

report

meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY	
date	10 December 2004	agenda item number

REPORT OF THE CHIEF FIRE OFFICER

REVISED MEMBERS' HANDBOOK

1. PURPOSE OF REPORT

The purpose of this report is to present to Members a revised and updated draft Members' Handbook.

2. BACKGROUND

The Nottinghamshire and City of Nottingham Fire & Rescue Authority Members' Handbook was originally produced in 1998 when the Authority became a Combined Fire Authority. The purpose of the Handbook is to inform Members of the details relating to the governance of Nottinghamshire and City of Nottingham Fire & Rescue Authority. The Handbook has not been formally updated since the original publication.

3. Report

3.1 The original Members' Handbook contained limited information relating to governance issues, such as the Standing Orders and Travel and Subsistence Scheme. The recent Comprehensive Performance Assessment (CPA) pilot inspection identified that the Handbook did not lay out fully the relationship between Members and Officers of the Authority and needed to be a more comprehensive publication. For example, details relating to the roles of Personnel Committee (adopted May 2001), Standards Board (adopted February 2001) and the Improvement & Development Board (adopted June 2004) have not been incorporated into the existing Handbook.

3.2 Changes to the primary legislation, with the Fire & Rescue Services Act 2004 replacing the Fire Services Act 1947, also needed to be incorporated, reflecting the new role of the Authority. Paying due cognisance to the outcomes of the CPA pilot, the attached Draft Handbook updates all the governance arrangements relating to Nottinghamshire and City of Nottingham Fire & Rescue Authority.

3.3 Presented in eight parts, the Handbook provides a reference document covering the following :

- Membership of the Authority.
- Officers of the Authority.
- Statutory Instruments.
- Standing Orders.
- Financial Regulations.
- Members' Allowances.
- Scheme of Delegation.
- Terms of Reference for Committees and Boards.

3.4 The intention of the Handbook is to provide a single point of reference that can be updated accordingly when any changes occur within the future. If adopted, all Members will receive a personal copy and any updates will be issued to Members accordingly, so their copy will remain an up to date reference document. The revised Handbook will also ensure that Nottinghamshire and City of Nottingham Fire & Rescue Authority is best placed to meet the requirements of the CPA process in February 2005.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

5. PERSONNEL IMPLICATIONS

There are no personnel implications arising from this report.

6. EQUAL OPPORTUNITY IMPLICATIONS

There are no equal opportunity implications arising from this report.

7. RISK MANAGEMENT IMPLICATIONS

By updating the current Handbook, Nottinghamshire and City of Nottingham Fire & Rescue Authority will be addressing potential implications ahead of the forthcoming CPA process. The revised format will ensure that Members have, at their disposal, a comprehensive governance document, as a point of reference.

8. RECOMMENDATIONS

8.1 That Members support the proposed revised and updated Members' Handbook.

8.2 That Members approve that the Handbook be forwarded to the Standards Committee for detailed scrutiny and amendment.

8.3 That following the Standards Committee meeting, the Handbook is again presented to the Fire Authority at its meeting on 15 January 2005 for formal adoption.

9. BACKGROUND PAPERS FOR INSPECTION

- The Draft Nottinghamshire and City of Nottingham Fire & Rescue Authority's Members' Handbook.

Paul Woods
CHIEF FIRE OFFICER



**NOTTINGHAMSHIRE &
CITY OF NOTTINGHAM
FIRE & RESCUE AUTHORITY**

**Members'
Handbook**

NOTTINGHAMSHIRE & CITY OF NOTTINGHAM FIRE & RESCUE AUTHORITY

MEMBERS' HANDBOOK

C O N T E N T S

1. Membership of the Authority

Chairman and Vice Chairman
Political Groups

Members of the Authority appointed by:-

Nottinghamshire County Council
Nottingham City Council

2. Officers

Officers of the Authority/Senior Officers of the
Nottinghamshire Fire & Rescue Service

3. Statutory Instruments

The Nottinghamshire Fire Services (Combination) Scheme
Order 1997

4. Standing Orders

1. Definitions
2. General
3. Meetings of the Authority
4. Order of Business
5. Motions
6. Amendments
7. Petitions
8. Questions
9. Minutes of Committees
10. Rules of Debate
11. Disorderly Conduct
12. Limitation of Discussion
13. Voting
14. Suspension of Standing Orders
15. Declaration of Interest
16. Tenure of Office

17. Combined Fire & Rescue Authority Fund
18. Meetings of Committees and Sub-Committees
19. The Common Seal
20. Authentication of Documents for Legal Proceedings
21. Inspections of Land, Premises, etc
22. Standing Orders relating to the Chief Fire Officer and Deputy Chief Fire Officer

5. Financial Regulations

6. Members' Allowances

7. Scheme of Delegation

8. Terms of Reference for Committees and Boards

1.

MEMBERSHIP OF THE AUTHORITY

CHAIRMAN & VICE CHAIRMAN

Chairman of the Authority
Councillor Graham Jackson
(Nottinghamshire County Council)

Vice Chairman of the Authority
Councillor Brent Charlesworth
(Nottingham City Council)

POLITICAL GROUPS

Conservative Spokesperson
Councillor Carol Pepper
(Nottinghamshire County Council)

Liberal Democratic Spokesperson
Councillor Sue Bennett
(Nottinghamshire County Council)

Political Party Breakdown

Conservative - 5
Labour – 11
Liberal Democrat – 2

MEMBERS OF THE AUTHORITY

Appointed by Nottinghamshire County Council

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Appointed by Nottingham City Council

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Councillor Malcolm Wood (Lab)
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2.

OFFICERS OF THE AUTHORITY

Chief Fire Officer

Paul Woods MSc MCGI MI FireE

Clerk to the Fire & Rescue Authority

Tony Austin BA, Solicitor

Treasurer to the Fire & Rescue Authority

Alan Sumbly BSc, CPFA

**SENIOR OFFICERS OF THE
NOTTINGHAMSHIRE FIRE & RESCUE SERVICE**

Deputy Chief Fire Officer

Mark Smitherman MBA DMS MIMgt FI FireE

**Assistant Chief Fire Officer and
Head of Information Services**

Martyn Emberson BA(hons) EDIMgt MCMI MI FireE

**Assistant Chief Fire Officer and
Head of Safety Services**

Head of Human Resources

Gina Turner CIPD

Head of Finance and Resources

Neil Timms CPFA, MIRM

Fire Service Headquarters

Bestwood Lodge

Arnold

NOTTINGHAM

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Tel: 0115 9670880

Fax: 0115 9261081

e-mail: general@notts-fire.gov.uk

3.

STATUTORY INSTRUMENTS

1997 No. 2761

Fire Services

**The Nottinghamshire Fire Services
(Combination Scheme) Order 1997
as amended by Schedule 7 of the
Local Government Act 2003**

Made	18 November 1997
Coming into force	19 November 1997

Whereas it appears to the Secretary of State that it is expedient in the interests of efficiency that a combination scheme should be made for the areas of the fire authorities referred to in paragraph 3 of the scheme set out in the Schedule hereto ("the scheme"), and a scheme has not been submitted to him by those authorities;

And whereas notice of the general nature of the scheme has been given in accordance with section 6(2) of the Fire Services Act 1947 ("the 1947 Act");

And whereas the Secretary of State has been notified by the fire authorities concerned of their assent to the scheme;

And whereas a draft of the Order containing the draft scheme has been laid before Parliament for a period of forty days pursuant to section 6 of the Statutory Instruments Act 1946[2], and that period has expired without either House resolving that the Order be not made;

Now, therefore, in exercise of the powers conferred upon him by sections 6, 8 and 10 of the 1947 Act, and section 7(2) of the Fire Services Act 1959, the Secretary of State hereby makes the following Order:

Citation

1. This Order may be cited as the Nottinghamshire Fire Services (Combination Scheme) Order 1997 and shall come into force on the day after the day on which it is made.

Combination Scheme

2. The combination scheme set out in the Schedule to this Order, which shall be known as the Nottinghamshire Fire Services Combination Scheme, shall have effect.

George Howarth

Parliamentary Under-Secretary of State
Home Office
18th November 1997

**SCHEDULE
THE NOTTINGHAMSHIRE FIRE SERVICES COMBINATION SCHEME**

**PART I
CITATION, COMMENCEMENT AND INTERPRETATION**

Citation and Commencement

1. This scheme may be cited as the Nottinghamshire Fire Services Combination Scheme and shall come into force –
 - (a) for the purposes of constituting an Authority as the Fire & Rescue Authority for the combined area constituted by the scheme, and the performance by that Authority of any functions necessary for bringing the scheme into full operation on 1st April 1998, on the day on which the Nottinghamshire Fire Services (Combination Scheme) Order 1997[4] comes into force, and
 - (b) for all other purposes, on 1st April 1998.

Interpretation

2. In this scheme any reference to a paragraph or a Part is a reference to a paragraph or a Part of this scheme, and –

"the Authority" means the Fire & Rescue Authority constituted for the combined area by virtue of paragraph 4;

"the combined area" means the Fire & Rescue Authority area comprising the areas referred to in paragraph 3;

"the combined fire service fund" means the combined fire service fund established by virtue of paragraph 6;

"constituent authority" means a council referred to in paragraph 3; and

"the fire brigade" means, unless otherwise indicated, the fire brigade established for the combined area by virtue of paragraph 5.

PART II

GENERAL

The Combined Area

3. The areas of the following councils, namely the council of the City of Nottingham and Nottinghamshire County Council shall be combined and shall become the combined area.

Combined Fire & Rescue Authority

- 4.(1) There shall be constituted as the Fire & Rescue Authority for the combined area an Authority to be known as the Nottinghamshire and city of Nottingham Fire & Rescue Authority.
- (2) The Authority shall be constituted in accordance with the provisions of Part III.

Fire Brigade for Combined Area

- 5.(1) There shall be established a fire brigade for the combined area which shall be known as the Nottinghamshire Fire and Rescue Service, or by such other name as the Authority may determine
- (2) The first Chief Officer of the Fire Brigade shall be E. Patterson Esq.
- (3) The Authority shall submit an establishment scheme for their area to the Secretary of State in accordance with section 7 of the Fire Services Act 1959[5].

Financial Provisions etc.

- 6.(1) The expenses of the Authority shall be paid out of a combined fire service fund.
- (2) Contributions shall be paid into the combined fire service fund by constituent authorities.
7. The Authority shall appoint a treasurer of the combined fire service fund.

Officers and Employees

8. The provisions of Part V shall have effect with respect to officers and employees of the Authority.
9. The Authority may appoint such other officers and employees as they think necessary for the efficient discharge of their functions.
10. The Authority may make arrangements with any constituent Authority for the use by the Authority of the services of officers and employees of the constituent Authority and for the making of contracts and payments on behalf of the Authority by the constituent Authority.

PART III
CONSTITUTION OF COMBINED FIRE & RESCUE AUTHORITY

- 11.(1)** The Authority shall consist of not more than 25 Members save that, where the minimum number of Members of the Authority resulting from the operation of paragraph 12 would be greater than 25, the Authority shall consist of that number of Members.
- (2)** Each Member of the Authority shall be appointed by a constituent Authority from its own Members in accordance with this Part.
- 12.** Each constituent Authority shall, so far as is practicable, appoint such number of representatives to be Members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in the other constituent Authority's area.
- 13.** A Member of the Authority shall come into office on the date of his appointment and shall, subject to paragraphs 14 to 16, hold office for such period or periods as shall be determined by the constituent Authority which appoints him.
- 14.** A Member of the Authority may resign his Membership by giving notice in writing to that effect to the officer of the Authority whose function it is to receive such notice.
- 15.(1)** A Member of the Authority who ceases to be a Member of the council which appointed him shall cease to be a Member of the Authority.
- (2)** A person shall be disqualified from being a Member of the Authority if he holds any paid office or employment (other than the office of chairman or vice-chairman), appointments to which are or may be made or confirmed by the Authority, by any committee or sub-committee of the Authority, or by a joint committee or board on which the Authority are represented.
- 16.(1)** Subject to sub-paragraph (2), if a Member of the Authority resigns, becomes disqualified or otherwise ceases to be a Member of the Authority before the expiry of his period of office, the council which appointed him shall appoint a representative to replace him, who shall come into office on the date of his appointment and, unless he resigns, becomes disqualified or otherwise ceases to be a Member of the Authority, shall hold office for the remainder of the period for which his predecessor would have held office had he not resigned, become disqualified or otherwise ceased to be a Member of the Authority.
- (2)** If a Member of the Authority resigns, becomes disqualified or otherwise ceases to be a Member of the Authority within six months before the end of his period of office, the council which appointed him shall not be required to appoint a representative to replace him for the remainder of such period unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the Membership of the Authority exceeds one third of the number of Members of the Authority referred to in paragraph
- 17.(1)** The Authority shall elect a Chairman, and may elect a Vice-Chairman, from among its Members.

- (2) The Chairman and the Vice-Chairman, if elected, shall, subject to paragraphs 13 to 16, hold office for such period not exceeding one year as the Authority shall determine.
- (3) Sub-paragraph (2) shall not prevent a person who holds or has held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.
- (4) On a casual vacancy occurring in the office of chairman or vice-chairman, the Authority shall elect from its Members a person to replace the chairman, and may so elect a person to replace the vice-chairman, as the case may be.
- (5) The election to replace the chairman under sub-paragraph (4) shall take place not later than the next following ordinary meeting of the Authority.
- 18.** The first meeting of the Authority shall be held as soon as it is practicable to do so and shall be convened by the chief fire officer and subsequent meetings shall be convened in such a manner as the Authority shall determine.
- 19.** At a meeting of the Authority the quorum shall be one third of the total number of Members of the Authority, or such greater number of Members as the Authority may determine, including at least one representative from each constituent Authority.
- 20.** The following provisions of the Local Government Act 1972[6], namely sections 82(1), 94 to 98, 101 to 106, 99 and Part VI of Schedule 12 shall, subject to sub-paragraph (2), apply to the Authority and its Members as if references in those provisions to a principal council or to a local authority, other than references to a parish council, were references to the Authority.

PART IV

COMBINED FIRE SERVICE FUND

- 21.** Deleted by Schedule 7 of the Local Government Act 2003.

- 22.** The Authority shall have the power to pay out of the combined fire service fund compensation to persons employed by Nottinghamshire County Council who in consequence of this scheme, or anything done thereunder, suffer direct pecuniary loss by reason of the determination of their appointments or the diminution of their emoluments.

PART V
OFFICERS AND EMPLOYEES OF THE AUTHORITY

- 23.** There shall be transferred –
- (a) to the fire brigade members of the fire brigade maintained by Nottinghamshire County Council, and
 - (b) to employment by the Authority persons employed by that council wholly or mainly for the purposes of the fire brigade maintained by that council.
- 24.** The following provisions of the Local Government Act 1972, namely sections 114, 115, 116, 117(1), (2) and (3), 118 and 119, shall apply to the officers and employees of the Authority as if references in those provisions to a local authority, other than references to a parish council, were references to the Authority.

PART VI

PROPERTY, RIGHTS AND LIABILITIES

25. There shall be transferred from Nottinghamshire County Council to the Authority any property which is held by that council solely in connection with the provision of fire services, and rights and liabilities held or incurred by that council in respect of –
- (a) any contract of employment with a person transferred in accordance with paragraph 23;
 - (b) the Firemen's Pension Scheme as set out in Schedule 2 to the Firemen's Pension Scheme Order 1992[9]; and
 - (c) any contract for the provision of services or the delivery of goods solely in connection with the provision of fire services.
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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes a scheme which combines the areas of the council of the city of Nottingham (which would otherwise become an individual Fire & Rescue Authority on 1st April 1998 by virtue of the Local Government Act 1992) and the Nottinghamshire County Council into a combined fire area. The scheme comes into force on the same day as the Order comes into force for the purpose of doing anything which is necessary to bring the scheme fully into operation on 1st April 1998. The scheme establishes a Fire & Rescue Authority for the combined area, to be known as the Nottinghamshire and City of Nottingham Fire & Rescue Authority, and provides for the appointment and terms of office of its Members, and for meetings of the Authority. The scheme establishes a fire brigade for the combined area, to be known as the Nottinghamshire Fire and Rescue Service or by such other name as the Authority determines, appoints its first chief officer, and provides for the submission of an establishment scheme to the Secretary of State. The scheme establishes a combined fire service fund and provides for the administration of the Authority's finances. The scheme also provides for the transfer of staff, and certain property, rights and liabilities, directly from the Nottingham County Council (the Fire & Rescue Authority for the same area as the combined area prior to 1st April 1998) to the new Combined Authority.

**NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM
FIRE & RESCUE AUTHORITY**

STANDING ORDERS

1. DEFINITIONS

In these Standing Orders, unless the context otherwise demands, the following terms shall have the meaning assigned to them:-

“the Authority”	Nottinghamshire & City of Nottingham Fire & Rescue Authority.
“Member”	<p>(a) in relation to the Authority, a properly elected Member of,</p> <p style="margin-left: 40px;">(i) Nottinghamshire County Council</p> <p style="margin-left: 40px;">(ii) Nottingham City Council</p> <p>appointed as a Member of the Authority.</p> <p>(b) in relation to any Committee or Sub-Committee, a person appointed as a Member of the Committee and Sub-Committee.</p>
“meeting”	a meeting of the Authority, a Committee or a Sub-Committee as the case may be.
“Committee”	a Committee or a Sub-Committee of the Authority.
“Sub-Committee”	a Sub-Committee of a Committee.
“Chief Fire Officer”	a Chief Fire Officer of a Fire Brigade maintained under the Fire Services Act 1947 and appointed under regulations made under Section 18(1)(a) of the Act as defined in Section 2 of the Local Government and Housing Act 1989.
“Group”	a political group as defined in the Local Government (Committees, etc) Regulations 1989.
“the Mover”	the Member moving a Motion or Amendment.
“the Seconder”	the Member seconding a Motion or Amendment.

“Chairman”	the Chairman of Nottinghamshire and City of Nottingham Fire & Rescue Authority or one of its subordinate bodies as the case may be.
“Chair”	the person presiding at a meeting of a Committee or one of its subordinate bodies as the case may be.
“the Roll”	the list of persons entitled to be present and to vote.

2. GENERAL

- 2.1* In the conduct of meetings of the Authority and its subordinate bodies these Standing Orders
- (a) shall be regarded primarily as a safeguard for the orderly conduct of business without unreasonable obstruction and not principally as a restriction on the right of Members to speak freely upon the business in front of them.
 - (b) shall not restrict the right of persons presiding at meetings to indicate the manner (eg “Chairman” or “Chair”) in which they prefer to be addressed.
- 2.2 In addition to Standing Orders 18.1 to 18.3, those Standing Orders marked with an asterisk shall also apply to meetings of Committees or Sub-Committees.

3. MEETINGS OF THE AUTHORITY

- 3.1 The Annual Meeting of the Authority shall be held between the first day of May and last day of June each year.
- 3.2 The Clerk shall call a special meeting of the Authority at the request of the Chairman or of any five Members.
- 3.3 The Authority shall, at each Annual Meeting, determine the dates and times of ordinary meetings of the Authority and its Committees and Sub-Committees to be held in the succeeding year.
- 3.4* At least five clear days notice shall be given of all meetings of the Authority and its Committees and Sub-Committees.
- 3.4 No business shall be transacted at a meeting of a Committee or Sub-Committee unless at least three Members of the whole numbers of the Authority, including at least one representative of each constituent Authority are present. If it is ascertained by the Chairman or the Clerk that any meeting is in-quorate, the meeting shall be adjourned for a period of not more than five minutes. If the meeting is still in-quorate at the expiry of that period, any

business not already disposed of shall stand adjourned to a time then fixed by the Chairman or to the next meeting.

4. ORDER OF BUSINESS

4.1 At meetings of the Authority, with the exception of the Annual Meeting at which the election of the Chairman shall take precedence, the order of business shall be:-

- (i) The choice of a person to preside if the Chairman is absent.
- (ii) Other business having precedence by statute.
- (iii) Confirmation of the minutes of the last meeting of the Authority.
- (iv) Apologies for absence.
- (v) Declaration of interests.
- (vi) Business expressly required by statute to be done.
- (vii) Receipt of any communication laid before the Authority by the Chairman or Clerk.
- (viii) Other business of the Chairman.
- (ix) Business remaining from last meeting.
- (x) Receipt of petitions.
- (xi) Questions under Standing Order 8.1.
- (xii) Minutes of Committees and Sub-Committees.
- (xiii) Reports of the Clerk.
- (xiv) Reports of the Treasurer.
- (xv) Reports of the Chief Fire Officer.
- (xvi) Consideration of motions tabled by Members.

4.2 Business under items (i) – (v) of Standing Order 4.1 shall not be varied but other items may be varied either at the Chairman's discretion or by a Motion duly moved and seconded which shall be put without discussion.

4.3* Where, in relation to any meeting the next such meeting is a meeting called under Standing Order 3.2 the next ordinary meeting shall be treated as a suitable meeting for the purpose of confirming the Minutes of the last ordinary meeting.

5. MOTIONS

- 5.1 Notice of a Motion for inclusion in the agenda for the Authority shall be given in writing signed in accordance with Standing Order 5.3 below and delivered to the office of the Clerk not later than 10 am on the fourteenth working day prior to the meeting of the Authority at which it is to be considered and shall be entered in a book to be kept at the office of the Clerk and such book shall be open to inspection during office hours by an Member of the Authority.
- 5.2 The Clerk, the Authority's Treasurer and the Chief Fire Officer as necessary, shall append to Notices of Motion where appropriate a formal report outlining the implications of the proposal, with the Clerk, the Authority's Treasurer and the Chief Fire Officer also having the right to speak at meetings of the Authority to give advice.
- 5.3 A Motion shall be signed by at least two Members and shall be moved and seconded by any two of the signatories. A Motion not so moved shall be treated as withdrawn.
- 5.4 No Member may be party to more than two notices of motion on the agenda at the same time.
- 5.5* A Member moving a Motion may, with the consent of the meeting signified without discussion
- (a) alter a Motion of which she/he has given Notice,
 - or
 - (b) with the further consent of the seconder, alter a Motion which has been moved and seconded.
- If (in either case) the alteration is one which could be made as an amendment thereto.
- 5.6* With the consent of the seconder (if she/he is still present) and of the meeting, signified without discussions, the mover of a Motion or an amendment after the mover has consent for its withdrawal
- 5.7 Reports from a Committee shall be moved by its Chair or in the absence of the Chair by any other Member of the Committee called by the Chairman of the Authority.
- 5.8 Except as next provided, at a meeting of the Authority every Motion of which Notice has not been given in the summons, whether original or amending, shall be put in writing signed by the mover and given to the Chairman after it has been seconded and thereupon presented to the meeting before further consideration of it.
- 5.9 Motions relating only to the following matters may be moved and seconded orally and without Notice:-
- (a) Appointment of a Chairman of the same meeting (under Standing Order 4.1);
 - (b) Reference to or back to a Committee;

- (c) Reception and adoption of reports and recommendations of Committees (under Standing Order 4.1);
- (d) Leave to withdraw a Motion (under Standing Order 5.5);
- (e) That the question be now put (under Standing Order 11.2);
- (f) That the debate be now adjourned (under Standing Order 11.2);
- (g) That the Authority do now adjourn (under Standing Order 11.2);
- (h) Variation of the Order of Business (under Standing Order 4.2);
- (i) That the Authority do now proceed to the next business;
- (j) Authorisation of the sealing of documents;
- (k) Suspension of Standing Orders (under Standing Order 13.1);
- (l) Exclusion of the public;
- (m) Giving any consent of the Authority required by Standing Orders;
- (n) That (the Member named) be not further heard (under Standing Order 11.1);

5.10* Motions relating to the following may, subject to Standing Order 5.9 above, be moved and seconded without Notice:-

- (a) Amendments to Motions before the Authority;
- (b) Appointment of a Committee or Sub-Committee or Members thereof so far as arising from an item included in the agenda;
- (c) Motions arising from a report of a Committee or of the Clerk, Treasurer or the Chief Fire Officer then before the Authority;
- (d) Accuracy of the Minutes of the last meeting.

5.11* At a meeting of the Authority, no Motion or amendment shall be moved to rescind any resolution of the Authority which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period, provided that such a Motion may be moved if:-

- (a) it is recommended by a Committee or Sub-Committee;
- or
- (b) Notice of such Motion has been given by as many Members as would constitute a quorum of the Authority.

6. AMENDMENTS

6.1* An amendment shall be relevant to the Motion and shall be:-

- (a) to refer a subject of debate to a Committee for consideration or reconsideration;
- or
- (b) to leave out words;
- or
- (c) to leave out words and insert or add others;
- or
- (d) to insert or add words;

but such omissions, insertion or addition of words shall not have the effect that if carried the amendment would have the same effect as voting against the Motion.

6.2* An amendment shall not be moved until any other amendment previously moved shall have been disposed of.

- 6.3* A Member moving an amendment shall not move a further amendment to the same Motion unless in moving the first such amendment that Member specifies the number and content of any further amendments that Member intends to move which shall be taken in succession immediately upon the determination of each previous amendment, or unless the Motion shall have been amended since the amendment last moved by that Member.
- 6.4* If an amendment be rejected other amendments may be moved on the original Motion but if an amendment resisted by the mover of the substantive Motion be carried the Motion in the name of the mover of the successful amendment and shall become the Motion upon which further amendments may be moved. The mover of an original Motion may move amendments upon it.
- 6.5* If a proposed amendment be accepted by the mover of a substantive Motion, the Motion as amended shall take the place of the original Motion and shall in the name of the mover of such original Motion. It shall thereafter become the Motion upon which further amendments may be moved.

7. PETITIONS

- 7.1 At any ordinary meeting of the Authority any Member may present a petition to the Chairman of the Authority on any matter affecting the inhabitants of the Combined Fire & Rescue Authority's area and in relation to which the Authority has powers or duties, whereupon with the consent of the Authority such petition shall be referred without debate either to the appropriate Committee for consideration or to a future meeting of the Authority.

8. QUESTIONS

- 8.1(a) At any meeting of the Authority a Member after having given notice of the text thereof in writing to the Clerk not later than 1000 am seven working days before the meeting may ask the Chairman of the Authority or nominee one or more questions on the matters within the purview of the Authority which are not included in the agenda for the meeting.
- 8.1(b) On the day after the deadline for the receipt of any question the Clerk shall send a copy of each question to every Member of the Authority by first class post.
- 8.1(c) No question shall be the subject of a speech or motion but a supplementary question by the Member asking the original question may be asked with the consent of the Chairman provided it introduces no new matter.
- 8.2 Any Member may at any time by writing to the Clerk put any question to the Chairman of the Authority and within 15 working days thereof shall be sent such reply as the Chairman or nominee, being another Member or the Clerk, the Treasurer or the Chief Fire Officer, shall think fit and every such question and the answer given shall be circulated to every Member of the Authority with the papers for the next convenient meeting thereof.

9. MINUTES OF COMMITTEES

9.1 The minutes of every Committee and Sub-Committee of the Authority shall be circulated to every Member of the Authority together with the papers for the next convenient meeting and at the time appointed under Standing Order 4.1 any Member may comment upon or ask questions about each set of minutes in turn and the Chair of the Committee or nominee shall give such reply as seems appropriate provided that no Motion or amendment whatsoever may be moved thereon.

10. RULES OF DEBATE

10.1* Members shall normally remain seated when speaking and shall address the Chairman.

10.2* If two or more Members wish to speak, the Chairman shall call one of them provided that subject to any resolution to terminate a debate and to the provisions of Standing Order 10.3 any Member who wishes to speak shall ordinarily be given an opportunity to do so.

10.3 (a) A Member who has spoken on any matter then before the Authority shall not speak again whilst it is the subject of debate, except:

- (i) to speak once on an amendment moved by another Member;
- (ii) if the Motion has been amended since the Member last spoke, to move a further amendment;
- (iii) where the Member's first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which the Member spoke was carried;
- (iv) on a point of order;
- (v) by way of explanation.

(b) Provided that:-

- (i) a Member may formally second a Motion or amendment reserving the right to speak later in the debate;
- (ii) if an amendment is proposed, then (1) the mover of the original motion shall be entitled to speak on any amendment to such motion immediately before the reply, and (2) the mover of the amendment shall have the right of reply at the close of the debate upon such amendment immediately before such amendment is put to the vote;
- (iii) if an amendment is moved the mover of the original Motion shall also have the right of reply at the close of the debate on the amendment if that Member has not otherwise spoken on the amendment.

10.4* Where it appears to the Chairman to be for the convenience of the Authority the Chairman with the consent of the Members concerned may decide and announce in advance an intention to call named Members to speak immediately after any Motion is seconded or next before any debate upon it is summed up.

10.5* A Member who speaks shall speak strictly to the subject under discussion or to a question of order.

- 10.6* With the consent signified orally of a Member who has the floor, another Member may interpose a brief comment or question designed to clarify or advance debate provided that the Chairman shall not allow such exchanges to take place with such frequency that debate gives way to cross talk.
- 10.7* A Member raising a point of order must begin by stating the Standing Order or other procedural matter to which the point refers and shall thereafter state the point of order very briefly to the Chairman on the understanding that the point concerns solely the proper conduct of the Authority.
- 10.8* No point of order may be raised until a previously raised point of order has been disposed of.
- 10.9* The ruling of the Chairman upon a point of order or on the admissibility of a personal explanation shall not be open to discussion provided that before the Chairman shall rule upon any point of order she/he shall, if asked, first give an opportunity to a Member to make a brief representation thereon.

11. DISORDERLY CONDUCT

- 11.1* If at any meeting any Member in the opinion of the Chairman, notified to the Authority, misbehaves by persistently disregarding the ruling of the Chairman, or by behaving irregularly, improperly or offensively, or by obstructing the business of the Authority, the Chairman may move "that (the Member named) be not further heard" and the Motion if seconded shall be put and determined without discussion.
- 11.2* If any Member named continues the misconduct after a Motion under Standing Order 11.1 has been carried the Chairman;
- (a) shall request the Member to leave the meeting,
 - or
 - (b) may adjourn the meeting of the Authority for such period considered expedient and the Chairman's decision to adjourn shall not be open to question or discussion.
- 11.3* In the event of a general disturbance which in the opinion of the Chairman renders the due and orderly despatch of business impossible, the Chairman, in addition to any other power vested in the Chairman, may immediately adjourn the meeting of the Authority for such period as s/he may consider expedient.
- 11.4* If Member(s) of the public interrupt(s) the proceedings of any meeting the Chairman shall warn the person(s) concerned. If the interruption continues, the Chairman shall order their removal from the meeting room. In the event of a general disturbance in any part of the meeting room open to the public, the Chairman shall order that part of the meeting room cleared.
- 11.5* (a) Placards, banners, advertising materials or like items are not permitted in rooms where meetings of the Authority and its Committees or Sub-Committees are being held.
- (c) Other than for the tape recording of answers to questions where necessary, which shall be carried out only by the Clerk's staff, the use of cameras or tape

recorders is allowed only with the consent of the Chairman, such consent being notified at the start of the meeting and being subject to a decision of the meeting not to allow their use.

12. LIMITATION OF DISCUSSION

- 12.1 The Chairman may, at the commencement of a meeting of the Authority inform Members present that, in the best interests of the Authority generally, or Members on an individual basis, it will be his/her intention to bring the meeting to a close at a time which will have been determined previously, unless it appears that the meeting will finish shortly after that time. Any remaining business shall then stand over as uncompleted business until the next meeting.
- 12.2* A Member who has not spoken on the matter then before the Authority may, at the conclusion of the speech of another Member move "that the debate be now adjourned", briefly stating that, if the Chairman is of the opinion that the matter before the meeting has been sufficiently discussed the Chairman shall, after allowing one Member briefly to speak in opposition, put the proposition without further debate and if it is carried out by a majority of the Members present and voting the Authority shall proceed to the next business. However, if the Chairman is of the opinion that the matter has not been sufficiently discussed, s/he may refuse to accept the Motion.

13. VOTING

- 13.1* With the exception of decisions about the precepts, for which the procedure shown at Standing Orders 17 shall apply, every matter shall be determined on a simple majority of the Members present and voting, signified by a show of hands, provided that if after a shown of hands two or more Members require a Division, the Clerk shall call the Roll and take the vote of each Member aloud. After counting the number voting for and against, and those abstaining or declaring themselves to be neutral on the question before the Authority the Clerk shall inform the Chairman who shall announce the result which shall be recorded together with the names of the Members in the Minutes.
- 13.2* Where no Division has taken place and immediately after a vote is taken any voting Member so requires, there shall be recorded in the minutes of the proceedings of the meeting whether that person cast his or her vote for or against the question or whether s/he abstained from voting.
- 13.3* In the case of an equality of votes upon any question the Chair shall exercise a second or casting vote to determine the matter.

14. SUSPENSION OF STANDING ORDERS

- 14.1 So far as the law allows any Standing Order may be suspended at any meeting of the Authority, providing a simple majority of the Members of the Authority present and voting, so decide.

15. DECLARATIONS OF INTEREST

- 15.1* Where any Member has given a general notice of a pecuniary interest of his/hers or of his/her spouse, and is thereby relieved of the statutory duty to declare that interest

at a meeting at which a contract or other matter affecting that interest is to be considered, s/he shall nevertheless orally remind the meeting of that interest. Any such reminder shall be recorded in the Minutes of the meeting.

- 15.2* Where any Member has declared a pecuniary interest in a contract, grant, proposed contract or other matter, whether by giving a general notice or by making an oral declaration at a meeting, s/he shall withdraw from the room in which the meeting is being held while the matter is under consideration unless;
- (a) the disability to discuss, or vote upon any matter arising from, the contract or other has been removed by the Secretary of State under Section 97 of the 1972 Act,
 - or
 - (b) the contract, grant, proposed contract or other matter is under consideration by the meeting as part of the report of Minutes of a Committee or Sub-Committee (in the case of the Authority or of a Sub-Committee (in the case of a meeting of a Committee)), and is in either case not itself the subject of debate.
- 15.3* If the Member shall have elected to remain within easy reach, that Member shall be recalled by an appropriate officer before any further business is begun.
- 15.4* Any person, including an officer of the Authority, who is appointed to do anything in connection with the Authority, Committee or Sub-Committee which enables him/her to speak at meetings thereof, shall make the same disclosures of pecuniary interest, and shall withdraw from the room in which the meeting is being held on the same occasions, as s/he would have to do if s/he were a member of the Authority, Committee or Sub-Committee.
- 15.5 The Clerk of the Combined Fire & Rescue Authority 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 the book shall be open during office hours to the inspection of any Member of the Authority.

16. TENURE OF OFFICE

- 16.1 A Member of the Authority who ceases to be a Member of the council which appointed him/her shall cease to be a Member of the Authority.
- 16.2 A person shall be disqualified from being a Member of the Authority if she/he holds any paid office of employment (other than the office of Chairman or Vice Chairman) appointments to which are or may be made or confirmed by the Authority by any Committee or Sub-committee of the Authority, by a joint committee or board on which the Authority are represented or by any of the constituent authorities.
- 16.3* If the Chairman of the Authority ceases to be a Member, she/he shall also cease to be Chairman.

17. COMBINED FIRE & RESCUE AUTHORITY

- 17.1 No decision may be made to give notice to each constituent council of the amount of the contribution to be paid by that council, unless the Members approving it constitute at least half of the total membership at the time of the decision.

- 17.2 Every such decision in regard to giving notice or the making of the necessary calculations shall be determined by a show of hands, following which the Clerk shall call the Roll and take the vote of each Member aloud and after counting the number declaring themselves for or against, and those abstaining or declaring themselves to be neutral on the question shall inform the Chairman who shall announce the result which shall be recorded together with the names of the Members in the minutes.

18. MEETINGS OF COMMITTEES AND SUB-COMMITTEES

- 18.1 Except where in the opinion of the Clerk a meeting is exercising a judicial or quasi-judicial function, any Member of the Authority who wishes to attend a meeting of any Committee or Sub-Committee of which she/he is not a Member shall be entitled to do so and with the consent of the meeting shall be entitled to speak on any matter on the agenda but not to vote.
- 18.2 A Member who attends a meeting under Standing Order 18.1 shall be entitled to remain in the meeting whilst a resolution excluding the public is in force.

19. THE COMMON SEAL

- 19.1 The Common Seal of the Authority shall be kept in a safe place in the custody of the Clerk of the Authority.
- 19.2 The Common Seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority, a Committee or Sub-Committee or the Chief Fire Officer (in pursuance of his/her delegated duties) but a resolution of the Authority authorising the acceptance of any tender, the purchase, sale, letting or taking of any property, the presentation of any petition, memorial or address, the making of any contract or the doing of any other thing, shall be a sufficient authority for sealing any documents necessary to give effect to the resolution.
- 19.3 The Seal shall be attested in writing by the Clerk to the Authority or any other person authorised to act in that behalf and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person who has attested the Seal.

20. AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

- 20.1 Where any document will be a necessary step in legal proceedings on behalf of the Authority it shall be signed by the Clerk of the Authority unless any enactment otherwise requires or authorises, or the Authority give the necessary authority to some other person for the purpose of such proceedings.

21. INSPECTIONS OF LAND, PREMISES, ETC

- 21.1 Unless specifically authorised to do so by the Authority or a Committee or a Sub-Committee, a Member of the Authority shall not claim by virtue of his/her membership of the Authority any right to inspect or to enter on any lands or premises which the Authority have the power or duty to inspect or enter.

22. STANDING ORDERS RELATING TO THE CHIEF FIRE OFFICER, DEPUTY CHIEF FIRE OFFICER & ASSISTANT CHIEF FIRE OFFICER

- 22.1 Where the Combined Fire & Rescue Authority proposes to appoint a Chief Fire Officer, a Deputy Chief Fire Officer or an Assistant Chief Fire Officer, and it is not proposed that the appointment be made exclusively from among existing Officers,
- (a) a statement shall be drawn up specifying:-
 - (i) the duties of the Chief/Deputy Fire Officer/Assistant Chief Fire Officer, and
 - (ii) any qualifications or qualities to be sought in the person to be appointed.
 - (b) arrangements shall be made for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it, and
 - (c) arrangements shall be made for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- 22.2 (1) Where a post has been advertised as provided in Standing Order 22.1(b):-
- (a) all qualified applications for the post shall be interviewed or
 - (b) shortlist of such qualified applicants shall be selected and those included on the shortlist shall be interviewed.
- (2) Where no qualified person has applied, further arrangements shall be made for advertisement in accordance with Standing Order 22.1(b).
- 22.2 Every appointment of the Chief Fire Officer, Deputy Chief Fire Officer or Assistant Chief Fire Officer shall be made by the Combined Fire & Rescue Authority.

5.

FINANCE STANDING ORDERS AND FINANCIAL REGULATIONS

INTRODUCTION

These Finance Standing Orders and Financial Regulations are designed to safeguard the interests of both the Fire & Rescue Authority and its employees.

They have been drawn up by the Fire & Rescue Authority Treasurer in consultation with the Chief Fire Officer and have been approved by the Fire & Rescue Authority.

They provide the framework of controls and standards necessary to achieve the proper administration of the Fire & Rescue Authority's financial affairs, while at the same time allowing the Chief Fire Officer and those who work for him maximum delegation consistent with proper financial administration.

Financial matters delegated by the Fire & Rescue Authority to the Chief Fire Officer are covered in the financial instructions issued by the Chief Fire Officer to the Service, which have been agreed with the Treasurer.

The Finance Standing Orders are supported by subsidiary financial regulations for specific activities which may be updated at any time in response to changes in working practices and to meet changed circumstances.

This volume which contains the complete set of Finance Standing Orders and Financial Regulations has been produced in loose leaf format to allow for easy explanation or have a query concerning any part of its contents, please contact Headquarters.

Further copies of Finance Standing Orders and Financial Regulations may be obtained from the Finance Department or the Treasurer.

FINANCE STANDING ORDERS

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1. GENERAL
 2. FINANCIAL PLANNING
 3. BUDGETARY CONTROL
 4. LAND AND BUILDINGS
 5. TENDERS AND CONTRACTS UNDER SEAL
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FINANCE STANDING ORDERS

1. GENERAL
- 1.1. The Treasurer shall, for the purpose of Sections 112 and 114 of the Local Government Finance Act 1988, [Section 151 of the Local Government Act 1972] and the Accounts and Audit Regulations 2003, be the officer responsible for the proper administration of the Fire & Rescue Authority's financial affairs and may, subject to the Standing Orders, do all things necessary to ensure the proper administration of the Fire & Rescue Authority's financial affairs.
- 1.2. The Chief Fire Officer shall comply with any requirement of the Treasurer issued under Finance Standing Order 1.1.
- 1.3. As the Fire & Rescue Authority's financial adviser, the Treasurer shall report to the Fire & Rescue Authority regarding the level of financial resources proposed to be utilised in each financial year.
- 1.4. The Chief Fire Officer shall keep the Treasurer informed with such information and at such frequency as the Treasurer may determine to enable monitoring of Fire & Rescue Authority's overall financial performance, as compared with the approved budget.
- 1.5. The Treasurer in consultation with the Chief Fire Officer shall be responsible for making and amending from time to time such financial regulations as they consider necessary for the proper administration of the Fire & Rescue Authority's affairs, in conformity with these Finance Standing Orders. Any changes to Financial Regulations must be agreed by the Fire & Rescue Authority.

- 1.6. Notwithstanding the statutory obligations of the Treasurer, the Fire & Rescue Authority should, wherever possible, delegate responsibility for financial management to the Chief Fire Officer so that for the most part the financial administration of the Service takes place within the Service, subject to the Treasurer being satisfied that the Chief Fire Officer has made proper arrangements to take on these responsibilities.
- 1.7. The Chief Fire Officer, on behalf of the Treasurer, shall ensure that all employees of the Service are aware of and comply with the Fire & Rescue Authority's Financial Standing Orders and Financial Regulations. Failure to comply is a serious matter that must immediately be reported to the Treasurer who, in conjunction with the Chief Fire Officer, will decide what action to take.
- 1.8. The Chief Fire Officer must have in place financial instructions for use by the Service to ensure that his responsibility for the accountability and control of staff and the security, custody and control of all other resources including plant, building materials, equipment, and cash and stores throughout the Service is properly discharged. Such instructions shall be agreed with the Treasurer.
- 1.9. A copy of the current Financial Regulations shall be available for inspection to Members, Officers and the public at all reasonable times in the office of the Treasurer and the Chief Fire Officer.

2. FINANCIAL PLANNING

- 2.1. The Treasurer in consultation with the Chief Fire Officer shall agree proposals regarding budgetary guidelines for the forthcoming financial year not later than November of each year that support the strategies contained in the Fire Service Business Plan.
- 2.2. The Treasurer and Chief Fire Officer shall submit budgetary guidelines to the Fire & Rescue Authority for approval.
- 2.3. Within the overall budgetary guidelines agreed with the Treasurer, the Chief Fire Officer will draw up a detailed programme of capital expenditure and detailed estimates of income and expenditure for the following financial year that support the strategies contained in the Annual Business Plan, which will be presented to the Fire & Rescue Authority for approval.
- 2.4. The Chief Fire Officer shall draw up a statement of capital expenditure and estimates of income and expenditure for future periods beyond the following financial year in a format and for a period agreed with the Treasurer.
- 2.5. The treasurer will advise the Fire & Rescue Authority on the determination of the precept and the associated levels of Council Tax.
- 2.6. The Fire & Rescue Authority shall before the 1st March in any year, determine the appropriate level of precept and council tax and issue such notices as may be required to the billing authorities.

2.7. Each Member of the Fire & Rescue Authority shall normally be provided with a copy of the budget proposals, together with a statement by the Treasurer of the effect on the Fire & Rescue Authority's finances and the precept to be set, at least seven days before the Fire & Rescue Authority meeting at which such matters will be considered.

2.8. The Treasurer will arrange for the issue and receipt of the precept.

3. BUDGETARY CONTROL

3.1. It shall be the duty of the Fire & Rescue Authority to monitor and regulate its financial performance during the currency of each budget period.

3.2. Amounts provided under the several heads of the approved annual revenue budget shall not be diverted to other purposes except as allowed by Financial Regulations or as agreed by the Fire & Rescue Authority.

3.3. The inclusion of items in the approved detailed revenue budget shall constitute Authority for the Chief Fire Officer to incur such expenditure.

3.4. The Chief Fire Officer is authorised to transfer budget provision from one main budget heading to another (virement) in accordance with Financial Regulations.

3.5. Where any proposed virement does not meet the criteria set out in Financial Regulations, the Chief Fire Officer must present a report to the Fire & Rescue Authority on proposals to vary the approved annual revenue budget.

3.6. Subject to the limits set out in the Financial Regulations, inclusion of a project in the detailed capital programme and annual revenue budget for the following financial year shall constitute Authority to incur expenditure on such schemes, provided that the total revenue costs of any such schemes do not exceed the amounts set out in the detailed annual estimates.

3.7. Where the costs of any scheme covered by Finance Standing Order 3.6 either vary from or within the amounts set aside in the approved budget, the Chief Fire Officer shall prepare a report to the Fire & Rescue Authority setting out the variances on expenditure from those included in the detailed estimates together with proposals for how any overall increase in expenditure is to be met.

3.8. Inclusion of a project with a start date in a capital programme beyond the financial year covered by the detailed estimates does not constitute Authority to incur expenditure other than provided for in Financial Regulations, until the Fire & Rescue Authority has received and approved a report as required by Financial Regulations.

3.9. The Treasurer shall submit a report to the Fire & Rescue Authority on each year's signed statutory annual accounts before the 31st July of the following year or such other date as may be determined by regulation.

3.10. Summary capital and revenue budget monitoring statements in a format agreed between the Chief Fire Officer and the Treasurer must be provided to the Treasurer as required and presented to the Fire & Rescue Authority at the next practical meeting.

3.11. The Chief Fire Officer shall provide reasons for any variations from the detailed annual budget to the Treasurer upon request.

4. LAND AND BUILDINGS

4.1. Plans for the rationalisation or expansion of the Service estate, together with provision for the upkeep of the estate, shall be included in the detailed budget agreed by the Fire & Rescue Authority.

4.2. The inclusion of any proposed transaction of land and property in the detailed annual budget for the following financial year shall constitute Authority of the Chief Fire Officer to enter into such a transaction without further reference to the Fire & Rescue Authority provided that they Financial Regulations relating to the Acquisition and Disposal of Land are followed.

4.3. Any transaction relating to land and buildings where the total proceeds of sale or acquisition costs exceed £25,000 require the prior approval of the Fire & Rescue Authority.

5. TENDERS AND CONTRACTS UNDER SEAL

5.1. All contracts for works, goods and services including the employment of consultants and specialist advisers shall be made in accordance with Financial Regulations.

5.2. Where contracts are awarded competitive tenders must be sought to ensure that the Fire & Rescue Authority secures the best value for money and is seen to act fairly in giving interested parties an opportunity to tender on equal terms.

5.3. The Treasurer and Chief Fire Officer must ensure that throughout the tendering process Government legislation and EC directives are complied with and that the interests of the Fire & Rescue Authority and its employees are properly safeguarded.

5.4. The Fire & Rescue Authority is not bound to accept the lowest, or any tender, but if a tender other than that which is most financially advantageous to the Authority is accepted, it must be approved by the Fire & Rescue Authority.

FINANCIAL REGULATIONS

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FINANCIAL REGULATIONS

1. INTRODUCTION
 - 1.1. These Financial Regulations provide the framework of financial control and standards necessary to achieve the proper administration of the Fire & Rescue Authority's financial affairs and are designed to safeguard the interests of both the Fire & Rescue Authority and its employees. They must be read in conjunction with the Fire & Rescue Authority's Finance Standing Orders and the Service's financial instruction

- 1.2. The Treasurer, after consultation with the Clerk to the Fire & Rescue Authority, may vary, waive or suspend any Financial Regulation.
- 1.3. The Chief Fire Officer may delegate his/her responsibilities under these Regulations to specific senior officers. An approved list will be maintained identifying these officers and their responsibilities.
- 1.4. The Chief Fire Officer shall advise the Treasurer with respect to any matter within his/her purview, including any matter which is liable to materially affect the finances of the Fire & Rescue Authority, before any provision or other commitment is incurred, or before he/she reports to the Fire & Rescue Authority.
- 1.5. The Treasurer shall have the right to attend meetings with outside bodies where matters of major financial significance are to be discussed, and in such cases the Chief Fire Officer will inform the Treasurer and the Fire & Rescue Authority in advance if practical, or otherwise as soon as possible.
- 1.6. The Treasurer shall see all reports going to the Fire & Rescue Authority and have the opportunity to insert appropriate written comments.
- 1.7. The Chief Fire Officer must inform the Clerk to the Fire & Rescue Authority of all matters where the Fire & Rescue Authority might have a legal claim against an outside body and of all occasions where there is a likelihood that the Fire & Rescue Authority will be sued by an outside body.
- 1.8. The Chief Fire Officer may waive these Financial Regulations in order to respond to an emergency operational situation and will inform the Treasurer and the Fire & Rescue Authority accordingly at the earliest opportunity.
- 1.9. Copies of the Financial Regulations may be obtained from the Finance Department or the Treasurer.

2. ACCOUNTING SYSTEMS & RETENTION OF RECORDS

- 2.1. All accounting systems, procedures and supporting records shall be in a form agreed by the Treasurer. They should provide information that is useful for both stewardship and management responsibilities.
- 2.2. The Treasurer must approve any new systems or procedures for the maintenance of financial records or records of assets and liabilities before such changes are introduced.
- 2.3. The Fire & Rescue Authority's standards or accounting must accord with the Accounting Code of Practice and the Code of Practice on Prudential Accounting.
- 2.4. The Chief Fire Officer is responsible for ensuring that all necessary approvals for Government grant and reimbursements or contributions from outside bodies are obtained where appropriate towards the expenditure of the Service.

- 2.5. The Chief Fire Officer shall be responsible for ensuring the proper transfer of all financial records and assets, e.g. stocks, stores, imprests, inventories, valuables, cash, etc when an officer ceases to be the responsible accounting officer.
- 2.6. The following principles shall be observed in the allocation of accounting duties:
 - (a) The duties of providing information regarding sums due to or from the Fire & Rescue Authority and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
 - (b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.
- 2.7. The Chief Fire Officer must draw up a schedule outlining the minimum period of retention of financial records which must be agreed with the Treasurer.

3. AUDIT

- 3.1. The Treasurer shall maintain an adequate and effective internal audit of Fire & Rescue Authority's accounts/activities, in accordance with the Accounts and Audit Regulations 2003.
- 3.2. The Treasurer or a nominated representative shall, at reasonable notice where practicable, have access to such records, assets, premises and personnel, and shall be entitled to receive such information and explanation that is necessary, for the proper fulfilment of the Treasurer's duties.
- 3.3. The Treasurer or a nominated representative shall independently appraise financial and other systems and the arrangements made by the Chief Fire Officer for securing the economic, efficient and effective use of resources in accordance with a plan drawn up in consultation with the Chief Fire Officer.
- 3.4. If an irregularity occurs is suspected, which may involve financial loss, the Chief Fire Officer must report it immediately to the Treasurer or vice versa.
- 3.5. The Treasurer must forward to the Chief Fire Officer any Internal Audit report on any matter affecting the Service.
- 3.6. The Chief Fire Officer may also arrange for value for money audits, which may be undertaken by other than by the Treasurer or his nominated representative. Reports arising from such audits should be copied to the Treasurer where appropriate.
- 3.7. The Fire & Rescue Authority is a legal entity and its accounts are subject to external audit.

4. REVENUE EXPENDITURE

- 4.1. The Financial Regulations covering Revenue Expenditure must be read in conjunction with the Finance Standing Orders.

- 4.2. It is the Chief Fire Officer's responsibility to ensure that detailed budget preparation takes place, that the amounts included in the annual revenue budget are realistic and that there has been correct application of budget conventions and procedures.
- 4.3. Where there is uncertainty about the proper approach to be adopted in preparing the detailed budget, guidance must be sought from the Treasurer.
- 4.4. Once the annual budget has been approved by the Fire & Rescue Authority, the Chief Fire Officer is responsible for controlling expenditure within it and must have in place arrangements to monitor it on a monthly basis.
- 4.5. The Chief Fire Officer is authorised to transfer budget provision from one main budget head to another provided that such virement does not vary existing policy, or involve a significant future financial commitment, or exceed £50,000.
- 4.6. The Chief Fire Officer must provide the Treasurer with explanations of significant variations from the budget which cannot be remedied by the virement rules.
- 4.7. Details of any proposals for the employment of consultants or specialist advisers must be included in the annual budget. Any proposal to employ consultants or specialist advisers for purposes not provided for in the annual budget and in excess of £15,000 per contract(s) of service must be agreed with the Treasurer and will be subject to an annual report to the Fire & Rescue Authority.

5. CAPITAL EXPENDITURE

- 5.1. The financial regulations must be read in conjunction with the Finance Standing Orders.
- 5.2. Having regard to appropriate professional advice, the Chief Fire Officer must prepare a detailed capital programme which supports the strategy set out in the Business Plan.
- 5.3. For each new technology or building project included in the first year of the capital programme the following details must be separately shown:
 - (a) How the scheme fits into the overall business plan.
 - (b) The estimated capital costs and phasing.
 - (c) The timescales for starting and completing the scheme.
 - (d) The estimated annual revenue costs for the scheme analysed between financing costs staffing costs and other revenue costs and incorporating the eventual revenue costs in a full year of operating the scheme.
- 5.4. A latest estimated cost report must be taken to Authority for all new technology or building schemes included in the first year of the capital programme where the total capital cost is £500,000 or more or the estimated full year additional revenue costs are £200,000 or more prior to tenders being invited for the scheme.

- 5.5. In addition to the information required in 5.3. above the capital costs for the purpose of the latest estimated cost report should be analysed into:
- (a) Land acquisition costs
 - (b) Construction costs
 - (c) Plant, equipment or furniture costs
 - (d) Professional fees or consultancy costs
 - (e) Hardware and software costs
 - (f) Any other relevant costs.
- 5.6. Provided the scope of the scheme remains unchanged the Chief Fire Officer is authorised to incur expenditure on any scheme with a capital cost of up to £500,000 or full year revenue costs of up to £200,000 with an approved start date in the first year of the capital programme, provided that the requirements of Financial Regulation 5.3. have been complied with and the capital and revenue costs do not exceed the amounts shown in the detailed annual budget.
- 5.7. Where the capital or revenue costs of any scheme covered by Financial Regulation 5.6. cannot be contained within the amounts shown in the detailed annual budget the Chief Fire Officer must identify the reasons for the variances in expenditure from those included in the detailed estimates, and notify the Treasurer of proposals for meeting any overall increase in expenditure.
- 5.8. Where it becomes apparent that the tender sum for a capital scheme will be exceeded by 5% or £25,000 whichever is the lower the Chief Fire Officer shall prepare a report to the Fire & Rescue Authority setting out the reasons for the increased cost together with proposals for how it will be met.
- 5.9. In respect of variable price works contracts, the Chief Fire Officer shall periodically review the cost and report to the Fire & Rescue Authority if the budget provision for the contract is likely to be exceeded by 5% or £25,000.
- 5.10. The Chief Fire Officer is not authorised to enter into any contractual commitment for schemes with start dates in year two of the capital programme or beyond before a report has been approved by the Fire & Rescue Authority.
- 5.11. The detailed annual estimates must include a summary showing how the total capital programme is to be financed.
- 5.12. The Chief Fire Officer must comply with any requirements issued by the Officer of the Deputy Prime Minister in respect of building schemes controlled by them.
6. **BANKING AND INCOME**
- 6.1. These Financial Regulations must be read in conjunction with the Service's Financial Instructions.
- 6.2. The Treasurer is responsible for all banking arrangements and must authorise the creation or closure of any Fire & Rescue Authority accounts. All bank accounts shall have an official title and in no circumstances shall a bank account be opened or operated in the name of an individual.

- 6.3. The Chief Fire Officer is responsible for the daily management and operation of all bank accounts including the regular reconciliation of bank accounts with banking records at not less than monthly intervals.
- 6.4. The Chief Fire Officer is responsible for arranging appropriate imprest accounts and associated banking facilities.
- 6.5. All cheques drawn on the Fire & Rescue Authority account shall bear the printed signature of the Treasurer or be signed by the Treasurer or any officer authorised by the Treasurer. In any case all cheques issued by the Authority should bear a minimum of two authorised signatures.
- 6.6. The Chief Fire Officer will ensure that all income is properly accounted for, secure, safeguarded and paid into the Authority's bank account properly and intact.
- 6.7. No income may be paid into any imprest account or used to defray expenditure.

7. INVESTMENT AND BORROWING

- 7.1. The Treasurer is responsible for arranging the investment of Fire & Rescue Authority funds in accordance with policies approved by the Fire & Rescue Authority.
- 7.2. The Treasurer will ensure the investment of money on the best available terms, in accordance with prudent investment policies, taking into account present and anticipated economic conditions and projected cash flow of funds.
- 7.3. The Treasurer shall ensure that a report is taken to the Fire & Rescue Authority on an annual basis setting out the policies and procedures to be employed for all investments and borrowing.
- 7.4. This report will include the limits prescribed within the Prudential Code procedures and processes for the monitoring reporting on such limits.
- 7.5. The Treasurer shall ensure that a report is taken to the Fire & Rescue Authority on an annual basis which sets out the investment policy for the Authority and authorises the use of a range of potential borrowers, such report should again be in compliance with the Prudential Code.

8. INSURANCE ARRANGEMENTS

- 8.1. The general policy on insurance should be agreed by the Fire & Rescue Authority.
- 8.2. The Treasurer must advise the Fire & Rescue Authority on appropriate insurance arrangements for the following:
 - (a) Fire & Rescue Authority employees
 - (b) Fire & Rescue Authority Members
 - (c) Buildings
 - (d) Liabilities
 - (e) Vehicles and other assets
 - (f) All other risks.

8.3. The Chief Fire Officer is responsible for securing insurance arrangements in accordance with the policy laid down by the Fire & Rescue Authority.

9. CONTRACTS AND PROCUREMENTS

9.1. These Financial Regulations must be read in conjunction with Finance Standing Orders.

9.2. Unless otherwise stated, these Regulations shall apply to all contracts, whether for the supply of goods, materials, professional or technical services or for the execution of works.

9.3. Every contract and order shall be in a form drawn up or approved by the Clerk to the Fire & Rescue Authority.

9.4. The Chief Fire Officer has delegated power to make contracts on behalf of the Fire & Rescue Authority and manage the tendering and contract process.

9.5. All contracts, including, where appropriate, nominated sub-contracts and contracts with nominated suppliers shall comply with these Regulations and no exception or amendment to any of their provisions shall be made, other than with the express written approval of the Clerk to the Fire & Rescue Authority and the Treasurer, where it is believed to be in the best interests of the Fire & Rescue Authority to do so.

9.6. Unless otherwise stated, the term 'contract' shall mean any agreement between the Fire & Rescue Authority and any other part, which is intended to be legally binding. The term therefore applies to all formal contracts, together with all orders placed on behalf of the Fire & Rescue Authority.

9.7. Members or employees who have a direct or indirect pecuniary interest in a contract shall not be supplied with or given access to any tender documents, contracts or other information relating thereto without the Authority of the Clerk to the Fire & Rescue Authority.

9.8. All contracts and related matters shall comply with any legislation and/or overriding requirements of the European Community and/or Her Majesty's Government, for the time being in force.

9.9. Where any of these Regulations may affect the action of a tenderer or successful contractor, then a clear reference to that Regulation shall be contained in the tender documents.

9.10. No contracts shall be made on behalf of any body not covered by the Local Authorities Goods and Services Act 1970 unless otherwise agreed by the Treasurer and the Clerk to the Fire & Rescue Authority.

9.11. An official order shall be issued for all work, goods or services to be supplied to the Fire & Rescue Authority, where the tender accepted is less than £50,000 (see also para. 11.2.).

- 9.12. A formal contract shall be entered into for all work, goods or services to be supplied to the Fire & Rescue Authority, where the tender accepted is £50,000 or more. Construction and maintenance contracts and such other contracts as the Clerk to the Fire & Rescue Authority deems appropriate shall be executed as speciality contracts (i.e. generally under seal).
- 9.13. No work may be commenced on site or goods or material ordered until either an official order has been issued, or a formal contract and a bond, in accordance with Financial Regulation 10.9., has been duly executed by the contractor and returned to the Authority.
- 9.14. The Chief Fire Officer shall maintain written guidelines on the minimum standards or record keeping required of employees supervising contracts.

10. TENDERING PROCEDURES

- 10.1. The method of selecting tenderers for contracts shall be agreed with the Treasurer. The letting of a contract or series of contracts whose aggregate value exceeds the regularly updated EC threshold figure must, where applicable, comply with prevailing EC directives in respect of tendering procedures, technical specifications, the selection of tenderers and the awarding of contracts.
- 10.2. Where the estimated cost is £50,000 or more, a minimum of six tenders are to be invited.
- 10.3. Where the estimated cost is under £50,000, a minimum of three tenders are to be invited.
- 10.4. Financial Regulations 10.1. to 10.3. need not be applied if:
 - (a) The estimated expenditure is £25,000 or less and the Chief Fire Officer does not consider it practicable to obtain tenders; in which case a minimum of three alternative quotations in writing shall be sought. If the estimated expenditure is less than £250 and alternative written quotations cannot be obtained, the Treasurer must be satisfied that adequate efforts have been made to secure value for money.
 - (b) Tenders have been invited by a recognised consortium or similar body.
 - (c) In the case of contracts for the supply of goods or materials, where the goods or materials are sold only at a fixed price and no reasonable satisfactory alternative is available;
 - (d) The work to be executed or the good or materials to be supplied constitute an extension of an existing contract, and the necessary budget provision exists.
 - (e) The work to be executed or the good or materials to be supplied are required so urgently as not to permit the invitation of tenders;
 - (f) The work to be executed or the goods or materials to be supplied consist of repairs to or parts for existing proprietary machinery, where such repairs or parts are specific to that machinery;

- 10.5. The Chief Fire Officer shall maintain a written register of all instances where Financial Regulations 10.1. to 10.3. have not been complied with, together with the reasons and will present an annual report on these instances to the Fire & Rescue Authority.
- 10.6. The opening of tenders shall be in accordance with procedures agreed with the Treasurer and contained within Financial Instructions.
- 10.7. The Chief Fire Officer shall maintain a register of all tenders accepted, which shall in each case list all the tenders received and which shall be in a form approved by the Clerk to the Fire & Rescue Authority and the Treasurer.
- 10.8. Where deemed appropriate by the Clerk to the Fire & Rescue Authority and the Treasurer contracts under seal which are for the execution of work or for the supply of good or materials by a particular date or series of dates shall provide for liquidated and ascertained damages of an amount to be specified in each such contract by them.
- 10.9. The Clerk to the Fire & Rescue Authority will advise the Chief Fire Officer on circumstances where there is a requirement to provide security for the due performance of any contract exceeding £250,000. The nature and amount of any such security shall be specified as a provisional item in the conditions of tender and be in a form and obtained from an institution approved by the Treasurer.
- 10.10. Every extra or variation on a contract for the execution of works shall be authorised in writing by the Chief Fire Officer or by a consultant appointed by the Chief Fire Officer.
- 10.11. Claims from contractors in respect of matters not clearly within the terms of the contract shall be referred to the Clerk to the Fire & Rescue Authority for consideration of the Authority's legal liability as soon as they are known. Valid claims for loss and expense arising from delay and disruption shall be notified to the Fire & Rescue Authority where they are likely to exceed £50,000 in value or where there is a possibility of legal proceedings, including arbitration procedures as provided for by the conditions of contract, being commenced.
- 10.12. Unless the Treasurer and the Clerk to the Fire & Rescue Authority agree otherwise liquidated and ascertained damages, where allowed for, shall be applied in respect of contracts not completed within the original contract period, together with any extensions of time granted in accordance with the contract.

11. PAYMENT FOR WORKS, GOODS AND SERVICES

- 11.1. Before authorising an official order, or any process which may lead to a payment, employees, shall:-
 - (a) ensure they are authorised to order or process the payment;
 - (b) satisfy themselves that the works/goods/services are a proper charge on the funds under their control;
 - (c) ensure there is adequate budget provision;
 - (d) satisfy themselves that the works/goods/services have been received, conform in all respects with an official order and are acceptable in every way;
 - (e) ensure prices, arithmetic and discounts are correct.

- 11.2. Official orders are not necessary for supplies of public utility services, for periodic payments such as rent and rates, for imprest purchases or such other exceptions as the Chief Fire Officer or Treasurer may approve.
- 11.3. The duties of ordering, receiving goods and certifying invoices for payment must not be performed by the same officer without prior agreement of the Treasurer.
- 11.4. Where contracts provide for payment to be made by instalments, the Chief Fire Officer shall maintain a contract register in a form approved by the Treasurer which shall show the state of account on each contract between the Authority and the contractor together with any other payments and any related professional fees.
- 11.5. Payments to contractors on accounts of works contracts shall be made only on a certificate which shall show the total amount of contract, the value of work executed to date, retention money, amount paid to date and the amount now certified. Such certificates shall be issued by the Chief Fire Officer or the consultant authorised to do so.

12. PAYMENT OF SALARIES, WAGES AND PENSIONS

- 12.1. The payment of salaries, wages, pension or other emoluments shall be made only by the Chief Fire Officer through the payroll system.
- 12.2. All appointments, terminations of employment, absences and any other changes which may affect the pay or pension of present and past employees and pensioners must be notified to the Chief Fire Officer.

13. TRAVELLING, SUBSISTENCE AND OTHER ALLOWANCES

- 13.1 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be in accordance with the Financial Instructions.

14. ASSETS

- 14.1. The Chief Fire Officer is responsible for the security of all assets under his control and shall maintain an asset register where appropriate.
- 14.2. Assets include land, property, money, stocks stores, furniture, equipment and electronic data.
- 14.3. Records relating to these assets and the method frequency of stores and inventory checks shall be agreed with the Treasurer.
- 14.4. Where assets are disposed of (including written off) such disposal shall be in accordance with procedures agreed with the Treasurer.
- 14.5. As a general principle disposals, shall, wherever possible, be subject to competition.

15. DISPOSAL AND ACQUISITION OF LAND AND BUILDINGS

- 15.1. These Financial Regulations must be read in conjunction with the Fire & Rescue Authority's Standing Orders and Finance Standing Orders.
- 15.2. Members or employees who have a direct or indirect pecuniary interest in the disposal or acquisition of any Fire & Rescue Authority land or buildings shall declare that interest and shall not be supplied with or given any access to any tender documents, contracts or other information relating thereto, without the express written authority of the Clerk to the Fire & Rescue Authority.
- 15.3. Every effort shall be made to maximise the consideration realised by the Fire & Rescue Authority on the disposal of land and buildings.
- 15.4. The Clerk to the Fire & Rescue Authority will draw up detailed guidelines to be issued to any consultant or agent appointed on behalf of the Fire & Rescue Authority to acquire or dispose of property on behalf of the Fire & Rescue Authority.
- 15.5. Any consultant or agent appointed by the Fire & Rescue Authority to dispose of property on their behalf shall comply with the procedures contained in these Regulations.
- 15.6. All disposals and acquisitions shall be effected in accordance with the general law operative at the time of the acquisition or disposal.
- 15.7. The Chief Fire Officer or his nominee shall maintain a record of all land and buildings owned by the Fire & Rescue Authority.

16. GIFTS, LOANS AND SPONSORSHIP

- 16.1. The Chief Fire Officer must issue policy and procedural guidelines governing the acceptance of gifts, loans and sponsorship to the Authority and its employees which must be approved by the Fire & Rescue Authority.
- 16.2. Any individual gift, loan or sponsorship deal with a market value of £100 or more must be approved by the Fire & Rescue Authority before it is accepted.
- 16.3. A register of all significant gifts, loans and sponsorships, with their market value, must be maintained by the Chief Fire Officer.

17. COMPUTERS AND INFORMATION TECHNOLOGY

- 17.1. The Chief Fire Officer is responsible for ensuring that all relevant legislation governing the use of computers is complied with and must issue internal guidelines and instructions to the Service governing the use of such equipment.

6.

MEMBERS' ALLOWANCES

This is the Nottinghamshire and City of Nottingham Fire & Rescue Authority Members' Allowance Scheme, covering the allowances which can be claimed by Members (including Co-opted Members) of Nottinghamshire and City of Nottingham Fire & Rescue Authority.

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SECTION 1: THE SCHEME AND SUMMARY OF ALLOWANCES PAYABLE

1.1 THE SCHEME

- 1.1.1 This is the Nottinghamshire and City of Nottingham Fire & Rescue Authority Members' Allowance Scheme ["the Scheme"] for the payment of Members' Allowances. The Scheme is based on the provisions contained in the Local Authorities (Members' Allowances) (England) Regulations 2003 as may be amended from time to time ["the Regulations"]. It also has regard to relevant Government guidance. At a meeting on 19 December 2003 the Nottinghamshire and City of Nottingham Fire & Rescue Authority ["the Authority"] approved the Scheme to take effect on and from 1 April 2004.
- 1.1.2 The Scheme shall have effect without time limit and may be amended or revoked in accordance with the Regulations.

- 1.1.3 The Scheme shall have effect and be construed in accordance with the Regulations. In the event of any inconsistencies between the Scheme and the Regulations, the Regulations shall prevail.
- 1.1.4 Any procedures or requirements of the Regulations which are not expressly incorporated in the Scheme are hereby deemed to have been so incorporated.
- 1.1.5 A reference herein to a Schedule shall be deemed to be a reference to a Schedule in the Scheme unless there appears to be a contrary intention. A reference to a Member or a Co-optee shall be to a Member or Co-optee of the Authority.
- 1.1.6 A year, for the purposes of the Scheme, starts on 1 April and ends on 31 March.

1.2 SUMMARY OF ALLOWANCES PAYABLE AND AMENDMENTS TO THE SCHEME

- 1.2.1 Section 2 of the Scheme provides for the payment of an annual Basic Allowance for each Member of the Authority.
- 1.2.2 Section 3 of the Scheme provides for an annual Special Responsibility Allowance for those Members who have special duties and/or hold particular posts.
- 1.2.3 Sections 4 and 5 of the Scheme provide for Travelling and Subsistence Allowances for all Members and Co-opted Members of the Authority and explain how claims should be made.
- 1.2.4 Section 6 of the Scheme provides for an annual Co-optees Allowance. Eligible for this are Co-optees such as the independent persons appointed by the Authority to serve on the Standards Committee of the Authority.
- 1.2.5 Where an amendment is to be made by the Authority to the Scheme which affects an Allowance payable in the year in which the amendment is made, the Authority may decide that the entitlement to that Allowance is to apply with effect from the beginning of the year in which the amendment is made, i.e. to backdate the amendment to that extent.
- 1.2.6 The Authority will review the levels of allowances on an annual basis.

1.3 TAX AND NATIONAL INSURANCE

- 1.3.1 Section 7 of the Scheme mentions liability to Income Tax and the national insurance arrangements for Members and Co-optees of the Authority. These sections do not deal with entitlements under the Scheme and are only brief summaries for information. The Authority does not guarantee that they are necessarily accurate or appropriate for individual Members or Co-optees. It is for Members and Co-optees to satisfy themselves personally that their tax and national insurance arrangements are in order and they should consult their own advisers as they think fit about these matters.

1.4 RESPONSIBILITY TO SUBMIT ACCURATE CLAIMS

- 1.4.1 It is important that Members and Co-optees are aware of their responsibility to submit accurate claims and to be able to demonstrate that they did incur any expenditure for which they are claiming.

1.5 PUBLIC RECORD OF PAYMENTS AND AVAILABILITY OF THE SCHEME

- 1.5.1 The Authority maintains a record showing payments made to Members and Co-optees in accordance with the Scheme. The record is kept available for public inspection during normal office opening hours at the Authority's principal office (Fire

HQ, Bestwood Lodge, Arnold, Nottingham). The record may be inspected free of charge by any local government elector for the areas Nottinghamshire and the City of Nottingham, these being the areas within which the Authority exercises its functions. A copy of the record will be supplied to any person who so requests and who pays the Authority's reasonable fee as determined by the Authority.

- 1.5.2 Copies of the Scheme are made available for inspection by the public at the Authority's principal office (Fire HQ, Bestwood Lodge, Arnold, Nottingham) during normal office opening hours. A copy will be supplied to any person who so requests and who pays the Authority's reasonable fee as determined by the Authority.
- 1.5.3 Any person wishing to inspect the record of payments or the Scheme should contact the Head of Finance and Resources.

1.6 FORGOING ENTITLEMENT TO ALLOWANCES

- 1.6.1 A Member or Co-optee may elect to forgo entitlement or any part of his/her entitlement to allowances under the Scheme, by notifying the Chief Fire Officer in writing. In practice this relates to the Basic Allowance, Special Responsibility Allowance and Co-optees Allowance, which are the allowances which will otherwise be paid automatically.

1.7 ADVICE & QUERIES

- 1.7.1 Any Member or Co-optee requiring advice about how best to maintain records to authenticate claims or with any other queries about the Scheme should contact the Head of Finance and Resources.

SECTION 2: BASIC ALLOWANCE

- 2.1 The Basic Allowance is paid to all Members of the Authority at the same rate. It is intended to recognise the time commitment of all Members, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings.
- 2.2 The amount and payment of the Basic Allowance are as stated in Schedule 1. Part Year entitlement will be assessed in accordance with Schedule 2.
- 2.3 Co-optees are not eligible for the Basic Allowance.
- 2.4 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Authority in accordance with part III of the Local Government Act 2000 or regulations made thereunder, the part of the Basic Allowance payable to him/her in respect of the period for which he/she is suspended or partially suspended may be withheld by the Authority for that period of suspension or partial suspension. The Standards Committee of the Authority shall determine whether or not to withhold the Basic Allowance in such circumstances.
- 2.5 The Basic Allowance is subject to Income Tax and National Insurance Contributions (see Section 7).

SECTION 3: SPECIAL RESPONSIBILITY ALLOWANCE

- 3.1 Special Responsibility Allowances enable payments to be made to Members who have special duties and/or hold particular posts and can be of different amounts. The categories of special responsibilities are set out in the Regulations.
- 3.2 The amounts and payment of Special Responsibility Allowances are as stated in Schedule 1. Part Year entitlement will be assessed in accordance with Schedule 2.
- 3.3 Co-optees are not eligible for Special Responsibility Allowance.
- 3.4 Only one Special Responsibility Allowance is payable per Member. If more than one such allowance appears to be payable, the Member may elect which allowance shall be paid, but in the event of failure to elect, s/he will be deemed to have elected to receive the Special Responsibility Allowance which is the greatest.
- 3.5 Where a Member is suspended or partially suspended from his/her responsibilities or duties as a Member of the Authority in accordance with part III of the Local Government Act 2000 or regulations made thereunder, the part of any Special Responsibility Allowance payable to him/her in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the Authority for that period of suspension or partial suspension. The Standards Committee of the Authority shall determine whether or not to withhold Special Responsibility Allowance in such circumstances.
- 3.6 Special Responsibility Allowance is subject to Income Tax and National Insurance Contributions (see Section 7).

SECTION 4: TRAVELLING AND SUBSISTENCE ALLOWANCE

4.1 Travelling Allowances

- 4.1.1 Members, including Co-optees, may claim travelling expenses for travel undertaken in connection with Approved Duties. Details of the Travelling Allowances which may be claimed are set out in Schedule 3. The duties which are Approved Duties for which a claim may be made are set out in Schedule 4.
- 4.1.2 Please note that proper VAT receipts are required for expenses including parking fees in order for the Authority to validate claims and to reclaim VAT. Members should ask for/keep these, wherever possible, and attach them to claim forms.
- 4.1.3 When travelling by train Members should obtain rail tickets from Headquarters in order that the Authority can take advantage of preferential rates. In the first, instance please contact the Secretary to the Chief Fire Officer to organise rail tickets. Tickets for air travel can also be obtained from Headquarters in the same way.
- 4.1.4 Claims for Travel Allowances are not subject to deductions for Income Tax and National Insurance (see Section 7)

4.2 SUBSISTENCE ALLOWANCES

- 4.2.1 Members, including Co-optees, may claim subsistence for costs of refreshments and accommodation, necessarily incurred, when undertaking Approved Duties. Details of the Subsistence Allowances which may be claimed are set out in Schedule 3. The duties which are Approved Duties for which a claim may be made are set out in Schedule 4.
- 4.2.2 Members are not entitled to claim subsistence allowances where suitable refreshments are provided for them while they are undertaking the approved duty. In calculating the length of time it has taken to perform an approved duty, such as a meeting, Members are entitled to include reasonable travelling time in getting to and from the meeting place.
- 4.2.3 Members are not entitled to claim subsistence where suitable accommodation is provided for them while they are undertaking the approved duty. Normally accommodation will be booked for Members and the Authority will pay direct. Members should always get in touch with the Secretary to the Chief Fire Officer prior to arranging and paying for accommodation themselves.
- 4.2.4 Please note that proper VAT receipts are needed in order for the Authority to validate claims and to reclaim VAT. Wherever possible Members should ask for/keep these and attach them to claim forms.

4.3 FOREIGN TRAVEL

- 4.3.1 Members may travel outside the UK only with the express permission of the Fire & Rescue Authority. If there are cases of extreme urgency which require prior approval this may be given by the Chairman and the Chief Fire Officer but must be ratified subsequently by the Fire & Rescue Authority.
- 4.3.2 All arrangements for travel outside the UK must be made by the Secretary to the Chief Fire Officer who will confirm that the necessary approvals have been obtained before making any arrangements.
- 4.3.3 The Head of Finance and Resources will maintain a record of all travel outside the UK, which will be available for public inspection. The record will include information in respect of cost, destination and Members attending.

- 4.3.4 Consideration will be given in each case to the most cost effective and convenient method of travel, taking into account any health or disability issues.
- 4.3.5 Economy Class travel will be used wherever possible for flights within the EU, with flights outside the EU considered on their individual merit.
- 4.3.6 All accommodation will be booked through the Secretary to the Chief Fire Officer and will be in good standard mid range hotels with appropriate business facilities and in safe areas with reasonable access to the venues to be visited. Where all inclusive packages are available for conferences the advantages of these offers will be evaluated.
- 4.3.7 Subsistence will be paid on the basis of a daily rate for each 24 hour period. Subsistence is to cover all expenses when outside the UK including travel, laundry, telephone calls and all meals. The rate of subsistence will be £75.00 per 24 hour period.
- 4.3.8 Where meals are provided as part of the conference or visit a deduction of 20% will be made for each meal provided irrespective of whether meals are actually taken, unless there are sound reasons for not doing so.
- 4.3.9 Receipts should be obtained wherever possible.

SECTION 5: HOW TO CLAIM TRAVELLING AND SUBSISTENCE ALLOWANCE

- 5.1 In this section "Members" includes Co-optees.
- 5.2 Claims for Travelling and/or Subsistence Allowance must be submitted on the standard form.
- 5.3 The form includes the following declaration which must be completed:-

"I declare I have incurred expenditure on travelling and/or subsistence for the purpose of enabling me to perform approved duties as a Member or Co-opted Member of Nottinghamshire and City of Nottingham Fire & Rescue Authority and that the rates are in accordance with those determined by the Authority. I declare that the statements in my claim are correct. I have not made and will not make any other claim under any enactment for the same travelling and/or subsistence."
- 5.4 Claim forms are kept by the Finance and Resources Section from whom additional forms may also be obtained.
- 5.5 There is no formal deadline for processing claims for travel and subsistence and these will be paid as quickly as possible. Payments of other allowances will be made monthly. All payments will be made by BACS.
- 5.6 All claims should be submitted no later than 3 months after the date of the duty attended.
- 5.7 Members should note that it is their responsibility to ensure that any claims submitted are accurate, and that they can demonstrate that they attended meetings for which they are claiming allowances etc. It is suggested that this can best be done by Members maintaining diary records of meetings attended, showing the dates of the meetings and duration. Where there is an attendance book at the meeting, the Members must sign the attendance book.

- 5.8 Members should also note that, as mentioned in Section 1 above, the Authority has to maintain a record showing payments made to Members which is open to public inspection.

SECTION 6: CO-OPTEEES' ALLOWANCE

- 6.1 Co-optees' Allowance enables payments to be made to Co-optees in respect of attendance at conferences and meetings and can be of different amounts for different Co-optees.
- 6.2 The amounts and payment of Co-optees Allowance are as stated in Schedule 1. Part Year entitlement will be assessed in accordance with Schedule 2. These amounts are in addition to any Travelling or Subsistence Allowance which may be claimed by Co-optees under sections 4 and 5 of the Scheme.
- 6.2.1 Where a Co-optee is suspended or partially suspended from his/her responsibilities or duties as a Co-optee of the Authority in accordance with part III of the Local Government Act 2000 or regulations made thereunder, any Co-optees Allowance payable to him/her in respect of the responsibilities or duties from which he/she is suspended or partially suspended may be withheld by the Authority for that period of suspension or partial suspension. The Standards Committee of the Authority shall determine whether or not to withhold Co-optees' Allowance in such circumstances.
- 6.2.2 Co-optees' Allowance is subject to Income Tax and National Insurance Contributions (see Section 7).

SECTION 7: INCOME TAX & WELFARE BENEFITS

7.1 Income Tax

- 7.1.1 Basic and Special Responsibility Allowances are subject to Income Tax as they are payments made in respect of the duties of an office. Travelling and Subsistence Allowance is not normally subject to Income Tax if it is paid in respect of actual costs necessarily incurred in connection with the Approved Duty. Appropriate records should be kept to satisfy the Tax Office. Subsistence Allowance where no receipt is provided is subject to Income Tax.
- 7.1.2 The Inland Revenue is notified of the names and addresses of all Members who claim taxable allowances. Tax is deducted at basic rate until the Inland Revenue notify the Authority of the appropriate tax code for each Member.
- 7.1.3 Some expenses incurred by Members in the course of Authority duties as Members may be deductible against tax. Any Member who believes that some of his/her expenses as a Member may be tax deductible, should contact his/her Tax Office.
- 7.1.4 The Authority's Tax Office is

Inland Revenue
Nottingham 1 TSO
Castle Meadow
Castle Meadow Road
Nottingham NG2 1AB
Tax Reference Number : 507/588999
Tel: 0115 9741000

7.2 NATIONAL INSURANCE CONTRIBUTIONS

- 7.2.1 Basic and Special Responsibility Allowance payments will attract National Insurance (NI) contributions at levels which vary depending on the total earnings of Members.

7.2.2 Some Members may not be liable to any NI Contributions on Allowances if they fulfil any of the following criteria:

- (a) Their total earnings are less than the specified minimum limits set out by the Inland Revenue
- (b) They are men aged 65 or over
- (c) They are women aged 60 or over

7.2.3 There is no NI liability if total earnings are less than the specified minimum, currently £378 per month.

7.2.4 Some Members, who are married women or widows who have elected to pay reduced rate contributions for NI, may also need to have their NI Contributions on allowances calculated at a reduced rate.

7.2.5 Members who are self-employed may also be subject to different levels of NI Contributions.

7.2.6 Members who believe that they fall into any of the above categories should contact the Department of Social Security (DSS) to obtain the appropriate certificates.

7.3 STATUTORY SICK PAY

7.3.1 Provided certain requirements are satisfied, Members may be able to claim Statutory Sick Pay from the Authority.

7.4 SOCIAL SECURITY BENEFITS

7.4.1 The receipt of allowances may affect Members who are receiving Social Security Benefits. All allowances should be declared to the DSS who will be able to advise Members about the way in which allowances affect benefits such as Income Support.

7.4.2 Members should note that failure to disclose any allowances to the DSS may result in prosecution.

Schedule 1

1.1 Payments

1.1.1 Payments shall be made, in respect of Basic and Special Responsibility and Co-optees Allowances, in arrears in instalments of one-twelfth of the amount specified in the Scheme on the last working day of each month (unless otherwise notified).

1.2 Rates of Basic, Special Responsibility and Co-optees' Allowances

Allowance	Amount
Basic	£ 500 pa
Special Responsibility	
(a) Chair(man) of the Authority	£16,800 pa
(b) Vice Chair(man) of the Authority	£5,000 pa
(c) Leaders of minority Groups	£500 pa
Co-optees'	
(a) As Chair of Standards Committee	£ 500 pa
(b) Any other Co-optee	£ 300 pa

Schedule 2

2.1 Part-Year Entitlement

2.1.1 The following will apply if in the course of a year

- (a) the scheme is amended or
- (b) a Member (excluding any Co-optee) becomes, or ceases to be a Member, or
- (c) a Member (excluding any Co-optee) accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable or
- (d) a Co-optee becomes, or ceases to be a Co-optee.

2.2 Amendments to the Scheme

2.2.1 If one or more amendments to the Scheme are made which take effect after 1 April for the year in question and change the amount(s) of any Allowance to which Members are entitled, the effect on Members' entitlement will be as follows.

2.2.2 If the amendment is backdated to the start of the year, Members' entitlement shall be adjusted accordingly.

2.2.3 Otherwise the Members' entitlement shall reflect the changes in the rate of Allowance and the period(s) during which each rate was in force.

2.3 Members for part Year only

2.3.1 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, his/her entitlement to Basic Allowance shall be to the payment of the appropriate proportion of the Basic Allowance:

- (a) for the number of days during which his/her term of office as a Member subsists and

- (b) at the rate or rates applicable to that Allowance while his/her term of office as a Member subsists.

2.4 Members performing Special Responsibilities for part Year only

2.4.1 Where a Member carries out any special responsibility such as entitles him/her to a Special Responsibility Allowance during part only of a year, his/her entitlement shall be to payment of the appropriate proportion of the Special Responsibility Allowance

- (a) for the number of days during which that Member has such special responsibility and
- (b) at the rate or rates applicable to that Allowance while the Member had such special responsibility.

2.5 Co-optees for part Year only

2.5.1 Where the appointment of a Co-optee begins or ends otherwise than at the beginning or end of a year, his/her entitlement to Co-optees' Allowance shall be to the payment of the appropriate proportion of the Co-optees' Allowance.

- (a) for the number of days during which his/her appointment as a Co-optee subsists and
- (b) at the rate or rates applicable to him/her as a Co-optee while his/her appointment as a Co-optee subsists.

Schedule 3

Travelling and Subsistence Rates

3.1 Public Transport

3.1.1 The Authority will reimburse actual cost of coach travel or first class rail fares. When travelling by train Members should obtain rail tickets from Headquarters. In the first, instance please contact the Secretary to the Chief Fire Officer as soon as travel arrangements have been confirmed and s/he will arrange for tickets to be issued. If Members/Co-optees need to purchase their own tickets they should submit their receipt or ticket when claiming reimbursement.

3.1.2 Long distance travel by public transport is encouraged but may be undertaken by private car and if so the Authority will pay Members/Co-optees the appropriate car mileage allowance shown below.

3.1.3 For local travel Members may choose either:

- (a) the appropriate car or cycle mileage allowance shown below or
- (b) to buy a bus ticket and claim later

3.1.4 Taxi fares may be claimed but only (a) in cases of urgency or (b) for meetings outside normal working hours (8.30 a.m. - 6.30 p.m.) and, in either case, where there is no suitable public transport available. Receipts should be produced.

3.2 Car Mileage Allowances

3.2.1 Capacity

The rate for travel by a Members own Solo Motorcycle shall be:

Up to 500cc	23.2p per mile
Over 500cc	28.5p per mile

The rate for travel by motor vehicle will be:

Up to 1199cc	40.4p per mile
exceeding 1199cc	50.5p per mile

3.2.2 Supplement for Passengers

An additional 2.3p per mile for each passenger carried may be claimed.

The distance claimed for mileage should be the shortest most reasonable journey by road from the point of departure to the point at which the duty is performed, and similarly from the duty point to the place of return.

Cycle Allowance 20.0p per mile

Day Subsistence

The amounts below are the maximum which can be claimed.

Eligibility is based on the time of day meals are taken and time away from home, as follows: -

Breakfast allowance £5.57	-	more than four hours' absence before 11.00am
Lunch allowance £7.70	-	more than four hours' absence including 12 noon – 2.00pm
Tea allowance £3.04	-	more than four hours' absence including 3.00pm – 6.00pm
Evening Meal allowance £9.54	-	more than four hours' absence ending after 7.00pm
Out of Pocket Expenses £4.31	-	single night
£17.26	-	Weekly

Where meals are necessarily taken on trains and the cost of the meal is not included in the ticket price the actual price of the meal will be reimbursed.

3.3 Overnight Subsistence

3.3.1 Where a Member attends a UK meeting or event which involves an overnight stay, hotel accommodation will be booked and paid for by the Fire & Rescue Authority unless otherwise agreed by the Chief Fire Officer in consultation with the Chairman.

3.3.2 Where an overnight stay is required, overnight subsistence may be claimed up to a maximum of £115.00

3.3.3 Receipts should be produced for all subsistence claimed.

3.3.4 Any rate paid in respect of overnight allowances shall be deemed to cover a continuous period of 24 hours.

Schedule 4

Approved Duties

4.1 Approved Duties for the claim of Travelling and Subsistence Allowances

4.1.1 Members of the Fire & Rescue Authority may claim both travelling and subsistence allowances for a range of “approved” duties as follows:

- i) Any attendance as an appointed Member at meetings of the Fire & Rescue Authority or any working party, panel or consultative group convened by the Authority to which Members of at least two political parties have been invited.
- ii) An attendance at a meeting of any other body to which the Member has been appointed by the Fire & Rescue Authority.
- iii) Seminars or training sessions organised by the Fire & Rescue Authority where attendance is open to Members of more than one political group.
- iv) Any attendance at a meeting of a group called by the Chief Fire Officer expressly for the purpose of discussing Fire & Rescue Authority business.
- v) Pre Agenda meetings of the Fire & Rescue Authority.
- vi) Formal visits approved by the Fire & Rescue Authority.
- vii) Group Management meetings if applicable.
- viii) Meetings with representatives of the constituent authorities, District Councils in Nottinghamshire and other Fire & Rescue Authority Members within the region.
- ix) Visits and duties outside the County area but within Great Britain for a period not exceeding 72 hours in connection with the discharge of the functions of the Fire & Rescue Authority made by the Chairman or Minority Party spokesperson(s).
- x) Attendance at seminars etc. to address non-political bodies at national and regional level on subjects related to the Fire & Rescue Authority by the Chair or Minority Party spokesperson(s).
- xi) Attendance at seminars and conferences as approved by the Fire & Rescue Authority.
- xii) Any attendance upon land or premises within the County area for the purposes of, or in connection with the discharge of the functions of the Fire & Rescue Authority, such duties to include:

Consultation with Officers

Visits to Fire & Rescue Authority premises to acquaint themselves with conditions there when formally arranged with the Chief Fire Officer.

Organised visits to exhibitions relating to the functions of the Fire & Rescue Authority.

Organised visits to sites and premises associated with actual or proposed projects of the Fire & Rescue Authority.

Visits to Fire H.Q to deal with essential correspondence, paperwork etc. relating to the Fire & Rescue Authority.

4.1.2 Members may not claim either travelling or subsistence allowances for the following responsibilities:

- i) Disciplinary matters within a Group
- ii) Correspondence relating to Group policy
- iii) Matters relating to the internal organisation of a Group
- iv) Taking up a constituent's grievance with anyone other than the Combined Fire & Rescue Authority.
- v) Attendance at a local function to presents awards or cheques
- vi) Social engagements.

4.2 Approved Duties (Travelling Allowance only)

4.2.1 Approved duties for the payment of travelling allowance only are as follows:-

- Attendance by formal invitation at any Fire & Rescue Authority organised hospitality function.
- Attendance as a representative of the Fire & Rescue Authority at a local function to present an award or cheque.
- Attendance by invitation at a County Council, District Council, City Council or Parish Council meeting to participate in the discussion of a Fire & Rescue Authority function (subject to prior approval of the Chief Fire Officer).

SCHEME OF DELEGATION

For this scheme

- Fire & Rescue Authority means the Nottinghamshire and City of Nottingham Fire & Rescue Authority.
- Financial Regulations means the Finance Standing Orders, Financial Regulations and Codes of Procedures, etc approved from time to time by the Nottinghamshire and City of Nottingham Fire & Rescue Authority.
- Personnel Regulations means the Personnel Regulations and Personnel Handbook approved from time to time by the Nottinghamshire & City of Nottingham Fire & Rescue Authority.

Section 1

General Delegation to the Chief Fire Officer

The Chief Fire Officer shall exercise the following powers:

1. Subject to any provisions of statute and subject to any overriding authority of Financial Regulations and Personnel Regulations, the Chief Fire Officer shall have the authority to take any action with regard to any matter within the purview of his/her appointment subject to the following principles:-
 - a. The Chief Fire Officer shall not be empowered to deviate from the approved policies of the Fire & Rescue Authority.
 - b. The Chief Fire Officer shall not be empowered to initiate significant matters of new policy without the approval of the Fire & Rescue Authority.
 - c. The Chief Fire Officer shall not use his/her delegated powers in any way which would produce an imbalance between the approved policies of the Fire & Rescue Authority; he/she shall be able to exercise discretion on virement between approved budget headings provided that this action does not produce a significant change of emphasis in Fire & Rescue Authority policies, and is exercised in accordance with Financial Regulations.
 - d. The Chief Fire Officer shall be empowered to appoint and manage staff within the Establishing Scheme approved by the Fire & Rescue Authority and in accordance with Personnel regulations, but shall not appoint staff at the level of Deputy Chief Fire Officer or Assistant Chief Fire Officer without the approval of the Fire & Rescue Authority.
 - e. The Chief Fire Officer shall report at regular intervals to the Fire & Rescue Authority setting out in narrative form the principal use made by him/her of the powers delegated by this resolution or otherwise, together with any uses which the Chief Fire Officer considers to be particularly important or unusual.
 - f. The Chief Fire Officer is empowered to enter into contracts only within Financial Regulations and Codes of Procedures.

2. To designate in writing such other Officers as the Chief Fire Officer thinks fit to exercise any authority delegated to the Chief Fire Officer under this scheme of delegation or otherwise.
3. To exercise the statutory powers described in the Specific Delegation to the Chief Fire Officer contained in this Scheme as set out below and any similar powers in relation to any amended, consequential or re-enacted Act, regulation or Order.

General Delegation to the Treasurer and the Clerk/Monitoring Officer

There is delegated to the Treasurer and to the Clerk/Monitoring Officer authority to take any action within the purview of their respective appointments, subject to the relevant general principles applying to the exercise of delegated powers by the Chief Fire Officer.

Section 2

Powers Delegated to the Chief Fire Officer

- (i) There is delegated to the Chief Fire Officer authority to exercise the powers and duties of the Fire & Rescue Authority, and of any body for which the Fire & Rescue Authority act as agent, in respect of:-

- The Fire & Rescue Services Act 2004 and the Fire Precautions Act 1971.
- Appointments and authorisations, issue and transfer of licences, issue serving and enforcement of prohibition and improvement notices, granting or refusal of exemptions, the issue of responses and the institution of proceedings under the following enactment's:-

Factories Act 1971
 Fire Precautions Act 1971, Modified 1987
 The Fire & Rescue Services Act 2004
 Office, Shops & Railway Premises Act 1973
 Place of Work Regulations

Animal Boarding Establishments Act 1963
 Building Regulations 1991
 Building Act 1985

Caravan Sites Control & Development of Act 1960
 Children & Young Persons Act 1933 amended 1952
 Children's Act 1989
 Chronically Sick and Disabled Persons Act 1970
 Cinemas Act 1985
 Cinematograph amended Act 1982
 Construction (Design & Maintenance) Regulations
 Construction (Health, Safety & Welfare) Regulations
 Control of Substances Hazardous to Health and (Amendment Regs 1990)
 Control of Explosive Regulations 1991

Radioactive Substances Act Exemption Order 1985
 Radioactive Substances Act 1960
 Registered Homes Act 1960
 Riding Establishments Act 1964
 Road Traffic Act 1974
 Road Vehicle Lighting Regulations 1989

Safety Signs & Signals Regulations 1996
Safety at Sports Grounds Act 1975

Theatres Act 1968
Thermal Insulation (Industrial Buildings) Act 1952 & 1972
Town & Country Planning Act 1971

Water Act 1945, 1981 & 1989

(ii) Land and Buildings

In compliance with Finance Standing Orders, Financial Regulations, statutory requirements and sound business practice, to manage and authorise the financing, procurement and disposal of goods, services and capital projects and to maintain asset registers.

(iii) Firefighters' Pensions

The Chief Fire Officer may exercise the Fire & Rescue Authority's discretionary powers under the Firefighters' Pension Scheme.

(iv) Ex-Gratia Payments

The Chief Fire Officer may determine claims for ex-gratia payments, etc up to £250 in respect of incidents affecting both employees and volunteers whilst they are carrying out duties at the request of the Fire & Rescue Authority and where damage is caused to their personal belongings.

(v) Extensions to Sick Pay Requests

To consider all individual cases of extensions to sick pay and to determine a defined time-scale for the period of the extension if agreed. Decisions of the Personnel Committee will be final and not open to appeal.

(vi) Urgency Matters

To determine any matter where a decision is required before the next full meeting of the Combined Fire Authority, subject to consultation with the Chairman, Vice Chairman and Opposition Spokespersons of that Authority.

TERMS OF REFERENCE FOR COMMITTEES & BOARDS

1. Combined Fire & Rescue Authority

To lead and support the delivery of effective and risk managed services for Community Safety and wellbeing.

To agree strategy and resources for future delivery of services for Community Safety and wellbeing.

To assess the effectiveness of current services for Community Safety and wellbeing.

Membership

12 Nottinghamshire County Council
6 Nottingham City Council

18 TOTAL

Quorum

6 Members

2. Personnel Committee

Membership

4 Labour Group
1 Conservative Group
1 Liberal Democrat Group

6 TOTAL

Quorum

3 Members

Introduction

The Nottinghamshire and City of Nottingham Fire & Rescue Authority are responsible for overseeing the corporate personnel function within the Brigade. This includes handling those Personnel and Industrial Relations issues that require an involvement at Member level. The Fire & Rescue Authority will discharge this part of its work through the Personnel Committee created to handle various types of personnel related matters. These matters to include appeals, grievances which arise from time to time either on an individual or collective basis, and dealing with the appointment of the Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer(s).

The Personnel Committee shall comprise Elected Members of the Fire & Rescue Authority. Details of the main Terms of Reference are given below. The Personnel Committee will not be concerned with general personnel policy related items, which will continue to be referred to the full Combined Fire & Rescue Authority. Appropriate Officers of the Authority, ie the Clerk to the Fire & Rescue Authority and the Head of Human Resources will advise the Personnel Committee.

Terms of Reference

Grading Appeals

To hear and decide on grading appeals and appeals relating to equal pay. Decisions of the Personnel Committee are to be without prejudice to any rights of the individual to pursue matters elsewhere.

Grievances, Recruitment, Appeals, Complaints, etc

To hear appeals brought to Member level through formal processes, eg grievance and harassment complaints procedures and recruitment appeals. Decisions of the Personnel Committee are to be without prejudice to any rights of any party to pursue matters elsewhere.

Appointments to the Post of Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer

To act as the Appointing Body for the post of Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer. To select for shortlist and interview and to appoint to the post of Chief Fire Officer, Deputy Chief Fire Officer and Assistant Chief Fire Officer.

3. Standards Board

Membership

3 Members of the Authority (one from each political group) and one independent co-opted Member.

Terms of Reference

To promote and maintain high standards of conduct by Members and co-opted Members.

To advise the Authority on the adoption or revision of its code of conduct, to monitor its operation and to assist Members and co-opted Members in observing it.

To arrange training and advice for Members and co-opted Members on matters relating to the Authority's code of conduct.

To consider matters referred to it under relevant legislation.

Model Code of Conduct

General Provisions

Scope

- a. A Member must observe the Authority's code of conduct whenever he:-
conducts the business of the Authority;
conducts the business of the office to which he has been elected or appointed; or
acts as a representative of the Authority, and references to a Member's official capacity shall be construed accordingly.
- b. An Authority's code of conduct shall not, apart from paragraphs 4 and 5(a) below, have effect in relation to the activities of a Member undertaken other than in an official capacity.
- c. Where a Member acts as a representative of the Authority –

on another relevant Authority, he must, when acting for that other Authority, comply with that other Authority's code of conduct; or

on any other body, he must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- d. In this code, "Member" includes a co-opted Member of an Authority.

General Obligations

A Member must:-

- a. promote equality by not discriminating unlawfully against any person;
- b. treat others with respect; and
- c. not do anything which compromises or which is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

A Member must not:-

- a. disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor
- b. prevent another person from gaining access to information to which that person is entitled by law.

A Member must not in his official capacity, or any other circumstance, conduct himself in a manner which could reasonably be regarded as bringing his office or Authority into disrepute.

A Member:-

- a. must not be in his official capacity, or any other circumstance, use his position as a Member improperly to confer on or secure for himself or any other person, an advantage or disadvantage; and
- b. must, when using or authorising the use by others of the resources of the Authority,
 - (i) act in accordance with the Authority's requirements; and
 - (ii) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which the Member has been elected or appointed.

A Member must when reaching decisions have regard to any relevant advice provided to him by:-

- a. the Authority's Chief Finance Officer acting in pursuance of his duties under Section 114 of the Local Government Finance Act 1988 or an equivalent provision in any regulations made under Section 6(6) of the Local Government and Housing Act 1989; and
- b. the Authority's Monitoring Officer acting in pursuance of his duties under Section 5(2) of the Local Government and Housing Act 1989.

A Member must, if he becomes aware of any conduct by another member which he reasonably believes involves a failure to comply with the Authority's code of conduct, make a written allegation to that effect to the Standards Board for England as soon as it is practicable for him to do so.

Interests

Personal Interests

A Member must regard himself as having a personal interest in any matter if the matter relates to an interest in respect of which notification must be given under paragraphs 13 and 14 below, or if a decision upon it might reasonably be regarded as affecting to a greater extent than other council tax payers, ratepayers, or inhabitants of the Authority's area, the well-being or financial position of himself, a relative or a friend or:-

- a. any employment or business carried on by such persons;
- b. any person who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- c. any corporate body in which such persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- d. any body listed in sub-paragraphs (a) to (e) of paragraph 14 below in which such persons hold a position of general control or management.

In this paragraph:-

- a. "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
- b. "partner" in sub-paragraph (2)(a) above means a Member of a couple who live together.

Disclosure of Personal Interests

A Member with a personal interest in a matter who attends a meeting of the Authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

Prejudicial Interests

Subject to next paragraph, a Member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

A Member may regard himself as not having a prejudicial interest in a matter if that matter relates to:-

- a. another relevant Authority of which he is a Member;
- b. another public Authority in which he holds a position of general control or management;
- c. a body to which he has been appointed or nominated by the Authority as its representative;
- d. the housing functions of the Authority where the Member holds a tenancy or lease with a relevant Authority, provided that he does not have arrears of rent with that relevant authority of more than two months, and provided that those functions do not relate particularly to the Member's tenancy or lease;
- e. the functions of the Authority in respect of school meals, transport and travelling expenses, where the Member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends;
- f. the functions of the Authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, or is entitled to the receipt of such pay from a relevant Authority; and
- g. any functions of the Authority in respect of an allowance or payment made under sections 173 to 176 of the Local Government Act 1972 or section 18 of the Local Government and Housing Act 1989.

Participation in Relation to Disclosed Interests

A Member with a prejudicial interest in any matter must:-

- a. withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless he has obtained a dispensation^[37] from the Authority's standards committee; and
- b. not seek improperly to influence a decision about that matter.

For the purposes of this Part, "meeting" means any meeting of :-

- a. the Authority; or
- b. any of the Authority's committees, sub-committees, joint committees, joint sub-committees, or advisory committees.

The Register Of Members' Interests

Registration of Financial and Other Interests

Within 28 days of the provisions of an Authority's code of conduct being adopted or applied to that Authority or within 28 days of his election or appointment office (if that is later), a Member must register his financial interests in the Authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to the Authority's monitoring officer of:-

- a. any employment or business carried on by him;
- b. the name of the person who employs or has appointed him, the name of any firm in which he is a partner, and the name of any company for which he is a remunerated director;
- c. the name of any person, other than a relevant Authority, who has made a payment to him in respect of his election or any expenses incurred by him in carrying out his duties;
- d. the name of any corporate body which has a place of business or land in the Authority's area, and in which the Member has a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
- e. a description of any contract for goods, services or works made between the Authority and himself or a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above;
- f. the address or other description (sufficient to identify the location) of any land in which he has a beneficial interest and which is in the area of the Authority;
- g. the address or other description (sufficient to identify the location) of any land where the landlord is the Authority and the tenant is a firm in which he is a partner, a company of which he is a remunerated director, or a body of the description specified in sub-paragraph (d) above; and

- h. the address or other description (sufficient to identify the location) of any land in the Authority's area in which he has a licence (alone or jointly with others) to occupy for 28 days or longer.

Within 28 days of the provisions of the Authority's code of conduct being adopted or applied to that Authority or within 28 days of his election or appointment to office (if that is later), a Member must register his other interests in the Authority's register maintained under Section 81 (1) of the Local Government Act 2000 by providing written notification to the Authority's Monitoring Officer of his membership of or position of general control or management in any:-

- a. body to which he has been appointed or nominated by the Authority as its representative;
- b. public authority or body exercising functions of a public nature;
- c. company, industrial and provident society, charity, or body directed to charitable purposes;
- d. body whose principal purposes include the influence of public opinion or policy; and
- e. trade union or professional association.

A Member must within 28 days of becoming aware of any changes to the interests specified under paragraphs 13 and 14 above, provide written notification to the Authority's monitoring officer of that change.

Registration of Gifts and Hospitality

A Member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Authority's monitoring officer of the existence and nature of that gift or hospitality.

5. Improvement and Development Board

Membership

6 Members of the Authority comprising four Labour and two Conservative Group Members.

Introduction

The Improvement and Development Board (IDB) is an ad hoc panel comprising six Members of the Nottinghamshire and City of Nottingham Fire & Rescue Authority and as such will have Elected Members appointed to it from the Fire & Rescue Authority on the basis that the Fire & Rescue Authority shall determine. A quorum will be two elected Members.

In addition there will be representation from officers and representative bodies.

The IDB will be chaired by the chair of the Fire & Rescue Authority or another Member as required.

The IDB will meet at least four times per annum on a programme designed to integrate with the set meeting dates of the Fire & Rescue Authority. The meeting dates will be approved by the Fire & Rescue Authority in its annual meeting publication list, but this will not stop the elected Members adding, deleting or changing dates.

The role of IDB is a discussion/advisory forum not a decision making forum therefore any outcomes from Improvement and Development Board will go to Fire & Rescue Authority for approval.

Role of The Improvement and Development Board

The ethos behind Improvement and Development Board is to aid the service to develop in the future by learning from the past, assisting with the present, and looking forward to providing direction for the future. The purpose of this is to assist in the development of a learning organisation that links together the political, employee and managerial perspectives.

IDB is not an addition or substitute for the approved negotiating, grievance or discipline processes of the Authority or Organisation. At no time will it engage in these areas of activity.

The Role of IDB will be to look at three distinct areas of service performance. These briefly being:

Past Performance – where it will continue with it's previous role relating to Best Value.

Current Performance – Where Elected Members will be able to enquire into current activity so as to assist in development.

Future Vision – the purpose is to enable the Service to link and engage with the Political priorities of the Authority via its Business Planning process.

IDB will act as the link between the Fire & Rescue Authority and the Fire and Rescue Service Performance Management Group. As such IDB will receive the minutes of the Performance Management Group.

In addition IDB will regularly be presented with up to date Performance Indicators so that the organisations progress can be assessed.

Specific References

Past Performance

Review current performance in comparison with previous performance using a range of agreed performance indicators.

Ensure that appropriate action plans are put in place to address areas where targets have not been met.

Review and evaluate external consultation processes.

Over see and direct Best Value reviews as required by legislation.

Current Performance

Monitor and enquire into selected aspects of the Fire and Rescue Services current performance.

Monitor and enquire into the business planning process with emphasis on the integration of team plans, section plans, departmental plans and the service plan, so as to aid the linkage between plans and the Authority's priorities.

Monitor and enquire into the content of the business plans described above.

Undertake sample audit trails following specific elements of the Business Plans from the bottom to top of the organisation.

Encourage the Performance Management Group in its ownership of performance and planning, and request appropriate feedback through the performance review process.

Encourage the engagement of Fire & Rescue Authority Members in the day to day activities of the Fire and Rescue Service, so as to aid the Service to achieve its objectives.

Ensure that there is clear direction from the Fire & Rescue Authority that is reflected in the Fire and Rescue Services aims, objectives and aspirations.

Aid with current internal and external communication processes.

Future Vision

Ensure that an annual Integrated Risk Management Plan is produced.

Ensure that the methodology used to produce the Integrated Risk Management Plan is robust, valid and appropriate.

Ensure that Framework Document issues are incorporated into IRMP and the wider planning process.

Ensure that the future direction, development and improvement of the Fire and Rescue Service are influenced by the findings of the annual Integrated Risk Management Plan.

Ensure that, within the business planning for the Fire and Rescue Service, regard is given to the regional strategic objectives set by the Regional Management Board.

Assist with the establishment of future performance indicators that meet the changing needs of the Authority and the Service.

Establish areas of future improvement that have not previously been highlighted by the performance management structure.

Assist with the design of future communication structures.

6. Ad-Hoc Members' Group on Equalities

Membership

4 Members of the Authority comprising three Labour Group and one Conservative Group Members.

Terms of Reference

The Group considers equality and diversity issues in depth and advises the Fire & Rescue Authority on these.