by the Authority.

Members who undertake duties involving an overnight stay should, wherever possible, ensure that their accommodation is pre-booked by officers in accordance with the Authority's normal administrative arrangements. If members book their own accommodation, this is subject to a maximum level of reimbursement as specified below:-

Allowance for absence overnight from the usual place of residence
£79.82 per night

Allowance for such absence in London
£91.04 per night

9. Travelling Allowances

Elected members of the Authority may claim travel allowances only in respect of 'approved duties' [as set out in Schedule 2 to this scheme] which involve travel outside the West Midlands but within the UK. Members holding a special responsibility allowance may claim travel allowance for attendance at meetings and events in pursuance of their official duties outside the West Midlands but within the UK.

Independent persons may claim travelling allowances in respect of costs incurred in connection with or relating to the duties set out in Schedule 2 to this scheme.

Motor Mileage Allowances

The rates for motor cars are as follows:-

Not exceeding 999cc – 34.6 pence per mile

1000 - 1199cc – 39.5 pence per mile

Over 1199cc – 45 pence per mile

After 10,000 business mile the rate becomes 25 pence per mile

Passenger Supplement - for passengers (not exceeding 4), a supplement of 5.0 pence per mile is payable

Claims for journeys undertaken by motor car may include any reasonable car parking fees and congestion charges if applicable.

Public Transport

The actual cost of public transport used by members will be reimbursed by the Authority where such costs are reasonably and necessarily incurred in connection with approved duties. Receipts will be required to substantiate such claims based on the actual expenditure incurred.

Members who travel outside the West Midlands in connection with approved duties by rail, ship or air shall be required to have their travel arrangements pre-booked by officers under the Authority's normal administrative arrangements. The Clerk, in consultation with the Chair of the Authority, may authorise exceptions to this in cases where it is considered beneficial to the Authority for members to make their own transport arrangements. As a general rule, for members travelling by rail, standard class tickets should be purchased. Receipts will be required to substantiate any such claims based on the actual expenditure incurred.

Taxis

Taxi fares (plus a reasonable gratuity) will be reimbursed only if the taxi was used in a case of urgency, or if there was no public transport reasonably available, or if taxi use was justified by the nature of the business on which the member was engaged.

10. **Indexation of Allowances**

The rates of allowances will be increased with effect from 1st April 2009, 2010, 2011 in line with the agreed pay awards to NJC Local Government Services.

11. **Claims and Payments**

- (i) All claims for travelling and subsistence allowances under this scheme shall be made within **three months** of the date of the approved duty in respect of which the entitlement to the allowance arises. Payment of late claims may only be made if the Clerk, in consultation with the Chair of the Authority, is satisfied that the lateness of the claim is justified.

- (ii) Any claims for travelling and subsistence allowances shall be signed by the Councillor claiming the allowance and shall include a statement that where the member is also a member of another authority, that member may not receive allowances from more than one authority in respect of the same duties.
- (iii) In certain cases, where overpayments have been made to any individual to which this scheme relates, the Authority may require repayment of the overpayment.
- (iv) In regard to the payment of basic and special responsibility allowances, payments shall be made as follows: –

- (a) **Basic Allowance**

In instalments of one-twelfth of annual amount due, payable on the 25th day of the month (or nearest working day);

- (b) **Special Responsibility Allowance**

In instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month (or nearest working day) (except where specified otherwise in Schedule 1)

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Schedule of Special Responsibility Allowances 2014/2015

Responsibility	SRA (£)
Chair	24,500
Vice-Chair	12,250
Leader of Principal Opposition Group	7,350
Executive Committee Member	4,900
Scrutiny Committee Chair	8,575
Scrutiny Committee Vice-Chair	6,575
Scrutiny Committee Member	4,900*
Joint Consultative Panel Chair	8,575
Joint Consultative Panel Vice-Chair	3,975
Appeals Committee Chair	4,900
Appeals Committee Vice-Chair	2,450
Audit Committee Chair	8,575
Audit Committee Vice-Chair	3,975
Standards Committee Chair	4,900
Elected Member Basic Allowance	3,500

Co-optees allowances	
Independent Member of the Audit Committee	350

Approved Duties

The following are “approved duties” in connection with the payment of travelling and subsistence allowances:

- 1) A meeting of the Authority or of any Committee or Sub-Committee of the Authority.
- 2) A meeting of any other body to which the Authority or any Committee or Sub-Committee of the Authority makes appointments, or nominations, or any Committee or Sub-Committee of such a body.
- 3) Any other meeting, the holding of which is authorised in advance by the Authority, or a Committee or Sub-Committee of the Authority, or a joint Committee of the Authority or one or more other Committees or a Sub-Committee of such a joint Committee provided that members of at least two political groups have been invited to attend.
- 4) A meeting of any association of authorities of which the Authority is a member.
- 5) Attendance as an appointed representative of the Authority, or of a Committee or Sub-Committee, at a conference, seminar or authorised meeting or visit or at any other meeting authorised by the Authority.

Management and Service Delivery

The Service has established a Corporate Board, comprising the following officers:-

Chief Fire Officer
Deputy Chief Fire Officer
Assistant Chief Fire Officer – Operations
Assistant Chief Fire Officer – Technical and Operational Services
Director - Human Resources
Director – Resources

Corporate Board is responsible for making strategic policy decisions in pursuit of our core values, key priorities, outcomes and strategic objectives to ensure that our resources and activities are targeted towards ‘Making West Midlands Safer’.

Decisions are made in line with Corporate Board Terms of Reference and Corporate Aims as follows:-

Corporate Board Terms of Reference

To make policy decisions in order to:-

Pursue our Core Values of:

- Improvements
- People
- Diversity
- Service to the Community

Pursue our Priorities of:

- 1. Communities and Partnerships**
 - 1.1 Educate, inform, target vulnerable groups
 - 1.2 Ensure our services meet the needs of diverse local communities
 - 1.3 Advice and enforcement
 - 1.4 Combat arson and fire crime
 - 1.5 Work with partner agencies to achieve our common objectives
 - 1.6 Contribute to improvements in local well-being
- 2. Response**
 - 2.1 Deploy appropriate resources
 - 2.2 Deal effectively with incidents
 - 2.3 Provide appropriate vehicles, equipment and risk information
 - 2.4 Develop civil resilience and planning
- 3. People**
 - 3.1 Maintain the health, safety and welfare of our staff
 - 3.2 Enable a skilled and competent workforce to achieve their full potential
 - 3.3 Embrace the values: Equality and Diversity

4. Value for Money

- 4.1 Budget to demonstrate Value for Money
- 4.2 Produce efficiency statements
- 4.3 Ensure Best Value

Pursue our goals of:

- Prevent fires and other hazardous incidents
- Protect life and property
- Mitigate the social, economic and environmental impact of fires and other emergencies

Pursue our outcome of:

‘Making West Midlands Safer’

Corporate Aims

1. *Meeting the Fire Authority’s statutory duties, standards and expectations.*
2. *Creating a financial plan, operating within the budget, ensuring the most efficient use of resources.*
3. *Reducing risk in the community.*
4. *Working in partnership with stakeholders, locally, regionally, nationally and internationally.*
5. *Planning for and responding appropriately to all emergencies.*
6. *Caring for the health, safety and welfare of all our people.*
7. *Operating within a culture of equality and valuing diversity.*
8. *Contributing to the well-being of the environment.*
9. *Developing and supporting sustainable outcomes.*
10. *Ensuring all our people are competent, enabled and achieving their full potential.*
11. *Modernising and improving the quality of service.*
12. *Improving channels of communication.*
13. *Maximising the benefits from the latest technology.*
14. *Having a positive attitude to change.*
15. *Being an influential Fire Authority.*

Brigade Standing Orders

The Corporate Board has developed a number of Standing Orders that set out how the organisation is managed in both strategic and operational terms.

Some of these Standing Orders are the responsibility of the Authority to approve, however the majority are the responsibility of the Corporate Board.

Those Standing Orders that are the responsibility of the Authority are:-

<u>No.</u>	<u>Title</u>
HR 1/1	Organisational Structure
R/PROC 1/8	Procurement Procedures
Top/SHE 1/14	Environmental Policy, Strategy and Principles
R 1/22	Anti-Fraud and Corruption Policy
HR/ER 2/12	Code of Conduct (Officers)
HR/ER 2/15	Declaration of Membership of External Organisations, Acceptance of Donations, Gifts and Hospitality
HR/ER 2/10	Whistle Blowing Policy

WHISTLE BLOWING POLICY

STANDING ORDER 2/20

November 2014

Employee Relations

Service Support: Human Resources

WEST MIDLANDS FIRE SERVICE

WHISTLE BLOWING POLICY

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2. STRATEGY

Following the Public Interest Disclosure Act 1998 (PIDA), which came into force in July 1999, legal protection is now provided to employees who raise concerns about suspected dangerous or illegal activity that they are aware of through their work. The common term for voicing such concerns is 'whistle blowing'. West Midlands Fire Service (WMFS) wishes to create an open and honest culture by being compliant with its statutory obligations, detailed in the Act, and ethical standards, detailed in its Core Values. Details on our core values can be found in the Equality & Diversity Standing Order 0213 or 'The Plan': <http://wm-srv-alf-01:8080/share/proxy/alfresco/api/node/content/workspace/SpacesStore/4806b62c-f0c9-4600-a25d-8557d1360ead/The%20Plan%202014-2017.pdf>

Employees are often the first to realise that there may be something seriously wrong with the organisation that employs them. They may be able to alert the organisation early on to things like fraud, negligence, bribery and health and safety risks. However, they may not express their concerns, because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may be no more than a suspicion of malpractice.

The procedures in this order give ways for individuals to raise concerns and receive feedback on any action taken. It makes sure that individuals receive a response and know how to pursue concerns if they are not happy with the response. It gives reassurance that individuals will be protected from possible reprisals or victimisation if they believe they have made a disclosure.

3. PROCEDURE

3.1 What the policy covers

The Public Interest Disclosure Act 1998 makes sure that employees, contractors providing services, most agency workers, home workers and trainees on vocational and work experience schemes are legally protected in raising concerns responsibly.

External contractors may encounter wrongdoing that affects WMFS. Therefore, this whistle blowing policy is also open to employees of our contractors.

The subject of concern may be something unlawful, against the Service's policies, below established standards of practice, or that amounts to improper conduct. The overriding concern should be that it would be in the public interest for the alleged malpractice to be corrected.

Whistle blowing is when an employee reports suspected wrongdoing at work. Officially this is called 'making a disclosure in the public interest'.

An employee can report things that aren't right, are illegal or if anyone at work is neglecting their duties, including:

- Someone's health and safety is in danger
- Damage to the environment
- A criminal offence
- The company isn't obeying the law (like not having the right insurance)
- Covering up wrongdoing
- Behaviours that are being displayed

Distinction between grievance and whistle blowing

Whistle blowing occurs when an employee raises a concern about danger or illegality that affects others, not themselves personally. When someone raises a concern through the Service's grievance procedure, they are saying that they have personally been poorly treated and they are seeking redress or justice for themselves. The whistle blowing policy is intended to cover concerns that fall outside the scope of grievance or other existing Service procedures.

3.2 How to raise a concern

If the matter relates to any fraudulent or corrupt activity, concerns should be raised in accordance with procedures detailed in the standing order Anti-Fraud, Corruption and bribery Policy 0122.

If the complainant wishes to raise or discuss any issues which might fall into the above category then the complainant should contact a member of the SET, the Treasurer or the Clerk to the Fire Authority will be required by WMFS to treat the matter in confidence.

Concerns are better raised in writing. The complainant should set out the background and history of the concern giving names, dates and places where possible and the reason why the complainant is particularly concerned about the situation. If the complainant does not feel able to put the concern in writing, then the complainant can discuss the concerns verbally with a member of the SET, or the Treasurer or the Clerk to the Fire Authority.

The earlier that the complainant can express the concern and the more detail can be provided, the easier it will be for the Service to take appropriate and necessary action. Remember:

- the complainant must disclose the information
- the complainant must believe it to be substantially true
- the complainant must not act maliciously or make false allegations
- the complainant must not seek any personal gain

At this stage the complainant will not be expected to prove the allegation, but will need to demonstrate to the person contacted that there are sufficient grounds for reasonable suspicion or concern.

The complainant may invite a member of the trade union representative body or a work colleague to be present during any meetings or interviews in connection with the concerns raised.

Where a concern relates to a Brigade Manager or SET, then either the Strategic Enabler for People (as Responsible Officer), or Deputy Chief Fire Officer or Chief Fire Officer, as appropriate, should be contacted in the first instance. The Monitoring Officer role for the Fire Authority is Head of Legal Services at Sandwell MBC.

The Treasurer to the Fire Authority may be contacted on 0121 569 3504. The Clerk/Monitoring Officer to the Fire Authority may be contacted on 0121 569 3172. Concerns are better raised in writing and may be sent for the attention of either person at:

Sandwell Council House,
PO Box 2374
Oldbury
West Midlands
B69 3DE.

3.3 Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal the identity of the complainant. However, it is likely that further investigation will be necessary and the complainant maybe required to attend a disciplinary or investigative hearing as a witness at the appropriate time. An employee raises a concern confidentially if they give their name only on condition that it is not revealed without their consent. A concern is raised anonymously if the employee does not give their name.

3.4 How the Service will respond

The action taken by the Service will depend on the nature of the concern. The matters raised may be investigated internally by an appropriately experienced officer knowledgeable in the area concerned, for example, audit, Line Manager or human resources.

Alternatively through the disciplinary process, the matter may be referred to the police, the external auditor or may be the subject of an independent enquiry.

In order to protect individuals and the Service, and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures, for example, unfair discrimination issues, will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. Members of the SET can seek guidance from the Strategic Enabler of People at any stage in the investigation.

Within 10 working days of a concern being raised, the individual with whom the concern was raised will write to the complainant:

- acknowledging that the concern has been received;
- indicating how the matter is to be dealt with;
- giving an estimate of how long it will take to provide a final response;
- telling the complainant whether any initial enquiries have been made;
- supplying the complainant with information on staff support mechanisms; and
- telling the complainant whether further investigations will take place and if not why not.

The amount of contact between the officer(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the complainant in a discreet manner.

When any meeting is arranged, the complainant will have the right to be accompanied by a representative body or a work colleague. The meeting can be held off site if requested.

West Midlands Fire Service will take steps to minimise any difficulties, which may be experienced as a result of raising a concern and provide any appropriate support. For instance if required to give evidence in disciplinary or criminal proceedings, the Service will advise the complainant of the procedure and give reasonable support. Subject to legal constraints, the complainant will receive information about the outcomes of investigations.

Upon completion of the investigation, **all** documents will be forwarded to the Strategic Enabler of People.

3.5 Responsible officer

The Strategic Enabler of People has overall responsibility for the maintenance and operation of this policy. This officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger the complainant's confidentiality) and will report as necessary to the Service.

3.6 Harassment or victimisation

West Midlands Fire Service recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice. The Service will not tolerate harassment or victimisation and will take action to protect the complainant when a concern is raised.

3.7 Untrue allegations

If the complainant makes an allegation, but it is not confirmed by the investigation, no action will be taken against the complainant. If however the complainant makes an allegation which, upon full investigation, is found to have been malicious or vexatious, disciplinary action will be considered and the protection of the PIDA will be lost.

3.8 Anonymous allegations

This policy encourages the complainant to put their name to the concerns. Concerns expressed anonymously are much less powerful, but will be considered at the discretion of the Strategic Enabler of People.

In exercising this discretion the factors to be taken into account would include the:

- seriousness of the issues raised;
- credibility of the concern; and
- likelihood of confirming the allegation from attributable sources and information provided.

3.9 How the matter can be taken further

This policy is intended to provide the complainant with an avenue to raise concerns within the Service. We hope the complainant will be satisfied with the response. If not, the complainant must indicate this to the Strategic Enabler of People or the Treasurer or Clerk to the Fire Authority.

Legal advice may be sought on any concerns about malpractice. If the employee feels it is right to take the matter outside the Service, the following are possible contacts:

- the complainant's recognised trade union
- Citizens Advice Bureau
- A solicitor
- The Police
- Relevant professional bodies or regulatory organisations, such as Ombudsmen.

Public Concern at Work (www.pcaw.co.uk) is a charity that offers free advice to people concerned about danger or malpractice in the workplace, but who are unsure whether, or how, to raise the matter.

4. CROSS REFERENCES

This Standing Order makes reference to and complements issues contained in other Orders, namely:

Standing Order No. 1/22	Anti-Fraud, Corruption and Bribery Policy
Standing Order No. 2/1	Disciplinary Procedure
Standing Order No. 2/17	Dignity at Work

5. KEY CONSULTEES

Minor changes only have been made to this Order and consultation was not necessary.

6. EQUALITY AND DIVERSITY

The initial Equality Impact Assessment raised no issues so a full impact assessment was not required.

7. OWNERSHIP

This Standing Order did not require Authority or Corporate Board approval.

8. RESPONSIBILITY AND REVIEW/AMENDMENT

8.1 Responsible SET Member/Department

Strategic Enabler People/HR Employee Relations Team

8.2 Created/fully reviewed/amended

This Standing Order has been reviewed, amended by Employee Relations May 2014.

Fully reviewed and amended November 2014.

Customer care standards

Compliments, comments and complaints



Prevention



Protection



Response

Making West Midlands Safer

WEST MIDLANDS FIRE SERVICE

www.wmfs.net



A stylized, handwritten signature in black ink, consisting of a large, flowing 'P' and 'L'.

Phil Loach

Chief Fire Officer

West Midlands Fire Service

Our service to you

West Midlands Fire Service are proud of the services we provide and are committed to providing you with a caring, efficient and cost effective fire service, which we continually seek to improve.

We are the second largest Metropolitan Fire Service in the country, providing fire safety education and emergency response to people who live and work across the West Midlands area.

Our organisation provides a wide range of services to you, the public. This document provides you with information about the standards you can expect when you contact us and how you can compliment, comment or complain (CCC) about the service you have received.

Your comments are important to us and help us to improve our service to you.



About West Midlands Fire Service

Our vision is to make the West Midlands safer for our diverse communities.

West Midlands Fire Service is the second largest fire and rescue service in the country, delivering emergency response, prevention, advice and legislative enforcement services to 2.7 million residents in the seven local authority districts that make up the service area within the West Midlands conurbation.

We are accountable to the public, via the [West Midlands Fire and Rescue Authority](#), made up of 27 local councillors from Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.

We continually remain focused on reducing risk by preventing emergencies through public involvement, engaging with our partners, targeting schools, communities and vulnerable people with advice and guidance.

Our protection service prioritises the risks to the business sector, focusing on the provision of advice and, importantly, the enforcement of legislation.

Our response service protects life and properties across the range of emergencies we attend.

Please be aware we operate on shift pattern systems. Therefore there may be a slight delay in responses.



Customer care standard 1

Phone enquiries

General (non-emergencies) Always dial 999 in an emergency

We will aim to answer calls within seven rings in a courteous and professional manner.

We will answer the call giving our name and location.

If we have to transfer calls we will aim to:

- ensure the caller is connected to the person they need
- give the caller the correct phone number
- take a message if the relevant person is not available and ensure it is given to the person concerned as soon as possible

We will not intentionally ignore a ringing phone.

During operational emergencies

We will obtain a phone number to call you back on at the start of the call and explain that we will ring you back when the emergency has been dealt with.



Customer care standard 2

Written communication

When you write to us:

We will, where appropriate, acknowledge receipt of your letter within three working days and send a written reply within ten working days.

If we are unable to reply fully to your letter within ten working days, we will let you know why and when you can expect to receive a full reply.

When we write to you, we will:

- thank you for the correspondence
- state who is dealing with the issue
- state what is being done
- give name and contact number for any queries
- action any stated proposals and give a timescale for these

Response standards for e-mail

We will:

- acknowledge e-mail enquiries within 24 hours, and reply within ten working days
- let you know why and when you can expect a full reply if we are unable to satisfy your request within the initial ten working day period



Customer care standard 3

Face to face communications

All visitors will:

- be greeted in a courteous and friendly manner
- be given the name of the person greeting them
- be given any information, where appropriate, requested during the visit
- be given an explanation of why information is not available at the time of the visit and when it will be available or why it will not be possible for the information to be provided by the Service



Customer care standard 4

Compliments, comments and complaints (CCC) procedure

We value your views. Your comments will help us to improve services.

When things go well:

- Please let us know. You can contact any [local fire station*](#) in person, by phone, letter, or email and your points of view will be noted and acted upon.

When things go wrong:

- we will receive your complaint at any [fire station*](#) or fire service premises in the West Midlands by phone, letter, e-mail or in person
- acknowledge your complaint within three working days. This may be by phone, personal visit, e-mail or letter
- contact you within ten working days and inform you of the outcome or progress of the investigation about your complaint
- give an explanation for any delay in the investigation and a new deadline for the outcome of the complaint

If you feel your complaint has not been resolved satisfactorily you may also contact your local councillor, the local Government Ombudsman or seek independent advice from the Citizens Advice or a solicitor.

Contact us

If you would like to contact West Midlands Fire Service on any issue please contact the Public Relations Team by using one of the following methods:

Phone: **0121 380 6102**
(during office hours)

Public Relations Team: **0121 380 7404**
(24 hour answerphone)

Via our website: www.wmfs.net

By e-mail: contact@wmfs.net

By letter: **Public Relations**
West Midlands Fire Service Headquarters
99 Vauxhall Road
Birmingham B7 4HW

Our website provides a wide range of information about your [local fire station](#) and the [West Midlands Fire Service](#) as a whole including details of the services we provide, our performance, [fire safety advice](#) and [recruitment](#).

Always remember in an emergency dial 999

The West Midlands Fire and Rescue Authority is committed to equality of opportunity but must demonstrate value for money. All requests for our leaflets and publications in alternative formats and languages will be considered. However, due to cost, we may seek other methods of communication. Please call 0121 380 7404 (24 hour answerphone).

Fire

doesn't care who it kills.

Get a **FREE** Home Safety Check
by your local firefighters
contact **FREE** phone

0800 389 5525

We take your safety seriously.



Prevention



Protection



Response

Making West Midlands Safer

WEST MIDLANDS FIRE SERVICE

www.wmfs.net