West Yorkshire
Fire & Rescue Service

West Yorkshire Fire and Rescue Authority Constitution

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The EIA is available on request from the report author or from diversity.inclusion@westyorksfire.gov.uk

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Part 1 - Summary and explanation

West Yorkshire Fire and Rescue Authority has agreed a constitution which sets out how the Authority operates, how decisions are made and the procedures which 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 14 Articles, set out in Part 2, which set out the basic rules governing the Authority's business. More detailed procedures and codes of practice are provided in separate rules and procedures and protocols at the end of the constitution.

1. What's in the constitution?

Article 1 of the constitution sets out the primary purpose of the constitution whilst Articles 2 to 14 explain how the key parts of the Authority operates, including the rights of citizens.

These Articles are:

1. Purpose of Constitution
2. Members of the Authority
3. Citizens and the Authority
4. The Role of the Authority, Legal Structure and Delegations
5. Chairing the Authority
6. The Role of the Executive Committee
7. The Role of the Finance & Resources Committee
8. The Role of the People and Culture Committee
9. The Role of the Community Safety Committee
10. The Role of the Audit Committee
11. The Key Officers and the Management Structure
12. Decision Making
13. Finance, Contracts and Legal Matters
14. Review and Revision of the Constitution
15. Suspension, Interpretation and Publication of the Constitution

2. How the Authority operates

The Authority is composed of 22 members, all of whom must be a Councillor elected to one of the five constituent district councils within West Yorkshire, as described in Article 2.1. The overriding duty of Members of the Authority is to the whole community of West Yorkshire.

Members must agree to follow an approved Code of Conduct designed to ensure high standards in the way they undertake their duties.

All members meet 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.

3. How Decisions are Made

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

4. The Authority's Staff

The Authority has people working for it (described as "officers") to give advice, to implement decisions and, to manage the day-to-day delivery of its services. The most senior officers will be described as "Executive Officers" in this Constitution. Some officers such as the Monitoring Officer have a specific statutory duty to ensure that the Authority acts within the law. A Code of Practice (Member Officer Relations Protocol) has been approved to govern the relationships between officers and members of the Authority.

5. Citizens' Rights

Citizens have a number of rights in their dealings with the Authority. These are set out in more detail in Article 3. Some of these are legal rights whereas other rights depend upon the Authority's own processes. Citizens' rights include the following:

- The right to attend meetings of the Authority and its committees and sub-committees except where for example personal or confidential matters are being discussed.
- To inspect agendas and reports, except those which contain for example personal and confidential matters.
- To obtain a copy of this constitution.
- To see reports and background papers (save for exempt confidential items) and to see records of decisions made by the Authority and its committees and sub-committees.
- To complain to the Authority under the Authority's own complaints processes. To complain to the Ombudsman if they think Authority has not followed its procedures properly, however, they should only do this after using the Authority's own complaints process.
- To inspect the Authority's accounts and to make their views known to the external auditor.

The Authority welcomes participation by its citizens in its work.

Part 2 - Constitution Of The Authority

1. Purpose of the Constitution

1.1. Discharge of Functions

This constitution and its appendices overall comprise the constitution of the West Yorkshire 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 Yorkshire 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 assisting:

- Members to discharge their role as decision makers efficiently and effectively
- Ensure that the decision-making processes are clearly identifiable to citizens
- Provide citizens with information about their rights and right to be involved in the process of decision making
- Provide 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 at least once per annum and, consequential upon any review, make any changes deemed appropriate.

2. Members of the Authority

2.1. Composition and Eligibility

Composition – The Authority comprises 22 members, each of whom must be an elected councillor, elected to one of the five constituent district councils comprising West Yorkshire. The constituent councils appoint members to the Authority in accordance with the provisions of the Local Government Act 1985. These appointments are made (subject to compliance with the political balance requirements of the Local Government and Housing Act 1989) in the following proportions:
Leeds 8
Bradford 5
Kirklees 4
Wakefield 3
Calderdale 2

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:

1. act corporately for the good governance of the Authority, balancing the needs of the whole community of West Yorkshire with their role of local representative
2. 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 Yorkshire
3. on a regular basis, to attend meetings of the Authority and any committees, sub-committees, working parties 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 Integrated Risk Management Plan in accordance with principles of good public governance, including a requirement to always act in accordance with:

    a. statutory and other legal requirements
    b. the code of conduct for members
    c. standing orders of the Authority
    d. the member/officer protocol

4. represent the Authority throughout the area of West Yorkshire
5. if appointed by the Authority to an external body; to represent the interests of the Authority on that body.
6. 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 Yorkshire.

2.2.1. Roles and Responsibilities of Designated Office Holders

Chair of the Authority:

1. to provide overall political leadership to the Authority
2. to chair meetings of the Authority and the Authority Executive Committee and to ensure their overall effectiveness.
3. to provide effective leadership in the development of the Authority's policy, strategy and budget proposals.
4. to lead on the implementation of effect service delivery and the Authority's approved policies and strategies.

5. to act as the Authority's principal member spokesperson at local, regional and national level.
6. to seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the efficient discharge of the Authority's functions.
7. to lead in the development of good working relationships between the leaders of political groups represented on the Authority.

Vice Chair of the Authority:

1. to support the Chair of the Authority in discharging the roles associated with the office of Chair.
2. to deputise for the Chair in their absence.

Minority Party Group Leaders

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

All Committee Chairs:

1. to chair the committee and ensure its overall effectiveness
2. to have a working knowledge of the Authority's relevant policies and strategies and to ensure that they are sufficiently and effectively briefed by officers on matters coming before the committee
3. to coordinate and manage the work of the committee
4. support the role of the Chair of the Authority in the development of policy, strategy, and budget proposals.

All Committee Vice Chairs:

1. to support the committee chair in discharging the roles of the chair
2. to deputise for the committee chair during any absence of the chair

2.3. Rights and Duties of Members

2.3.1. Access Rights

Members will have such rights of access to such documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.

2.3.2. Document Inspection

A Member of the Authority may, for the purposes of their duty as such Member but not otherwise, on application to the Clerk (Director of Corporate Services) inspect any document which has been considered by a Committee or a Sub-Committee or by the

Authority and shall on request be supplied for the like purposes with a copy of such a document if practicable.

Provided that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which they are professionally interested or in which they have directly or indirectly any Disclosable Pecuniary Interests and that this Standing Order shall not preclude the Clerk (Director of Corporate Services) from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

2.3.3. Committee Reports

All reports made, or minutes kept by any Committee or Sub-Committee shall be open for the inspection of any Member of the Authority during office hours.

2.3.4. Confidential Documents

Subject to any statutory provision in that behalf, no Member of the Authority shall, without the consent of the Authority, be entitled to inspect any document in the custody of any officer of the Authority if, in the opinion of that officer and of the Clerk (Director of Corporate Services), the document is of a confidential nature.

2.3.5. Inspection of Lands, Premises etc

Unless specifically authorised to do so by the Authority or a Committee or Sub-Committee, a Member of the Authority shall not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of their membership of the Authority any right to inspect or to enter upon any lands or premises of the Authority or which the Authority has the power or duty to inspect or enter.

2.3.6. Confidential Documents

Members will not make public information, which is confidential or exempt, without the consent of the Authority or divulge information given in confidence to anyone other than a member or officer of the Authority entitled to know it.

2.3.7. Confidential Exempt Information

For these purposes “confidential” “exempt” information are defined in the access to information rules in Part 3 of this constitution.

2.3.8. Appointment of Relatives of Members

A candidate for any appointment under the Authority who knows that they are related to any Member of the Authority shall, when making application, disclose that relationship to the chief officer concerned. A candidate who fails to disclose such relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every Member of the Authority shall disclose to the chief officer concerned any relationship

which includes civil partnership or sharing a residence, known to them to exist between themself and any person whom they know is a candidate for an appointment under the Authority. The chief officer concerned shall report to the Authority any such disclosure made to them.

2.3.9. Failure to Attend Meetings

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. The Clerk (Director of Corporate Services) 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.

2.4. Conduct

Members will, at all times, observe the Members Code of Conduct and the Member/Officer relations protocol set out in Part 5 of this constitution.

2.5. Allowances

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

3. Citizens and the Authority

3.1. Citizens' Rights

Citizens have the following rights:

3.1.1. Information – Citizens have the right to:

1. Attend meetings of the Authority, its committees, and sub-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.
2. See reports and background papers (except for confidential or exempt reports and papers) and any record of decisions by the Authority and its committees or sub-committees.
3. Inspect the Authority's accounts and make representations to the district auditor about the content of those accounts.

3.1.2. Participation and Consultation

1. Citizens and citizens' organisations and interest groups may be invited to contribute to meetings of the Authority and its committees and subcommittees and subject to the agreement of the Authority, committee or subcommittee, may bring a deputation to the meeting on any matter of interest.
2. Citizens (not including Authority employees or politicians) attending Authority Meetings are entitled to ask questions of the Chair of the Authority subject to the following public speaking policy provisions:

    - Notice of questions which must be relevant to the remit and functions of the Authority must be received by the Monitoring Officer at least 3 clear working days before the Meeting.
    - Each question shall be limited to a maximum of 3 minutes and the overall question time period will be limited to a maximum of 15 minutes.
    - If the Chair of the Authority or Member or Officer designated by the Chair cannot provide an immediate answer the Authority will endeavour to provide a written response within 10 working days.
    - Questions are not permitted:
        a. At AGM and Budget meetings or between publication of election dates and the date of an election
        b. About confidential matters exempt from public disclosure as determined by the Monitoring Officer
        c. About prosecutions or civil litigation involving the Authority or about disciplinary matters involving employees or complaints involving Members subject to Investigation and Adjudication
        d. If the Chair determines the question to be of a personal nature, defamatory, offensive, frivolous, repetitive, or vexatious.
3. Citizens can expect to be consulted on significant issues on either a local or Authority wide basis depending on the nature of the matter and its relative effect on the community.
4. The Authority has established arrangements for consultation for key areas of activities for example consultation procedures involving all relevant stakeholders on the Integrated Risk Management Plan.

3.1.3. Complaints – Citizens have the right to complain to:

1. The Authority, under its complaints scheme.
2. The Local Government Ombudsman after using the Authority's complaints scheme.

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.

3.3. Recording Protocol

3.3.1. Public Meetings

In accordance with Section 40 of the Local Audit and Accountability Act 2014 members of the public are permitted to film public meetings of the West Yorkshire Fire and Rescue Authority (the Authority).

The Authority wants to be open and transparent in the way in which it conducts its decision-making.

Recording is allowed at all public meetings of the Authority to enable those not present to see or hear the proceedings either as they take place (or later) to enable the reporting of those proceedings.

All agendas will indicate that recordings may be made at the meeting by third parties and signage will also be displayed.

Any Third-Party Recording will be undertaken in accordance with the following provisions.

1. Recording is permitted from a fixed point at all meetings of the Authority whilst these meetings are open to the public.
2. Those wishing to record proceedings should, as a courtesy, inform the Chair (or Clerk) of the meeting of their intentions to record prior to the commencement of the meeting. They will be given a copy of the "Code of Practice for the Use of Recording by Third Parties" (para 3.3.2).
3. Recordings may only be taken overtly from a designated area and;
    a. Recording devices must be in silent mode and no simultaneous commentary may be made.
    b. No flash or additional lighting is permitted; and
    c. Recordings must be taken from one fixed position and must not obstruct others from observing proceedings.
4. The Chair of the meeting has the authority to instruct that recording be stopped and recording equipment switched off where;
    a. The press and public have been excluded from the meeting due to the nature of business being discussed (exempt or confidential).
    b. There is public disturbance or a suspension / adjournment of the meeting.
    c. The recording has become disruptive or distracting to the good order and conduct of the meeting; or
    d. Continued recording is against the wishes of a member(s) of the public present. In such cases the Chair may prohibit filming of that individual(s) but continued audio recording may be permitted where the contributions are material to the resolutions to be made.

3.3.2. Code of Practice for the use of Recording by Third Parties

This Code of Practice is to be used in conjunction with the Authority's "Recording Protocol: Third Party Recording of the Full Authority and its constituent Committees and Boards etc" and a copy of the Code will be given to those members of the public who wish to make such a recording.

1. Any published recording should be accompanied by the following statements:
    a. when and where the recording was made
    b. the context of the discussion that took place
    c. clear identification of the main speakers (Members and / or Officers of the Authority) together with their role and title
2. The recordings must not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees.
3. There should be no internal editing of published extracts; recording may start at any point and end at any point but the material between those points must be complete.

4.The Role of 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 the common law. The Authority has delegated a range of decision making 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 and subcommittees appointed by the Authority and described in this constitution shall be subject to:

1. statutory or legal requirements
2. standing orders and financial regulations of the Authority
3. 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 or sub-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 or subcommittee under its approved terms of reference and delegated Authority.

4.2 Functions Reserved to the Authority

Only the Authority will exercise the following functions:

4.2.1 Variations to standing orders and financial standing orders

4.2.2 The revenue budget and capital plan, levying or issuing of a precept or borrowing on money.

4.2.3 Major policy issues including:

1. the number and location of fire stations
2. major organisational variations to the management structure of the Authority and the command structure of the Brigade
3. major variations to the establishment scheme
4. proposals for expenditure not within approved revenue budget or capital plans

4.2.4 Adopting a members' allowances scheme

4.2.5 Appointing the Chair and Vice Chair of the Authority and the Chairs and Vice Chairs of the committees and sub-committees of the Authority.

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

4.3 Authority Meetings

There are three types of Authority meetings:

i. The annual meeting
ii. Ordinary meetings
iii. Extraordinary meetings These meetings will be conducted in accordance with the Authority's standing orders/procedural rules set out in Part 3 of this constitution.

5. Chairing the Authority

5.1 Electing the Chair and Vice Chair of the Authority

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

5.2 Roles and Responsibilities of the Chair and in his absence the Vice 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 3 of this constitution. In addition, the Chair will discharge the roles and responsibilities set out in Article 2.2 of this constitution.

6.The Executive Committee

6.1 Membership

The Authority has appointed an Executive Committee. The committee has 6 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. Ordinarily it will be expected that this will include the Chair and Vice Chair of the Authority.

6.2 Role and Functions

The Executive Committee will have the following roles and functions.

1. Notwithstanding any standing order or the terms of reference of any other committee or the matters reserved to the Authority to deal with any matter (except those reserved to the Authority by law) which will not admit of delay.
2. The appointment of the Chief Executive/Chief Fire Officer and other Executive Officers to the Authority and to determine all matters relating to their terms and conditions of appointment and service.
3. Policy strategy and implementation relating to matters of general management of the Authority.
4. Member level representation on the Consultation and Negotiation Panel
5. Responsibility for decisions about ethical standards matters including the promotion and maintenance of high standards of ethical conduct by Members and the exercise of any related statutory functions including procedures and decisions about complaints and their investigation, the grant of dispensations from voting restrictions (not otherwise delegated) and any other matters concerning the determination of ethical standards save for matters reserved to the Authority by law.
6. Power to establish temporary sub-committees for the purposes of investigating and adjudicating upon complaints against Members.
7. To undertake effective scrutiny of Authority / Fire & Rescue Service functions and activities.
8. To undertake directly or by means of the appointment of Member-led task and finish groups in any year such scrutiny reviews as the committee determines are appropriate.
9. The committee or any task and finish group will conduct robust reviews and challenges adopting an evidence-based approach identifying areas of priority for scrutiny identifying any areas of performance delivery concern with a view to producing specific recommendations for further consideration and/or action by Officers or for consideration by the Authority or a relevant committee.
10. To receive monitor and scrutinise performance information including CRMP progress and overall service delivery performance standards including the effectiveness of any policies and procedures.

11. The Committee may carry out its scrutiny / review functions in such a manner it deems appropriate including the appointment to the Committee of non-voting Members, assessors, advisers, and external consultants and / or by Member-led task and finish groups.
12. Approval of all Tri Emergency Service collaboration initiatives (already approved by the Authority)
13. Appointment of Local Pension Scheme Member representatives on an annual basis.

7. Finance & Resources Committee

7.1 Membership

The Authority has appointed a Finance & Resources Committee. The number of members of the committee is 11 who shall be appointed in accordance with the Local Government and Housing Act 1989 and the political balance regulations.

7.2 Role and Functions

The role and functions of the committee are as follows:

To consider and /or to determine and/or to report to the Authority on the following matters:

1. Finance (except the levying or issuing of a precept or borrowing money);
2. Financial Regulations.
3. Delegation of Powers to Executive Officers.
4. Insurance matters.
5. Members' allowances.
6. Attendance of Members and Officers at conferences and seminars.
7. All claims by or against the Authority.
8. Data Protection and Computer Development.
9. Buildings, Land and Property.
10. Servicing arrangements with Kirklees Metropolitan Council and Agency or Consultancy arrangements with any other organisation
11. Purchasing of supplies, vehicles and services.
12. The award of tenders and monitoring of contracts including Compulsory Competitive Tendering requirements and approved lists.
13. Membership Subscriptions.
14. Expenditure on periodicals and publications.
15. Examination of Creditors' Accounts.
16. Superannuation and gratuities.
17. The response to formal consultations of the Authority carried out by any other body not being in relation to matters dealt with by officers under the Scheme of Delegations of Powers or which fall under the terms of reference of the Community Safety Committee in that they relate to core service policy development matters.
18. To make recommendations to the Authority in matters relating to:

The Revenue Budget and Capital Plan and/or issuing of a precept or borrowing of money.

19. Miscellaneous Financial matters including Virement. Banking arrangements. Leasing. Investments. Writing off bad debts. Fees and Charges.

8. People and Culture Committee

8.1 Membership

The Authority has appointed a People and Culture Committee. The number of members of the committee is 11 who shall be appointed in accordance with the Local Government and Housing Act 1989 and the political balance regulations.

8.2 Role and Functions

To consider and determine matters of policy within approved budgets and/or report to the Authority in relation to:

1. Issues relating to the employment of staff
2. Local and national conditions of service for employees of the Authority
3. Recruitment and establishments
4. Industrial relations involving the interpretation of national agreements and the application of local agreements
5. The application of the Authority's policy on equal opportunities
6. Matters relating to the West Yorkshire Fire and Rescue Service Training Centre, including:
    a. the training requirements of the Fire Service including statutory responsibilities laid down in the Fire and Rescue Services Act 2004
    b. the functioning and marketing of training facilities
    c. the future training requirements of the Service and Authority
    d. the determination of course fees and charges for use of facilities
    e. equipment provision
7. Pension matters including consideration of recommendations from the Local Pension Board.

9. Community Safety Committee

9.1 Membership

The Authority has appointed a Community Safety Committee. The number of members of the committee is 11 who shall be appointed in accordance with the Local Government and Housing Act 1989 and the political balance regulations.

9.2 Role and Functions

The role and functions of the committee are as follows:

Subject to the matters reserved to the Authority to consider and determine all matters of policy relating to the development and delivery of Statutory Core Functions to the Community, namely Fire Safety, Firefighting, Road traffic collisions, Emergencies, other Eventualities and Statutory Civil Contingency responsibilities including the authorisation of related financial expenditure (and to report to the Authority on such matters as are reserved) including:

1. Emergency response, prevention, enforcement and, protection services
2. Safer and Healthier Community issues
3. Community Risk Management Plan
4. Shared services and partnership arrangements with other Fire and Rescue Authorities, Local Authorities, public sector bodies, central government agencies and, private bodies concerning Statutory Core Functions and Civil Contingency responsibilities
5. National resilience support arrangements
6. To establish and determine the terms of reference of any non-executive working parties task groups or scrutiny groups as may be appropriate to advise and/or assist the Committee in discharging its functions
7. The response to any formal consultations of the Authority by other bodies relating to core function, civil contingency, and national resilience support issues.

10. Audit Committee

10.1 Membership

The Authority has appointed an Audit Committee. The number of members of the committee is 6 who shall be appointed in accordance with the Local Government and Housing Act 1989 and the political balance regulations. An Independent Member is also appointed to sit on the Audit Committee.

10.2 Roles and Functions

1. To consider the Director of Finance and Procurement's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the authority's corporate governance arrangements.
2. To consider summaries of specific internal audit reports as requested.
3. To consider reports dealing with the management and performance of the providers of internal audit services including compliance with Public Sector Internal Audit Standards (PSIAS).
4. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
5. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
6. To consider specific reports as agreed with the external auditor.
7. To comment on the scope and depth of external audit work and to ensure it gives value for money.

8. To liaise with the Audit Commission over the appointment of the Authority's external auditor.
9. To maintain an overview of the Authority's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
10. To review any issue referred to it by the Chief Executive or an Executive Officer, or any authority body.
11. To monitor the effective development and operation of risk management and corporate governance in the authority.
12. To monitor authority policies on 'Raising Concerns at Work' and anti-fraud and anticorruption strategy and the authority's complaints process.
13. To oversee the production of the Authority's Statement on Internal Control and to recommend its adoption.
14. To consider the Authority's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
15. To consider the Authority's compliance with its own and other published standards and controls.
16. 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.
17. To consider the external auditor's report to those charged with governance on issues arising from the audit of accounts.
18. To receive information about and to monitor and make recommendations to the Authority about service performance issues and the efficient use of resources.
19. To consider and determine and/or (where decisions are required by law or otherwise to be made by the Authority itself) to report to the Authority on:
    all matters relating to the powers, duties, and responsibilities of the Authority in its capacity as a designated Best Value Authority under the Local Government Act 1999.

10A. Local Pension Board

10.A1 Membership

1. The Authority has appointed a Local Pension Board under the Public Services Act 2013. This Board is not an ordinary committee of the Authority and is not subject to political balance regulations. It has a membership of 3 Scheme Manager representatives (elected members), 3 Scheme Members, and non-voting Officer(s) as appropriate.
2. Elected member representation on the Board will be determined by the Fire Authority.
3. The Officer Advisor will be a specific officer who is to assist the Board in gathering/analysing information and writing reports. The Board will also be able to request assistance from any officer who has specific knowledge of a subject matter they are investigating.

4. A Local Pension Board membership of four is the most straightforward and cost-effective way of providing the Local Pension Board and complying with the Regulations.

Scheme Member representatives

5. WYFRA scheme member representatives shall be appointed to the Board on an annual basis (or otherwise required) by the Executive Committee of the WYFRA following a formal application process.
6. Two Scheme member representatives will be active, deferred or retired members of one of the firefighter pension schemes administered by WYFRA and one will be a representative of the Fire Brigades' Union (and also a member of one of the firefighter pension schemes administered by WYFRA).
7. Scheme member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

Scheme Manager representatives

8. WYFRA Scheme Manager representatives shall be appointed to the Board.
9. Scheme Manager representatives with delegated responsibility for discharging the scheme manager function of WYFRA may not serve as Scheme Manager representatives.
10. Scheme Manager representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
11. Two Scheme Manager representatives (elected Members) shall be appointed by WYFRA at its Annual meeting (or as otherwise required) and one shall be an officer of the Authority appointed by WYFRA's Management Board / Team on an annual basis (or as otherwise required)

Appointment of Chair and Vice chair

12. Local Pension Board Members will act as the Chair and Vice chair on a rotational basis, these will change annually, unless agreed otherwise.

Notification of appointments

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

10.A2 Objectives

1. WYFRA Local Pension Board should consider the following:
   - Are pension statements timely and accurate?
   - How long does it take between retirement and receipt of pension?
   - The number of errors made by the pension administrator.
   - Are relevant policies in place and of a sufficient standard?
   - Are pension estimates accurate and timely?

- Is the West Yorkshire Pension Fund (WYPF) website accurate and user friendly?
- Ensure that annual CARE scheme calculations are being carried out.
- Scrutinise data quality.
- Ensuring pension rules and regulations are being complied with, when officers are making decisions on pension matters.
- If complaints/appeals are being dealt with correctly and the correct procedures being followed.
- Review internal audit reports

2. This list is not exhaustive. The Local Pension Board will have the power to investigate anything it wishes in relation to the firefighters' pension schemes within WYFRS.

10.A3 Function and Responsibilities

1. Duties of the Board

The Board should always act in a reasonable manner in the conduct of its purpose. In support of these duties Board members:

- Should act always in the interests of the scheme and not seek to promote the interests of any stakeholder group above another.
- Should be subject to and abide by the Local Pension Board approved Code of Conduct for members.

2. Frequency of meetings

The WYFRA Local Pension Board will meet six monthly (July and January in each municipal year), to review/report on previous actions and determine work streams and priorities for the future.
The Chair of the Board, with the consent of the Board membership, may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

3. Conduct and Conflict of Interest

Members of the Board are responsible for ensuring that their Board membership does not result in any conflict of interest with any other posts they hold.
All members of the Board must declare to WYFRA on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.
On appointment to the Board and following any subsequent declaration of potential conflict WYFRA shall ensure that any potential conflict is effectively managed in line with both the internal procedures of WYFRA and the requirements of the Pensions Regulators codes of practice on conflict of interest for Board members.
Members of the Board must not use their membership for personal gain.

Gifts and hospitality should only be accepted with the permission of the Authority - any gifts accepted should be reported on in the Local Pension Board's annual report.
Members of the WYFRA Local Pension Board should maintain confidentiality when discharging their duties.
The WYFRA Local Pension Board has the right to use WYFRA facilities and resources while discharging its duties.

4. Knowledge and understanding

Knowledge and understanding must be considered in light of the role of the Board to assist WYFRA as detailed above. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed, and updated.
Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

5. Term of Office

Should be in accordance with the committee cycle of WYFRA.
Board Members may be re-appointed for more than one term of office following an approved appointment / nomination process.
Board membership may be terminated prior to the end of the term of office due to:

- A Scheme Member representative no longer holding the office or employment or being a member of the body on which their appointment relied.
- A Scheme Manager representative no longer holding the office or employment or being a member on which their appointment relied.
- The representative no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training.

6. Reporting

The West Yorkshire Local Pension Board will produce an annual report which will highlight areas of concern and identify good practice.
The report will also contain information on the number of retirements (natural and ill health), new starters, membership numbers and opt out.
The Board will report to the People and Culture Committee.

7. Resourcing and funding

Members of the WYFRA Local Pension Board will be entitled to claim any reasonable out of pocket expense incurred through discharging their Local Pension Board responsibilities.

The Board will not have a dedicated budget. Requests for finance to purchase technical assistance, Board member training and anything else the Board may require to effectively discharge its duties will be made through the WYFRA Finance and Resources Committee.

8. Quorum

A meeting is only quorate when three Board members are present (including either the Chair or Vice Chair).

9. Voting

The Chair shall determine when consensus has been reached. There will be no casting vote. Where consensus is not achieved this should be recorded by the Chair.

10. Relationship with West Yorkshire Fire and Rescue Authority

In support of its core functions the Board may make a request for information to WYFRA regarding any aspect of the Scheme Manager function. Any such a request should be reasonably complied with in both scope and timing.
In support of its core functions the Board may make recommendations to WYFRA which should be considered, and a response made to the Board on the outcome within a reasonable period of time.

11. Officers

11.1 Management Structure

1. Executive Officers – The Authority has designated as Executive Officers the posts set out in Part 7 of this constitution.
2. Chief Executive, Monitoring Officer, and Director of Finance and Procurement - The Authority has designated the following posts as indicated:

    - Chief Fire Officer / Chief Executive Officer
    - Director of Corporate Services: Monitoring Officer, Clerk to the Authority
    - Director of Finance and Procurement

Such posts include the functions described as now follows:

11.2 Functions of the Chief Executive Officer

The Chief Executive Officer will report to the Authority on the manner in which the discharge of the Authority's functions are coordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

11.3 Functions of the Monitoring Officer

1. Maintaining the constitution. The Monitoring Officer will maintain an up-to-date version of the constitution and will ensure that it is available for inspection by members, staff and the public.
2. Ensuring lawfulness and fairness of decision-making. After consulting with the Director of Finance and Procurement, the Monitoring Officer will report to the Authority in relation to any proposal, decision, or omission which, in their view would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
3. Conducting investigations. The Monitoring Officer will conduct or arrange to conduct investigations into matters referred to them by Ethical Standards Officers or by the Executive Committee 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 Executive Committee sub-committees dealing with consideration, review and adjudication of complaints.
4. Proper Officer for access to information. The Monitoring Officer will ensure 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.
5. Providing advice. The Monitoring Officer will provide advice on the scope of the powers of the Authority, its committees and sub-committees and officers to take decisions and in connection with matters involving maladministration and probity.
6. Restriction on appointment. The Monitoring Officer cannot be the Director of Finance and Procurement.

11.4 Functions of the Director of Finance and Procurement

1. Ensuring lawfulness and financial prudence of financial decision making. After consulting with the Monitoring Officer, the Director of Finance and Procurement will report to the Authority and to the Authority's external auditor, if they consider 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. They 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.
2. Administration of financial affairs. The Director of Finance and Procurement has responsibility for the administration of the financial affairs of the Authority.
3. Contributing to corporate management. The Director of Finance and Procurement is required to contribute to the corporate management of the Authority, in particular, through the provision of professional financial advice.
4. Providing advice. The Director of Finance and Procurement will provide 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 and sub-committees, members and officers and will support and advise members and officers in their respective roles.

11.5 Duty to provide sufficient resources to the Monitoring Officer and the Director of Finance and Procurement

The Authority will provide the Monitoring Officer and the Director of Finance and Procurement with such offices, accommodation and other resources as are in the opinion of those officers sufficient to allow their duties to be performed.

11.6 Conduct

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

11.7 Employment

The recruitment, selection and dismissal of officers will comply with the officer employment rules set out in Part 5 of this constitution.

12. Decision Making

12.1 Responsibility for Decision Making

Responsibility for decision making by the Authority, its committees, sub-committees, and officers is in accordance with Articles 4 to 10 of this constitution and the Officer Delegation Scheme set out in Part 8 of this constitution which together comprise the scheme of responsibility for decision making.

12.2 Principles of Decision Making

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

1. be within the lawful powers of the Authority
2. due consultation (including the taking of relevant professional advice from officers)
3. respect for human rights
4. presumption in favour of openness
5. clarity of aims and desired outcomes
6. within the letter and spirit of the constitution

12.3 Types of Decisions

Decisions relating to the functions listed in Article 4.2 will be made by the Authority and not delegated.

12.4 Decision Making by the Authority and its Committees and Sub-Committees

The Authority, committee and sub-committee meetings will comply with the Authority's procedural rules and standing orders set out in Part 3 of this constitution when considering any matter.

12.5 Decisions made by Authority Bodies acting as Tribunals

The Authority and its committees and sub-committees, members or officers when acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

12.6 Decision Making by Officers

Executive Officers have full Authority for operational and managerial decision making and for any necessary action within their authorised remit in accordance with the terms of the officer delegation scheme set out in Part 8 of this constitution.

13. Finance, Contracts and Legal Matters

13.1 Financial Management

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

13.2 Contracts

Contracts made by the Authority will comply with the contracts procedural rules and standing orders set out in Part 4 of this constitution.

13.3 Legal Proceedings

The Director of Corporate Services is authorised, following appropriate legal advice to institute any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where the legal advice considers that such action is necessary to protect the Authority's interests.

13.4 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 Director of Corporate Services or by some other person duly authorised by the Authority or the Chief Executive Officer unless any enactment otherwise authorises or requires. The procedural rules/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.

13.5 Common Seal of the Authority

The common seal of the Authority will be kept in a safe place in the custody of the Director of Corporate Services. A decision of the Authority, a committee or sub-committee or any Authorised Officer, will be sufficient authority for sealing any document necessary to give effect to such a decision. The common seal will be affixed to such documents as are, in the opinion of the Director of Corporate Services, appropriate for sealing. The Director of Corporate Services, or some other person authorised by them shall witness the affixing of the common seal.

14. Review and Revision of the Constitution

14.1 Duty to Monitor and Review the Constitution

14.1.1 The Monitoring Officer will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.

14.1.2 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 for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In performing this duty, the Monitoring Officer may, in their discretion:

1. attend and observe meetings of different parts of the member and officer structure
2. examine the audit trail relating to decision making
3. record and analyse issues raised with them by members, officers, the public and other relevant stakeholders and,
4. compare practices in the Authority with those in other comparable authorities or national examples of best practice.

14.2 Changes to the Constitution

Changes to the Constitution will ordinarily only be approved by the Authority after consideration of any recommendations by the Monitoring Officer or after the Monitoring Officer has been invited to comment on any proposed changes.

15. Suspension, Interpretation and Publication of the Constitution

15.1 Suspension of the Constitution

1. 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.
2. Rules Capable of Suspension
   The following rules may be suspended in accordance with Article 15.1 1.

   - Authority procedure/standing order rules
   - Access to information procedure rules
   - Budget and policy framework procedure rules
   - Officer employment procedure rules
   - Financial regulations
   - Contract and procurement standing order rules

15.2 Interpretation

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

15.3 Publication

1. The Monitoring Officer will arrange to provide a copy of this constitution to each member of the Authority as soon as practicable following appointment to the Authority.
2. The Monitoring Officer will arrange for copies to be available for inspection at Fire and Rescue Service Headquarters and at other appropriate locations and by publication on the Authority's official website.

Part 3 - Authority and Committee Standing Orders Rules of Procedure

A. The Authority

1 Meetings of the Authority

1. There shall be an Annual meeting of the Authority held on such date in June of each year as the Authority may fix.
2. The Authority may, at any time, hold Ordinary meetings on such dates as it may determine.
3. The Chair of the Authority may call an Extraordinary meeting of the Authority at any time.
4. If the Chair of the Authority refuses to call an Extraordinary meeting of the Authority after a requisition for that purpose signed by five Members of the Authority has been presented to them, or if, without refusing, the Chair does not call an Extraordinary meeting within seven days after the requisition has been presented to them, then any five Members of the Authority, on that refusal or on the expiration of those seven days as the case may be may forthwith call an Extraordinary meeting of the Authority.
5. The Clerk (Director of Corporate Services) shall, in all cases, be responsible for signing and issuing the summonses to attend meetings and the publication of any necessary notices save that in the case of an Extraordinary meeting called by Members of the Authority, those Members shall sign the notice of the meeting.
6. Unless the Authority otherwise determines, all meetings of the Authority shall be held at Fire and Rescue Service Headquarters, Oakroyd Hall, Birkenshaw.

2 Appointment of Chair and Vice-Chair

1. At its Annual Meeting the Authority shall appoint as its first item of business a Chair and Vice Chair for the period until the election of a Chair and Vice-Chair at the next following Annual Meeting.
2. On a vacancy occurring in the office of Chair or Vice-Chair for whatever reason, the Authority shall, as soon as possible, appoint to such office for the remainder of the year in which such vacancy occurred.

3 Powers and Duties of Chair of the Authority at Meetings

1. The Chair of the Authority shall be invested with all such powers and duties as are granted or prescribed by law and/or by these Standing Orders at Meetings of the Authority.

2. The Chair of the Authority shall preside at all Meetings of the Authority unless they are absent, whereupon the Vice Chair of the Authority will preside. If both are absent, a Member of the Authority chosen by the Meeting shall preside.
3. If the office of Chair of the Authority is vacant, or if the Chair is unable to act for any reason, the Vice Chair of the Authority shall have all the powers of the Chair during the vacancy or disability from acting as the case may be.

4 Quorum of Authority

No business shall be transacted at a meeting of the Authority unless at least six Members of the Authority are present. If it is ascertained by the Chair or the Monitoring Officer that the meeting is inquorate, any business not already disposed of shall stand adjourned to a date and time fixed by the Chair at the time the meeting is adjourned, or if they do not fix a date and time to the next meeting of the Authority.

5 Order of Business

With the exception of the Annual Meeting at which the appointment of a Chair and Vice Chair shall be the first business, the order of business shall be to select a person to preside if the Chair and Vice-Chair are absent and thereafter shall be in accordance with the order specified in the summons for the meeting, except that such order may be varied

1. by the Chair at their discretion, or
2. on a request agreed by the Authority.

6 Limitation of Business

Except in the case of business required by these Standing Orders to be transacted at a meeting of the Authority and other business brought before the meeting as a matter of urgency and of which the Chair and Monitoring Officer shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the Authority other than that specified in the summons relating thereto.

7 Minutes

1. The Chair shall put the motion that the Minutes of the meeting of the Authority held on the day of be approved and signed as a correct record.
2. No discussion shall take place upon the Minutes except upon their accuracy. If no such question is raised, or if it is raised, then as soon as it has been disposed of, the Chair shall sign the Minutes.

8 Questions

A Member wishing to ask a question on any item included in the agenda for a meeting of the Authority will normally be afforded the opportunity to do so by the Chair, provided that the Chair considers this to be a fair question and consistent with making reasonable progress with the business to be conducted.

9 Notices of Motion

1. Except as provided by Standing Order 10, every notice of motion shall be in writing signed by the mover of the motion and two other Members of the Authority giving the notice and delivered by 12.00 noon on the seventh day before the day of the meeting of the Authority at the office of the Monitoring Officer by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open to the inspection of every Member.
2. Every motion shall be relevant to some matter in relation to which the Authority has powers or duties.
3. If a motion be not moved either by a Member who gave notice thereof or by some other Member on their behalf, it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.

10 Motions and Amendments which may be moved without notice

The following motions and amendments may be moved without notice:

1. Appointing a Chair of the meeting at which the motion is moved.
2. Questioning the accuracy of the Minutes.
3. That an item of business specified in the summons has precedence.
4. Remission to a Committee for further consideration.
5. Appointment of a Committee or Members thereof occasioned, by an item mentioned in the summons to the meeting.
6. That leave be given to withdraw a motion.
7. Amendments to motions.
8. That the questions be now put.
9. That the debate be now adjourned.
10. That the Authority do now adjourn.
11. Adoption of Committee Minutes or reports of officers and any consequent resolutions.
12. Suspending Standing Orders in accordance with Standing Order C (2).
13. Motion to exclude the public.
14. That a Member named under Standing Order 13 be not further heard or do leave the meeting.
15. Giving consent or leave of the Authority where the consent or leave of the Authority is required by these Standing Orders.

11 Rules of Debate for Meetings of the Authority

1. Any Member who wishes to speak shall ordinarily be given an opportunity to do so by the Chair.
2. Members should conduct themselves in an orderly manner and speak through the Chair.

3. A Member who speaks shall direct their speech strictly to the subject under discussion or to a question of order.
4. In the case of notices of motion under Standing Order 9, a Member may speak once to the motion and once to any amendment proposed to the motion. The mover of the motion shall have the right to 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 also have the right to reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of an amendment shall have no right to reply to the debate on the amendment.
5. A Member may rise on a point of order and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or the statutory provision and the way in which they consider this has been broken.

12 Motions Affecting Persons Employed by the Authority

If any question arises at a meeting of the Authority to which the public (including the press) are admitted as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Authority such question shall not be the subject of discussion until the Authority has decided whether or not the public (including the press) shall be excluded.

13 Disorderly Conduct

1. If at a meeting any Member of the Authority, in the opinion of the Chair notified to the Authority, misconducts themself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively or by wilfully obstructing the business of the Authority, the Chair or any other Member may move 'That the Member named be not further heard' and the motion, if seconded, shall be put and determined without discussion.
2. If the Member named continued their misconduct after a motion under the foregoing paragraph has been carried, the Chair shall either move 'That the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting of the Authority for such period as they in their discretion shall consider expedient.
3. In the event of general disturbance which, in the opinion of the Chair, renders the due and orderly dispatch of business impossible, the Chair in addition to any other power vested in them may, without question put, adjourn the meeting of the Authority for such period as they in their discretion shall consider expedient.

14 Disturbance by Members of the Public

If a member of the public interrupts the proceedings of any meeting, the Chair shall warn them. If he continues the interruption the Chair shall order their removal from the place

where the meeting is taking place. In case of general disturbance in any part of the meeting place open to the public, the Chair shall order that part to be cleared.

15 Rescission of Preceding Resolution

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof, given in pursuance of Standing Order 9, bears the names of at least six Members of the Authority. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any Member to propose a similar motion within a further period of six months.

Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a Committee or a Sub-Committee or to motions arising as a result of a report by a Chief Officer.

16 Voting at Meetings

1. Voting at meetings shall be decided by a show of hands and all matters shall be decided by a majority of Members present and voting. The Chair presiding at the meeting shall have a casting vote in the event of a tie.
2. Any Member who is supported by at least 2 other Members may request that a recorded vote be taken and recorded in the minutes to show how each Member present voted provided the request is made before the result of the vote is announced.
3. Any Member may request that their personal vote on any matter is recorded in the minutes provided that the request is made before the result of the vote is announced.

17 Expression of Dissent

No expression of dissent shall be entered in the Minutes of the Authority.

18 Disclosable Pecuniary Interests

A Member with a disclosable pecuniary interest in any matter the subject of discussion or vote at an Authority or Committee or Sub-Committee (or Joint Committee/Sub-Committee) shall be excluded from and shall leave the meeting during the discussion or vote unless the Member has a dispensation permitting that Member to participate and vote.

B. Committees and Sub-Committees

Appointment of and Meeting of Committees and Sub-Committees

1. Subject to Sections 101 and 102 of the Local Government Act 1972, at their Annual Meeting the Authority:

1.1. Will resolve what Committees and Sub-Committees will be appointed, what will be in the terms of reference, of how many voting Members each Committee or Sub-Committee will consist, and whether such voting Members shall have a named substitute to attend in their absence:

1.2. May resolve that non-voting Members, assessors and advisers shall also be appointed to any such Committee or Sub-Committee:

1.3. If they resolve to make appointments under sub-paragraph (ii) shall specify what number of appointments are to be made and what functions in relation to the Committee each person so appointed may exercise and.

1.4. May resolve what limitations shall be placed on the powers of any such Committees to arrange for the discharge by a Sub-Committee of any functions which they discharge.

2. The Authority may, at any time, amend resolutions under the previous paragraphs whenever:

2.1. The Authority is required to review the allocation of seats on Committees between political groups or,

2.2. The Authority resolves to carry out such a review or,

2.3. A Committee is required to review the allocation of seats on a Sub-Committee between political groups or,

2.4. A Committee resolves to carry out such a review,

The Monitoring Officer shall submit a report to the Authority or Committee as the case may be showing what allocation of seats would, in their opinion, best meet the requirements of Section 15 (4) of the Local Government and Housing Act 1989.

3. In the light of such a report the Authority, or Committee as the case may be, shall determine the allocation of seats to political groups.
4. Whenever an appointment of a voting Member of a Committee or Sub-Committee fails to be made in accordance with the wishes of a Political Group to whom the seat has been allocated, and whenever such an appointment fails to be terminated in accordance with such wishes, then the Monitoring Officer shall give the Members concerned notice accordingly.
5. Subject to any resolutions by the Authority under this Standing Order, every Committee may appoint Sub-Committees for such purposes as they think fit and may make arrangements for a Sub-Committee to discharge any of the functions of the Authority which the Committee may discharge.

6. The Chair and Vice Chair of the Authority may attend and speak and move and second motions but may not vote at a meeting of a Committee or Sub-Committee of which they are not Voting Members.
7. The person appointed to preside at the meetings of any Committee and their Vice Chair may attend and speak and move or second motions at a meeting of any Sub-Committee appointed by that Committee but may not vote unless appointed as a Voting Member.

8. A Member of the Authority who is not otherwise entitled to attend and speak at a Committee or Sub-Committee shall be entitled to do so but not to vote at a meeting of the Committee or Sub-Committee.
   8.1. During the consideration of any motion of which notice has been given which they have moved or seconded at a meeting of the Authority, and which has been referred to that Committee or Sub-Committee; or
   8.2. With the agreement of the person presiding at the meeting of the Committee or Sub-Committee.
9. The Authority may fix the date, time, and place of ordinary meetings of Committees and Sub-Committees.
10. If the Authority do not fix the date, time, or place of an ordinary meeting of a Sub-Committee, then the Committee which appointed them may do so.
11. The Authority may, at any time, dissolve a Committee or Sub-Committee or alter its membership, subject always to compliance with any statutory provisions.
12. Members of Committees and Sub-Committees shall not hold office for a period later than the next Annual Meeting of the Authority.
13. Except where ordered by the Authority or authorised by statute, business shall not be transacted at a meeting of any Committee or Sub-Committee unless at least one quarter of the whole number of the Committee or Sub-Committee is present, provided always that this is not less than three Members.
14. The Minutes of a Sub-Committee shall be presented to its parent Committee for information or approval as the case may be and the Minutes of a Committee shall be submitted to the Authority for information or approval as the case may be.
15. Voting at a meeting of a Committee or Sub-Committee shall be by show of hands and the Chair shall have a second or casting vote.

C. Standing Orders to Apply to Committees and Sub-Committees

Standing Orders Part, A: 1(4), 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17 and C 3 shall, with any necessary modifications, apply to meetings of Committees and Sub-Committees.

1. Variation and Revocation of Standing Orders

Any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority.

Provided that this Standing Order shall not apply to any review of Standing Orders at the Annual Meeting of the Authority, nor to a specific Committee minute recommending the Authority to add to, vary or revoke these Standing Orders.

2. Suspension of Standing Orders

1. Subject to paragraph (ii) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
2. A motion to suspend Standing Orders shall not be moved without notice unless there shall be present at least one-half of the whole number of Members of the Authority, Committee or Sub-Committee, as the case may be.

3. Interruption of Standing Orders

The ruling of the Chair, after consultation with the Monitoring Officer, as to the construction or application of any of these Standing Orders relating to meetings of the Authority and its Committees and Sub-Committees, or as to any of the proceedings before the Authority and its Committees and Sub-Committees, shall be final.

4. Proceedings of Committees to be Confidential

Subject to the provisions of Section 100 of the Local Government Act 1972 and the provisions of the Freedom of Information Act 2000, all agenda, reports and other documents and all proceedings of the Authority, its Committees and Sub-Committees shall be treated as confidential unless and until they become public in the ordinary course of the Authority's business at the Committee or Sub-Committee or at the Authority as the case may be.

Part 3 - Access to Information Rules

Summary of rights to attend meetings of the West Yorkshire Fire and Rescue Authority, its Committees and Sub-Committees and of access to documents pursuant to Section 100G (3) of the Local Government Act 1972 (as amended)

The Authority is required by section l00G (3) of the Local Government Act 1972 to keep at its principal office a summary of various rights to attend meetings and to inspect documents in the Authority's possession, conferred by that Act and by some other legislation

1. Access to Meetings

1. A meeting of the Authority (including meetings of its committees or sub-committees) is open to the public, except as stated in (2) & (3) below.
2. The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court order.
3. The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of ‘exempt information’. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of ‘exempt information’ is set out in Schedule 12A to the Local Government Act 1972, as amended.

2. Access to Agenda and Connected Papers

1. Copies of the agenda and reports for a meeting of the Authority or of any of its committees or sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely to be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda if that is less than five clear days before the meeting. The papers will be available for inspection at Fire and Rescue Service Headquarters, Oakroyd Hall, Birkenshaw BD11 2DY between the hours of 10.00 am and 4.00 pm on working days.
2. A reasonable number of copies of agenda and reports must be available for members of the public present at a meeting. The agenda and reports must also be made available to the media on request.

3. Inspection

After a meeting and once the minutes have been signed, a copy of the minutes (or, if any of the meeting was held in private, or a summary of what took place in private), together with the documents made available for public inspection under paragraph 2 above, will be available for public inspection at Fire and Rescue Service Headquarters, Oakroyd Hall, Birkenshaw BD11 2DY between the hours of 10.00am and 4.00pm on working days. This right of inspection exists for six years from the date of the meeting concerned.

4. Inspection of Background Papers

1. Members of the public may also inspect a list of background papers for any report (except those reports containing "confidential" or "exempt" information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, unless they are listed, they will not be open to inspection.
2. Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work.

Requests for inspection of such documents should be made to the Committee Administrator who will arrange to produce such documents as soon as reasonably practicable after the request.

5. Additional Access for Members

1. Any document in the possession or under the control of the Authority which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Authority (subject to paragraph (2) below).
2. Where a document discloses certain specified categories of exempt information it need not be open to inspection by a member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

6. Publication of Additional Information

1. The Authority must maintain a register stating the name of every member of the Authority and their appointing council The register is open to inspection by the public at Fire and Rescue Service Headquarters, Oakroyd Hall, Birkenshaw BD11 2DY between the hours of 10.00am and 4.00pm on working days.
2. The Authority must maintain a list specifying the powers delegated to its officers and stating the title of the officer by whom each of those powers is exercisable.

The list is open to public inspection but excludes delegations of less than six months' duration.

7. Financial Documents

1. A member of the Authority has a right to inspect its accounts.
2. Any local government elector for a district within the West Yorkshire 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.
3. At the audit of the Authority's accounts by the external auditor, any persons interested may inspect the accounts to be audited and all books, deeds, contracts, bills, vouchers, and receipts relating to them - except that no personal information about a member of the Authority's staff is required to be disclosed.
4. The Authority must prepare a report on construction or maintenance work it has undertaken in any financial year and must make the report open to public inspection, by not later than 30th September following the end of the year concerned.

8. Documents Deposited with the Authority

Documents may be required to be deposited with a proper officer of the Authority, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Committee Administration Manager.

9. Other Documents

1. Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.
2. Where a public inquiry is to be held into a compulsory purchase order made by the Authority, a statement of the Authority's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request (The Authority has not made any such Order and [at the time of this revision of this document] has no plans to do so).
3. The Local Government (Inspection of Documents) (Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be available to the public. None of the listed provisions applies to the Authority, except for the matters mentioned in paragraphs 7(i), (ii), (iii) and 9(i), (ii) above.

10. Fees

1. No fee will be charged for providing the facility of inspecting background papers (paragraph 4(i) above).

2. A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. Copies will be supplied free of charge up to 10 sheets at any one time. For larger amounts, a charge of 40p a sheet will be made.

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Part 4 - Financial Procedure Rules

Introduction

These Financial Procedures Rules set out the framework which the Authority will use in managing its financial affairs. They set out levels of responsibility, give authority to the Finance & Resources Committee, the Management Board, the Executive Officers, Director of Finance and Procurement, and are generally intended to promote good practice in financial governance.

A guide to these Rules will be published later to help users understand and implement good financial management. Users should contact the Director of Finance and Procurement or their staff if clarification or assistance is needed.

1. Financial Governance

1.1 The Authority has a statutory duty to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has responsibility for the administration of those affairs. The Authority has resolved that the Director of Finance and Procurement is the responsible officer.

1.2 The Authority will approve Financial Procedure Rules to be used by all members and officers.

1.3 The Director of Finance and Procurement is responsible for ensuring that the Financial Procedure Rules are followed across the Authority. The Director of Finance and Procurement is also responsible for reviewing the Financial Procedure Rules at least every three years and for making recommendations for any changes to the Authority.

1.4 The Audit Committee is responsible for approving the Authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management arrangements.

1.5 The Audit Committee is responsible for approving its annual Financial Statements.

1.6 The Director of Finance and Procurement is responsible for the proper administration of the Authority's financial affairs, and particularly for: -

(i) providing financial advice and information to members and officers.

(ii) setting standards for good financial & procurement management and monitoring compliance with those standards.

(iii) advising on the key financial controls necessary to secure sound financial management.

(iv) ensuring that proper systems of internal control are operated.

(v) co-ordinating the preparation of the Revenue Budget and the Capital Investment Plan.

(vi) determining the accounting policies and financial & procurement procedures and records for the Authority.

(vii) preparing the annual financial statements in accordance with the relevant accounting standards and codes of practice.
(viii) treasury management activities.
(ix) maintaining an effective internal audit function.
(x) ensuring proper professional practices are maintained within the finance & procurement function; and
(xi) managing the Authority's taxation affairs.
(xii) devising, managing, and maintaining within Financial & Procurement Systems, a Scheme of Delegation of "Authorised Officers" below Executive Officer level, along with pre-determined levels of authority commensurate with their role and responsibility.

1.7 The Director of Finance and Procurement must report to the Authority if: -
(i) a decision has been made, or is about to be made, which involves the incurring of expenditure which is unlawful; or
(ii) there has been, or is about to be, an unlawful action resulting in a financial loss to the Authority.

1.8 The Director of Finance and Procurement may issue any instruction intended to fulfil these responsibilities and is entitled to any information or explanations as may be required.

1.9 Executive Officers must ensure that financial systems and procedures are used in their service area to record and control all transactions and to achieve adequate levels of internal check and control.

1.10 Executive Officers must make arrangements to ensure that all Officers involved in financial and procurement matters are aware of, and competent in the use of, Financial Procedure Rules and Contract Procedure Rules. The extent of delegated authority to officers must be recorded if extrinsic to 1.6(xiii).

1.11 Executive Officers must ensure that the financial implications of all proposals have been agreed with the Director of Finance and Procurement and reported to the appropriate committee when required.

1.12 A reference in the Financial Procedure Rules: -
(i) to an Executive Officer includes where appropriate the Chief and Directors
(ii) to the Director of Finance and Procurement includes their nominees; and
(iii) to an officer means any employee of the Authority or other persons contracted to carry out functions where these Financial Procedure Rules apply.

2. Revenue Budget Preparation and Management

Responsibilities

2.1 The Authority is responsible for determining the Revenue Budget and setting the levels of precept.

2.2 The Finance & Resources Committee is responsible for recommending to the Authority a Revenue Budget and for monitoring progress throughout the year.

Budget Preparation

2.3 Each year, the Finance & Resources Committee will agree a provisional budget strategy for the following three years.

2.4 The Management Board will by 31st January produce draft service plans and budgets in accordance with the provisional strategy. These draft plans will explain the service changes proposed to be made, taking into account performance targets and the resources allocated.

2.5 The Finance & Resources Committee will consider these proposals in detail and make its recommendations to the Authority one week before the date set for the meeting of the Authority which will determine the budget.

2.6 The Director of Finance and Procurement is responsible for providing financial information on all the draft service plans and the extent of change in service levels or efficiency in the proposals.

2.7 The Director of Finance and Procurement will advise the Authority on the overall budget, the levels of precept, the use of reserves and the need for contingency budgets, and on the risks involved in the forecasts of spending levels and income.

Budget Management

2.8 The Management Board is responsible for implementing Service and Corporate Plans within the resources allocated in the Revenue Budget.

2.9 Transfers of resources up to £1,000,000 will be reported to and endorsed by the Finance and Resources Committee

2.10 The Management Board is authorised to transfer resources of up to £100,000 between budget headings providing it does not lead to a shortfall in the Service Plans. Virement which is associated with a shortfall in the service plan must be approved by the Finance & Resources Committee.

2.11 Virement is specifically not allowed where the transfer of resources is from budgets for capital charges and statutory taxes and levies.

2.12 All virement will be recorded in a way prescribed by the Director of Finance and Procurement, who will arrange for virements to be reported to the Finance & Resources Committee.

2.13 Executive Officers are authorised to incur any expenditure included in the approved revenue budget for the Service, as amended by any virement.

2.14 Executive Officers are responsible for managing budgets within their delegated authority. They must take action to avoid overspending budgets and report any difficulties to the Director of Finance and Procurement.

2.15 Executive Officers should where possible delegate authority to commit budgets to the appropriate level of management and make arrangements to set out clearly the extent and responsibility of managers and to check their performance in managing these budgets.

2.16 The Director of Finance and Procurement will prepare regular reports on expenditure monitoring for the Executive Officers.

2.17 The Director of Finance and Procurement will provide budget monitoring information to budget holders which will highlight projected budget under and overspending. If a budget is projected to overspend the budget holder must provide a written explanation to the Director of Finance and Procurement as to the cause of the projected overspend and if necessary, put in corrective measures.

2.18 The Director of Finance and Procurement will report to the Finance and Resources Committee on the overall management of the revenue budget.

2.19 The Director of Finance and Procurement is accountable for all contingency budgets, which will be managed in the same way as service and activity budgets.

3. Capital Investment Plan and Management

Responsibilities

3.1 The Authority is responsible for determining the Capital Investment Plan and setting the prudential indicators and limits.

3.2 The Finance & Resources Committee is responsible for recommending to the Authority a multi-year Capital Investment Plan, and for monitoring progress.

Capital Investment Plan Preparation

3.3 The Management Board will by 31st December prepare draft investment plans in accordance with the service priorities. The plans will include an outline business case for all schemes proposed.

3.4 The Finance & Resources Committee will consider these proposals in detail and make its recommendations to the Authority at the same time as the proposed Revenue Budget (see Financial Procedure Rules 2.5).

3.5 The Director of Finance and Procurement will advise the Authority on the overall Capital Investment Plan and levels of funding available.

3.6 Executive Officers are responsible for providing details of all projects in a format prescribed by the Director of Finance and Procurement.

Plan Management

3.7 The Management Board is responsible for implementing the Capital Investment Plan within the resources allocated.

3.8 The Management Board is authorised to transfer resources of up to £100,000 between capital budget headings and increase the capital plan for new schemes up to a value of £100,000 providing this can be managed within existing capital financing budgets. Any transfers or additions to the capital plan must be reported and approved at Finance and Resources Committee.

3.9 Executive Officers are responsible for managing programmes and projects. They must take action to avoid overspending the amounts provided in the

Capital Investment Plan and report any difficulties to the Director of Finance and Procurement.

3.10 The inclusion of a project within the Capital Plan confers authority to proceed with planning applications and the completion of feasibility studies and option appraisals.

3.11 Executive Officers must prepare a business case in respect of each project before proceeding to detailed project design or land acquisition. The business case should be prepared in a format prescribed by the Director of Finance and Procurement and must be approved by the Management Board for projects costing up to £100,000, and by the Finance & Resources Committee for all other projects. Decisions taken by the Management Board will be recorded and reported to the Finance & Resources Committee.

3.12 Once a business case is approved, Executive Officers are authorised to proceed to detailed design and to commit to contracts providing: -

(i) that the total costs of a project including tenders or quotations, fees etc, are estimated to be less than or equal to the amount approved in the business case and the Capital Investment Plan; or

(ii) that where the total costs exceed the amount approved in the business case and the Capital Plan and the excess is within agreed tolerance levels, the appropriate virement has been approved.

(iii) all necessary external approvals, if any, have been obtained, and

(iv) the incurring of the expenditure has been authorised by the Director of Finance and Procurement.

3.13 The tolerance levels set out in Financial Procedure Rule 3.12 (ii) will be calculated by taking the square root of the Capital Investment Plan provision, expressed in £ thousands.

3.14 The Director of Finance and Procurement will authorise the incurring of the full project costs provided they are satisfied that the approval will not give rise to any further expenditure not provided for in either the Capital Investment Plan or the Revenue Budget.

3.15 The Director of Finance and Procurement will report to the Finance & Resources Committee on the overall management of the capital budget.

3.16 After the completion of a project, Executive Officers must prepare reports setting out the outcomes from the project and whether these matched the planned outcomes set out in the business cases.

3.17 The Director of Finance and Procurement will provide budget monitoring information to budget holders which will highlight projected budget under and overspending. If a capital scheme is projected to overspend the budget holder must provide a written explanation to the Director of Finance and Procurement as to the cause of the projected overspend and if necessary, put in corrective measures.

- For schemes up to £100,000; these should be reported to the Budget Monitoring Management Group.
- For schemes above £100,000; these should be reported to the Management Board.

4. Financial Systems and Procedures

4.1 The Director of Finance and Procurement is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Any changes to the existing financial systems or the establishment of new systems must be approved by the Director of Finance and Procurement.

4.2 Any changes to agreed financial procedures by Executive Officers to meet their own specific service needs should be agreed with the Director of Finance and Procurement.

4.3 Executive Officers must ensure that officers understand and are competent to undertake their financial responsibilities and receive relevant financial training that has been approved by the Director of Finance and Procurement.

4.4 Executive Officers are responsible for the proper operation of financial processes in their own departments and must ensure that all financial, costing, and other statistical information is recorded fully and accurately.

4.5 Executive Officers must ensure that financial documents are retained in accordance with the Authority's approved retention schedule.

4.6 As far as practicable, Executive Officers must make arrangements for the separation of duties between the carrying out of transactions and the examining and checking of these activities.

4.7 Grant claims, financial returns and submissions must be agreed by the Director of Finance and Procurement prior to submission to the relevant government department, agency, or organisation.

5. Internal Audit

Responsibility & Authority

5.1 The Director of Finance and Procurement must arrange and direct a continuous internal audit function, which is an independent review of the accounting, financial and other operations of the Authority.

5.2 The Head of Internal Audit will report directly to the Chief Executive, the Chair of the Authority, or the External Auditor in any circumstance where the functions and responsibilities of the Director of Finance and Procurement are being reviewed.

5.3 The Director of Finance and Procurement and Internal Audit Manager have authority to: -

(i) enter at all reasonable times any Authority premises, land or location from which Authority services are provided.

(ii) have access to all property, records, documents and correspondence relating to all activities of the Authority.

(iii) require and receive explanations concerning any matter under consideration; and

(iv) require any employee of the Authority, without prior notice, to produce cash, stores or any other property for which they are responsible.

Reporting

5.4 The Director of Finance and Procurement must report upon: -

(i) the risks inherent in and associated with each system.

(ii) the soundness, adequacy and application of the financial and other management controls, and systems within each area of service.

(iii) the extent of compliance with, and the financial effects of, established policies, plans and procedures.

(iv) the extent to which the organisation's assets and interests are accounted for and safeguarded from losses of all kinds arising from fraud, other offences, waste, extravagance and inefficient administration, poor value for money and other cause.

(v) the suitability, accuracy, and reliability of financial and other management data within the organisation; and

(vi) value for money aspects of service provision.

5.5 In respect of any internal audit report or communication issued by the Director of Finance and Procurement, the appropriate Executive Officer must reply within six weeks of the date of receipt, indicating the action proposed or taken, by whom and target dates by which action will be taken. Where a draft report is issued for initial comments, a reply must be made within two weeks of issue.

5.6 The Director of Finance and Procurement will provide an annual report on the activities of Internal Audit produced for consideration by the Audit Committee.

5.7 The Director of Finance and Procurement will determine the extent of insurance cover that must be provided in any external contract for the supply of goods, works or services. The Director of Finance and Procurement, in consultation with the Executive Officer concerned and the Director of Corporate Services may reduce the cover requirements in respect of specific contracts.

6. Insurance

6.1 The Director of Finance and Procurement, in consultation with the Chief Executive, is responsible for assessing insurable risks and for arranging all insurance cover. They will manage all claims and maintain records of them.

6.2 Executive Officers must promptly notify the Director of Finance and Procurement, in writing, of all new risks or assets to be insured and of any alterations affecting existing insurances. All insurances held must be reviewed on an annual basis.

6.3 Executive Officers must: -

a) not admit liability where this may prejudice the outcome of any settlement.

b) promptly notify the Director of Finance and Procurement, in writing, of any theft, liability, damage or any event likely to lead to a claim; and

c) inform the Police in the case of loss or malicious damage to Authority property.

6.4 Executive Officers must consult the Director of Finance and Procurement and the Chief Executive Officer as to the terms of any indemnity the Authority is required to give.

6.5 The Director of Finance and Procurement will determine the extent of insurance cover that must be provided in any external contract for the supply of goods, works or services. The Director of Finance and Procurement, in consultation with the Executive Officer concerned and the Director of Corporate Services, may reduce the cover requirements in respect of specific contracts.

7. Assets

7.1 Executive Officers are responsible for the care and custody of all current and fixed assets of the relevant service (including stocks, stores, inventory items and all other items used for the Authority's purposes, including property) and must ensure that they are used only for authorised purposes of the Authority.

7.2 Executive Officers must ensure that contingency plans exist for the security of assets and the continuity of service in the event of any disaster, significant event, or system failure.

Disposal of Assets

7.3 Surplus or obsolete goods, materials and inventory items are to be disposed of by competitive sale or public auction in accordance with Contract Procedure Rules, except where a committee instructs otherwise.

7.4 Leased items should only be disposed of in accordance with instructions of the lessor.

Stores

7.5 Executive Officers must keep records of all stock held and certify the value for accounting purposes on 31 March of each year. The Director of Finance and Procurement will determine which items will be subject to stock accounting, the methods of recording and valuation.

7.6 Executive Officers must arrange periodical or continuous checks of stock. This should be supervised by persons independent of the management of the stock. These arrangements must ensure that all items of stock are checked at least once per year. The Director of Finance and Procurement will be notified of any discrepancies revealed by periodic checks and is authorised to amend records accordingly.

7.7 Stock holdings should be kept at minimum levels consistent with normal working practices.

Inventories

7.8 Executive Officers are responsible for ensuring that detailed inventories of all land, buildings, equipment, furniture, fittings, vehicles, plant and machinery are

compiled and kept up to date. New inventory items must be entered promptly, and redundant items deleted and disposed of in accordance with Financial Procedure Rule 7.3. The form of inventory and the type of assets recorded thereon will be determined by the Director of Finance and Procurement after consultation with the appropriate Executive Officer.

7.9 The inventory should include: -

(i) the nature, type, model, serial number, location, quantity, value, number of items, date of acquisition.

(ii) all items of, or collection of similar items valued at, more than £250 per individual stock item excluding ICT and operational equipment and white goods; and

(iii) items of a lesser value which are portable and attractive.

7.10 When Authority assets are loaned to employees or other organisations, the Executive Officer must record the reason for the loan, date/periods and name of the receiver.

7.11 Inventory items must be security marked, stamped or engraved, as appropriate, with the name of the Authority.

7.12 Each Executive Officer is responsible for ensuring that an annual check is made of all items on the inventory and must notify the Director of Finance and Procurement of any discrepancies revealed by these checks.

Fixed Assets Register

7.13 The Director of Finance and Procurement must ensure that a Register of Fixed Assets is maintained.

7.14 Executive Officers must immediately notify the Director of Finance and Procurement of the acquisition of any asset having a value of £10,000 or more. The Director of Finance and Procurement will identify other acquisitions which are to be treated as fixed assets

7.15 Each Executive Officer must immediately notify the Director of Finance and Procurement of the disposal of any asset (or part of any asset) which is included on the Register of Fixed Assets.

7.16 In respect of any item acquired by lease the inventory must be marked with the name of the leasing company and the date of expiry of the lease agreement. When requested by the leasing company the item must be suitably marked as the property of that company.

Land and Buildings

7.17 The Director or Corporate Services must maintain a detailed record of all land and buildings owned by the Authority.

7.18 The Director or Corporate Services is responsible for the security and custody of all title deeds and shall maintain a suitable register.

8.Security

Security of Assets

8.1 Executive Officers are responsible for always maintaining proper security for all buildings, stocks, stores, furniture, equipment, cash and any other assets for which they are responsible. The Director of Finance and Procurement must be consulted to establish adequate security arrangements.

8.2 All keys to safes and other places containing money, goods or other valuables are to be the responsibility of specified officers who must always retain possession of such keys.

A register of keys and their holders must be maintained by each Executive Officer.

The loss of any key must be reported immediately to the Director concerned, who must record details of the circumstances of the loss, and take such action as is necessary to protect the property of the Authority.

8.3 Maximum limits for cash holdings in each separate establishment are to be agreed with the Director of Finance and Procurement and must not be exceeded without permission.

Security of Information

8.4 Executive Officers must maintain proper security, privacy and use of information held in computers and all other recording systems under their control. In particular Executive Officers must ensure that: -

(i) all sensitive information is protected from unauthorised disclosure.
(ii) the accuracy and completion of information and software is safeguarded.
(iii) software and other intellectual property are used only in accordance with licensing agreements.
(iv) Data Protection legislation is complied with correctly.
(v) the Freedom of Information Act is complied with correctly.
(vi) proper controls to systems and physical access are in place; and
(vii) the Authority's intellectual property rights are protected.

8.5 The Authority is responsible for taking reasonable care of all items of property found by staff or members of the public on Authority premises until the items are reclaimed or disposed of. Each Executive Officer must nominate officers who are responsible for the custody of lost property and keeping a register of such property received, detailing the item, date, time, name, and address of finder and how and to whom the property is returned or disposed of.

8.6 Lost property which is not claimed within three months vests in the Authority. The relevant Executive Officer will then determine if the item is of value for use by the Authority and arrange for its use for this purpose. All other items are to be disposed of by sale in accordance with Contract Procedure Rules.

9.Treasury Management

9.1 The Authority has adopted the key recommendations of the Code of Practice for Treasury Management in the Public Services, published by the Chartered Institute of Public Finance and Accountancy.

9.2 The Authority is responsible for adopting a treasury management policy statement, which sets out the objectives of its treasury management activities, and treasury management practices, how those policies and objectives will be achieved and how treasury management will be managed and controlled.

9.3 The Finance & Resources Committee is responsible for the implementation and monitoring of the treasury management policies and practices.

9.4 The Director of Finance and Procurement is responsible for the execution and administration of treasury management decisions in accordance with the policy statement and agreed practices.

9.5 The Director of Finance and Procurement will report to the Finance & Resources Committee before each financial year recommending a treasury management strategy and plan, and subsequently an annual report after the year end. This will include the planned and actual performance in respect of prudential indicators and limits.

Administration

9.6 All money under the management of the Authority is to be aggregated for the purposes of treasury management and will be controlled by the Director of Finance and Procurement.

9.7 Investments other than bearer securities are to be in the name of the Authority or approved nominee. All borrowings are to be in the name of the Authority

9.8 The Director of Finance and Procurement will select the Authority's registrar of stock, bonds and mortgages and must maintain records of all borrowings by the Authority.

9.9 The Director of Finance and Procurement will arrange all loans and leases including operating leases.

9.10 A suitable register must be maintained in respect of all investments, securities, bearer securities and borrowings.

Trust Funds

9.11 All trust funds are to be, wherever possible, in the name of the Authority. Officers acting as trustees by virtue of their official position must deposit all documents of title relating to the trust with the Monitoring Officer (unless the Trust Deed otherwise directs) who must maintain a register of all such documents deposited.

10. Banking Arrangements, Cheque Signing and Imprest Accounts

Banking Arrangements

10.1 All of the Authority's banking arrangements are to be approved by the Director of Finance and Procurement, who is authorised to operate such bank accounts as are considered appropriate.

10.2 Bank accounts must not be opened without the approval of the Director of Finance and Procurement. Where a bank account is opened, that account must describe the purpose of the account. All new accounts should be named in the format WYFRA, XYZ Account.

Cheque and Electronic Payments

10.3 Payments to suppliers and employees will be made by electronic means wherever possible.

10.4 All cheques are to be ordered only in accordance with arrangements approved by the Director of Finance and Procurement, who is to ensure their safe custody. Cheques drawn on the Authority's main bank accounts must either bear the facsimile signature of the Director of Finance and Procurement or be signed in manuscript by them or other Authorised Officers. All alterations and amendments are to be signed in manuscript by the Director of Finance and Procurement, or other Authorised Officers.

10.5 Banking arrangements made for authorization of payments to be made under electronic transfer are to be in a form approved by the Director of Finance and Procurement.

10.6 The Director of Finance and Procurement must maintain a register of all officers authorised to sign cheques and other bank documents together with specimen signatures.

Imprest Accounts

10.7 Executive Officers will determine what amount is appropriate for an individual imprest subject to any limit set by the Director of Finance and Procurement, and keep a record of every imprest issued, including the name of the imprest holder, amount, and location.

10.8 Any imprest holder (or sub imprest - see 10.10) must at any time account for the total imprest if requested to do so by the Director of Finance and Procurement and keep adequate records in a form approved by the Director of Finance and Procurement and supported by valid (VAT) receipts. On ceasing to be responsible for an imprest account the officer must account promptly to the relevant Executive Officer for the amount advanced.

10.9 Payments from imprest accounts are to be limited to minor items of expenditure and to any other items approved by the Director of Finance and Procurement.

10.10 Where deemed appropriate by an imprest account holder a sub-imprest may be provided to another officer for which the main imprest account holder must obtain and retain an acknowledgement. In all cases where this occurs the main imprest holder must notify the Director of Finance and Procurement.
These Rules apply equally to a sub-imprest account holder.

11. Income

11.1 The methods of collecting, recording, and banking of all income due to the Authority are to be approved by the Director of Finance and Procurement.

11.2 The Director of Finance and Procurement must be notified promptly of all income due to the Authority and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Authority.

11.3 The Director of Finance and Procurement must ensure that wherever possible income is collected by electronic means.

Collection and Banking of Income

11.4 Executive Officers must make appropriate arrangements for the control and issue of all receipt forms, books, tickets, ticket machines or other acknowledgements for money.

11.5 All income received by the Authority must be acknowledged by the issue of an official receipt, or by another approved method, indicating payment has been received.

11.6 All money received by an officer on behalf of the Authority must be paid into the Authority's bank account, and at intervals taking account of the security of the premises. No deductions are to be made from such monies unless specifically authorised by the Director of Finance and Procurement.

11.7 Personal cheques must not be cashed out of monies held on behalf of the Authority. Refunds must be made through the payments system.

11.8 Arrangements for opening incoming mail must ensure that any money so received is immediately recorded.

11.9 Every transfer of official money from one officer to another must be evidenced in the records by the signature of the receiving officer.

Cash discrepancies

11.10 Executive Officers must maintain a detailed record of all cash surpluses and deficiencies in a manner approved by the Director of Finance and Procurement, and these must be recorded in the Authority's accounts.

11.11 The Director of Finance and Procurement must investigate any apparent patterns of discrepancies.

11.12 Where such discrepancies are in excess of £100 the Executive Officer concerned must investigate and notify the Director of Finance and Procurement who may undertake such further investigations as they deem appropriate.

Debtors

11.13 Wherever possible, payment should be obtained in advance of, or at the time of provision of a service, goods, letting or works. Where credit is given each Executive Officer must ensure the credit status of each customer is satisfactory. Executive Officers are responsible for issuing debtor accounts in a form

approved by the Director of Finance and Procurement immediately a debt falls due. Executive Officers must maintain adequate records to ensure that all credit income due to the Authority is recovered promptly.

11.14 Executive Officers must regularly consider debts due and ensure adequate year end provisions for bad and doubtful debts. The Chief Executive, in consultation with the Director of Finance and Procurement, is authorised to write off all individual bad debts. A report on the detail of all debts written off under delegated authority, will be provided to the Finance & Resources Committee at least once in each financial year. Executive Officers must ensure that appropriate accounting entries are made following write off actions.

11.15 The 'writing off' of a debt does not absolve an Executive Officer of the responsibility to collect such debts, and the position in relation to such debtors is to be monitored.

12. Payment of Invoices

Executive Officers are responsible for ensuring invoices are paid within 30 days of receipt.

12.1 The Director of Finance and Procurement will determine the method and frequency of payments which will be from the Authority's main bank account except for: -

(i) petty cash and other imprest accounts; and

(ii) other bank accounts approved by the Director of Finance and Procurement

Certification & Processing

12.2 Executive Officers or other Authorised Officers are responsible for certifying all invoices for payment in manuscript unless an alternative method is expressly authorised by the Director of Finance and Procurement.

12.3 All invoices must be certified by an authorised officer by email or via the invoice payment system. The authorised officer is the responsible person who has delegated authority to spend against the budget heading, taking into consideration 12.5 below

12.4 By signing an account for payment the Authorised Officer certifies that satisfactory checks have been carried out to ensure that:

(i) the work, goods, or services to which the account relates have been received or carried out, examined and approved.

(ii) prices, extensions, calculations, discounts, other allowances, and tax are correct.

(iii) there is a proper tax invoice.

(iv) the relevant expenditure has been properly incurred, is within budget, and is charged to the appropriate budget.

(v) entries have been made in asset registers, inventories, stores, and other records as appropriate; and

(vi) the account has not previously been paid.

Where errors on an invoice are detected, manual adjustments which reduce the total payment are permissible, provided that this does not change the total amount of VAT payable. In all cases where the amount due increases or changes the amount of VAT, a replacement invoice and/or credit note must be obtained before payment is made.

12.5 Executive Officers must, where possible, achieve an adequate level of internal control. An officer certifying an account for payment should not be the same officer who received or checked the items, goods, works or services.

No officer may certify any invoice involving payment to themself.

12.6 All forms of account submitted for payment to a supplier or contractor other than on the original invoice must be accompanied by a special certification stating that the original invoice has not been paid and will not be paid subsequently. The certificate must be signed by an officer authorised to certify accounts for payment.

Advanced Payments

12.7 Where a supplier or contractor requires payment prior to the despatch of goods or the provision of services, an official order signed by a duly Authorised Officer and clearly marked that payment is to be made before receipt of the goods or services, together with the supplier's order form (if any) and a cheque requisition certified by a duly Authorised Officer must be sent to the Director of Finance and Procurement separately from other accounts for payment. Payment will not be made without the prior approval of the Director of Finance and Procurement.

12.8 The Director of Finance and Procurement may withhold payment of any invoice where there is evidence to suggest that it is not in order.

12.9 All discounts available from a supplier are to be taken as a deduction against the cost of goods purchased and must appear on the invoice. Where a supplier provides any free item, or discount is available in the form of goods these are the property of the Authority.

13. Payment Cards

13.1 All arrangements regarding payment and procurement cards must be approved by the Director of Finance and Procurement.

13.2 The Chief Executive in conjunction with the Director of Finance and Procurement will determine the credit limit for individual payment and procurement cards.

13.3 Each cardholder will ensure safe custody of the card and not exceed their monthly credit limit.

13.4 Cards may be used only in accordance with the approved scheme and be used only for legitimate expenses incurred by the cardholder during official Authority

business. They must not be used to circumvent the procedures for the ordering of, and payment for, goods and services under these regulations.
Cards should not ordinarily be used to pay for private purchases. Where there is an unavoidable combination of business and private spending, arrangements must be agreed with the Director of Finance and Procurement for the scope of use and prompt repayment.

13.5 Each cardholder must ensure that all expenditure incurred is supported by adequate records, and in respect of payment cards, that a VAT receipt is obtained to support all expenditure.

13.6 The cards must not be used to obtain cash or fuel save in the case of card use to purchase fuel for fire appliances or other liveried operational vehicles is permitted.

14. Salaries, Wages and Pensions

14.1 All payment of salaries, wages, pensions, compensations, gratuities, allowances and other emoluments to current or former employees are to be made by the Director of Finance and Procurement in accordance with information supplied by Executive Officers. All payroll transactions must be processed through the Authority's payroll system.

14.2 Executive Officers must ensure that appointments of all employees are in accordance with the appropriate Conditions of Service of the Authority or any approved scheme of delegation, and within the approved budgets, grades and rates of pay. Any variations of terms and conditions must be in accordance with arrangements approved by the People and Culture Committee.

Records

14.3 The Director of People and Culture must maintain adequate records to notify the Director of Finance and Procurement of all appointments, resignations, dismissals, and retirements, together with changes in pay rates, bonuses due, overtime worked and other matters affecting remuneration. He or she must also provide all information to ensure that the correct adjustments are made in respect of absences, pensions, income tax, national insurance, sickness, and maternity pay and any other additions to, or deductions from, pay. The Director of Service Support must also advise the Director of Finance and Procurement of any employee benefit in kind to enable reporting for taxation purposes.

14.4 All officers must complete a time record of actual times of attendance at work, except where a time clock is used, or an alternative method of recording has been authorised by the Chief Executive. These records should be signed by the officer as a correct statement. It is the responsibility of each manager to check time records of officers for which he or she has responsibility and to evidence this accordingly.

14.5 All authorisation of pay must be by the employee’s line manager and/or must be of a higher rank or grade to the employee requesting payment.

Overpayment

14.6 The Director of Finance and Procurement is authorised to write-off any net overpayment of salary/wage where death-in-service of an employee occurs, except where the Authority holds a statutory obligation to recover such overpayments. All other overpayments of pay must be treated for the purposes of recovery and write off in accordance with Financial Procedure 11.

15. Travel, Subsistence and Other Allowances

15.1 Payment of all claims is to be made by the Director of Finance and Procurement or under other arrangements approved by the Director of Finance and Procurement and must be in accordance with schemes of Conditions of Service adopted by the Authority in respect of the employees to which the payment relates.

15.2 All authorisation of expenses must be by the employee's line manager and/or must be of a higher rank or grade to the employee requesting payment.

15.3 The certification of a claim by or on behalf of an Executive Officer is taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Authority. Expense claims which relate to a period more than 2 months before the date of submission will not be paid, except in special circumstances agreed by the Director of Finance and Procurement.

16. Taxation

16.1 The Director of Finance and Procurement is responsible for advising the Authority, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.

16.2 Executive Officers must ensure that taxation is treated correctly and consult with the Director of Finance and Procurement in the event of any uncertainty as to any taxation treatment.

16.3 The Director of Finance and Procurement will lead, coordinate and as necessary negotiate in respect of any taxation matter with the HMRC, and report on the outcome when this is material.

16.4 The Director of Finance and Procurement will complete all of the Authority's tax returns and carry out any tax computations or determine any liability.

17. Unofficial and Voluntary Funds

17.1 These regulations relate to funds administered by officers of the Authority, the accounts of which are not included in the Authority's statutory financial statements.

17.2 Any proposed unofficial funds require the prior approval of the Chief Executive who must maintain a record of all such funds and ensure that officers are appointed to administer each fund.

17.3 A separate bank account must be maintained for each fund in the name of the fund, and fund monies must be kept separate from Authority monies.

17.4 The Chief Executive must ensure he receives a copy of the accounts of each fund and a certificate in the prescribed form, from the auditors or independent examiners of each fund that must be audited or independently examined. Such accounts are to be prepared annually, and at the completion of the purpose for which the fund was set up.

17.5 The Director of Finance and Procurement is to have access to any records relating to such funds and be informed immediately of any irregularities which arise in connection with them.

18. Purchasing of Works, Goods And Services

Orders

18.1 Before any official order is issued for goods, work or services, the relevant Executive Officer or other Authorised Officer must ensure that: -

(i) the goods works or services are necessary for the discharge of the responsibilities of the Authority.

(ii) sufficient budget is available to fund the expenditure; and

(iii) Contract Procedure Rules (which apply to all purchasing irrespective of value) have been complied with fully.

18.2 Official orders shall be in a form approved by the Director of Finance and Procurement and the Director of Corporate Services.

18.3 Executive Officers are responsible for all orders issued. Orders must only be issued by Authorised Officers.

18.4 Except where there is a formal contract, in which case work instructions and orders must conform with the provisions of the contract, official orders will be issued for all work, goods or services to be supplied to the Authority, except for supplies of continuous services (such as utilities), statutory taxes, petty cash purchases or such other exceptions as the Director of Finance and Procurement may approve. Orders must clearly indicate the nature and quantity of the work/services/items/supplies required, any related contract or agreed prices, discounts receivable and dates or periods of delivery.

18.5 All orders must be in written form and issued electronically.

18.6 Records of all non-computerised order books must be kept by Executive Officers. Copies of orders must be retained. All copies of spoilt, incorrect, or unissued orders must be appropriately marked and retained in any order book.

18.7 Order records (whether computerised or manual) must be used to record the receipt of the goods, works or services and all payments made in respect of an order. All Goods Received Notes must be retained.

18.8 All discounts available from a supplier are to be taken as a deduction against the cost of goods purchased and must appear on the invoice. Where a supplier provides any free item, or discount is available in the form of goods, these are the property of the Authority.

Management of Suppliers

18.9 Planned expenditure in a financial year of a similar type should be aggregated and procured together. Orders should not be split or aggregated for the purpose of avoiding the requirements of Contract Procedure Rules.

18.10 Unless determined otherwise by the Executive Officer concerned, the budget holder shall be responsible for supervision of the contract.

Specification

18.11 Any contract or order engaging an external adviser or consultant must be in accordance with these Rules.

Variations

18.12 In respect of each order or contract exceeding £75,000 to be let, the Executive Officer responsible must prepare or agree a written brief stating the objective of the order or contract and the sources of funding to meet the estimated cost of the project. Unless otherwise agreed with the Director of Finance and Procurement, the Authorised Officer must prepare a specification which will indicate relevant issues for the supply, (for example type, quantity, quality, time, location, occasions), and the risks and obligations placed on the supplier. Specifications should set outcomes or outputs and be prepared on a generic basis and not include named products except where this can be justified on technical grounds. They should be prepared in a way which is likely to bring about the most economically advantageous solution whilst ensuring compliance with minimum statutory requirements and Authority policy. The specification may only be altered on the basis of written instructions from the Executive Officer concerned, who must justify the reason for change and additional sources of funding.

Overspending

18.13 Any variation to a contract which results or will result in additional costs being incurred on a contract of more than 5% of the contract sum will be reported to the Executive Officer concerned and the Director of Finance and Procurement as soon as practicable. The Executive Officer concerned must report specifically on all such variations to the appropriate committee.

18.14 The Executive Officers must ensure that a Contract Register is kept which shows details of all payments made against any contract. Any payments on account to contractors against a formal contract are to be made only on an

approved certificate issued and checked by the Authorised Officer which must be passed to the Director of Finance and Procurement.

18.15 The certificate authorising final financial settlement of any contract above £100,000 will not be issued until the appropriate officer has produced a detailed statement of account and all necessary supporting documents, and these have been agreed by the Director of Finance and Procurement, and the final payment agreed by the Executive Officer who is the budget holder carrying out the project.

Claims

18.16 All claims (or prospective claims) from contractors for loss and expense will be considered by the Authorised Officer who will immediately advise the client Executive Officer and they will consider jointly methods for cost reduction to achieve the budgetary provision.

18.17 The Executive Officer who is the budget holder of the project and the Director of Finance and Procurement must be consulted in respect of any claim (or prospective claim) from a contractor for loss and expense.

18.18 The Executive Officer concerned will report in detail to the Finance & Resources Committee if the financial consequences of the claim cannot be accommodated within the approved project budget.

18.19 Any claim from a contractor outside the terms of the contract, or under any statutory instrument or any claim for an ex-gratia payment will be jointly considered by the Chief Executive Officer, Director of Finance and Procurement and Executive Officer concerned before any recommendation is made to the appropriate committee.

19. Partnership Working

Financial Control of Partnerships, Joint Ventures, Associated Organisations and Similar Arrangements

Working in Partnership with Associated Organisations

The Director of Finance and Procurement is responsible for promoting and maintaining the same high standards of financial administration in partnerships that apply throughout the Authority or advising the Authority where they are aware that arrangements within a partnership are in conflict or uncertain compared with practices adopted by the Authority.

The Director of Finance and Procurement must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory and must:

(i) consider the overall corporate governance arrangements and legal issues when arranging contracts with the partner / joint venture or associated organisation.

(ii) ensure that the risks have been fully appraised before agreements are entered into with the partner / joint venture or associated organisation.

Executive Officers must ensure that in all grant agreements, contribution to partnerships and where appropriate, in agreed contracts for the supply of works, goods and services, the Director of Finance and Procurement has access to the accounts, records and all other documentation, and is entitled to seek explanations from officers of the funded organisation regarding the deployment of the Authority's funding payment.

Partnership is defined as: any organisation with which the Authority has a formal or informal agreement to act together.

The Director of Service Delivery will maintain a register of all partnerships in accordance with the Authority's Partnership Policy.

This document is scheduled for review to ensure we are meeting accessibility legislation. If you need this document in an alternative format, please contact procurement@westyorksfire.gov.uk

Part 4 - Contract Procedure Rules

1. Compliance

1.1. Contract Procedure Rules (CPR) are a legal requirement and constitute standing orders for the purpose of s135 of the Local Government Act 1972. S135 of the Local Government Act 1972' (3) states 'Standing orders made by a local authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited'. All tender processes will address mandatory requirements to comply with legislation in regard to corruption, fraud, terrorist offences or offences linked to terrorist activities, money laundering or terrorist financing, child labour and other forms of trafficking in human beings and obligations related to the payment of tax or social security contributions.

1.2. The aim of these CPR is to define the procedures for obtaining written quotations and competitive tenders from Suppliers for the provision of goods, services and works within West Yorkshire Fire and Rescue Authority (WYFRA).

1.3. The Authority's Constitution incorporates Financial Procedure Rules, Scheme of Delegations and Contract Procedure Rules that provide a framework for managing the Authority's financial affairs which apply to every Member and Officer of the Authority and anyone acting on its behalf.

1.4. These CPR should be read in conjunction with the Financial Regulations, the Scheme of Delegation and supporting standards, procedures and instructions published on the WYFRA website.

1.5. These CPR set out the key responsibilities and actions that Authorised Officers must follow when undertaking procurements.

1.6. CPR <u>do not</u> apply to:

a) Contracts of employment which make an individual a direct employee of the Authority. (However, these Rules do apply to Contracts for recruitment from agency services and the employment of consultants or agency staff);

b) Agreements regarding the acquisition, disposal or transfer of land for which provision is made within the Local Government Act 1972 and in relation to which Financial Regulations apply;

c) The engagement of external legal services (which must be commissioned via a Board member);

d) An arrangement with a statutory body to provide a service that the statutory body can legally provide;

e) Financial Services in connection with the issue, sale, purchase or transfer of securities or loans.

1.7. The general principles of non-discrimination, equal treatment, proportionality and transparency shall be applied to all procurement processes, above and below Public Procurement Regulation thresholds.

1.8. Non-compliance with UK legal requirements, CPR and Financial Regulations can have serious consequences for the Authority including financial penalties, legal action and reputational damage.

1.9. Following CPR allows the Authority to comply with both procurement and data transparency legislation and staff should be aware that any non-compliance may result in disciplinary action.

1.10. Authorised Officers shall take appropriate measures to prevent, identify and remedy any conflicts of interest arising within a procurement process or subsequent management of Contracts to avoid any distortion of competition and to ensure non-discrimination and equal treatment at all times.

2.Local Government Transparency Code

2.1. As part of the Governments' commitment to greater transparency, the Authority is required to regularly publish procurement information. This means the Authority will publish on its website details of purchases over £500, a version of the Authority's Contracts Register for Contracts with a value above £5,000, all transactions undertaken using a Government Purchasing Card and any payments under a Contract valued above £30,000. For Contracts worth a value above £5,000,000,000, a copy of the Contract and KPIs (Key Performance Indicators) must also be published on the CDP (Central Digital Platform).

3.Responsibilities of the Executive Leadership Team (ELT)

3.1. Executive Officers of the ELT are responsible:

a) For ensuring compliance with these CPR by their Authorised Officers.

b) For reporting any known breaches of these CPR to the Director of Corporate Services, Director of Finance and Procurement and Finance and Resources Committee.

4.Responsibilities of the Director of Finance and Procurement

4.1. The Director of Finance and Procurement:

a) Is responsible for ensuring appropriate publication on behalf of the Authority all required notices under the Procurement Regulations 2024/Procurement Act 2023.

b) Will ensure a Contracts Register of all Contracts valued £5,000 and above is maintained and published.

c) Shall ensure a rolling Procurement Plan of upcoming procurement projects valued £5,000 and above that aligns with approved Revenue budget and Capital programmes.

a) Shall ensure countersignature of all Contracts valued £75,000 and above by an ELT member.

b) Shall report to the scheduled meetings of the Finance & Resources Committee:

i Any early termination of Contracts with a residual value of £75,000 or more.

ii Any exemption to CPR involving sums of £75,000 or more.

iii Any disposal of Assets that realise a value of £75,000 or more.

5.Delegated Authority

5.1. Any procurement carried out on behalf of the Authority may only be undertaken by Authorised Officers with the appropriate authority to carry out such tasks. If permitted to do so and only after consultation with the Procurement Team, Officers with delegated authority may only delegate to other members of staff who also have the appropriate skills, knowledge and requisite training appropriate to the task. Further subsequent sub-delegation is not permitted. Officers must make enquiry of and be instructed by their senior managing officer and / or Head of Procurement to the extent of any delegated authority and any applicable financial thresholds for each procurement.

5.2. Within approved budgets and in accordance with the WYFRA Financial Scheme of Delegation and Annual Procurement Plan (where applicable), Authorised Officers may instruct members of staff to place orders against agreed Contracts.

5.3. For the purpose of managing RfQ (Request for Quotations) up to £29,999 and tender processes valued above £30,000, Authorised Officers shall be those who are registered on the E-procurement system and shall have obtained the necessary procurement skills, knowledge and training.

6.Transfer of Undertakings (Protection of Employment) - (TUPE)

6.1. Any Contracts awarded which involve the Transfer of Undertakings (Protection of Employment) Regulations 2006 of employees into or out of the Fire Service shall be reported to the Director of People and Culture, Fire and Rescue Authority and any appropriate Committee.

7.Pre-Procurement Planning

7.1. The Authorised Officer leading a procurement must:

a) Identify the need and fully assess any options for meeting those needs;

b) Determine the total value of the Contract (total Contract value is the full cost of goods, services or works across the number of years the Contract is in place) including any options to extend;

c) Consider the Authority's Procurement Strategy;

d) At the pre-procurement phase, consider Social Value and Sustainability within any procurement and consider how what is being procured might improve the economic, social and environmental well-being of the communities the Authority serves and how the Authority might secure that improvement in the procurement process itself.

e) Consider all other means of satisfying the specific requirement (including recycling, re-use, joint working and shared services) and establish a business case and approved budget for the procurement;

f) Consider whether a Community Impact Assessment should be completed dependent upon the nature of the goods, services or works being procured.

g) Consult with all relevant stakeholders including Members, service users and trade unions where necessary.

h) Take all necessary financial (including insurance) and other professional advice (for example procurement, health and safety and risk management).

i. Officers should have regard to current WYFRA policies, procedures and standard documentation.

ii. Seek legal advice when required to mitigate any apparent risks or liabilities.

i) Utilise the E-procurement system electronic tendering system for all procurement requirements with a total contract value above £9,999 unless this system cannot deliver the required procurement objectives.

7.2 The Authorised Officer and Procurement Team (where appropriate), must undertake pre-procurement market consultation with potential Suppliers in an open and transparent manner to inform them of the planned procurement and to gain a better understanding of market conditions and use this information in the preparation of tender documents.

7.3 The Procurement Team will regularly review the Contracts Register to determine whether there are opportunities to aggregate spend for better value or whether any Contract or appropriate Framework Agreement already exists that could be accessed.

8.Estimating the Contract Value and Variations

8.1. In cases involving goods, services or works where a Contract fixed term is not defined, the estimated total contract value shall be calculated by multiplying the estimated monthly value by 48 (4 years), using historical spend information where available.

8.2. Where the total estimated cost of the goods, services or works has been determined to exceed Procurement Regulation thresholds, Officers should consider subdividing the requirements into “Lots” to enable Small Medium Enterprises (SME’s) the opportunity to be involved in the procurement process alongside breaking down barriers for SME’s responding to tender opportunities.

9.Framework Agreements

9.1. Framework Agreements (also referred to as Frameworks) can be used to contract for the supply of goods, services or works without conducting a full open procurement exercise.

9.2. Where the Authority is able to procure from an existing Framework procured by Central Government agencies, public sector purchasing consortia or other local authorities or public bodies, the Authority may benefit from using those agreements without undertaking a separate procurement exercise.

9.3. There are two routes to utilising a Framework:

a) Direct Award; where a single Supplier is selected in accordance with the Terms & Conditions of the original criteria used to award the Framework.
Under no circumstances can new information be asked of a selected Supplier to support an award decision as this would be viewed as opening a further competition process without affording the opportunity to all other Suppliers on the Framework. Procurement Team advice should be sought.

b) Further-Competition; where a number of different Suppliers are able to provide a particular category of goods, services or works and further competition between those Suppliers is needed in accordance with the Terms & Conditions of the Framework. Procurement Team advice should be sought.

9.4 A signed Access Agreement will be required between the Framework provider and the Authority, when specified within the Framework conditions.

9.5 A legal agreement (e.g. Call-off Contract or Letter of Appointment) should be signed between the Authority and the appointed Framework Supplier, upon awarding the procurement. Procurement Team advice should be sought.

9.6 All Purchase Orders raised in relation to the Framework Contract must clearly identify which Framework has been utilised.

10.Dynamic Market Arrangement

10.1 A Dynamic Market (DM) is an open version of a Framework that allows new Suppliers to join (or leave) at any time over its duration, providing that Suppliers meet minimum entry standards as defined.

10.2 A DM must be operated entirely electronically and implementation of a new DM or accessing a DM will be managed with the assistance of the Procurement Team.

10.3 Any intention to use a DM process along with details of the DM provider and how Suppliers can apply to join, must be stated in any DM Notice. Procurement Team advice should be sought.

11.Electronic Auctions

11.1 Electronic Auctions are mainly used for large quantities of standard goods with known specifications and often in collaboration, providing financial savings due to economies of scale.

11.2 An Electronic Auction is a repetitive electronic process resulting in the lowest priced bid being awarded the Contract.

11.3 Electronic Auctions may not be used in circumstances involving criteria that cannot be ranked (e.g. building design, consultancy services).

11.4 Authorised Officers must take advice from the Head of Procurement before agreeing to take part in any form of Electronic Auction.

12.Contract Procedure Rule Thresholds

ESTIMATED VALUE	PROCEDURE	AUTHORISATION
Up to £250	Purchasing Card Purchase Order No need for written quotations	Card holder Budget holder Station personnel
£250 to £9,999	One written quotation via email that must constitute value for money	Group Managers Support Staff Grade 7 and above
£10,000 to £29,999	RfQ (Request for Quote) Process Minimum three (3) invites via the E-procurement system	Central Procurement Team Stores and Deputy Property Managers EO grades Operational Equipment Manager GM Operational Support Area Managers GM Human Resources Organisation Development Manager
£30,000 to £74,999	Open Tender process involving the Procurement Team via the E-procurement system and published to CDP	Central Procurement Team Stores and Deputy Property Managers EO grades Area Managers GM Human Resources Organisation Development Manager
£75,000 to £207,720 (incl. VAT)	Open Tender process involving the Procurement Team via the E-procurement system and published to CDP	ELT Member Central Procurement Team
> £207,720 (incl. VAT) (Goods and Services)	Open Tender process involving the Procurement Team via the E-procurement system and published to CDP	ELT Member Central Procurement Team
> £5,193,000 (incl. VAT) (Works)	Open Tender process involving the Procurement Team via the E-procurement system and published to CDP	ELT Member Central Procurement Team

Any tender process involving TUPE	Tender process managed by the Procurement Team via the E-procurement system and published to CDP	ELT Member Central Procurement Team

13.Estimated Value less than £9,999

13.1 Competitive quotations are not required for awarding Contracts with an estimated value below £9,999. However, regard should still be paid to obtaining value for money and to undertake price comparisons or to invite alternative quotations, as appropriate.

13.2 For purchases up to £250 a Government Purchasing Card may be used or a Purchase Order issued.

13.3 For purchases £250 - £9,999 a written quotation must be obtained from the chosen single Supplier via email and retained in accordance with the Authority's Retention of Documents Policy.

13.4 Where provided, in the opinion of the Authorised Officer, best value can be achieved this process shall prioritise the placing of orders with local businesses (i.e. within WYFRA boundaries).

13.5 The Purchase Order shall specify the goods, services or works to be provided and clearly state the agreed quantity and price as per the written quotation.

14.Estimated Value between £10,000 - £29,999

14.1 This process may be conducted by Authorised Officers in departments for simple, non-complex and low risk procurements.

14.2 Where appropriate, if the intended procurement is complex, involves relatively high risk and would therefore benefit from the added safeguards afforded by a tendering process and more appropriate terms and conditions, the Authorised Officer should refer the project to the Procurement Team to undertake a tender process.

14.3 For procurements with an estimated Contract value over £10,000 but less than £29,999 at least 3 written quotations should be obtained. If less than 3 quotations are received at the first attempt, further request for quotations should be issued or an exemption to CPR form completed and approved prior to award of a Contract.

14.4 Request-for-Quotation (RfQ's) should be issued utilising the electronic procurement system (once trained to do so by the Procurement Team) and where appropriate, at

least 2 of the Suppliers invited to submit quotations should be local businesses (i.e. within WYFRA boundaries).

14.5 The outcome of the Contract award details shall be recorded in the Contracts Register by the Procurement Team.

15. Estimated Value between £30,000 to £74,999 and above £75,000

15.1 Procurement projects with an estimated value between £30,000 to £74,999 shall be managed by the Procurement Team via an open tender process published to CDP via the E-procurement system. A PAD (Procurement Approval Document) must be used.

15.2 At least 2 of the suppliers invited, where appropriate, should be from local businesses within WYFRA boundaries but being mindful to use as wide a pool of Suppliers as possible and to avoid repeatedly inviting the same few Suppliers each time.

15.3 The open tender process shall be managed by the Procurement Team via the E-procurement system with the outcome of the Contract award details recorded on the Contracts Register.

15.4 Where the estimated Contract value is above £75,000, the above process is required, managed by the Procurement Team via a formal tender process and a PAD must be used and countersigned accordingly by a Director of the ELT.

16. Contracts above Regulation Thresholds

16.1. The tender process shall be managed by the Procurement Team.

16.2. The Regulation thresholds as of 1 January 2026 are:

- Goods and Services - £207,720 incl. VAT.
- Works - £5,193,000 incl. VAT.

16.3. The thresholds change every 2 years and are scheduled to change again on 1 January 2028. Further help and guidance can be obtained by contacting the Procurement Team.

16.4. Where an estimated Contract value exceeds the Regulation threshold, the requirement shall be tendered in accordance with the Regulations and appropriate procedure.

16.5. The Regulations set out the minimum timescales for receipt of expressions of interest and tenders. Where the Authority has published a Prior Information Notice announcing its forthcoming contracts for the year ahead or is using electronic means of tendering, the Authority may rely on reduced timescales if appropriate and advised by the Procurement Team.

16.6. Where possible the use of “Lots” shall be used to sub divide the requirement in order to allow Small Medium Enterprises (SME’s) and local supply chain to bid (in accordance with CPR 8).

16.7. The process shall be managed via the E-procurement system with the outcome of the contract award details being recorded on the Contracts Register by the Procurement Team.

17.Open Tender Procedure (1 Stage Process)

17.1. An open procedure may be used for any value of procurement.

17.2. All compliant submissions from bidders must be evaluated equally and fairly applying the scoring methodology within the tender documents.

17.3. All documentation must be published on the E-procurement system at the time of the primary Contract Notice, with all quotations / tenders and correspondence being submitted by bidders via this system.

18.Competitive Flexible Procedure

18.1. This procedure involves the use of stages to restrict the number of responses at each stage of the process for Contracts above the Regulation threshold and not for any Contracts below the relevant Regulation threshold.

18.2. The requirement to publish relevant notices is the same as in the open procedure except that the notice shall state that a competitive flexible procedure is being utilised.

18.3. All documentation must be published on the E-procurement system at the time of the CDP notice and all tender stage responses must be submitted by bidders via the E-procurement system.

18.4. Under the competitive flexible procedure, potential Suppliers are invited to apply within the period of advertising for each stage, by the completion of the relevant tender documentation.

18.5. Following an assessment at each stage, Suppliers meeting the required criteria should be selected to move to the next stage.

18.6 A competitive flexible procedure may provide for the exclusion of suppliers—

(a) by reference to conditions of participation.

(b) by reference to an intermediate assessment of tenders;

(c) that are not United Kingdom suppliers or treaty state suppliers;

(d) that intend to sub-contract the performance of all or part of the contract to a Supplier that is not a United Kingdom supplier or treaty state supplier.

The Procurement Team will advise on the above accordingly and ensure all relevant notices are published on the CDP.

19.Other Permitted Tender Procedure

19.1. Direct Award via a Framework is permitted where this option is stated within the Framework Agreement terms and conditions. The Procurement Team will advise accordingly.

20.Publicising Tender Opportunities

20.1. There is no need to advertise quotations valued below £10,000.

20.2. For quotations and tenders above £10,000, the E-procurement system should be used utilising the RfQ (Request for Quote) process.

20.3. Where the estimated value of the Contract is £30,000 relevant notices must be placed on the CDP advertising the opportunity.

20.4. There is no need to publish a notice if the opportunity is being offered to a restricted number of suppliers via a Framework Agreement.

20.5. Where the Regulations apply, relevant CDP Notices must be published in the prescribed format before any other notice is published.

21.Submission and Opening of Quotations/Tenders

21.1. Quotations/Tenders valued £10,000 or above shall be managed via the E-procurement system.

21.2. The opening of quotations and tenders on the E-procurement system will be performed at the stated date/time.

21.3. When the opening of any quotation or tender has taken place, the Authorised Officer shall ensure that a Quotation/Tender Opening Record form and PAD document (where applicable) is updated, fully completed and safely filed for future reference.

22. Late Quotations/Tenders

22.1. Late bids may only be accepted with the approval of the Head of Procurement where other bids have not yet been opened and the late bidder has gained no advantage as a result of the late submission for reasons where, for example, there is evidence that technological reasons have prevented the submission on time, through no fault of the bidder.

23. Abnormally Low Quotations/Tenders

23.1. Where a submitted price appears abnormally low it may not be rejected without:

a) giving the bidder an opportunity to explain the tendered price (such explanation to be given in writing),

b) considering the evidence provided, and

c) obtaining the written approval of the Director of Finance and Procurement or an Executive Officer.

24. Errors or Omissions in Quotations/Tenders

24.1. Errors or omissions in quotations/tenders shall be dealt with in one of the following ways:

a) The bidder shall be given details of the error(s) or omissions found during the examination of the quotation/tender and shall be required at the decision of the Head of Procurement to confirm without amendment or withdraw the quotation/tender.

b) Amending the quotation/tender to correct genuine error(s) or omissions provided that, in this case, apart from these genuine errors or omissions no other adjustment, revision or qualification is permitted.

24.2. All amendments shall be fully recorded with justification for the action taken. Where necessary legal advice will be sought.

25.Tender Evaluation

25.1. All criteria, sub-criteria and weightings must be made available to bidders at the ITT (Invitation to Tender)/RfQ stage.

25.2. Criteria, sub-criteria and weightings cannot be used for evaluation purposes which have not previously been brought to all bidders' attention.

25.3. Published criteria must be strictly observed at all times throughout the procurement process, selection and Contract Award stages by the Authorised Officer managing the tender evaluation.

25.4. Records should be kept of the evaluation process, (e.g. criteria, sub-criteria, weightings, individual and joint scoring and reasons for any adjusted scores), signed and dated by the individuals involved in the process and electronically filed in a secure place with the full document set.

26.Post Tender Negotiation

26.1. Where the procurement is conducted through either an Open or Competitive Flexible procedure, no post tender negotiations are permitted other than to clarify details prior to Contract Award or in accordance with CPR 37. Under no other circumstances must material changes be made to the Authority's requirements or the winning bidder's submission that could be deemed to disadvantage other bidders, distort competition or adversely impact the competitive tendering process.

26.2. Any negotiations must be conducted on behalf of the Authority with the assistance/guidance of a Procurement Team member. A full written record shall be kept of the results of any negotiations, signed by the Authorised Officer and the Supplier and retained with the procurement documentation.

26.4. At all times during any negotiation the Authorised Officer shall ensure that all bidders are treated equally and in a non-discriminatory and transparent manner.

26.5. Prior to undertaking any post tender negotiation advice must be obtained from the Head of Procurement.

27.Bonds, Guarantees and Security

27.1. For procurements valued above £75,000 the Authorised Officer and Evaluation Panel shall consider as part of the criteria whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred

Supplier dependent upon the preferred Supplier's status, the product characteristics and a thorough risk analysis.

27.2. The Authority will only accept Performance Bonds or Surities that are UK based or held in UK escrow arrangements.

27.3. Authorised Officers must consider any steps necessary to protect the Authority's interests in the event of a Suppliers' default, having regard to advice from the Director of Corporate Services and Director of Finance and Procurement.

27.4. This consideration should be based on risk to the Authority, taking account of the circumstances, including:

(a) the value of the Contract;

(b) the type of goods, services or works being procured;

(c) the payment profile of the Contract;

(d) the financial strength of the Suppliers in the market;

(e) affordability and proportionality; and should assess whether additional security is required in the form of a bond, guarantee, fee retention (where performance is required by a particular date, and where delay would have financial consequences for the Authority) or provision for liquidated damages.

27.5. The Authorised Officer shall ensure minimum levels of appropriate insurance are provided for within each Contract. Minimum levels are:

a) Employee Insurance - £5m

b) Public Liability Insurance - £10m

c) Professional Indemnity Insurance - £2m

28.Acceptance of Quotations/Tenders and Award

28.1. The Authority is not bound to accept any quotation or tender and this must be made clear to bidders in writing at the beginning of the procurement process and as appropriate throughout.

28.2. Quotations and tenders may be accepted on behalf of the Authority by the relevant Authorised Officer in accordance with the Contract value and the

Financial Scheme of Delegation, provided they have been invited, evaluated and are to be awarded fully in compliance with these rules.

28.3. In relation to all Contracts valued over £10,000, once a decision to award a Contract is made, all bidders must be notified at the same time via the E-procurement system of the intention to award the Contract to the successful bidder.

29.Standstill (Alcatel) Period and Debriefing

29.1. For procurements above Regulation thresholds, there must be a mandatory period of at least eight (8) working days between the electronic notification of an award decision being sent to all bidders and before a Framework or Contract is concluded with the successful Supplier(s), to allow unsuccessful bidders to consider any challenge to the award decision.

29.2. If the expiry of the eight (8) working days falls on a weekend or bank holiday, the expiry shall be extended to the next working day.

29.3. The Authority shall voluntarily apply the same best practice standstill period and process for all tenders (except in cases of genuine urgency).

29.4. The Authorised Officer responsible for each procurement (with the assistance of the Procurement Team member) must ensure the award decision notice is fully compliant with Regulations and additionally include the relevant written information (assessment summary) as required under the Procurement Regulations 2024.

29.5. Any complaints from bidders must be recorded in the project file and dealt with in the most appropriate manner taking due consideration of whether to proceed to Contract Award or to defer the award pending resolution of the complaint.

30.Contract Details Notice

30.1. Where a Contract has been tendered pursuant of the Regulations, the Procurement Team member shall publish a Contract Details notice on the CDP.

30.2. Where the opportunity was initially only sent to a limited number of Suppliers e.g. using an RfQ process or a Framework then there is no requirement to publish Contract Details notices.

31.Letters of Intent

31.1. Letters of intent shall only be used in exceptional circumstances ahead of formal Contract signature as follows:

(a) Where a Supplier is required to provide goods, services or works prior to formal written acceptance by the Authority; and

(b) Where the Authority's form of tender does legally bind either Party until such time as a formal Contract is executed.

31.2. Letters of Intent shall only be used following consultation with the Director of Finance and Procurement and/or Head of Procurement where a delay would cause a significant interference with the provision of service delivery.

31.3. Letters of Intent shall be limited to 10% value of an agreed goods or services Contract and limited to 10% or £20,000 (whichever is the lowest) for works Contracts.

32.Contract Terms and Conditions

32.1. Contracts shall be entered into on the Authority's Terms and Conditions which shall be included with each invitation to quote / tender and Purchase Orders sent by electronic means.

32.2. The exception to using the Authority's Terms and Conditions arises when using Terms and Conditions provided by:

- Crown Commercial Services (e.g. Consultancy Services)
- Framework Agreements
- Utility Company (Gas, Electricity and Water)
- Telecommunications
- Construction Industry Terms and Conditions (but limited to NEC, JCT, RIBA and RICS).

32.3. Exceptions to CPR 32.1 and 32.2 must be approved beforehand at tender preparation stage by the Head of Procurement.

32.4. The Authority may accept equivalent Terms and Conditions of other public sector Authorities when participating in joint working and collaboration, provided they are deemed to be suitable and fit-for-purpose. Advice should be sought from the Head of Procurement if other Terms and Conditions are considered.

32.5. Every Contract awarded that is concluded via an RfQ process shall:

a) Specify the goods, services or works to be provided;

b) Specify the quantities and price to be paid with a statement of any discounts or other deductions;

c) Specify the time or times within which the Contract is to be performed;

d) Use an official order form to confirm the Contract using the Authority's standard terms and conditions whenever possible.

32.6. Every Contract awarded that is concluded via a tender process shall contain:

a) A statement of the goods, services or works to be provided;

b) Reference to and identification of the winning tender documents;

c) A statement of the price, payment terms and any applicable interest;

d) Restrictions on the awarded Supplier(s) from re-assigning or sub-contracting any part of the Contract without prior written WYFRA consent;

e) Insurance clauses - (see minimum levels in CPR 27.5);

f) Health & Safety clauses and a requirement to comply with all relevant Health and Safety regulations and instructions issued by the Authority;

g) General Data Protection Regulations clauses;

h) Equalities and anti-discrimination clauses that relate in particular to the Equalities Act and the Living Wage Act;

i) An Audit clause that provides a right of access to records pertaining to the Contract and service delivery;

j) A clause that states the Authority's duty to comply with the Freedom of Information Act and that the awarded Supplier(s) is obliged to assist the Authority in fulfilling these duties where appropriate;

k) Human Rights clauses;

l) A clause that requires the awarded Supplier(s) to pay subcontractors within 30 days;

m) A clause allowing the Recovery of Sums owed to the Authority by the awarded Supplier(s) by off setting against any sums owed by the Authority to the awarded Supplier(s);

n) Anti-Corruption and anti-Bribery clauses;

o) A Dispute Resolution clause;

p) Clauses for the provision of a performance bond, parent company guarantee or other form of security (but only when considered necessary);

q) Liquidated Damages clause in the event of the awarded Supplier's failure to deliver the Contract;

r) A right of Early Contract Termination in specified instances e.g. money laundering, fraud, bankruptcy; tax evasion; etc

s) A clause for Termination and Damages in the event of the awarded Supplier's default;

33. Execution of Contracts

33.1. Any Contracts that have potential long-term liabilities as determined through a risk assessment on a case by case basis and would benefit from the added legal protection afforded by the process of "sealing" shall be made by affixing the Common Seal of the Authority. This shall only be attested by the Director of Corporate Services or nominated Deputy.

33.2. Contracts with a total value up to £75,000 should be signed by an Authorised Officer in accordance with the Scheme of Delegation and provided this is within approved budget.

33.3. Contracts with a total value of £75,000 or above should be signed by an Authorised Officer in accordance with Financial Procedures (Scheme of Delegation) but must be counter-signed by the Director of Finance and Procurement or another ELT member and sealed if appropriate. Individual Purchase Orders with a value above £75,000 that are not under an established Contract must be countersigned by the relevant department Director prior to sending to the Supplier.

34. Records of Contracts

34.1. A Contracts Register of Contracts awarded with a value above £5,000 shall be managed electronically by the Procurement Team on behalf of the Authority.

34.2. Authorised Officers awarding Contracts must provide all necessary details required for the Contracts Register as requested by the Procurement Team member.

34.3. Contract files shall be maintained in accordance with the Authority's retention schedule.

35.Contract Management

35.1. Contract Managers listed in the Contracts Register are responsible for effectively monitoring and reporting on Supplier's performance in the delivery of the required goods, services or works.

35.2. Risk assessments and the value of the Contract shall be used, in consultation with the Head of Procurement, to determine the degree of monitoring and reporting necessary.

35.3. Contract management training is available by contacting the Head of Procurement.

36.Novation

36.1. Novation occurs where there is an agreement to change a Contract by substituting a third party for the original awarded Supplier. Where the Authority is approached regarding novation the Authorised Officer must seek advice of the Head of Procurement before novation can be agreed.

37.Modification of Contracts During Their Term

37.1. Contracts and Framework Agreements may be modified (including extensions) without a new procurement procedure, in the following cases:

a) The modification, irrespective of monetary value, was provided for in the initial Contract as clear, precise and unequivocal clauses.

b) The additional goods, services or works by the original Supplier that have become necessary were not included in the initial procurement and where a change of Supplier;

   i. Cannot be made for economic or technical reasons such as interchangeability or interoperability with existing equipment, services or installations; or

   ii. Would cause significant inconvenience or substantial duplication of costs;

   iii. Provided that any increase in price does not exceed 50% of the value of the original Contract.

c) Where <u>all</u> of the following conditions apply:

   i. The need for modification came about by unforeseen circumstances.

ii. The modification does not alter the overall nature of the Contract.

iii. The increase in price does not exceed 50% of the original Contract value.

37.2 Any modifications to Contracts as described in CPR37.1 must be agreed beforehand by the Director of Finance and Procurement and signed by all Parties in the form of a Contract Variation Agreement.

37.3 Any modifications described in b) and c) as relating to the original Contract Award value that exceeded Regulation thresholds must be notified to the Head of Procurement who shall in turn publish the necessary Notice(s)on the CDP.

37.4 Any proposals to modify a Contract or Framework that would be considered substantial are not permitted and would require a new procurement procedure. Advice from the Head of Procurement must be sought.

38.Termination of Contract

38.1. Contracts may be terminated early by the Director of Finance and Procurement in accordance with the termination provisions set out in the Contract.

38.2. Any Contracts that are terminated early with a residual value exceeding £75,000 shall be reported to the next Finance and Resources Committee meeting by the Director of Finance and Procurement.

39.Exemption to Contract Procedure Rules

39.1. The Authority does not have the power to exempt Procurement Regulations 2024 which take precedence over CPR.

39.2. The Authority does have the power to approve an exemption to CPR for specific projects and circumstances where necessary because of an unforeseeable emergency involving immediate risk to persons and property or serious disruption to services or can otherwise be reasonably justified. An Authorised Officer (up to £30,000) or an Executive Officer (up to £75,000) may request an exemption to CPR after consulting with the Head of Procurement.

39.3. Exemptions to CPR in excess of £75,000 must be agreed by the Chief Executive Officer or in their absence; the Deputy Chief Fire Officer, Director of Finance and Procurement, Director of People & Culture or Director of Service Support. Any such exemptions must be reported to the next meeting of the Finance & Resources Committee by the Director of Finance and Procurement.

39.4. The Officer seeking the exemption must ensure a copy of the approved request is registered and filed centrally with the Procurement Team for audit purposes.

40. Disposal of Assets

40.1. Leased assets must be disposed of in accordance with written lessor's instructions.

40.2. Where assets (other than land & buildings) are to be disposed of because they are surplus to requirements, damaged or obsolete; reasonable endeavours must be undertaken to realise the residual value of the assets.

40.3. Assets having little or no realisable value may be disposed of as waste with the approval of the relevant Executive Officer, provided the disposal favours re-use / recycling wherever possible.

40.4. Assets with a realisable value shall be disposed of in the manner most likely to secure best value including the use of auction houses and on-line auctions involving multiple bidders.

40.5. Disposal of assets that realise a value of £75,000 or more must be reported to the next meeting of the Finance & Resources Committee by the Director of Finance and Procurement.

41. Review and Amendment of Contract Procedure Rules

41.1. These Contract Procedure Rules shall be reviewed and updated at least annually by the Director of Finance and Procurement in consultation with the Head of Procurement.

41.2. Any proposed amendments as determined by the Director of Finance and Procurement that would materially change overall governance or introduce significant change shall be presented beforehand to the Fire & Rescue Authority or relevant Committee for approval.

42. Definitions

Access Agreement	An agreement between the Framework provider and the Contracting Authority to enable access to the Framework.
Authorised Officer	Persons with appropriate delegated authority to act on the Authority's behalf and which includes budget holders (as identified within the Financial Regulations) and those persons registered on the E-procurement system.

Authority	West Yorkshire Fire and Rescue Authority; or any designated Committee of the Authority that has delegated powers to act on behalf of the Authority.
Constitution	The Authority's Constitution as adopted and amended from time to time and maintained on the Authority's website particularly references to the Articles, Scheme of Delegation, Officer Codes, Procedural Procedure Rules, Rules of Procedure, Access to Information Procedure Rules, these Contract Procedure Rules and Member Codes of Conduct.
Contracts Register	A register held and managed by the Procurement Team containing details of contracts entered into by the Authority above a threshold value of £5,000.
Framework Agreement	An agreement which allows an Authority to call-off from a Supplier to provide goods, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a nonbinding offer with no obligations on the Authority to call-off from the Supplier. If the Authority calls-off from the Supplier, a binding Contract comes into being.
ITT	Invitation to Tender
Procurement	Any arrangement whereby a new, replacement, amended or extended Contract for the supply of goods, services or works is to be put in place. This includes circumstances where more than one provider is invited to tender and also where goods, services or works are procured through a negotiation with a single provider.
Procurement Plan	A plan identifying procurement projects so that appropriate resources can be allocated and Suppliers notified to give advance notice of bidding opportunities.
Procurement Team	The Officers employed in the WYFRA Procurement Service
Purchasing Consortia	A collaborative arrangement in which two or more organisations join together to combine their individual requirements for goods, works or services to gain better prices, design, supply availability and assurance benefits compared to if each member purchased the goods or services alone.
Retention Schedule	The Authority's Retention Schedule is located on the WYFRA intranet.
Regulations	The Procurement Act 2023 and the Procurement Regulations 2024 or any subsequent amendment(s).
RfQ	Request for Quotation

Social Value Act	A requirement to consider economic, social and environmental wellbeing of an area, at the pre-tender stage
Supplier	Any person or body of persons providing, or seeking to provide, goods, services or works to an Authority.
TUPE	The Transfer of Undertakings (Protection of Employment) Regulations 2006.
Value for Money	The optimum combination of whole life costs and benefits to meet the customer's requirement. Such term equates to "most advantageous offer" (MAT).

Part 4 - Contract Procedure Rules – Interpretation and Application

1. Compliance with Legislation

The provisions contained in these Standing Orders shall be subject to and shall comply with any over-riding requirements imposed by UK legislation, EEC directives or any other statutory or regulatory provisions with which the Authority must by law comply.

2. Definitions

In these Standing Orders the following expressions have the following meanings:

"The Authority" means the West Yorkshire Fire and Rescue Authority constituted in accordance with Section 26 Local Government Act 1985.

"The Chair of the Authority" and "The Vice Chair of the Authority" means the persons appointed by the Authority to be its Chairman and Vice Chairman in accordance with Section 34(1) Local Government Act 1985.

The “Director of Finance and Procurement” means the person appointed by the Authority in accordance with Section 73 Local Government Act 1985.

“Executive Officer” means the Chief Executive/Chief Fire Officer, Directors of Service Support and Service Delivery, Director of Corporate Services, Director of Finance and Procurement, and Director of People and Culture.

"Member" and "Voting Member" means such Elected Member of a constituent council as has been appointed to the Authority by the constituent council under the provision of the Local Government Act 1985.

"Officer" means all persons employed by the Authority, including uniformed service personnel, and Green Book staff whether on permanent or fixed term contracts.

"Most economically advantageous tender" includes where applicable price, delivery date, running costs, cost effectiveness, quality, aesthetic and functional characteristics, technical merit, after sales service and technical assistance.

“Electronic Tendering System” means an online electronic tendering system used by the Authority to operate E Tenders and E Quotes and the online management of suppliers and contracts.

3. Interpretation

The ruling of the Chair of the Authority after consultation with the Monitoring Officer, after consultation with the Director of Finance and Procurement, as to the construction or application of any of these Standing Orders shall be final.

Part 4 - Anti Fraud, Theft and Corruption Strategy And Response Plan

1.Introduction

1.1 Definitions:

- Fraud is the intentional making of false statements, or the amendment of records in order to deceive.
- Theft is the dishonest appropriation of property belonging to someone else with the intention of keeping it permanently.
- Corruption is the use of authority, action, or advice in order to prevent or distort a decision.

1.2 All are normally for the purpose of personal gain. They may involve others, outside the organisation, through the making of false statements, or corruption by bribery of those within the organisation to seek to influence the decision-making process.

1.3 Fraud, theft and corruption can affect the Authority in two ways:

- from its employees, members, suppliers, and trade customers
- from recipients of services

1.4 The Authority is committed to an effective anti-fraud, theft and corruption strategy designed to:

- encourage prevention
- provide deterrence
- promote detection, and
- identify a clear pathway for investigation

1.5 The Authority's expectation on propriety and accountability is that Members and employees at all levels will lead by example, by ensuring adherence to rules and that all procedures and practices are beyond reproach and are perceived to be so.

The Authority expects that individuals and organisations that it comes into contact with will act towards it with integrity and without thought or actions involving fraud, theft, or corruption.

However, the Authority is aware that a small minority may attempt to act fraudulently and corruptly, and it is against those individuals and organisations that this strategy is directed.

1.6 The Authority will take action to prevent, detect, investigate, and act upon fraud, theft, or corruption of any kind.

1.7 The Authority will publicise the Anti-Fraud, Theft and Corruption Strategy and Response Plan to promote awareness of its stance and approach.

1.8 This document complements many other Authority policies and codes of practice, in particular it is linked to the Authority's Whistleblowing Policy. It has different parameters of applicability, as whilst it refers only to fraud, theft, and

corruption, it seeks to engage not only employees but also the local community, Authority suppliers and others.
This document therefore contains:

- An Anti-Fraud, Theft and Corruption Strategy
- A Fraud and Corruption Response Plan
- A Code of Practice for Employees and a copy of the Authority's Whistleblowing Code
- A Code of Practice for Managers
- Useful Contacts and Information

2. Anti-Fraud, Theft and Corruption Strategy

2.1 Culture

2.1.1 The Authority is determined that the culture and tone of the organisation remains one of honesty and opposition to fraud, theft and corruption.

2.1.2 There is an expectation and requirement that all individuals and organisations, associated in whatever way with the Authority, will act with integrity and that Members and employees at all levels will lead by example.

2.1.3 The Authority's employees are an important element in its stance on fraud, theft and corruption and they are positively encouraged to raise any concerns that they may have, either within the organisation or externally, in the knowledge that such concerns will be treated in confidence and investigated properly and thoroughly.
Normally employees should speak first to their line manager. If, however an employee feels that the matter cannot be resolved by talking to the line manager, (e.g., if they are believed to be involved), then they should speak to a more senior manager, or their Executive Officer. If necessary, other routes may be to speak to one of the Authority's Whistleblowing Officers, who are the Monitoring Officer and the Director of Finance and Procurement.

2.1.4 Genuine mistakes will occur. It is important to differentiate between such errors and intentional abuse of a system. Each case must be considered on its merits.

2.1.5 Whilst the Authority is grateful for all genuine complaints, even if they prove to be unfounded, abuse of this process by any employee or Member of the Authority raising false and malicious allegations will be a serious matter which may result in disciplinary action being taken.

2.1.6 Executive Officers are responsible for following up any allegation of fraud or corruption received.

2.2 Prevention Procedures for Preventing Internal Fraud & Theft

2.2.1 The Authority recognises that a key preventative measure in the fight against fraud, theft and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential employees in terms

of their propriety and integrity. Recruitment is required to be in accordance with procedures laid down by the Director of People and Culture. Managers should obtain written references regarding any dishonesty or potential employees and take this into account before employment offers are made.

2.2.2 The Authority has adopted Financial Procedures Rules and Standing Orders intended to promote the efficient and effective operation of its business in a way which ensures probity, openness and minimises the risk of fraud and corruption. These Rules must always be followed.

2.2.3 Every effort is made to continually review financial systems and processes in line with best practice and to ensure adequate and effective internal controls. Each Executive Officer must ensure that adequate systems of internal checks and controls operate within activity areas for which they are responsible and that these systems are checked regularly and recorded.

2.2.4 Team working rather than individual action tends to promote openness and make fraud more difficult. The use of alternative control systems and monitoring may help to deter and detect inappropriate behaviour, particularly where it arises through collusion.

2.2.5 It is the responsibility of all employees to declare openly and in writing that they have, or may have, a personal pecuniary or non-pecuniary interest in a decision which is taken by them, or to be based on advice which they give. Any Authority guidance on personal conduct and statutory codes must be always followed. For example, the Authority has a policy that membership of secret societies must be declared.

2.2.6 If employees are not clear about their roles or responsibilities they may act unwittingly against the Authority's interests. Clear processes and procedures should therefore be established, written down and be made freely available.

2.2.7 In the event of any uncertainty about procedures, employees are encouraged to seek guidance and advice from management before, rather than after, the event, for example in connection with the acceptance of hospitality and gifts.

2.3 Detection and Investigation

2.3.1 Preventative systems, particularly internal control systems, within the Authority have been designed to provide indicators of fraudulent activity. These systems should, in themselves, be sufficient to deter fraud. Regular reviews of all systems will be undertaken by Internal Audit.

2.3.2 It is often the alertness of employees and the public which provides evidence that fraud or corruption may be in progress and enables detection.

2.3.3 Despite the best efforts of the Authority's staff, many frauds are discovered by chance or 'tip off' and the Authority will be receptive to such information, enabling each instance to be dealt with properly.

2.3.4 The Authority will also use data comparison techniques internally, and with other agencies where appropriate, to indicate potentially fraudulent or inappropriate activity.

2.3.5 Depending on the nature and anticipated extent of any allegation, the Authority will investigate suspected irregularity, fraud, and corruption. Internal Audit will

work closely with management and other agencies in the investigation of allegations about employees, Members, suppliers, or service recipients.

2.3.6 The Authority will always seek to recover any payments made incorrectly, or income under-recovered as a result of fraud or corruption.

2.3.7 The Authority's Disciplinary Procedures may be instigated if the outcome of an investigation indicates improper behaviour by employees. In cases where a crime is suspected the matter may be reported to the Police.

2.3.8 Any fraud, theft or corruption involving professionally qualified individuals may, where relevant, be reported to the appropriate disciplinary mechanisms of their institute or association.

2.4 Training

2.4.1 The Authority recognises that the continuing success of this Strategy and its credibility will depend largely upon the effectiveness of programmed training and the responsiveness of employees throughout the organisation.

2.4.2 To facilitate this, the Authority supports the concept of induction and training, particularly for employees involved in internal control systems, to ensure that their responsibilities and duties in this respect are regularly highlighted and reinforced.

2.4.3 Investigation of fraud and corruption centres on the Authority's Internal Audit function. Individuals involved in this work should also be properly and regularly trained in all relevant aspects, and the Director of Finance and Procurement will ensure that the training plans of such officers reflect this requirement.

2.4.4 All Managers have an obligation as part of employee induction training, and regularly thereafter, to brief employees on individual responsibilities as regards this Strategy, fraud, and corruption in general and the action to be taken when it is suspected, including ensuring that operations achieve adequate levels of internal control.

2.5 Resourcing

2.5.1 Annually the Authority will ensure that sufficient resources are devoted to fraud prevention and detection.

2.5.2 All Executive Officers will ensure that sufficient resources are devoted to achieving adequate levels of checking of documentation, invoices, records, claim forms, and supporting evidence and internal check and controls.

2.5.3 The Director of Finance and Procurement will ensure that the internal audit plan provides sufficient resources to monitor detection and investigate fraud, and to achieve coverage of operational systems and practices.

3. Fraud, Theft and Corruption Response Plan

3.1 Introduction

Whilst the Authority is committed to the values of probity and accountability, perpetrator may well find a way around systems and procedures. It is therefore necessary for all managers to be aware of what is required in the event of detecting or being notified of a suspected fraud.

This document sets out how employees, Members or others who wish to notify any suspicions should do so, and also how Authority employees should respond.

3.2. Notifying Suspected Fraud

3.2.1 Suspected fraud can be discovered in a number of ways. It is important that everyone is aware of how concerns should be reported, secure in the knowledge that such concerns will be treated in confidence and properly investigated.

3.2.2 If any member of the public has concerns about fraud, theft or corruption within the Authority the problem should be reported to one of the following:

- Chief Executive/Chief Fire Officer
- Director of Finance and Procurement
- Monitoring Officer
- Any Member, and

for any allegation relating to Members, to the

- Chief Executive/Chief Fire Officer
- Director of Finance and Procurement
- Monitoring Officer

3.2.3 Employees are often in the best position to identify fraud, theft, and corruption. Moreover, as employees they owe a duty to the Authority to report any suspected fraud, theft or corruption. In the first instance a suspicion should be reported to an employee's line manager, although there may be occasions where an employee feels that an alternative route would be more appropriate. They should contact their Executive Officer or the Authority's Internal Audit Section. Alternatively, they may wish to contact their Trade Union representative.

3.2.4 Any Authority Member receiving information which they believe indicates fraud or improper action must take immediate steps to advise the Monitoring Officer or the Director of Finance and Procurement.

3.2.5 In cases where it is the wish of an individual to report a suspicion in an anonymous manner this will be respected, wherever possible. However, the Authority will always encourage individuals to come forward and be identified. This is an indication that it is not merely someone with a grudge making false accusations. It also allows the suspicions to be acted upon with greater effectiveness and efficiency. Any action which depends on witness evidence may require the identification of the witness(es).

3.2.6 Any employee receiving or making an allegation of suspected improper behaviour must do so in as much detail as possible to aid any subsequent investigation.

3.3 Investigating Suspected Fraud and Corruption

3.3.1 Once fraud or corruption is suspected it is critical that any investigation is conducted in a professional manner aimed at ensuring that the current and future interests of both the Authority and the suspected individuals are protected. A suspicion should not be seen as a guilt to be proved.

3.3.2 It is also crucial that the person raising concerns does not feel threatened. The Authority will seek, where possible, to protect the identity of such persons, unless otherwise agreed with the individual concerned.

3.3.3 The Chief Executive Officer and the Director of Finance and Procurement and, in cases of corruption, the Monitoring Officer, must deal promptly with each matter and:

- appoint an Investigating Officer, who will usually be an audit manager, but in cases of corruption will be a legal officer appointed by the Monitoring Officer.
- identify a course of action (what, who, when, how, where) including terms of reference, scope, key issues, target dates, staff resources, skill and responsibilities and the reporting process.
- determine if any initial action is necessary against any external organisation (e.g., suspension from a list of approved suppliers or contractors).
- ensure compliance with the Authority's disciplinary procedures and taking advice from the Director of Service Support, to assess whether or not there is a need for any employee to be suspended as a precautionary measure, pending the outcome of the investigation. The decision should be kept under review at all stages of the ensuing investigation.
- determine if involvement by the Police, or any other agency, is appropriate.
- establish an internal reporting regime to ensure investigative resources are used appropriately.

3.3.4 The Investigating Officer must:

- obtain and record evidence and maintain it securely
- ensure the evidence is sound and adequately supported

  Evidence can be in a physical form (e.g., prime documents), or statements of witnesses, circumstantial evidence, hearsay etc. All evidence must be evaluated as to the extent to which it supports the assertions made.

  The Monitoring Officer and the Director of Finance and Procurement will prepare a detailed statement of investigative practice. Investigations should comply with good practice, advice, guidelines, and statutory requirements (e.g., PACE where applicable). The rights of those involved should be respected, e.g., to privacy and dignity (employees should not normally be interviewed or suspended in front of work colleagues or members of the public).

3.3.5 It is possible that, in order to collect evidence to prove or disprove an allegation, surveillance or similar covert action may be necessary. These must be conducted with the greatest regard for investigating officers' safety and must accord with legislation (e.g., Regulation of Investigatory Powers Act), and the relevant Internal Audit (or other) Code of Practice.

3.4 Liaison with External Audit, Police, and other Agencies

3.4.1 External Audit

The Authority has a duty to report all suspected frauds to its external auditors. This will be done by the Director of Finance and Procurement.

3.4.2 Police

Initial contact with the Police should only be undertaken in accordance with procedure agreed following discussion between the Monitoring Officer the Investigating Officer and the Director of Finance and Procurement. The Police have indicated that they welcome early notification of suspected fraud. They will also advise on the likely outcome of any intended prosecution. Contact with the Police in respect of specific cases of fraud and corruption will be by the Director of Finance and Procurement and Monitoring Officer respectively, unless agreed otherwise.

If a Police investigation is carried out, all employees are expected to co-operate with any subsequent requests for information (recognising their rights in law).

All contact with the Police following their initial involvement will usually be via the Investigating Officer.

A police investigation will not prejudice any internal disciplinary process, which should continue as normal. However, the internal investigation and that by the Police should be co-ordinated to make maximum use of resources and information.

3.4.3 Other Agencies

The Investigating Officer will liaise with appropriate organisations, such as the Benefits Agency, other local authorities, other Brigades and agencies to ensure that suitable information is obtained, and co-ordinated action is taken which maximises the effectiveness of any investigation.

3.5 Reports Relating to Fraud

3.5.1 All reports must be substantiated by the evidence and avoid contents that could be considered to be defamatory in the event of the report being made public, making clear the difference between established facts, uncertainties and the views, opinions, and suppositions of the Investigating Officer.

3.5.2 Interim Report

As soon as the initial 'detection' stage of the investigation has been completed, an interim report will be made by the Investigating Officer to the Monitoring Officer and the Director of Finance and Procurement and Chief Executive/Chief Fire Officer and as otherwise decided upon at the preliminary stage.

The Interim Report will set out:

- findings to date
- the interim conclusions, and
- seek approval to continue the investigation if this is appropriate.

If it is decided to continue the investigation, then future reporting arrangements and any changes to the planned action should be confirmed. All actions, as they relate to Authority employees, must be in accordance with the Authority's appropriate procedures.

3.5.3 Final Report

This report will supersede all other reports and be the definitive document on which management (in a disciplinary situation) and possibly the Police (in a criminal situation), base their initial decisions.
The format of the final report will not always be the same as each case is unique, but will frequently set out:

- how the investigation arose
- who the suspect(s) is
- their position in the Authority and their responsibilities
- how the investigation was undertaken
- the facts and evidence which were identified
- summary of findings and recommendations both regarding the fraud itself and any additional work required on the system weaknesses identified during the investigation

3.6 Actions

3.6.1 The Chief Executive / Chief Fire Officer or applicable Executive Officer (taking advice from the Director of People and Culture) will consider any appropriate action against employees in accordance with the Authority's disciplinary procedures on the basis of the report of the investigation and any other comments of the Director of Finance and Procurement.

3.6.2 The Monitoring Officer and Director of Finance and Procurement, after considering appropriate legal advice, will consider jointly any action to be taken against suppliers, contractors, and members of the public.

3.6.3 Any person making an allegation, if they so wish, will be advised of the outcome of the investigation, provide that such information will not prejudice further action, breach any other requirement for confidentiality (e.g., Data Protection Act), or disclose the nature of disciplinary action taken against an employee.

3.6.4 Where there is no immediate evidence of fraud or theft but the actions of an individual or group of individuals are suspicious, or not normal practice, these should be reported to the Executive Officer and line manager who should take appropriate action to enforce or amend operating practices and monitor subsequent compliance.

3.6.5 Where fraud, theft or corruption has occurred the Chief Executive / Chief Fire Officer, the Director of Finance and Procurement and the Monitoring Officer will identify, evaluate, and implement changes to procedures to prevent, or if impractical, discourage or limit the recurrence of the problem in the future.

3.7 Links to other Authority Policies and Procedures

3.7.1 Nothing in this document replaces or amends any other Authority policy or procedure, most particularly:

- Financial Procedure Rules
- Standing Orders
- National and Local Conditions of Service

- Authority Grievance and Disciplinary Procedures
- Code of Personal Conduct
- Whistleblowing Code for Confidential Reporting of Malpractice

4. Code of Practice for Employees Detecting Or Suspecting Fraud, Theft Or Corruption

4.1 The Authority's policy is to assist employees and others with concerns about fraud, theft, activities contrary to the public interest and malpractice by setting up a procedure whereby employees can raise serious concerns with the minimum risk. The Authority is committed to detecting fraud, theft or corruption, and the maintenance of highest public values at all levels of the organisation, but it is important that employees should be able to use any mechanism without fear of victimisation and know that their concerns will be addressed seriously.

4.2 The Authority is committed to an open culture by:

- encouraging information exchange, remembering that there are two sides to every story, and as such, making an unfounded, malicious allegation is a serious disciplinary offence.
- making it clear that vigilance is part of the job, and that knowingly not raising concerns is also a serious disciplinary offence
- taking early action to prevent employees worrying about the consequences of fraud
- making it safe and simple to convey critical information ensuring that any concern in this area is seen as a concern and not as a grievance.
- ensuring discretion (and anonymity of the individual should this be preferred)
- protecting any employee from reprisals

4.3 The Authority recognises that if adequate procedures are not in place, the consequential costs of a fraudulent or a corrupt act could be high and lead to regulatory or criminal sanctions. There could be damage to Authority credibility and adverse publicity, and it is often seen as being preferable to deal with any potential problems at the earliest opportunity.

4.4 In the first instance an employee should raise any concerns with their line manager or Executive Officer. This can be on an informal basis if the employee wishes. To report their suspicions to independent officers the matter should be raised with Internal Audit or through the Authority's Whistleblowing arrangements. Concerns may also be raised through a Trade Union representative.

4.5 The complaint should ideally be documented, and a formal statement signed.

4.6 It is the personal responsibility of any employee receiving a complaint from a fellow employee, Member, supplier, or member of the public to raise the issue with the appropriate layer of management (i.e., Executive Officer) to enable the appropriate course of action to be determined.

4.7 The course of action may be different if the complaint relates to a contractor to the Authority (rather than an employee or Member). The action to be taken will

depend on the circumstances, including conciliation, action under contractual powers, suspension of the contractor and Internal Audit investigation. In certain circumstances any officer who had responsibility for supervising the contractor may also face disciplinary action.

4.8 It is important that employees do not try to investigate a suspected fraud, theft, or corruption themselves, without expert advice and assistance. Where fraud, theft or corruption is suspected, the employee must immediately convey their concerns and retain any evidence and prepare immediate notes of the cause of the concern.

4.9 The Authority's Whistleblowing Code for Confidential Reporting of Malpractice is included in Part 9 of this Constitution document (p. 161).

5. Code of Practice for Managers on Fraud, Theft and Corruption Awareness, Detection And Prevention

5.1 Managers must follow the procedures set down in this Manual when they discover suspected fraud, theft, or corruption, or are advised about it by any employee, Member, supplier, or member of the public. Most particularly they must: -

- obtain where possible the name and contact address of the person making the allegations and write down the nature of the allegations, in as much detail as possible, or try to obtain a written statement from the person making the allegation.
- inform the Chief Executive / Chief Fire Officer, Director of Corporate Services or the Director of Finance and Procurement immediately
- not seek to carry out investigations themselves and caution the person raising a concern against carrying out further investigations themselves.

5.2 Risk Areas

Managers must be continually vigilant against the risks of fraud and corruption. Particularly vulnerable areas include:

- All claims by members of the public for assistances, grants, and awards, particularly where these are subject to a means test.
- Invoices from suppliers for goods not supplied, or failure to comply with volumes, quality or prices and charges required by the Authority's contracts.
- Payroll - manipulation of hours of attendance, or overstated hours for overtime, ghost employees and 'leavers' remaining on pay.
- Petty cash - inappropriate orders, personal expenditure, use of relatives' businesses.
- Stock and stores - misuse, theft, and false recording.
- Cash receipting - not declaring cash received, alteration of income documents, teeming and lading

- Expenses - journeys not made, costs not incurred, unnecessary journeys, mileage overstated
- Misuse of Authority property.
- Falsification of information related to services provided to businesses, community, and other groups.

5.3 Looking for Fraud

Controls should be in place to prevent and detect fraud and error. Things to look for include:

- Altered documents, or those containing correction fluid, different handwriting, or pens.
- Records which do not agree, are incomplete, have details missing, or cannot be cross checked
- Unusual trends (in expenditure or income).
- An absence of vouchers or receipts.

It could also include employees who are solely responsible for risk areas and/or are unwilling to allow others to be involved.

5.4 Preventing Fraud

The following can be considered to minimise the risk of fraud (it can never be 100% prevented).

i. Documented procedures which employees are trained to follow.
ii. Regular management checks of compliance with procedures.
iii. Separation of duties, job rotation and avoiding any employee having sole responsibility for any transaction.
iv. Inappropriate line management links, for example where there is a close personal relationship.
v. Ensuring records and claims are internally checked against vouchers and other supporting documents.
vi. Prior approved arrangements for orders, training courses or journeys of high value.
vii. Crossing out blank parts of claim forms or tender submissions.
viii. Banking income regularly, minimising cash holdings.
ix. Reviewing budget information in detail.
x. High level monitoring for areas with inherent risks (e.g. by nature of value, process or unavoidability).
xi. Reviewing gifts and hospitality records and ascertaining if they are likely to be truthful.
xii. Independent verification of assertions made (e.g., trade reference).
xiii. Checking of invoices and other records supporting grant aid.

Useful Contacts

Internal Audit
Chief Finance Officer
PO Box 243
Civic Centre 1
Huddersfield
HD1 2YU
Tel: 01484 221140

External Audit
Grant Thornton
No 1 Whitehall Riverside
Whitehall Road
Leeds
LS1 4BN
Tel: 0113 2455514

Part 4 - Code of Corporate Governance

Introduction

Corporate Governance: “the system by which local government directs and controls their functions and relate to their communities”.

1. The general public have a right to expect the highest standards of conduct from its community leaders and institutions. This includes the West Yorkshire Fire and Rescue Authority.
2. Three principles underpin Corporate Governance:
   - openness and inclusivity
   - accountability
   - integrity
3. This Code of Conduct has been devised by the Fire Authority to apply those three principles to the five key dimensions of:
   (i) community focus
   (ii) service delivery arrangements
   (iii) structures and processes
   (iv) risk management and internal control
   (v) standards of conduct
   This code takes each of these five dimensions in turn and sets out the guidance on how the principles of Corporate Governance should be reflected in each. It then sets out what the Authority commits itself to do by this Code and how it will do it.

1. Community Focus

What the guidance says on how the principles of Corporate Governance should be reflected.

Through carrying out their general and specific duties and responsibilities and their ability to exert wider influence, local authorities should work for and with their communities, exercise leadership in their local communities where appropriate, undertake an ambassadorial role to promote the well-being of their area where appropriate through maintaining effective arrangements:

- for explicit accountability to stakeholders for the Authority’s performance and its effectiveness in the delivery of services and the sustainable use of resources
- demonstrate integrity in the Authority’s dealings in building effective relations and partnerships with other public agencies and the private voluntary sectors
- demonstrate openness in all their dealings
- demonstrate inclusivity by communicating and engaging with all sections of the community to encourage active participation
- develop and articulate a clear and up to date vision and corporate strategy in response to community needs.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
1. Publish on a timely basis an annual report presenting an objective understandable account of the Authority's activities and achievements, financial position, and performance. The report will include statements: • explaining the Authority's responsibility for the financial statements • confirming that the Authority complies with relevant standards and codes of Corporate Governance • on the effectiveness of the Authority's system for risk management and internal control	By publishing an annual report and statement of accounts which summarises activity and achievements and the financial position for the previous year.	Audit Committee, Chief Executive/Chief Fire Officer, Director of Finance and Procurement.
2. Publish on a timely basis a performance plan presenting an objective, balanced and understandable account and assessment of the Authority's: • current performance in service delivery • plans to maintain and improve service quality	By publishing a community plan incorporating a Best Value Performance Plan each year and by sending a summary of the draft plan to every household in West Yorkshire.	Audit Committee, Director, or Service Delivery.
3. Put in place proper arrangements in the independent review of the financial and	By scrutiny from internal and external audit.	Audit Committee, Executive Committee, Director of Finance and Procurement, District Audit reports and

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
operational reporting processes.		District Audit Annual Management Letter.
4. Put in place proper arrangements designed to encourage individuals and groups from all sections of the community to engage with, contribute to and participate in the work of the Authority and put in place appropriate monitoring processes to ensure that they continue to work in practice.	By a continuing commitment to citizen/ stakeholder consultation participation and involvement. By working, when invited, with any local strategic partnerships. By having an interface with the voluntary sector on relevant issues.	Chief Executive / Chief Fire Officer, all Executive Officers, Director of Finance and Procurement.
5. Make an explicit commitment to openness in all its dealings subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so and by its actions and communications deliver an account against that commitment.	Access to Information Act compliance; Freedom of Information Act compliance; Data Protection Act compliance.	Director of Corporate Services (Data Protection Officer) and Information Management Officer.
6. Establish clear channels of communication with all sections of the community and other stakeholders and put in place proper monitoring arrangements to ensure that they operate effectively.	Service Plan; Staff Information Bulletins; Personnel policies and procedures; published and monitored complaints procedure; public consultation on service variation proposals.	Chief Executive/Chief Fire Officer, all Executive Officers.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
7. Ensure that a vision for local communities and strategic plans, priorities and targets are developed through robust mechanisms and in consultation with the local community and other key stakeholders and that they are clearly articulated and disseminated.	Community plan; Service Plan; all corporate service plans.	Chief Executive/Chief Fire Officer, all Executive Officers.

2. Service Delivery Arrangements

What the guidance says on how the principles of Corporate Governance should be reflected.

A local authority should ensure that continuous improvement is sought, agreed policies are implemented and decisions carried out by maintaining arrangements which:

- discharge their accountability for service delivery at a local level
- ensure effectiveness through setting targets and measuring performance
- demonstrate integrity in dealings with service users and developing partnerships to ensure the right provision of services locally
- demonstrate openness and inclusivity through consulting with key stakeholders including service users
- are flexible so that they can be kept up to date and be adapted to accommodate change and meet user wishes

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
1. Set standards and targets for performance in the delivery of services on a sustainable basis and with reference to equality policies.	By having a sound performance monitoring system. By publishing targets for services and performance against those in the annual Service Plan and other strategic plans. By including a commitment to equality in corporate	Fire Authority, all principal committees, Chief Executive/Chief Fire Officer, all Executive Officers.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
	values and by considering equal opportunities and environmental implications in service planning and decision making.	
2. Put in place sound systems for providing management information for performance measurement purposes.	Through service planning and performance management processes.	Chief Executive/Chief Fire Officer, all Executive Officers.
3. Monitoring report performance against agreed standards and targets and develop comprehensive and understandable performance plans.	Through service planning and performance management processes.	Chief Executive/Chief Fire Officer and all Executive Officers.
4. Put in place arrangements to allocate resources according to priorities	By setting medium term objectives, the budget, and Service Plan.	Chief Executive/Chief Fire Officer, all Executive Officers.
5. Foster effective relationships and partnerships with other public sector agencies and the private and voluntary sectors and consider out-sourcing workers where efficient and effective to do so in delivering services to meet the needs of the local community and put in place processes to ensure that they operate effectively in practice.	By having a clear procurement policy. By considering outsourcing as part of Best Value processes.	Chief Executive/Chief Fire Officer, all Executive Officers.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
6. Respond positively to the findings and recommendations of external auditors and statutory inspectors and put in place arrangements for the effective implementation of agreed actions.	Annual District Audit; Management Letter; District Audit reports; Inspectorate reports; Best Value processes.	Chief Executive/Chief Fire Officer, all Executive Officers.

3. Structure and Processes

What the guidance says on how the principles of Corporate Governance should be reflected.
A local authority needs to establish effective political and managerial structures and processes to govern decision making and the exercise of authority within the organisation.
A local authority should maintain arrangements to:

- define the roles and responsibilities of Members and officers to ensure accountability, clarity, and ordering of the Authority's business
- ensure that there is proper scrutiny and review of all aspects of performance and effectiveness
- demonstrate integrity by ensuring a proper balance of power and authority
- document clearly such structures and processes and ensure that they are communicated and understood to demonstrate openness and inclusivity
- ensure such structures and processes are kept up to date and adapted to accommodate change.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
1. Put in place clearly documented protocols governing relationships between Members and officers.	The Authority has a protocol on Member/officer relations. This will be kept under review.	Monitoring Officer.
2. Ensure that the relative roles and responsibility of senior Members, Members generally and	The Authority has a scheme of delegation for both committees and officers.	Monitoring Officer.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
senior officers are clearly defined.	This will be kept under review.	
3. Ensure that Members meet on a formal basis regularly to set the strategic direction of the Authority and to monitor service delivery.	The Authority has a planned and published annual cycle of full Authority and committee meetings, and an Executive Committee with strategic oversight and monitoring responsibilities.	Executive Committee, Chief Executive/Chief Fire Officer, all Executive Officers.
4. Develop and maintain a scheme of delegated or reserved powers which should include a formal schedule of those matters specifically reserved for the collective decision of the Authority.	This is set out within the Authority/committee delegation scheme and will be kept under review.	Monitoring Officer.
5. Put in place clearly documented and understood management processes for policy development, implementation, and review, and for decision making monitoring and control and reporting and formal procedural and financial regulations; to govern the conduct of the Authority's business.	Authority, committee, and officer delegation scheme; Policy and budget framework; Financial regulations Contract Procedure Rules	Chief Executive/Chief Fire Officer, all Executive Officers
6. Put in place arrangements to ensure that Members are properly trained for their roles and have access	By developing a Member training and development programme. Provision of induction training for new Members. By requiring	Monitoring Officer.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
to all relevant information, advice, and resources as necessary to enable them to carry out their roles effectively.	Members to have approved training before performing certain roles (e.g., dealing with staff recruitment or disciplinary issues).	
7. Ensure that the role(s) of the Executive Member(s) is/are formally defined in writing to include responsibility for providing effective strategic leadership to the Authority and for ensuring that the Authority successfully discharges its overall responsibilities for the activities of the organisation as a whole.	The Executive Member system does not apply to this Authority. The Authority has a non-statutory Executive Committee supported by a Corporate Management Board which have defined roles	Executive Committee, Chief Executive/Chief Fire Officer, Monitoring Officer
8. Ensure that the roles and responsibilities of all Members of the Authority together with the terms of their remuneration and its review and are defined clearly in writing.	The Authority has a published scheme for Members' Allowances which is subject to annual review and quadrennial review by an independent remuneration panel in accordance with The Local Authorities (Members' Allowances) (England) Regulations 2003	Director of Finance and Procurement, Monitoring Officer.
9. Ensure that a Chief Executive or equivalent is made responsible to the Authority for all aspects of operational management.	The Head of Paid Service legislation does not apply to this Authority. There is a designated Chief Executive who is the Chief Executive/ Chief Fire Officer.	Fire & Rescue Authority

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
10. Ensure that a senior officer is made responsible to the Authority for ensuring that appropriate advice is given to it on all financial matters for keeping proper financial records and accounts and for maintaining an effective system of internal financial control.	The Director of Finance and Procurement is designated as the statutory Section 73 LGA 1985 officer with duties, roles and responsibilities set out in a job description.	Fire & Rescue Authority.
11. Ensure that a senior officer is made responsible to the Authority for ensuring that agreed procedures are followed and that all applicable statutes, regulations and other relevant statements of good practice are complied with.	The Monitoring Officer is designated under Section 5 LGHA 1989	Fire & Rescue Authority.
12. Ensure that the roles and responsibilities of all senior officers together with their terms of remuneration and its review are defined clearly in writing.	The Authority has up to date job descriptions and contracts of employment for all relevant officers. These are reviewed as necessary.	Fire & Rescue Authority, Chief Executive/Chief Fire Officer, all Executive Officers.
13. Adopt clear protocols and codes of conduct to ensure that the implications of supporting community political leadership for the whole Authority are	The Authority has a Member/officer relations protocol. This is kept under review.	Monitoring Officer.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
acknowledged and resolved.		

4. Risk Management and Internal Controls

What the guidance says on how the principles of Corporate Governance should be reflected.
An authority needs to establish and maintain a systematic strategy, framework and processes for managing risk. Together, these arrangements should:

- include making public statements to stakeholders on the Authority's risk management strategy, framework and processes to demonstrate accountability
- include mechanisms for monitoring and reviewing effectiveness against agreed standards and targets and the operation of controls in practice
- demonstrate integrity by being based on robust systems for identifying, profiling, controlling, and monitoring all significant strategic and operational risks.
- display openness and inclusivity by involving all those associated with planning and delivering services, including partners
- include mechanisms to ensure that the risk management and control process are monitored for continuing compliance to ensure that changes in circumstances are accommodated and that they remain up to date.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
1. Develop and maintain robust systems for identifying and evaluating all significant risks which involve the proactive participation of all those associated with planning and delivering services.	By having a risk management policy supplemented by procedures and processes monitored and overseen by an officer risk management group chaired by the Chief Executive/Chief Fire Officer. "The Risk Management Strategy and Policy". By assessing the Authority's strategic and operational risks. The Authority identifies its strategic risks through a framework	Chief Executive/Chief Fire Officer, all Executive Officers.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
	recommended by the Audit Commission while operational risks are identified and managed through the use of annual risk improvement plans produced at corporate directorate level.	
2. Put in place effective risk management systems including systems of internal control and an internal audit function. These arrangements should ensure compliance with all applicable statutes, regulations and relevant statements of best practice and should ensure that public funds are properly safeguarded and are used economically, efficiently, and effectively, and in accordance with the statutory and other authorities which govern their use.	By having internal co-ordination and sharing of good practice between the different disciplines that contribute to the processes for managing risk, internal control, and internal audit. By undertaking systematic risk assessments in all areas of Authority activity including those covered by health and safety legislation. By having appropriate arrangements in place for delivery of an adequate and effective internal audit function and ensuring adequate reporting arrangements to safeguard its independence. By having an up-to-date risk based internal audit plan. In addition, District Audit annually consider the Authority's approach to legality, its response to major legislation and any matters of legality relevant to the audit of financial transactions. By ensuring that responsibility for the	Chief Executive/Chief Fire Officer, all Executive Officers

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
	implementation of risk management action plans and external and internal audit recommendations are clearly assigned. By ensuring that service recovery plans have been developed and tested. By having financial regulations and Contract Procedure Rules.	
3. Ensure that services are delivered by trained and experienced people.	By ensuring through appropriate appraisals that all staff have a training and development plan which relates to the business and service needs of the area of the Authority within which they work and that this is implemented. By providing Authority managers and staff with advice, support, and training in risk management issues and in health and safety legislation. By ensuring that the Authority's risk management objectives are communicated and embraced throughout the organisation. By offering guidance on internal control and financial management and training.	Chief Executive/Chief Fire Officer, all Executive Officers
4. Put in place effective arrangements for an objective review of risk management and	By annual assessment from external District Audit of the adequacy of the Authority's control environment. By having appropriate	Chief Executive/Chief Fire Officer, Director of Finance and Procurement.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
internal control including internal audit.	arrangements in place for delivery of an adequate and effective internal audit function and ensuring adequate reporting arrangements to safeguard its independence. By having annual reports from the risk management officer to the Management Board and committee as appropriate, on the Authority's risk management activities and insurance.	
5. Maintain an objective and professional relationship with external auditors and statutory inspectors.	By officers meeting with external audit and the HMICFRS for audit and inspection planning purposes and ongoing liaison. Agreement of annual District Audit plans and individual briefs.	Chief Executive/Chief Fire Officer, all Executive Officers
6. Publish on a timely basis within the Annual Report an objective balanced and understandable statement and assessment of the Authority's risk management and internal control mechanisms and their effectiveness in practice.	By including this within the Authority's Annual Report.	Chief Executive/Chief Fire Officer, all Executive Officers.

5. Standards of Conduct

What the guidance says on how the principles of Corporate Governance should be reflected.
The openness, integrity, and accountability of individuals within a local authority form the cornerstone of effective Corporate Governance. The reputation of the Authority depends on the standards of behaviour of everyone in it, whether Members, employees or agents contracted to it. Therefore, Members and senior officers of a local authority will need to:

- exercise leadership by conducting themselves as role models for others within the Authority to follow
- define the standards of personal behaviour that are expected from Members and staff, and all those involved in service delivery, and put in place arrangements to ensure:
    - accountability, through establishing systems for investigating breaches and disciplinary problems and taking actions, where appropriate, including arrangements for redress
    - effectiveness in practice through monitoring their compliance
    - that objectivity and impartiality are maintained in all relationships to demonstrate integrity
    - that such standards are documented and clearly understood to display openness and inclusivity and are reviewed on a regular basis to ensure that they are kept up to date.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
1. Develop and adopt formal codes of conduct defining the standards of personal behaviour to which individual Members, officers and agents of the Authority are required to subscribe and put in place appropriate systems and processes to ensure that they are complied with.	The Authority has a statutory code of conduct for Members and has voluntarily adopted a similar code for officers. The Authority has, or will develop, well publicised policies for anti-fraud and corruption, complaints, and confidential reporting "whistle blowing". By ensuring that the above topics are covered when inducting new employees. Personnel policies and procedures, employee general rules and standards. Discipline Code.	Monitoring Officer, Director of Finance and Procurement, Director of People and Culture.

West Yorkshire Fire & Rescue Authority commits itself to	How the Authority will do this	Responsible Committee/Officers
2. Put in place arrangements to ensure that Members and officers of the Authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice.	Through codes of conduct, Contract Procedure Rules, the policy on sponsorship and financial regulations. By ensuring that these topics are covered when inducting new employees.	Monitoring Officer, Director of Finance and Procurement, Director of People and Culture.
3. Put in place arrangements to ensure that its procedures and operations are designed in conformism with appropriate ethical standards and to monitor their continuing compliance in practice.	By having codes of conduct. These will be monitored by the Executive Committee and the Monitoring Officer.	Monitoring Officer.
4. Put in place arrangements for whistle blowing to which staff and all those contracting with the Authority have access.	The Authority has published a whistle blowing policy for confidential reporting.	Monitoring Officer

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Part 5 - Codes of Conduct and Protocols:

1. Code of Conduct for Members

Code of Conduct for Members and Co-Opted Members of West Yorkshire Fire and Rescue Authority

Application and Scope

This Code applies to the conduct of Members (including Co-Opted Members) of the Authority when they act in the capacity of a Member of the Authority.

1. Conduct Expected of Members

1. Members should endeavour to maintain high standards of personal conduct in a manner which is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.
2. Members should seek to promote equality and seek to avoid doing anything which might cause the Authority to breach its duties under Equalities laws.
3. Members must treat other persons with fairness, dignity, and respect.
4. Members must not act in a manner which has the effect of compromising the impartiality of public servants or other persons working for or on behalf of the Authority.
5. Members must not use their position as a Member to secure any improper benefit for themselves or any other person and must comply with any statutory provisions and/or rules approved by the Authority regulating the receipt of gifts and hospitality.
6. Members must not misuse the resources of the Authority and must comply with any policies approved by the Authority regulating their use by Members.
7. Members must not disclose information which is confidential without having lawful authority for such disclosure.
8. Members must have regard to the advice of statutory officers when those officers are acting pursuant to their statutory duties.
9. Members must comply with any rules approved by the Authority regulating claims for payment of remuneration allowances and expenses.
10. Members must, when making decisions act in accordance with the relevant law, must have regard to any statutory codes of practice or guidance and must have regard to any relevant provisions of the Authority Constitution.

2. Disclosure of Pecuniary Interests Register

Members must, before the end of 28 days beginning with the day on which they become a Member, notify the Monitoring Officer of any disclosable pecuniary interests ("DPI") which they have at the time the notification is given. Disclosable Pecuniary Interests ("DPI")

includes specified interests of the Member, the Member's spouse or civil partner, a person with whom the Member is living as husband and wife or as if they were civil partners, provided the Member is aware any other specified person has the DPI. The specified Disclosable Pecuniary Interests ("DPIs") are as follows:

Schedule

Subject	Prescribed description
Employment, office trade, profession, or vacation (this may include membership of a Trade Union)	Any employment, office, trade, profession, or vocation carried on for profit or gain.
Sponsorship	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 M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or body in which the relevant person has a beneficial interest) and the relevant authority – a) Under which goods or services are to be provided or works are to be executed; and b) Which has not been fully discharged.
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	Any tenancy where (to M's knowledge) – a) the landlord is the relevant authority; and

Subject	Prescribed description
	b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – a) that body (to M's knowledge) has a place business or land in the area of the relevant authority; and b) either – i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or 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.

3. Disclosable Pecuniary Interests in Matters Considered at Meetings

1. If a member is present at an Authority Committee or Sub-Committee or Joint Committee or Sub-Committee and the member is aware that they have any disclosable pecuniary interest ("DPi") in a matter being considered but the interest is not entered in the register, then the member must disclose the details of that DPi to the meeting. If the Monitoring Officer is of the view that the nature of the DPi is sensitive in that disclosure of details may expose the member to violence or intimidation, then only the fact of the existence of a DPi need be made. (Members are referred to Sections 30-34 of the Localism Act 2011 and to the statutory regulations made thereafter for the full text of the statutory provisions dealing with disclosable pecuniary interests, their disclosure and registration and the restrictions on participation in meetings)
2. If the DPi is not entered in the register and is not the subject of a pending notification, the member must notify the Monitoring Officer before the end of 28 days beginning with the date of disclosure. (Member's attention is drawn to the criminal offences set out in Section 34 of the Act for breach of the statutory obligations and restrictions. Sanctions include a financial penalty not exceeding level 5 on the standard scale and up to 5 years disqualification from holding office in any relevant authority.)

3. The member may not participate or participate further in any discussion of the matter at the meeting or participate in any vote or further vote taken on the matter at the meeting and shall, if Authority Standing Orders so require, be excluded from the meeting while any discussion of the matter or vote thereon takes place unless in any case the member has been granted a dispensation relieving the member from either or both of the restrictions and is permitted under Standing Orders to remain in the meeting.

Procedure for the investigation and determination of allegations under the Code of Conduct against Members of the West Yorkshire Fire and Rescue Authority (including co-opted Members).

1. Introduction

1.1. The procedure applies to complaints about alleged breaches by Members of the WYFRA, of the WYFRA Code of Conduct.

1.2. For the purposes of this procedure, the person who makes the complaint is described as 'the Complainant"; and the person about whom the complaint is made is "the Member".

1.3. The Monitoring Officer ("the MO") may arrange for any MO functions under this procedure to be carried out by any other person; and references to the MO are to be read accordingly.

2. Initial Handling of Complaints

2.1. Any complaint received in any part of the Authority which appears to allege a breach by a Member of the Code of Conduct will be referred forthwith to the MO.

2.2. Following receipt of a written complaint which the MO considers to relate to the conduct of a Member and alleges a breach of the code of conduct, the MO will advise the Chair of the Executive Committee and will convene a meeting of the Complaints Sub-Committee. The MO is authorised to determine the membership of the Sub-Committee by random selection. Membership shall be drawn from Members of the Executive Committee.

2.3. If the complaint is not in writing, the MO will invite the Complainant to put the complaint formally in writing. The MO will consider whether, for any complaint not in writing, some option for informal resolution may be appropriate. The complaint should include:

a) the complainant's name and address.
b) their status, for example member of the public, fellow member or officer.
c) details of who the complaint is about
d) details of the alleged misconduct

2.4. Any standard complaint form developed for the Authority should also include:

a) equality monitoring data if applicable (for example, nationality of the complainant); and
b) a warning that the complainant's identity will normally be disclosed to the subject member, although in exceptional circumstances (if certain criteria are met) this information may be withheld.

2.5. The MO will acknowledge the complaint and will, in acknowledging receipt, inform the Complainant that the Member will be notified about the Complaint without delay unless there is, in the opinion of the MO, any legal prohibition on such notification. The MO may also ask the Complainant for any clarification considered necessary

to enable the Complaints Sub-Committee to reach its decision; but the MO will not at this stage embark on any actual investigation of the matter.

2.6. For every complaint that is put into writing, the MO will determine whether to advise the Member that a complaint has been received. In some circumstances the MO will not advise the Member of the receipt of the complaint. This will involve an assessment of whether the risk of the case being prejudiced (e.g., the risk of intimidation of a complainant or witnesses or the destruction of any evidence) may outweigh the fairness of notifying the Member (e.g., the ability of the Member to preserve evidence) or whether doing so might prejudice a criminal investigation.

3. Complaints Sub-Committee

The report to the Sub-Committee

3.1. The MO will prepare a report for consideration by the Complaints Sub-Committee, to enable the Sub-Committee to determine whether

a) There are any continuing grounds for not providing to the Member a summary of the complaint.
b) If the Complainant so requests, the Complainant's identity should be withheld from the Member.
c) The Sub-Committee has jurisdiction to deal with the complaint.
d) The complaint should be referred to the MO for investigation.
e) No action should be taken under the Act, in respect of the complaint; and
f) If so, whether any other informal action may be appropriate.

3.2. The report of the MO will:

a) set out the complaint.
b) identify any confirmation of the facts of the complaint which has been obtained without formal investigation.

3.3. The agenda papers will include the following information:

a) the date, time, and place of the hearing.
b) the report of the MO
c) an outline of the proposed procedure for the meeting and the criteria for the assessment of the complaint (i.e., a set of these rules).

Access to the meeting

3.4 Meetings of the Complaints Sub-Committee will not be open to the press and public who shall be excluded from the meeting.

3.5 The MO will arrange for a meeting of the Sub-Committee to take place. The meeting should ordinarily take place within 20 working days from the date of receipt of the complaint. The Sub-Committee will meet during the day and will aim to complete the hearing in one sitting. If the Sub-Committee is unable to reach a decision within 20 days, the Complainant and the Member (if appropriate) will be informed of this.

Membership of the Sub-Committee

3.6 The Complaints Sub-Committee will be chaired by a member selected at the meeting.

3.7 The Sub-Committee will comprise three members of the Executive Committee.

3.8 The quorum for the Sub-Committee will be two.

3.9 A member of the Executive Committee may not sit on the Sub-Committee if he or she is the subject of the complaint or if he or she has first-hand involvement in the case (for instance as the Complainant or as a material witness in relation to the allegations) such that his or her impartiality might be challenged.

3.10 Each member of the Sub-Committee shall have one vote, but the chair shall have a casting vote in the event of equality of votes.

Procedure

3.11 The Chair will explain that the Sub-Committee may, at any time prior to the conclusion of the hearing, agree to adjourn and require the MO to seek further information or clarification on any point.

3.12 The procedure for dealing with the report about the Member shall be as set out in this guidance, subject to the Chair of the Sub-Committee being able to make any change to it that he or she thinks appropriate to enable a fair and effective hearing:

3.13 The Sub-Committee will examine the MO's report. The Sub-Committee may ask the MO questions about the contents of the report. The Sub-Committee can move on to consider its findings based on the MO's report and responses to questions.

3.14 The Member who is the subject of complaint will play no role in the proceedings of the Sub-Committee.

Evaluation Criteria

3.15 In considering a complaint, the Sub-Committee will carry out the initial tests, namely:

a) Is the complaint against one or more Members of the Authority?
b) Was the Member in office at the time of the alleged conduct and was the code of conduct in force at the time?
c) If proven, would the complaint be a breach of the Code of conduct?

If the Sub-committee is not satisfied in relation to any one of these tests the complaint cannot be investigated as a breach of the Code of Conduct and the complainant must be informed that no action will be taken in respect of the complaint.

3.16 The Complaints Sub-Committee will assess the complaint with regard to the following criteria:

a) Has the Complainant submitted enough information to satisfy the Sub-Committee that the complaint should be referred for investigation or other action?
b) Is the complaint about someone who is no longer a Member of the Authority, but is a member of another authority? If so, does the Sub-Committee wish to refer the complaint to the Monitoring Officer of that other authority?

c) Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
d) Is the complaint about something that happened so long ago that there would be little benefit in acting now?
e) Is the complaint not sufficiently serious to warrant further action?
f) Does the complaint appear to be simply malicious, politically motivated, or tit-for-tat?

Considerations in respect of retention of anonymity

3.17 In relation to requests for anonymity the Sub-Committee shall have regard to the following considerations:

a) Does the Complainant have reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed?
b) Is the Complainant an officer who works closely with the Member? If so, is the Complainant afraid of the consequences to their employment or of losing their job if their identity is disclosed?
c) Does the Complainant suffer from a serious health condition, meaning that there are medical risks associated with their identity being disclosed? In such circumstances, the Sub-Committee may wish to request medical evidence of the Complainant's condition.
d) Should the Complainant be given the option of requesting a withdrawal of the complaint?
e) Is it possible to investigate the complaint without making the Complainant's identity known?
f) Are there any other exceptional reasons why the Complainant's identity should not be disclosed?

Decision of the Complaints Sub-Committee

3.18 If it is accepted that the complaint is within its jurisdiction the Sub-Committee will reach one of the following decisions:

a) referral of the complaint to the MO for investigation.
b) referral of the complaint to the MO for other action.
c) that no action be taken.

Any decision of the Complaints Sub-Committee in its evaluation of the complaint to take no action shall be final.

3.19 The Sub-Committee will agree a written summary of the main points which they have considered, the conclusions they have reached on the complaint and their reasons for those conclusions. Unless the Sub-Committee has concluded that to send the summary to the Member is not in the public interest or would prejudice any subsequent investigation, this summary will be sent to the Member and will be made available to the public for inspection and on the Authority's website.

3.20 The MO will write to the Complainant, advising of the Sub-Committee's decision. The MO will also write to the Member, advising of the decision.

4. Action following initial evaluation

4.1 If the decision was to refer the matter to the MO for other action, the MO will notify all parties and will take that action. As soon as possible before three months have elapsed from the Sub Committee's decision, the MO will report the outcome of that action to a further meeting of the Sub-Committee, which may give further directions.

5. Investigations

5.1 If the decision was to refer the matter for investigation, the MO will carry out or arrange that investigation, the MO will inform all parties accordingly.

5.2 At any stage during the investigation, the MO may refer that matter back to the Complaints Sub-Committee if —

a) as a result of new evidence or information, the MO is of the opinion that the matter is —
   (i) materially less serious than may have seemed apparent to the Sub-Committee when they decided to refer the matter for investigation, and
   (ii) that the Sub-Committee would have made a different decision had they been aware of that new evidence or information; or

b) the Member —
   (i) has died; or
   (ii) is seriously ill; or
   (iii) has resigned from the Authority.

   and the MO is of the opinion that in the circumstances it is no longer appropriate to continue with an investigation.

5.3 The MO shall, on completion of the investigation,

a) make a finding—
   (i) that there has been a failure to comply with the Authority's Code of Conduct ("a finding of failure"); or
   (ii) that there has not been a failure to comply with the Authority' code of conduct ("a finding of no failure").

b) prepare a written report of the investigation which contains a statement as to the finding.

c) send a copy of that report to the Member.

d) refer the report to
   (i) the Complaints Sub-Committee; and
   (ii) to the Independent Person.

6. Consideration of report of investigation

6.1 The MO will convene a meeting of the Complaints Sub-Committee, (the Independent Person may attend this meeting in an observer capacity) which will decide whether

a) they accept the MO's finding of no failure ("a finding of acceptance"); or
b) the matter should be considered at a hearing.

Before reaching a decision, the Sub-Committee shall take the views of the Independent Person into account.

6.2 If the Complaints Sub-Committee make a finding of acceptance, the MO will notify all parties and, unless the Member requests otherwise, will also publish the finding.

6.3 If the Complaints Sub-Committee consider that the matter should be considered at a hearing, the MO shall arrange to convene a meeting of the Complaints Sub-Committee drawn by random selection from members who have not previously been involved in evaluating the complaint. Membership may be drawn from the whole membership of the Authority.

6.4 The Complaints Sub-Committee hearing the complaint will follow this procedure to regulate Hearings unless, on the advice of the MO – and after prior notice to the Member of any proposed changes and the reasons for them, the Sub-Committee agree that the procedure should be modified.

7. Role of the Monitoring Officer and Other Officers

7.1 The MO will ensure that the overall conduct of the matter is dealt with effectively in the interests of all parties concerned. The MO may adopt the role either of Investigating Officer or of legal adviser to the Sub-Committee. If the MO acts as Investigating Officer, the MO will ensure that the Deputy MO or another appointed person (who may be a person not in the employment of WYFRA) takes responsibility for ensuring the effective overall conduct of the matter and advising the Sub-Committee. In this situation, references to the MO in the following paragraphs of this procedure will, where appropriate, apply to that appointed person.

7.2 The role of the MO is to

a) make sure all parties to the hearing understand the procedures to be followed and the powers available to the Sub-Committee.
b) make sure that the hearing is fair and allows the matter to be dealt with as efficiently and effectively as possible.
c) provide advice to the Sub-Committee during the hearing and their deliberations; and
d) help the Sub-Committee to produce a written decision and a summary of that decision.

8. Notifying the Member and the Complainant.

8.1 Within five working days of the completion of a report into an investigation, the MO will send a copy of the report to all Members of the Complaints Sub-Committee, to the Member and, where appropriate, to the Complainant. The report will, at this stage, be provided on a confidential basis, and an undertaking

of confidentiality will be sought from the Complainant, the Member and where needed, the Complaints Sub-Committee.

9. Obtaining a response from the Member

9.1 When notifying the Member of the complaint against them and providing the Member with the report, the MO will ask the Member for a written response, within fifteen working days, stating whether they:

- disagrees with any of the findings of fact in the report, including the reasons for any disagreements.
- wants to be represented at any Hearing, at their own expense, by a barrister or solicitor or, subject to the consent of the Complaints Sub-Committee, some other person.
- wants to give evidence at any Hearing, either verbally or in writing.
- wants to call any relevant witnesses to give evidence to any Hearing, and if so, who they are.
- wants any part of a Hearing to be held in private, explaining the reasons.
- wants any part of the report or other relevant documents to be withheld from the public, explaining the reasons.

9.2 The MO will also ask the Member to identify, in the Member's response, all those matters within the report which the Member disputes. The MO will notify the Member that the Sub-Committee has the power to refuse to hear any new areas of dispute raised at the hearing but not notified prior to it or may adjourn the hearing to enable the Investigating Officer to respond to them.

9.3 Upon receipt of a response from the Member, the MO will send it to the Investigating Officer for comment. The Investigating Officer will be asked specifically to say whether they:

- want to attend the hearing.
- want to call relevant witnesses to give evidence at the hearing.
- want any part of the hearing to be held in private (by virtue of Part VA of the Local Government Act 1972), and the reasons for this.
- want any part of their report or other relevant document to be withheld from the public (by virtue of Part VA of the Local Government Act 1972) and the reasons for this.

Calling a meeting of the Complaints Sub-Committee to hear the complaint

9.4 The MO is authorised to convene any necessary meeting.

9.5 Although the Member and the Investigating Officer are entitled to request that any witness be called to give evidence, the MO may limit the number of witnesses if the MO believes the requests of any party are unreasonable and/or that some witnesses will be repeating evidence which will be given by earlier witnesses and/or will not provide any evidence at all to help the Sub-Committee reach a decision. The MO or the Sub-Committee may also call any additional witnesses if they will assist the Hearing in reaching a decision.

9.6 The MO will:

- identify the main facts of the case that are agreed between the Investigating Officer and the Member.
- identify the main facts of the case that are not agreed between the Investigating Officer and the Member.
- identify which witnesses will give evidence.
- outline the proposed procedure for the hearing, specifying for which parts of the hearing (if any) a request has been received for it to take place in private; with the reasons for that request; and
- arrange to provide this information and the agenda to everyone involved as a party in the hearing (including the independent person) at least five working days before the date of the hearing. Where any part of the meeting is, or is likely, to be held in private, all recipients will be advised to keep the papers strictly confidential.

9.7 The agenda papers will include the following information:

- the date, time, and place of the hearing.
- the summary of the allegation.
- a list of the main facts of the case which are agreed.
- a list of the main facts of the case which are not agreed.
- a note about whether the Member and/or the Investigation Officer will attend the hearing and give evidence.
- a list of witnesses, if any, who will attend the hearing and give evidence; and
- an outline of the proposed procedure for the hearing (i.e., a set of these rules).

9.8 The meeting of the Sub-Committee hearing the complaint will be open to the press and public unless confidential or exempt information under Part VA of the Local Government Act 1972 and Regulations is likely to be disclosed. The Sub-Committee will go into private session if the Sub-Committee resolves to do so.

9.9 The Sub-Committee has discretion to decide whether to exclude the press and public from the meeting if exempt information as defined in Part VA of the LGA 1972 and regulations will be discussed. Where the MO considers that the report and/or any of the written statements in response are likely to disclose exempt information and as a result it is likely that the Hearing Panel will, when considering these papers, not be open to the press and public then no copies of any documents will be provided to the press and public nor will inspection prior to the meeting be permitted.

Convening the Sub-Committee

9.10 The MO will arrange for a meeting of the Sub-Committee, and indicate the preferred time, place and date of the meeting. The meeting should take place within three months from the date of completion of the Investigating Officer's report. The Sub-Committee will meet during the day and will aim to complete the hearing in one sitting (i.e., avoiding the need to reconvene on another date part way through hearing the evidence).

The composition and methodology of the Sub-Committee hearing the complaint

9.11 The Sub-Committee will be chaired by a Member of the Authority Executive Committee selected by the Sub-Committee.

9.12 The Sub-Committee will comprise three Members of the Authority. The Independent Person may attend in an observer capacity.

9.13 The quorum for the Sub-Committee will be two.

9.14 A member of the Sub-Committee may not adjudicate in the hearing if he or she is the subject of the complaint or if he or she has first-hand involvement in the case (for instance as the Complainant or as a material witness in relation to the allegations) such that his or her impartiality might be challenged.

9.15 The Sub-Committee will decide on the balance of probabilities, whether the grounds for complaint are upheld: i.e., whether, on the evidence presented to the Hearing in writing and orally (if any), it is more likely than not that the Member is in breach of the Code of Conduct.

9.16 Each member of the panel shall have one vote, but the chair shall have a casting vote in the event of equality of votes.

9.17 The purpose of the Hearing is to examine and test the evidence produced in the report. This requires an inquisitorial approach by the Sub-Committee i.e., the need to seek information in order to establish whether or not the Member is in breach of the Code of Conduct by examining all the written evidence and questioning any relevant witnesses.

9.18 The Sub-Committee may at any time seek legal advice from the MO. Such advice will be given in the presence of the Investigating Officer and the Member, though the press, public and others present at the hearing may be excluded while this advice is given.

Agenda for and procedure at the Hearing

9.19 The Agenda for the Meeting shall be as follows:

- Quorum
- Selection/Appointment of Chair
- Introductions
- Declarations of interest
- Consideration of whether to adjourn or proceed in the absence of the Member (if the Member is not present)
- Representations with reasons from the Investigating Officer and/or the Member if either consider that the hearing or any part of it should exclude the press and public under Part VA of the Local Government Act 1972, and determination of this by the Sub-Committee.
- Explanation of how the hearing will be run.

9.20 Where the panel decides that it will not exclude the press and public, the MO will at that point arrange to provide copies of the reports to any press and public who are present.

9.21 The Chair will explain that the Sub-Committee may, at any time prior to the conclusion of the hearing, agree to adjourn and require the MO to seek further information or undertake further investigation on any point.

9.22 The procedure for dealing with the report about the Member shall be as follows, subject to the Chair of the Sub-Committee being able to make any change to it that he or she thinks appropriate to enable a fair and effective hearing:

Examination of the reports and written representations:

The Sub-Committee will examine the written report, the Member's response to it and any further response from the Investigating Officer. The Sub- Committee may ask the Investigating Officer and/or the Member questions about the contents of their reports.

If there is no disagreement about the facts, the Sub-Committee can move on to consider its findings (paragraph 9.25 refers).

Examination of oral evidence

Where the facts of the case are not agreed, the Investigating Officer will be asked to make any representations to support the findings of fact in the report relevant to the areas of disagreement, by calling witnesses as agreed by the Chair of the Sub-Committee.

At the end of the Investigating Officer's representations, the Member, the Complainant or their representatives or Members of the Sub-Committee may ask questions.

The Member will then be asked to make any representations to support his or her version of the disputed facts in the report, calling supporting witnesses as agreed by the Chair of the Hearing Panel.

At the end of the Member's representations, the Complainant, the Complainant's representative, the Investigating Officer, or Members of the Sub-Committee may ask questions.

Where the Member disputes any matter in the report but which he or she has not given prior notice of his or her intention to dispute, the Investigating Officer must draw this to the attention of the Sub-Committee which may then decide:

- not to hear the fact(s) in dispute.
- to hear the fact(s) in dispute but invite the Investigating Officer to respond; or
- to adjourn the meeting to enable the Investigating Officer to investigate and report on the disputed fact(s).

Representations on sanctions

9.23 If the Sub-Committee finds the complaint to be made out, the Member will have an opportunity to make a statement in mitigation of any sanction which the Sub-Committee may impose.

The decision of the Sub-Committee

9.24 The Sub-Committee will retire into private session to consider their findings. The Sub-Committee may at any time seek legal advice from the MO. Such advice will be given in the presence of the Investigating Officer and the Member, though the press, public and others present at the hearing may be excluded while this advice is given. At any time the Sub-Committee may return to ask for questions of the Investigating Officer or the Member, or to seek any further information or advice they require.

9.25 They may find one of the following:

- That the Member did not fail to comply with the Code of Conduct.
- That the Member has failed to comply with the Code of Conduct but that no action needs to be taken.
- That the Member has failed to comply with the Code of Conduct and should be the subject of:

1. Formal motion of censure.
2. A formal letter setting out that the Member has failed to comply with the Code.
3. A recommendation to the Authority and/or the Member's Group Leader that the Member (subject to any statutory and constitutional requirements) be removed from Committee(s).
4. Appropriate press release/other publicity

9.26 The Sub-Committee will return from private session to enable the Chair to announce the decision of the Sub-Committee and the reasons for it and the sanction they decide to impose (if any).

9.27 The Sub-Committee will then consider in open session whether any action needs to be taken by the Authority as a result of the finding, for example reviewing any decision, policy or practice of the Authority which was the subject of the breach of the Code of Conduct; any action needed to prevent or deter further breaches of the Code of Conduct.

10. Confidentiality and the disclosure of information

10.1 No member of the Authority shall disclose any information he or she has obtained during an investigation or as a result of this procedure unless:

- the disclosure is made to enable the MO or any Investigating Officer to carry out his or her functions, or to enable the Executive Committee or Complaints Sub-Committee to carry out their functions in relation to the matter.
- the person to whom the information relates has consented to the disclosure.
- the disclosure is made following receipt of a statutory requirement for disclosure.
- the information has previously and lawfully been disclosed to the public.
- the disclosure is made to the Auditors in relation to any Officer functions, or
- the disclosure is made in consequence of criminal proceedings

11. Notice of findings

11.1 The MO will make available, by 4pm on not later than the second working day following that on which the hearing concludes, a short, written statement of the decision.

11.2 A full written draft of the decision and the reasons for it will be prepared and finalised in consultation with the Chair of the Sub-Committee and circulated within two weeks of the hearing to the Member, the Complainant (where appropriate), the Investigating Officer, the Authority's Executive Committee.

11.3 Subject to the provisions below, the MO shall arrange for a summary of the findings to be published on the Authority's website.

11.4 Where the Sub-Committee decide that the Member has not failed to comply with the Code of Conduct, the summary of findings specified above shall:

- state that the Sub-Committee found the Member had not failed to comply with the Code of Conduct and shall give reasons for that finding.
- not be published if the Member so requests.

11.5 Where the Sub-Committee decide that the Member has failed to comply with the Code of Conduct, but also decides that no action should be taken, the notice shall:

- state that the Sub-Committee found that the Member had failed to comply with the Code of Conduct, but that no action need be taken in respect of that failure.
- specify the details of the failure.
- give reasons for the decision reached

11.6 Where the Sub-Committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice specified above shall:

- state that the Sub-Committee found that the Member had failed to comply with the Code of Conduct.
- specify the details of the failure.
- give reasons for the decision reached.
- specify the sanction imposed

11.7 Copies of the agenda, reports, and minutes of the hearing as well as any background papers, apart from any documents or parts of documents which relate to parts of the hearing which were held in private, will be available for public inspection for six years after the hearing.

11.8 The decision of the Sub-Committee hearing the complaint shall be final, but before reaching its decision, the Sub-Committee shall take into account the views of the independent person.

2. Officers' Code of Conduct

1. Interest of Officers in Contracts and Membership of Secret Organisations, Receipt of Gifts etc

1. The Monitoring Officer
2. shall record in a book to be kept for the purpose, particulars of any notice given by an officer of the Authority under Section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and such book shall be open during office hours to the inspection of any Member or employee of the Authority.
3. If any employee of the Authority is a member of an organisation which is secret in that the objects of the organisation or the duties, obligations or secrets imposed upon or accepted by its members, or details of the membership itself of the organisation, are protected in any way by penalties which may be imposed upon its members, then the employee shall declare their membership of the organisation in a book to be kept for the purpose by the Monitoring Officer and such book shall be open during office hours to the inspection of any Member or employee of the Authority.
4. Employees of the Authority shall not accept any payment, fee, reward or benefit direct or indirect of any kind in connection with their employment or the discharge of their duties from any person or body other than the Authority itself except as provided for in the following provisions.
5. Receipt of gifts and hospitality by employees of the Authority shall comply with the principles contained in the Code of Conduct for Local Government employees and in particular employees shall not accept significant gifts or hospitality from contractors, outside suppliers or potential contractors or outside suppliers and may only accept gifts and hospitality of a limited nature after obtaining advance written approval from either the Chief Executive/Chief Fire Officer or an Executive Officer.
6. Any employee receiving any gift or hospitality must provide the Monitoring Officer with written notification. The Monitoring Officer shall record the details in a register which shall be open to inspection by any Member of the Authority.

2. Canvassing of and Recommendations by Members and Officers

1. Canvassing of Members and senior officers of the Authority or of any Committee of the Authority directly or indirectly for any appointment under the Authority shall disqualify the candidates concerned for that appointment.
2. A Member or senior officer of the Authority shall not solicit for any person any appointment under the Authority, but this shall not preclude a Member or senior officer from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

3. For the purpose of this Standing Order 'senior officer' means any officer at Area Manager or above or Executive grade or above.
4. This Standing Order shall be brought to the attention of all applicants for appointments under the Authority.

3. Appointment of Relatives of Officers

1. A candidate for any appointment under the Authority who knows that they are related to any senior officer of the Authority shall, when making application, disclose that relationship to the Director of People and Culture. A candidate who fails to disclose such relationship shall be disqualified for the appointment and, if appointed, shall be liable to dismissal without notice. Every senior officer of the Authority shall disclose to the Director of People and Culture any relationship known to them to exist between themselves and any person whom they know is a candidate for an appointment under the Authority. The Director of People and Culture shall report to the Authority any such disclosure made to them.
2. For the purpose of this Standing Order 'senior officer' means any officer at the rank of Group Manager or above or upon the APT&C grade Principal Officers or above and persons shall be deemed to be related if they are husband or wife or if either of them or the spouse of either of them is the grandparent or parent or the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

4. Monitoring Officer

The Monitoring Officer or his appointed representative shall have authority to:

1. Enter at any time on any of the Authority's premises or land.
2. Have access to all records, documents and correspondence relating to any business or transaction of the Authority.
3. Require and receive such explanations as are necessary concerning any matters which may give rise to the exercise of the powers vested in the Monitoring Officer by virtue of Section 5 Local Government and Housing Act 1989.

5. Code of Conduct Compliance

1. Without prejudice to the foregoing Standing Orders, officers of the Authority shall comply with such provisions of the (National) Code of Conduct for Local Government Employees as may be adopted from time to time by the Authority.
2. The Code of Conduct for Local Government Employees as adopted by the Authority is set out in the Appendix. Failure to observe the standards set out in the Code will be regarded as serious and any breach will render an employee liable to disciplinary action.

Appendix

(National)

Code Of Conduct For Local Government Employees

1. Introduction

1.2 The public is entitled to expect the highest standards of conduct from all employees who work for the Authority.

1.3 This Code of Conduct is aimed at ensuring that employees are aware of the standards of behaviour expected of them by the Authority.

2. Standards

2.1 Local government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service.

2.2 It is the duty of each employee to report to the appropriate manager any impropriety or breach of procedure.

3. Disclosure of Information

3.1 This Authority believes that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. The Authority itself may decide to be open about other types of information. Employees must be aware of which information the Authority is and is not open about, and act accordingly.

3.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

4. Political Neutrality

4.1 Employees serve the Authority as a whole. It follows they must serve all councillors and not just those of the controlling group and must ensure that the individual rights of all councillors are respected.

4.2 Where employees are required to advise political groups, they must do so in ways which do not compromise their political neutrality. Such advice will ordinarily be provided by the Authority's Chief Executive/Chief Fire Officer and Executive Officers and all other employees should not provide advice to political

groups without clearance from the appropriate Executive Officer or the Chief Executive/Chief Fire Officer.

4.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

4.4 Political Assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 4.1 to 4.3.

5. Relationships

5.1 Councillors

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to councillors and senior managers, and all are there to carry out the Authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

5.2 The Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient, and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority. No part of the local community should be discriminated against.

5.3 Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the Monitoring Officer Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.

5.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the Monitoring Officer

6. Appointment and other Employment Matters

6.1 Employees involved in appointments should ensure that these are made based on merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them.

6.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments or any other employee who is a relative, partner etc.

7. Outside Commitments

7.1 All employees have contractual obligations and should not take outside employment which conflicts with the Authority's interests.

7.2 All employees graded above spinal column point 22 of the NJC Scheme of Conditions of Service are required to obtain consent of the Authority, via the appropriate Executive Officer to take outside employment. Uniformed service personnel subject to similar restrictions must seek authorisation via the Chief Executive/Chief Fire Officer or appropriate Executive Officer.

7.3 No outside work of any sort, whether paid or unpaid, should be undertaken in the office and the use of facilities (typist, telephone, photocopier etc) is forbidden.

7.4 Employees should follow the Authority's rules on ownership of intellectual property or copyright created during their employment.

8. Personal Interests

8.1 Employees must declare to the appropriate Executive Officer any non-financial interests that they consider could bring about conflict with the Authority's interests, for example, if you are involved in an official capacity with an outside organisation which has dealings with the Authority, e.g., grant requests.

8.2 Employees must declare to the appropriate Executive Officer any financial interests which could conflict with the Authority's interests, e.g., work for which a fee is received.

8.3 Employees should declare to the Authority, via the Monitoring Officer membership of any secret societies. The definition of "secret society" is as follows:

"Any lodge, chapter, society, trust or regular gathering or meeting which:

- is not open to members of the public who are not members
- includes in the granting of membership a requirement of the member to make a commitment (whether by oath or otherwise) of allegiance
- includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy in regard to rules, membership or conduct."

8.4 Where employees have declared any personal interests, the detail will be kept in a register under the authority of the Monitoring Officer.

9. Equality Issues

9.1 The Authority is an equal opportunities employer, and all employees are under an obligation to ensure that its policies relating to equality issues plus those required by law, are complied with.

9.2 All members of the local community, customers and other employees have a right to be treated with fairness and equity.

10. Separation of Roles during Tendering

10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

10.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors, and sub-contractors.

10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

10.4 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives, or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11. Corruption

11.1 It is a serious criminal offence for employees corruptly to receive or give 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. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

12. Use of Financial Resources

12.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

13. Hospitality

13.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They should be properly authorised and recorded by the appropriate Executive Officer.

13.2 When hospitality must be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.

13.3 Employees should not accept significant personal gifts from contractors and outside suppliers.

13.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.

13.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority, Chief Executive/Chief Fire Officer or appropriate Executive Officer gives consent in advance and where the Authority can be satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment etc are required, employees should ensure

the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

14. Sponsorship - Giving and Receiving

14.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

14.2 Where the Authority wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Executive Officer of any such interest. Similarly, where the Authority, through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15. Contact with the Press and Media

15.1 Unless specifically nominated and authorised by the Chief Executive/Chief Fire Officer or the appropriate Executive Officer, employees are not permitted to give reports or speak to the press and media on matters relating to employment with the Authority, Authority business or decisions of the Authority. In the main the Chief Executive/Chief Fire Officer, the Executive Officers and the designated Public Relations staff will be responsible for dealing with the press and media. Employees with this responsibility should guard themselves against declaring a view which is contrary to a position taken by the Authority, and which may be deemed to be critical of that decision.

15.2 In the event of an industrial dispute involving a trade union organisation, an elected representative of that trade union may be called upon by the press or media to comment on the dispute. Where a decision is taken by that trade union organisation to respond, the employee should exercise great care in presenting the facts of the case and should avoid personal opinions which may be damaging to the Authority.

15.3 In all circumstances, employees are under a general duty of care to avoid, wherever practicable, a conflict of interests situation arising and should not undertake to criticise, damage or act in any way against the best interests of the Authority. Should this occur, then the employee will be subject to disciplinary action in accordance with the agreed procedures.

16. Smoking

16.1 The Authority has a policy on smoking at work which is incorporated into employment contracts. Employees are reminded that if found smoking in contravention of the policy, it will be regarded as a disciplinary offence.

3. Member/Officer Relations And Procedural Protocol

Introduction

i. The purpose of these protocols is to provide guidance to Members and officers of the Authority in their relations with each other in connection with Authority procedures and the conduct of Authority business affairs.

ii. Whilst mutual respect between employees and individual Councillors is essential to good local government, nevertheless close personal familiarity between individual employees and individual Councillors can cause potential damage to public perceptions and embarrassment to other employees and Councillors and should therefore be avoided. Both Councillors and officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate; officers are responsible to the Authority. The role of officers is to give advice to Councillors and the Authority and to carry out the Authority's work under the direction and control of the Authority, their committees, and sub-committees.

The Protocols

Officer Advice to Party Groups

(It is recognised that Party Groups may meet in advance of Authority and Committee meetings to consider matters of Authority business).

Protocol 1

The Authority recognises that officers may properly be called upon to attend and to advise and provide information to meetings of Party Groups in advance of Authority and Committee meetings.

Protocol 2

A request for the attendance of officers at a Party Group meeting shall be made by the Party Group Leader to the appropriate Officer, namely the Chief Executive/Chief Fire Officer, the Monitoring Officer, or the Director of Finance and Procurement as appropriate to the advice or information required.

Protocol 3

Officers shall not be required to give advice in connection with Party Group business or in such manner as may contravene or undermine any legislation, code of practice or standing order which may call into question the political neutrality of officers or contravene any restrictions imposed upon officers by the political restriction provisions of the Local Government and Housing Act 1989 and regulations made thereunder.

Protocol 4

Party Groups shall not discuss matters of party business while officers are present.

Protocol 5

Officers shall not be called upon to give advice to Party Groups if non-Members of the Authority are present at the Party Group meeting and/or it is recognised that officers may be restricted on grounds of confidentiality from providing the same level of information and advice as they would to a Member only meeting.

Protocol 6

Officers shall respect the confidentiality of any Party Group discussion at which they are present and shall not pass on any information received in confidence to any other Party Group.

Protocol 7

An officer shall not be compelled to attend and give information and advice to a Party Group where to do so would over-ride any provision in the officer's contract of employment or place the officer in breach of any statutory provision, legal or other duty of confidentiality to the Authority or other governmental body.

Provision of Support Services to Members and Party Groups

Protocol 8

Officers shall not be asked to provide any support services (stationery, typing, printing, photocopying, transport etc) to Party Groups or for party political purposes nor to individual Members except to the extent that such requests relate to support appropriate to assist Members to discharge their role as Members of the Authority. Such support must not be used for private, or any other purposes not connected with the official duties of the Authority. Requests for such support shall be made to the Monitoring Officer.

Member Access to and Use of Information and Authority Documents

Members have an automatic statutory right to inspect any Authority document which contains material relating to any business to be transacted in public at an Authority or Committee meeting but not to documents relating to agenda items to be dealt with in private session if they are not a Member of the relevant committee. Members may have a right of access to such documents and a common law entitlement to inspect Authority documents generally so far as this is reasonably necessary to enable the Member properly to perform their duties as a Member of the Authority, i.e., the need to know principle.

Protocol 9

A Member shall make any request for access to Authority documents to the appropriate Executive Officer and shall, if requested by the Executive Officer, provide appropriate justification for the request.

Protocol 10

An Executive Officer shall not refuse a Member request for information or access to a document without the agreement of the Monitoring Officer.

Protocol 11

A Member may appeal against any refusal to permit access to information or documentation to the Monitoring Officer who shall reconsider the request and unless thereupon consenting to the request, the Monitoring Officer shall refer the request to the Authority or appropriate committee whose decision on the matter shall be final.

Protocol 12

A Member obtaining information under this procedure shall use such information only for the proper performance of the Member's duties as a Member of the Authority and shall not disclose or use confidential information to personal advantage or to the disadvantage or discredit of the Authority.

Committee Agenda Procedures

Protocol 13

The Authority recognises that Executive Officers may have statutory or other responsibilities for submitting reports to the Authority and its Committees and that the Monitoring Officer as "proper officer" is legally responsible for the production and distribution of committee agendas and for decisions under Access to Information legislation including the classification of reports as to whether they will be considered in public or private session.

Protocol 14

Subject to Protocol 13 the Executive Officers shall consult the Chair of the Authority or the Committee as the case may be and such other Members or group of Members (as complies with the standing procedures of the Authority) over agenda and report contents prior to the distribution of committee agendas in connection with the formal convening of committee meetings.

Delegated Powers Procedures

(The law does not allow individual Members in whatever capacity to make decisions on behalf of the Authority).

Protocol 15

The Authority recognises that where Executive Officers are empowered to take decisions on behalf of the Authority under the Scheme of Delegation of Powers in consultation with the Chair, it is the Executive Officer rather than the Chair who is accountable to the Authority for the decision.

Correspondence

Protocol 16

Ordinarily correspondence from Members shall be addressed to the appropriate Executive Officer who will not copy the correspondence to any other Member without proper justification and need to do so and in any such case shall make it clear to the original Member that the correspondence has been copied to another Member.

Appropriate Officer Contacts

Protocol 17

The Authority recognises that the Executive Officers of the Authority are responsible for the provision of policy advice to the Authority and its Committees and Members shall not seek advice on policy matters from other officers of the Authority without reference to the appropriate Executive Officer and shall not request the attendance of officers below Executive Officer level at Party Group or other meetings without first having consulted the relevant Executive Officer.

4. Officer Employment Procedure Rules

1. Recruitment and Appointment

a) Declarations

i. The Authority will draw up a statement requiring any candidate for appointment as an officer 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 Member or senior officer of the Authority, or of the partner of such persons.

ii. No candidate so related to a Member or senior officer will be appointed without the authority of the relevant Executive Officer or an officer nominated by them.

b) Seeking support for appointment

i. Subject to paragraph (iii), the Authority will disqualify any applicant who directly or indirectly canvasses the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.

ii. Subject to paragraph (iii), no member will canvass support for any person for any appointment with the Authority.

iii. Nothing in paragraphs (i) and (ii) above will preclude a Member from giving a written reference for a candidate for submission with an application for appointment.

2. Recruitment of Chief Executive and Executive Officers

a) Where the Authority proposes to appoint the Chief Executive or an Executive Officer, the Executive Committee will act as the appointment panel.

b) The Executive Committee will:

i. approve a statement specifying the duties of the post concerned; and a specification of the qualifications or qualities to be sought in the person to be appointed.

ii. make arrangements for the posts 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; and

iii. make arrangements for a copy of the statement mentioned in paragraph (i) to be sent to any person on request.

c) The Executive Committee will interview all qualified applicants for the post or select a short-list of such qualified applicants and interview those included on the short-list.

3. Other Appointments

a) Appointments of officers below Executive Officer is the responsibility of the Chief Executive or relevant Chief Officer, or an officer nominated by the Chief Executive or Executive Officer and may not be made by Members.

4. Disciplinary Action

a) No disciplinary action shall be taken against the Chief Executive/Chief Fire Officer or any other Executive Officer except in accordance with the procedures set out in the Appendix to these Rules.

b) Suspension of an Executive Officer shall be on full pay and shall not be for a period exceeding 56 days from the first day suspension takes effect unless any further successive 56-day period of suspension is approved by the Executive Committee.
c) Members will not be involved in disciplinary action against any officer below Executive Officer save to the extent to which rights of appeal to Members are specifically provided for in the Authority's disciplinary, capability and related procedures

5. Dismissal

a) Members will not be involved in the dismissal of any officer below Chief Officer. However, the Authority's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of dismissals.

6. Definitions

"Executive Officers" means the Corporate Management Board Members who are employed by the Authority:

- Chief Executive/Chief Fire Officer
- Director of Service Support
- Director of Service Delivery
- Director of Finance and Procurement
- Director of People and Culture
- Director of Corporate Services

"Senior Officer" means an officer on Executive Officer Grade or, an officer discharging the role of area manager or above.

Appendix

Officer Employment Procedure Rules

Officer Employment Procedure Rules / Allegations of Misconduct involving Chief Executive/Chief Fire Officer /Other Executive Officers / Investigation Procedure

1. If a written complaint or allegation of misconduct is made against the Chief Executive /Chief Fire Officer, Director of Finance and Procurement, Director of Corporate Services or any other Executive Officer the matter will be referred to the Monitoring Officer for preliminary assessment and report by the Chief Executive/Chief Fire Officer if the complaint/allegation is made against the Director of Corporate Services, to the Executive Committee which will determine in its absolute discretion whether the matter requires any further investigation and possible disciplinary action. The Executive Committee shall consider in making any determination the substance of the complaint/allegation whether it appears to be credible and whether having regard to the nature of the complaint/allegation it is proportionate to require further investigation.
2. If the Executive Committee determines on a preliminary assessment that the matter does require further investigation the Executive Committee shall appoint a Designated Independent Person* to conduct that investigation and report to the Committee with recommendations.
3. The Executive Committee may decide to suspend any Officer who is subject to investigation pending the outcome of the Investigation. In cases involving allegations of serious criminal offences / gross misconduct by Executive Officers the Chief Executive / Chief Fire Officer may, in consultation with the Chair of the Authority, immediately suspend an Executive Officer for a period not exceeding 14 days pending preliminary consideration of the matter by the Executive Committee. The Chief Executive/ Chief Fire Officer may only be suspended by the Executive Committee.
4. The Authority shall take no further steps involving disciplinary action against an Executive Officer under investigation (other than any taken with the agreement of the Designated Independent Person) until the Executive Committee has considered a report from the Designated Independent Person.
5. The Designated Independent Person shall have the power to require any Member or Officer of the Authority to answer questions relevant to his investigation of an Executive Officer under investigation and to require the production of any relevant documents in the possession or control of a Member or Officer of the Authority.
6. The Designated Independent Person shall report to the Authority –

i. Stating his opinion as to whether the evidence supports any allegation of misconduct against any Executive Officer under investigation

ii. Recommending any disciplinary action against the Executive Officer which appears to them to be appropriate

iii. The Designated Independent Person shall send a copy of that report to the Executive Officer under investigation.

7. The Executive Committee shall consider any such report but shall not be bound by its conclusions and may determine in its absolute discretion not to proceed with any further disciplinary action or in its absolute discretion may determine that further disciplinary action shall be taken in accordance with or not in accordance with the recommendations of the Designated Independent Person.
8. If the Executive Committee determines that further disciplinary action is required, it shall issue instructions for the convening of a Disciplinary Hearing into the allegations in accordance with any procedures approved by the Authority / in accordance with ACAS recommended procedures. The Executive Officer shall be entitled to representation at any such Hearing by a person of his choice, but the Authority shall not be obliged to meet the cost of that representation.
9. The Executive Committee may at any time with the written agreement of the Executive Officer and without holding a Disciplinary Hearing determine in the case of matters not involving serious misconduct to resolve the matter by non-disciplinary award measures such as mediation, training, and apology.

*Designated Independent Person – means such person not being an employee of the Authority who appears to the Executive Committee to be suitably qualified to investigate any allegation of misconduct.

5. Protocol Regarding The Use Of Authority Resources By Members

1 Code of Conduct

The Code of Conduct adopted by the Authority provides that Members must not use their position as a Member to secure any improper benefit for themselves or any other person, must not misuse Authority resources and must comply with Authority policies and rules and also have regard to the law and any Code of Practice.

2 Purpose of this Protocol

The purpose of this protocol is to clarify the requirements of the Code of Conduct and to provide guidance to Members on the requirements of the Authority in relation to the use of any property, services and equipment which may be provided to them by the Authority in connection with their service as Members.

3 Scope

1. The Protocol applies to the use by Members of Authority property, facilities, services, or equipment whether provided for use on Authority premises, at home or elsewhere.
2. “Services” includes the provision of administrative and secretarial support. “Facilities” includes paper communication resources, printing, and postage.
3. Equipment includes any computers, computer hardware or software, internet connection facilities, telephones, email devices and peripherals.

4 Requirements

Health and Safety

1. Members must take reasonable precautions to ensure the safe use of any equipment provided to them.

Security

2. Members must take reasonable precautions to ensure the security of any equipment including measures aimed at preventing loss or damage or unauthorised access/misuse. This includes compliance with authorised password procedures and maintaining the personal security of allocated passwords.
3. Members must report any loss or damage to equipment, at the first available opportunity, to the relevant Officer and return it for repair.
4. Members are responsible for meeting the cost of any non-accidental (uninsured risk) loss or damage if required to do so by an Authorised Officer of the Authority.

(Not including any loss or damage occurring from theft or attempted theft of any equipment by a third party).

5. Members must return all provided equipment to an Authorised Officer of the Authority if they cease to qualify for the provision including at the outset of any suspension as a Member and immediately upon cessation of membership of the Authority.

Equipment

6. Any equipment must be used lawfully.
7. Internet access facilities must not be used for unlawful or improper purposes and in particular Members must not intentionally access, view or download or seek to place onto disks, any information or image which is obscene, pornographic, sexist, racist or of a similar inappropriate nature nor must Members download any programs or software without obtaining approval from an Authorised Officer.
8. Email facilities must not be used by Members to send abusive, obscene, racist, sexist, harassing, defamatory or offensive material in any format.
9. Members must not use or allow to be used any equipment for the unlawful transfer of personal data (as defined by the Data Protection Act 1995) or communicate information to any person not authorised to receive it.
10. Members must not use any equipment in connection with the publication of materials designed to effect support for a political party.
11. Members must not use any equipment for the purpose of obtaining unauthorised or unlawful access to other computers, hacking, eavesdropping or for the causation of virus attacks.
12. Members must not seek to access or download any material which may be in breach of the legal rights of authors and designers under any legislation (foreign or domestic).
13. Members must not use equipment for private business or commercial activities, whether for personal gain or otherwise.
14. Members are permitted to use equipment for private use only to the extent that there is no additional cost chargeable to the Authority from any such use and such use is subject to the other restrictions set out in this protocol.
15. Any private use by Members must not become disproportionate to the scale of official use for Authority purposes and any private use must not become confused with official use ie, private use must not involve the use of official letterheads etc.
16. Members are authorised to permit members of their immediate personal family and household to use any computer equipment subject to compliance with the other restrictions imposed by this protocol and in respect of any such extended use, Members remain personally liable for ensuring such use is compliant and for the consequences of any breach of this protocol.

Use of Phones

17. The use of any phones provided to Members is subject to the above user restrictions and to the following additional further restrictions.

a) Phones must only be used for official Authority business. If used for other purposes in an emergency, then Members must reimburse the Authority with the full cost of the call.
b) Mobile phone pin lock address codes must be used by the Member to secure the phone when not in immediate use.
c) Phones must not be used by any person other than the Member (i.e., not to be used by family or household members).

Premises

18. Authority premises may, subject to availability, be used free of charge by Members for the purpose of meetings between members of recognised political groups represented on the Authority for the purposes of discussing the business of the Authority and also for holding district council ward surgeries at locations within the Member's ward area only.
19. Members may not use Authority premises for purely political purposes nor for any purposes at all (other than for the official business of the Authority) during an election period (i.e., from the publication of the notice of election to the close of polls).

Other Facilities

20. Any stationery or personalised letterheads, compliment slips or business cards provided to a Member must be used for the purposes of Authority business only.
21. Requests for access to printing facilities and postage services in connection with Authority business must be made to the Committee Services Manager who will, if approving any request, make the necessary arrangements. (Members are not provided with direct access to printing and postage facilities).

(Note: the term "Member" includes any persons appointed to the Authority by a Constituent Council under the Local Government Act 1985 or other persons who may be co-opted as members of a committee of the Authority and who have a right to vote on matters determined by such committee).

Part 6 - Members' Allowances

Members' Allowances Scheme

Approved At West Yorkshire Fire & Rescue Authority Meeting on 19 December 2003

West Yorkshire Fire & Rescue Authority in exercise of the powers granted to it by the Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 2003 No 1021) has made the following scheme after having regard to the recommendations made by the independent remuneration panels of the constituent councils within West Yorkshire as required by Regulation 19. In accordance with the above, the scheme is reviewed every 4 years.

1 Citation

This scheme may be cited as the West Yorkshire Fire & Rescue Authority Members' Allowances Scheme and shall have effect from the 1st July 2003 and thereafter until amended or revoked. All previous schemes are revoked by the introduction of this scheme.

2 Interpretation

In this scheme:

"Member" means a Member of the West Yorkshire Fire Authority who is a Councillor Member of one of the constituent councils within West Yorkshire.

"Year" means the 12 months or lesser period ending on 31 March in each year.

3 Basic Allowance

Subject to paragraphs 5 and 10, each year a basic allowance of the amount specified in Schedule 1 is payable to each Member. The basic allowance includes all telephone and office expenses.

4 Special Responsibility Allowance

4.1 Each year, a special responsibility allowance will be payable to those Members who hold special responsibilities in relation to the Authority that are specified in Schedule 1.

4.2 Subject to sub-paragraphs 4.3, 5 and 10 the amount of such allowance is shown against each responsibility in Schedule 1.

4.3 Only one special responsibility allowance is payable per Member and where a Member is eligible to receive more than one allowance, the higher allowance only will be paid.

5 Annual Updating of Allowances

The amounts referred to in paragraphs 3 and 4 shall be indexed to the annual percentage salary increase that is applicable to staff as agreed each year by the National Joint Council for Local Staff, specifically at the percentage increase that applies to Spinal Column Point 43, and to be implemented from the start of the municipal year, for which year it is applicable.

6 Travelling and Subsistence Allowances

Members' travelling and subsistence allowances are payable over and above the basic Members' allowances, (as detailed in Schedule 2) for approved duties as detailed in Schedule 3, save that no subsistence allowances shall be paid in respect of attendance at meetings within West Yorkshire.

If the Authority makes direct payment in respect of travel and subsistence allowances, the Member shall not be entitled to claim any further allowance in respect of those costs for that approved duty.

Mileage allowance for travel shall be indexed to the HMRC mileage rates and subsistence allowances shall be indexed to the same rates and conditions that are applicable to Officers of the WYFRS and adjusted with effect from the start of the municipal year, for which year they are applicable.

7 Renunciation

A Member may, by notice in writing given to the Director of Finance and Procurement, elect to forego any part of their entitlement to an allowance under this scheme.

8 Part Year Entitlements

8.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Member to basic and special responsibility allowances where, in the course of a year, this scheme is adopted or amended, or that Member relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

8.2 If the adoption or an amendment to this scheme changes the amount to which a Member is entitled by way of a basic or special responsibility allowance, then in relation to each of the periods:

(i) beginning with the year and ending with the day before that on which the adoption or amendment first takes effect in that year; or

(ii) beginning with the day on which the adoption or amendment takes effect and ending with the day before that on which the adoption or amendment next takes effect, or (if none) within the year the entitlement to a basic or special responsibility allowance shall be to the payment of such part of the amount of the allowance under this scheme as has effect during the relevant period as bears to the whole,

the same proportion as the number of days in the period bears to the number of days in the year.

8.3 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, the entitlement of that Member to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which their term of office subsists bears to the number of days in that year.

8.4 Where this scheme is adopted or amended and the term of office of a Member does not subsist throughout the period mentioned in sub-paragraph 8.2 (i), the entitlement of any such Member to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which their term of office as Member subsists bears to the number of days in that period.

8.5 Where a Member has during part of, but not throughout, a year of such special responsibilities as entitle them to a special responsibility allowance, that Member's entitlement shall be to payment of such part of that allowance as bears to the whole, the same proportion as the number of days during which they have such special responsibility bears to the number of days in that year.

8.6 Where this scheme is adopted or amended as mentioned in 8.2 (i) and a Member has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph 10.2 of that paragraph any such special responsibilities as entitle them to a special responsibility allowance, that Member's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which they have such special responsibilities bears to the number of days in that period.

8.7 Appropriate adjustments will be made in respect of any basic or special responsibility allowance which

(i) has already been paid under the previous scheme in respect of the remainder of the year from which this scheme has effect, or

(ii) is to be paid in respect of any part of the year during which the previous scheme had effect.

9 Claims and Payments

9.1 Payments in respect of both basic and special responsibility allowances and any applicable lump sum allowances will be made in instalments of 1/12th of the amount specified in this scheme on or before the last day of the month in arrears.

9.2 Where a payment of 1/12th of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Member receiving more than the amount which, by virtue of paragraph 8, they are entitled to receive, then the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled.

9.3 Claims for travel and subsistence allowances should be made on the approved forms together with supporting receipts to the Committee Administration Manager within two months of the date of the duty in respect of which the entitlements to the allowances arise. Claims not submitted in time will not be paid without the approval of the Director of Finance and Procurement.

10 Claw Back and Suspension

10.1 A Member of the Authority may not receive allowances under this scheme for any duties in respect of which that Member is receiving allowances from any other Authority in respect of the same duties.

Schedule 1.

Member Allowances 2025/26

As below plus annual percentage salary increase that is applicable to staff as agreed each year by the National Joint Council for Local Staff, specifically at the percentage increase that applies to Spinal Column Point 43

Post	Basic Allowance	No SRAs Payable	SRA Payable	Total Per Member
All Members (22)	£4,570			£4,570
Chair of West Yorkshire FRA	£4,570	1	£23,684	£28254
Deputy Chair West Yorkshire FRA	£4,570	1	£11,842	£14,936
Chair Audit Committee	£4,570	1	£4,738	£9,308
Chair Finance & Resources Committee	£4,570	1	£4,738	£9,308
Chair Human Resources Committee	£4,570	1	£4,738	£9,308
Chair Community Safety Committee	£4,570	1	£4,738	£9,308
Deputy Chair Audit Committee	£4,570	1	£1,184	£5,754
Deputy Chair Finance & Resources Committee	£4,570	1	£1,184	£5,754
Deputy Chair Human Resources Committee	£4,570	1	£1,184	£5,754
Deputy Chair Community Safety Committee	£4,570	1	£1,184	£5,754
Leader Major Opposition Group	£4,570	1	£4,738	£9,308
Leader - Minor Opposition Group	£4,570	1	£1,184	£5,754
Independent Persons (2)	£500			

Schedule 2.

Travel Allowances 2025/26

	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars & Vans	45p	25p
Motorcycles	24p	24p
Bicycles	20p	20p
Passenger Supplement rate (up to a maximum of 5 passengers)	5p	5p

Where a Member is claiming mileage allowances via travel by a hybrid or electric vehicle HMRC rates should be paid.

Subsistence Allowances 2025/26

Indexed to the same rates and conditions that are applicable to Officers of the West Yorkshire FRA

Schedule 3. Approved Duties

The following are “approved duties” in connection with the payment to Members and Co-opted Members of travelling and subsistence allowances:

a) a meeting of any committee or sub-committee of the Authority.
b) a meeting of any other body to which the Authority makes appointment of nominations or any committee or sub-committee of such a body.
c) any other meeting convened by the Authority (but not by an officer of the Authority) provided it is a meeting of which Members of at least two political groups have been invited.
d) a meeting of any association of authorities of which the Authority is a member.
e) in connection with any function of the Authority requiring the Authority to inspect premises.
f) attendance at approved conferences, seminars, and Member training courses.
g) official representation of the Authority (e.g., visits, medal presentations, etc);
h) Chairs / Vice Chairs / Group Leaders (or their nominees) – briefings / meetings with Chief and Principal Officers
i) Attendances by the Chair / Vice Chair or their respective nominees at external events including Official Visits, Civic Events, Meetings with representatives of other local authorities, public bodies, Government and related agencies, LGA meetings involving discussion of Fire and Rescue Services issues affecting the Authority’s interests

Schedule 4. Substitution Scheme

Apologies will be formally acknowledged by this office with an individual reference number. Should a Member not receive the number in advance of the meeting date, they must assume that apologies have not been recorded. Please contact Committee Services by telephone.

Procedure

1. Member to notify Committee Services on 01274 682311 or by email to committee.services@westyorksfire.gov.uk with apologies as soon as it becomes evident that they cannot attend a scheduled meeting of a Committee (or any other approved duty) to which they have been formally appointed.
2. Committee Services will acknowledge receipt of the apology with a standard email containing an individual reference number. Members should keep this acknowledgement for record purposes. A record will also be maintained within Committee Services.
3. Committee Services will contact other Members of the relevant political group to find a substitute for the meeting / approved duty as appropriate.

The effect of a valid substitution notice, and receipt of an acknowledgement will be that the Member giving notice of apologies will cease to be a member of that committee (or will no longer be the Authority's representative in the case of the fulfilment of an approved duty) for the duration of the meeting / event and for the duration of any adjournment of it. The substitute member shall be a full member / formal representative for that meeting or event.

Once a valid substitution notice has been given for a meeting of a committee or for an approved duty, it may not be revoked.

Part 7 - Management Structure

1. The Authority has established a Corporate Management Board comprising the following ”Executive Officers”:
   - Chief Executive / Chief Fire Officer
   - Director of Service Delivery
   - Director of Service Support
   - Director of Finance and Procurement
   - Director of People and Culture
   - Director of Corporate Services
2. The Director of Corporate Services is the designated Clerk to the Authority, Monitoring Officer and Proper Officer to the Authority approved under relevant legislation to discharge statutory functions under the Local Government Act 1972, 1985 and 1989.
3. The Director of Finance and Procurement is the designated officer under Section 73 Local Government Act 1985 responsible for financial affairs.

Part 8 - Officer Delegation Scheme

1. Purpose and Interpretation

1.1. This Scheme sets out the terms and limitations upon which the Authority has empowered “Authorised Officers” namely the Chief Executive Officer / Chief Fire Officer, and other Executive Officers to act on behalf of the Authority and to exercise delegated powers on behalf of the Authority pursuant to the statutory scheme set out in the Local Government act 1972 and to all other enabling legislation including statutory instruments regulations and orders.

1.2. The Authorised Officers shall exercise any delegated powers by making decisions, which are in compliance with the relevant approved policies and procedures of the Authority and expenditure decisions shall be within approved financial budgets.

1.3. The Authorised Officers shall have power to take decisions on behalf of the Authority in respect of the matters identified as being delegated to them by parts 2 to 6 of this Scheme and which are within their respective personal functional management responsibilities and to take any action necessary to carry those decisions into effect and to discharge all related matters of day to day management and administration on behalf of the Authority.

1.4. The Authorised Officers may empower any other officer of the Authority for whom they are managerially responsible to make decisions and to take action on their behalf in connection with matters of day to day management and administration of the Authority subject to the other limitations of this Scheme.

2. Financial/Resources Matters. Authorised Officers: Chief Executive Officer / Chief Fire Officer / All Executive Officers:

2.1 To incur revenue and/or capital expenditure within approved budgets and in compliance with Financial Procedure Rules and Contract Procedure Rules to award and enter into related contracts for the execution of works and/or for the supply of goods and services to or by the Authority

2.2 To incur expenditure in an emergency situation for the protection of life, property, public safety and/or of the environment, when necessary, in order to carry out duties or responsibilities imposed upon the Authority.

2.3 To engage (subject to consultation with the Chair of the Authority) specialist or consultancy services subject to a contract limit of £25,000

2.4 To authorise the sale or disposal of obsolete, redundant, worn out or surplus equipment subject to compliance with approved disposal procedures.

2.5 To authorise the temporary acquisition or disposal of land or property by lease or licence subject to the contractual terms being agreed in conjunction with the Director of Corporate Services.

3. Employee Matters. Authorised Officers: Chief Executive Officer/ Chief Fire Officer/ All Executive Officers

3.1 To appoint / promote / transfer / redeploy and/or to extend the service of employees (not including Executive Officers) within the approved budget subject to compliance with authorised recruitment and selection / redeployment policies and procedures and authorised remuneration levels

3.2 To appoint temporary employees to provide cover for absences of employees or to cater for peaks in workload or for specific tasks for periods not exceeding 12 months and subject to funding being available within the overall authorised employee budget

3.3 To permit on a non-remunerated basis students and others to undertake work experience activities within the Authority

3.4 To determine all issues relating to employees (other than those relating to the appointment of Executive Officers terms and conditions of employment, their service entitlements and, discretionary matters and, to take all such action and enter into such agreements as are necessary to give effect to such determinations subject where applicable to compliance with national and local conditions of service and to Authority authorised policies and procedure rules and to consultation with the Director of People and Culture. The Director of People and Culture will determine employee remuneration grades relating to permanent posts following evaluation under the job evaluation scheme.

3.5 To apply Discipline and Capability procedures and to make determinations concerning the termination of contracts of employment of employees (other than Executive Officers subject to compliance with applicable legislation contracts authorised rules of procedure and consultation with the Director of People and Culture.

3.6 To determine all matters of entitlement of employees under applicable Pension Schemes and to determine all matters relating to efficiency of service and ill health retirements and awards subject to consultation with the Director of People and Culture.

3.7 To authorise the provision within the United Kingdom of training to employees, their attendances at conferences and seminars or at official meetings as representatives of the Authority (and/or of relevant related bodies) or the undertaking of special duties subject, in the case of attendances at single conferences, seminars and meetings, to a limit of five working days.

3.8 To authorise the deployment of personnel and donation of end of life equipment with no residual value to overseas countries in accordance with any FRA Committee approved policies.

3.9 To authorise (where applicable subject to compliance with relevant conditions of service and/or approved schemes and procedures) the allocation of equipment and resources (including the provision of motor vehicles) to employees and the payment of or the reimbursement of fees and allowances to or on behalf of employees as appropriate for the effective / efficient discharge of their duties.

3.10 To make awards under the approved Staff Suggestion Scheme.

4. Operational/Fire Safety Matters. Authorised Officers: Chief Executive Officer / Chief Fire Officer / Directors of Service Delivery and Service Support.

4.1 Subject to applicable statutory restrictions to authorise firefighters and other employees or individuals as appropriate to exercise personally and directly any powers vested in the Authority under any legislation (including the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004) and to authorise any such person to take any action authorised under legislative powers intended to secure the protection or rescue of human or animal life and/or to protect public safety generally and /or to protect property and /or the environment against any threat or risk of harm in respect of which the Authority has a power or duty to prevent harm or mitigate loss and damage including action in connection with the prevention and suppression of fire, flood relief, other accidents and emergencies.

4.2 To appoint inspectors for the purposes of discharging any functions relating to the investigation of offences and to the inspection of land premises and other sites and for the enforcement generally of any legislation which designates the Authority as the relevant enforcement licensing or regulatory control body and to authorise and facilitate all such inspectors to exercise any of the powers granted by the legislation to the Authority and/or to Inspectors appointed for such purposes.

4.3 To determine the grant and, revocation, duration and/or amendment and, the terms of licences (including the level of fees and charges) for which applications are made to the Authority pursuant to any legislation designating the Authority as the relevant licensing body.

4.4 To authorise the taking of any enforcement action (including the issue, amendment, cancellation or withdrawal of prohibition / improvement / stop / alteration notices etc) under any legislation which designates the Authority as the relevant enforcement licensing or regulatory control body.

4.5 To authorise, in conjunction with the Director of Corporate Services seeking appropriate legal advice, the institution of any criminal or civil proceedings before a court of law or statutory tribunal as is considered appropriate for the purposes of implementing or enforcing any legislation which designates or empowers the Authority to take legal action as a relevant enforcement, licensing or regulatory control body.

4.6 The Chief Executive/Chief Fire Officer is authorised to enter into any non-statutory operational support mutual arrangements with other Fire and Rescue Service, military, public or voluntary bodies in order to protect the public safety interests of the West Yorkshire area and to sign any related concordats or memoranda of understanding agreements provided such agreements do not create legally binding relationships between parties involved.

5. Legal & Governance Matters. Authorised Officer: Director of Corporate Services and Monitoring Officer

5.1. To provide governance advice to the Authority and to take any action intended to give effect to any decision of the Authority Committee or officer acting within their authorised powers and duties.
5.2. To obtain appropriate legal advice so as to institute, settle, participate or withdraw from any legal proceedings (civil or criminal) tribunal or other proceedings or procedures, as appropriate (including authorisations to Insurers to negotiate/settle claims as required under insurance policies) intended to give effect to decisions of the Authority or of a Committee or Officer or to take any such acts in any case where the Monitoring Officer considers it appropriate to in order to protect the interests of the Authority and where appropriate, in connection with the conduct of legal proceedings or the obtaining of specialist legal advice/services, to instruct and retain other solicitors and / or Counsel on behalf of the Authority.
5.3. To authorise any employee of the Authority to appear as an advocate on behalf of the Authority in any proceedings before a Magistrates Court.
5.4. To keep and to apply the Corporate Seal of the Authority to such documents as deemed appropriate.
5.5. To determine the terms and conditions of any contractual or legal documents in connection with the grant and termination of contracts and also to determine the content of and grant or termination of any leases or licences of land or property to or by the Authority in conjunction with the relevant Executive Officer who has service delivery responsibility for the proposed transaction or to do so in accordance with any authorisation granted by the Authority or a Committee.
5.6. Subject to statutory regulations and any restrictions imposed by the Executive Committee to exercise, in cases of urgency, concurrent powers with that committee to grant dispensations to Members from restrictions on voting at Authority and Committee meetings.

6. Financial Matters. Authorised Officer: Director of Finance and Procurement

6.1. To make all necessary decisions and to take all necessary action relating to the day to day management and administration of the financial affairs of the Authority including responsibility for financial expenditure control, probity, monitoring and audit which do not involve decisions otherwise reserved to the Authority or one of its committees under this Constitution.

Part 9 - Complaints And Related Procedures

Compliments and Complaints Information and Policy

Introduction

The purpose of the Compliments and Complaints Policy is to ensure that compliments and complaints are properly administered, recorded, and acknowledged and, where necessary, investigated. Also, that those members of the public when lodging a complaint are treated in a fair, reasonable, and consistent manner.

> A compliment is an expression of satisfaction with the service provided by the Fire Authority or its employees in the course of their duties.
>
> A complaint is an expression of dissatisfaction, however made, about the standard of service, actions, or lack of action by the Authority or by its staff when acting in the course of their duties.

Compliments and complaints about service provision give an indication of how well the Authority is carrying out its functions and where improvements can be made where appropriate.

They can be received in a number of ways:

- In person, by telephone or by letter using the contact details listed below:

West Yorkshire Fire and Rescue Authority
Oakroyd Hall
Bradford Road
Birkenshaw
West Yorkshire
BD11 2DY
Telephone 01274 682311

- Alternatively visit your local fire station (Local Stations)
- By e-mail (complaints.compliments@westyorksfire.gov.uk)
- Via the WYFRA website. (Have Your Say)

If you require any assistance with making your complaint, we will provide any reasonable adjustment or advice you require. If this is the case, please contact the Corporate Services Department at Fire Service Headquarters on telephone number 01274 682311.

Compliments

All compliments received should be recorded in the station log. In addition, details should be forwarded electronically to Corporate Services via the Corporate Services Intranet site. Any written correspondence should be kept in the file held on stations, for inspection by Operational officers during Performance Management visits.

Complaints

The Corporate Services Department must be notified of all complaints and any action taken in response, via the Authority's E-mail system. The Corporate Services Department will maintain a record of all complaints received and will monitor their resolution. Expressions of dissatisfaction concerning Authority policy or actions (or lack of action) by third parties will not fall within the scope of this policy. Where such expressions are received, they should be directed to the Corporate Services Department who will arrange for a written response to be made to the complainant and will maintain a separate record of such correspondence.

Resolution of Complaints

There are four stages of resolution:

Stage 1 - Complaints resolved at the point of receipt

Ideally dealt with by employees at the time or by the Watch Manager, Station Manager or Unit Head.

Stage 2 - Complaints resolved by the Corporate Services Department

Those complaints where the complainant is not satisfied with the response they have received from Stage 1.

Stage 3 - Complaints resolved by the Authority's Appeals Panel

Those complaints where the complainant is not satisfied with the response they have received from the Corporate Services Department.

Stage 4 - Complaints resolved by the Local Government Ombudsman

Those complaints where the complainant is not satisfied with the response they have received from the Authority's Complaints Appeals Panel.

Stage 1 - Complaints resolved at the point of receipt

On receipt of a complaint, a record should be made in the complaints log held by each station/department and if possible, a copy of the Customer Service Guide should be given to the complainant.

The following details are required for the Complaints Log:

- Name, Address and Telephone Number. (Unless anonymity is requested).
- Details of the complaint. (Unless confidentiality is requested).
- Date complaint made.
- Details of action taken to resolve the complaint.
- Date the Corporate Services Department was informed about the complaint.
- Date of letter of acknowledgement.
- Date(s) of any interim letters or visits to complainant.
- Date of final letter. (This may be the only letter if the complaint is resolved immediately).

- A request to speak to a Senior Officer (defined as Station Manager or above) must be recorded together with the action to notify an officer.

Whenever possible the employee receiving the complaint should try to resolve it immediately. If the complainant is satisfied with the explanation offered at this stage, no further action will be required. Details of the complaint should be recorded in the Complaints Log held on station. The person dealing with the complaint must then pass all relevant details to their line manager as soon as practicable.

If an immediate solution is not possible, the complainant should be reassured that the matter will be fully investigated, following which a written response will be made of the findings. If it is not possible to conclude the investigation and respond within 3 days of receipt, a letter of acknowledgement should be sent along with a copy of the Customer Service Guide.

If the Station Manager/Unit Head feels that a written reply of any description may cause unnecessary upset a 'Note for Case' supporting that decision should be prepared, retained in the appropriate Complaints File and a copy forwarded to the Corporate Services Department.

If the Corporate Services Department receives a complaint in the first instance, the appropriate Station Manager or Unit Head will be notified of all events and outcomes.

A Senior Officer will carry out a thorough investigation and send a full explanation (and an apology if appropriate) to the complainant within 7 days. The date of the letter should be recorded in the Complaints Log.

If the investigation, due to its complexity, requires more time to complete then a further letter(s) should be sent to the complainant at 7 day intervals keeping them informed of the progress of their complaint.

In cases where the complainant requests anonymity, details of the complaint must still be recorded in the complaints log but not details of the complainant. In such cases, the complainant should be reassured that the matter will be investigated fully but that it will not be possible to respond to them. A 'Note for Case' detailing the actions taken to resolve the complaint should be sent to the Corporate Services Department. Where litigation may be brought against the Authority, or where the complaint may result in disciplinary action being taken, full details of the complainant must be recorded, and the complainant must be informed that no guarantee of anonymity can be given.

If the complainant wishes to discuss the matter with a Senior Officer, or if they wish the nature of their complaint to remain confidential, the Corporate Services Department must be informed immediately (or First Call Group Manager if outside normal office hours) and the complainant contacted by that Officer within 1 hour.

In cases where the Station/Watch Manager or Unit Head feels that due to the nature of the complaint it cannot adequately be dealt with at a local level, it should be referred to the Corporate Services Department and the complaint progressed to Stage 2.

If during the course of the investigation the complainant believes they have been adversely treated in any way or if the complaint cannot be resolved to the satisfaction of the complainant, the Corporate Services Department is to be informed and the complaint will be progressed to Stage 2.

The Station Manager/Unit Head should forward all relevant documentation to the Corporate Services Department observing such precautions as are considered necessary to maintain confidentiality. Details of any complaint investigation should be kept secure at all times.

The Corporate Services Department will give assistance to all Authority employees requiring information or assistance on any aspect of the Complaints Procedure and can be contacted via the Corporate Services Section, Fire Service Headquarters.

Special Notes

Special Note 1 - Litigation

If the complaint may lead to any form of litigation against the Authority the Corporate Services Department must be informed as soon as possible. The Corporate Services Department will collect all material information and refer the matter to the Chief Executive for consideration. The complaints procedure will be suspended during any action for litigation.

Special Note 2 - Discipline

If the complaint might result in disciplinary action being taken, the Corporate Services Department must be informed, who will pass all related information to the Brigade Investigating Officer (Director of People and Culture). The complainant should be informed that it is being dealt with and the Complaints Procedure suspended.

Special Note 3 - Complaint involving a Member of the Authority

Complaints against Members are dealt with under a separate statutory procedure.

If you have a complaint about the conduct of an elected Member of the West Yorkshire Fire and Rescue Authority, please direct this in writing, to:

Monitoring Officer
West Yorkshire Fire and Rescue Authority
Oakroyd Hall
Birkenshaw
West Yorkshire
BD11 2DY
Once a complaint has been received by the Authority's Monitoring Officer the relevant processes and procedures will be put in place to allow for its consideration.

Stage 2 - Complaints resolved by the Corporate Services Department

The Corporate Services Department will arrange to have a Group Manager/Commander or more senior officer investigate complaints which are referred to Stage 2 and will organise the tracking and monitoring of complaints to enable Executive Officers, Elected Members, or the Commission for Local Administration in England (Local Government Ombudsman) to refer immediately to any complaint.

It is the responsibility of the Corporate Services Department to enable the public to exercise their right to complain about any failure by the Authority to meet the standard of service expected and to ensure that all the points at issue have been fully addressed.

The Corporate Services Department will assist complainants with communication difficulties in making contact with organisations, which can be of help to them in these situations.

The Corporate Services Department will make arrangements to discuss all aspects of the complaint with the Station Commander / Unit Head prior to informing the complainant of the results of the investigation and the decision reached.

A letter will be sent to the complainant giving the outcome of the investigation and informing them they must appeal within 21 days if they wish to do so.

If the matter cannot be resolved at Stage 2 to the satisfaction of the complainant, the Corporate Services Department will provide assistance to the complainant to enable the complaint to progress to Stage 3 of the Complaints Procedure. A letter explaining the procedure will be sent to the complainant.

Stage 3 - Complaints resolved by the Authority's Appeals Panel

If a complaint cannot be resolved at Stage 1 or 2, or if the complainant is dissatisfied with either the decision reached or the way in which their complaint has been dealt with, they have the right to put the matter before the Authority's Appeals Panel. If they wish the matter to be considered by the Appeals Panel, they should write to the Corporate Services Department within 21 days of being notified of the decision at Stage 2.

On receipt of a Notice of Appeal, the Corporate Services Department will ensure that all relevant details and documentation are supplied to the Appeals Panel members and will make arrangements for them to examine the complaint.

The Appeals Panel will be made up of:

1. An Executive Officer.
2. An Area Manager / Group Manager from a function not associated with the complaint.

3. Manager of People and Culture (Director of People and Culture if Manager of People and Culture is associated with the complaint or its investigation).

The Appeals Panel may wish to meet the complainant or their representative and hear the complaint first hand.

The Appeals Panel may require any personnel involved in the complaint or the investigation to provide the information necessary for them to investigate the matter fully.

The complainant will be informed of the decision of the Appeals Panel in writing as soon as possible but not later than 3 working days after the hearing. Further information and a booklet 'Local Government Ombudsman' will be sent by the Corporate Services Department at this time.

Stage 4 - Complaints referred to the Local Government Ombudsman

If the complainant is still dissatisfied with the decision reached or with the way the complaint was handled, they may wish to take their complaint to the Local Government Ombudsman. The Corporate Services Department will give every assistance to the complainant in making contact with the Local Government Ombudsman. Thereafter the Corporate Services Department will refer the complaint file to the Director of Corporate Services who will assume responsibility for dealing with the Ombudsman.

Review

The Corporate Services team will review the Compliments and Complaints Policy every two years or sooner if necessary.

Monitoring Officer

The Local Government and Housing Act 1989 requires the Fire Authority to appoint a Monitoring Officer, whose role is to report to the Fire Authority any breach or possible contravention of legal requirements by the Fire Authority or its employees, or maladministration reported by the Local Government Ombudsman.

The Director of Corporate Services is the appointed Monitoring Officer for the West Yorkshire Fire and Rescue Authority.

Complaints referred to the Monitoring Officer, which fall within the statutory responsibilities of the post, may be dealt with by the Director of Corporate Services outside of the Complaints Procedure.

Part 9 - Whistleblowing Policy

1. Preamble

1.1 Employees are often the first to realise that there may be something seriously wrong within the Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Authority. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 The Authority is committed to the highest possible standards of openness, probity, and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the Authority's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that employees can do so without fear of reprisals. This Whistleblowing Policy is intended to encourage and enable employees to raise serious concerns within the Authority, rather than overlooking a problem or blowing the whistle outside.

1.3 Whistleblowing (protected disclosure) legislation falls under the Public Interest Disclosure Act 1998. This policy takes account of the new whistleblowing provisions under the Enterprise and Regulatory Reform Act 2013 (ERRA). Whistleblowing should be made "in the public interest", as opposed to complaints about breaches of employees' own contracts of employment, which should be raised as a grievance.

Note: There is no definition of "public interest" in the above Acts. This is likely to be determined by future case law.

1.4 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

2. Aim and Scope of This Policy

2.1 This policy aims to:

- provide avenues for you to raise concerns and receive feedback on any action taken.
- allow you to take the matter further if you are dissatisfied with the Authority's response.
- reassure you that you will be protected from reprisals or victimisation from the employer and employees for whistleblowing.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. This whistleblowing policy is intended to cover concerns that the whistleblower reasonably believes are in the public interest and that fall outside the scope of other procedures.
That concern may be about something that:

- is unlawful
- contravenes the Authority's Standing Orders, Financial Regulations or policies

- falls below established standards of practice
- amounts to improper conduct, sexual harassment or corrupt practice
- relates to fraud/theft/corruption/bribery

3. Safeguards

Harassment or Victimisation

3.1 The Authority 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 malpractice. The Authority will not tolerate harassment, bullying or victimisation and will take action to protect you when you raise a concern. Employees must not mistreat a whistleblower, as WYFRS may be held liable (vicarious liability) for any detriment inflicted on the whistleblowing employee by their colleagues, if the Authority has not taken reasonable steps to prevent this. This does not mean that if you are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of your whistleblowing.

Confidentiality

3.2 The Authority will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence.

Anonymous Allegations

3.3 This policy encourages you to put your name to your allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Authority. In exercising the discretion, the factors to be considered would include:

- the seriousness of the issues raised.
- the credibility of the concern, and
- the likelihood of confirmation of the allegation from attributable sources.

Untrue Allegations

3.4 The Enterprise and Regulatory Reform Act 2013 (ERRA) removes the requirement that a disclosure be made in good faith in order to be a protected disclosure and benefit from whistleblowing protections.
If you make malicious or vexatious allegations, disciplinary action may be taken against you.

4. How To Raise A Concern

4.1 As a first step, you should normally raise concerns with your immediate manager or their superior or alternatively your representative body or the Diversity and Inclusion

Manager (if the matter relates to Fairness, Equality and Diversity or Dignity and Respect). This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If you believe that management is involved and you cannot for that reason raise it with your immediate manager, then you should approach the responsible officer with overall responsibility for the maintenance and operation of this policy.

The officer is:

The Monitoring Officer
Oakroyd Hall
Birkenshaw
West Yorkshire
BD11 2DY
Telephone: 01274 682311 extension 680178
E-Mail: Martin.McCarthy@westyorksfire.gov.uk

4.2 Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet the appropriate officer.

4.3 The earlier you express the concern, the easier it is to take action.

4.4 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

4.5 Advice and guidance on how matters of concern may be pursued can be obtained from:

i. The Monitoring Officer
Oakroyd Hall
Birkenshaw
West Yorkshire
BD11 2DY
Telephone: 01274 682311 extension 680178
E-Mail: Martin.McCarthy@westyorksfire.gov.uk

ii. Mrs Alison Wood
Director of Finance and Procurement
Oakroyd Hall
Birkenshaw
West Yorkshire
BD11 2DY
Telephone: 01274 682311 extension 660204
E-Mail: alison.wood@westyorksfire.gov.uk

You should note that matters of concern may be raised with either the Monitoring Officer or the Director of Finance and Procurement but ordinarily the Director of

Finance and Procurement will only deal with matters of concern about alleged contravention of Financial Standing Orders / Regulations and any matters in which it is believed that the Monitoring Officer may have an involvement or conflict of interest. Otherwise, matters of concern about action which is believed to be unlawful and may contravene Authority Standing Orders (including Contract Procedure Rules), conduct falling below established standards of practice, improper or corrupt practice should be raised with the Monitoring Officer

Communication with either officer may be by means of personal appointment, telephone, e-mail or ordinary mail. If requested, special envelopes can be provided in order to protect the confidentiality of any communication.

4.6 You may invite your trade union or professional association to raise a matter on your behalf.

4.7 You can also report workplace issues and concerns anonymously through Say So, a reporting platform, either on line or by telephone 0800 3213546. Say So is an external reporting tool that removes any identifying information and then produces a report that goes to a designated point of contact in management team. Identities remain anonymous unless you specify otherwise.

5. How The Authority Will Respond

5.1 The action taken by the Authority will depend on the nature of the concern. The matters raised may:

- be investigated internally.
- be referred to the Police.
- be referred to the external Auditor.
- form the subject of an independent inquiry.

5.2 In order to protect individuals and the Authority, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures.

5.3 Some concerns may be resolved by agreed action without the need for investigation.

5.4 Within ten working days of a concern being received, the Authority will write to you:

- acknowledging that the concern has been received.
- indicating how it proposes to deal with the matter.
- giving an estimate of how long it will take to provide a final response.
- telling you whether any initial enquiries have been made, and
- telling you whether further investigations will take place, and if not, why not.

West Yorkshire Fire and Rescue Authority
Oakroyd Hall
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