



CONSTITUTION

2023/24

OFFICIAL – JUNE 2023

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INTRODUCTION

Cleveland Fire Authority (“the Authority”) is a corporate body and for many purposes, has the status, rights and duties of a local authority under the Local Government Act 1972 and other local government legislation. It is funded from Government Grants and by precepting the constituent councils of Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton on Tees. The Authority operates within an agreed governance framework which sets out its rules and regulations in relation to meetings, decision making and responsibilities.

The sixteen Elected Members of the Authority are nominated by the four constituent Borough Councils – Hartlepool (three Members), Middlesbrough (four Members), Redcar & Cleveland (four Members) and Stockton-on-Tees (five Members). who are accountable in their decisions to the Authority rather than their individual council.

The Authority is statutorily responsible for the functions set out in:

- The Fire and Rescue Services Act 2004
- The Civil Contingencies Act (CCA)
- The Regulatory Reform (Fire Safety) Order 2005

The Government’s blueprint of priorities and objectives for fire and rescue services as set out in its document the ‘Fire and rescue national framework for England’ also influences the Authority’s work.

The Fire Authority sets out its strategic direction and budgets for the medium term. These are detailed within its Corporate, Community Risk Management, Resources and People Plans 2022 – 2026.

The Chief Fire Officer is the Chief Officer (Head of Paid Service) of the Brigade with direct responsibility to the Authority for the efficient operation of the Brigade.

The Authority has a Constitution which sets out how it operates, how decisions are made and the procedures and legislation followed to ensure that an efficient, effective, transparent and accountable service is delivered to the local community. Some of these processes are required by law, whilst others are matters for the Authority to agree. The Constitution is divided into Sections which set out the basic rules governing the Authority’s business.

Section 1 - Governance

Details the Authority's membership, committee structure and governance information.

Section 2 - Terms of Reference and Delegated Powers

Details the terms of reference and delegated powers of the Authority and Committees.

Section 3 - Scheme of Delegation

The Delegation Scheme sets out the terms and limitations upon which the Authority has empowered its Authorised Officers, this includes additions in line with the requirements of the Public Service Pension Act 2013 and Regulations made thereunder.

Section 4 - Financial Procedure Rules

The Financial Procedure Rules have been reviewed and clarifies responsibilities and accountabilities.

Section 5 - Standing Orders

Standing Orders of the Authority in Respect of Proceedings and Business

Section 6 - Contract Procedure Rules

The Contract Procedure Rules ensure the Authority meets the expected standards in the procurement of goods, works and services.

Section 7 - Ethical Governance Framework

- Anti-Fraud and Anti-Corruption Strategy
- Standards and Partners
- Member Code of Conduct
- Register of Members Interests
- Gifts and Hospitality
- Arrangements for dealing with Standards allegations

Section 8 - Members Allowance Scheme

The Members Allowance Scheme details the governance of the scheme and will be reviewed by Members in 2023.

Section 9 - Code of Corporate Governance

The Code of Corporate Governance sets out how the Authority carries out their responsibilities in accordance with legislative and regulatory requirements whilst demonstrating accountability, transparency, effectiveness, integrity, impartiality, inclusivity and efficiency.

GOVERNANCE

Membership

The sixteen Elected Members of the Authority are nominated by the four constituent Borough Councils. The appointing Councils appoint Members for whatever term they feel appropriate (one to four years). Members can resign at any time and cease to hold office if they cease to be Councillors. Councils can replace their Members at their discretion.

Statutory Officers and Authorised Persons

The Authority has the following Statutory Officers; a Section 151 Officer (the Treasurer) a Monitoring Officer (Peter Devlin) and a Head of Paid Service (the Chief Fire Officer).

The Assistant Chief Fire Officer Strategic Planning and Resources undertakes the role of Clerk to the Authority and the Authority has appointed the Senior Head of Assets as the Data Protection Officer in line with GDPR. There are four Authorised Persons whose roles are outlined within the Delegation Scheme at Section 4, namely the Chief Fire Officer (Ian Hayton); Assistant Chief Fire Officer Strategic Planning and Resources (Karen Winter); Treasurer (Chris Little) and the Legal Adviser and Monitoring Officer (Peter Devlin).

Political Representation 2023/24

Hartlepool:	Ashton, Cassidy, Clayton
Middlesbrough:	Coupe, Kabuye, McCabe, Thompson
Redcar & Cleveland:	Chaney, Kay, Ovens, Taylor
Stockton on Tees:	Beall, Gardner, Houghton, Mubeen, Stoker

Meeting Structure

The Fire Authority is underpinned by two committees: an Executive Committee of seven Elected Members and an Audit and Governance Committee of nine Elected Members and two Independent Persons.

The Authority operates within an agreed governance framework which sets out its rules and regulations in relation to meetings, decision making and responsibilities.

Calendar of Meetings 2023/24

Cleveland Fire Authority meetings normally commence at 2.00pm and the Executive and Audit and Governance Committees commence at 11.15am and 11.00am respectively. Meetings are normally held at the Training and Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool, TS25 5TH. Meetings of the Authority are open to the public unless the Access to Information Rules apply. Meetings may be held remotely as per Government guidance. For further information, please contact the Democratic and Administration Manager on 01429 872311 or cfa@clevelandfiregov.uk

CLEVELAND FIRE AUTHORITY 2.00 pm	EXECUTIVE COM 11.15 am	AUDIT & GOVERNANCE 11.00 am
9 June 2023 – Annual Meeting		30 June 2023
28 July 2023	7 July 2023	25 August 2023
13 October 2023	22 September 2023	
8 December 2023	17 November 2023	24 November 2023
9 February 2024	19 January 2024	23 February 2024
29 March 2024	8 March 2024	
7 June 2024 – Annual Meeting	17 May 2024	

Appointment of Chair and Vice Chair

At the Cleveland Fire Authority meeting on 31 March 2017, Members resolved that the rotation of Chair and Vice Chair be discontinued (Minute No. 112.1 refers). The Chair and Vice Chair will be appointed at its annual meeting following a vote of Members. Members may also wish to consider appointing the Audit and Governance Chair at the annual meeting.

Appointment to Outside Bodies

Appointments will be made to the following Outside Bodies at the Annual meeting following a vote of Members:

Local Government Association Fire Commission - One Member (Chair or Vice Chair)
One Named Substitute Member

Redcar & Cleveland Community Safety Partnership – One Redcar & Cleveland Member

Stockton Safer Partnership Representative – One Stockton on Tees Member

Protocol for filming, recording and photographing at Authority Meetings

The Authority has a procedure in place for members of the public or media who wish to film, audio- record or photograph proceedings which can be found on the Brigade website.

Access to Information

Agenda Papers are published on www.clevelandfire.gov.uk five working days prior to the meeting. Notice of Meetings are displayed five working days in advance of a formal meeting at the four Constitution Councils main offices and the venue where the meeting is to be held.

Meetings of the Fire Authority are open to the public unless Access to Information rules apply. When these rules apply, they will be excluded from the meeting as the business being disclosed is exempt or not for publication under the relevant exemption paragraph of the Local Government Act 1972, Part 1 Schedule 12A as amended by the Local Government (Access to Information) (Variation) Order 2006.

A motion to exclude the press and public may also be moved without notice at any time during a meeting, but the mover must identify which of the seven paragraphs it is exempt from.

TERMS OF REFERENCE AND DELEGATED POWERS

CLEVELAND FIRE AUTHORITY

Strategic

- setting the vision and strategic direction of the Authority
- ensuring the views of the community, partners and constituent councils are taken into account and that they are kept fully informed of the Authority's plans
- approving the Authority's Community Integrated Risk Management Plan
- approving proposals for major changes to delivery of services
- reviewing the corporate identity of the Authority
- establishing an effective and efficient Corporate Governance Framework
- acting as the Subscriber to the Memorandum of Association of the Community Interest Company (CIC) and being a Member of the CIC

Financial

- setting the Authority's Medium Term Financial Strategy and Revenue and Capital Budgets
- complying with the International Financial Reporting Standards (IFRS)
- approving the Treasury Management Policy and Strategy
- approving the Authority's Pay Policy Statement
- approving The Financial Report (Statement of Accounts)

Risk and Performance

- establishing the Authority's risk and performance management frameworks including risk analysis; and risk and performance management, monitoring and scrutiny arrangements

Appointment and Terms and Conditions

- appointing the Chief Fire Officer, Treasurer and Legal Adviser and Monitoring Officer in accordance with the Pay Policy Statement (recommendation from the Executive Committee)
- appointing the Independent Persons to serve on the Audit and Governance Committee (recommendation from the Executive Committee)

Governance

- ensuring Elected Member development
- receiving minutes of Executive, Audit and Governance Committees
- receiving reports from the External Auditor, Chief Fire Officer, Proper Officers and Chairs

Quoracy

- Six Members (one third)

CLEVELAND FIRE AUTHORITY - DELEGATIONS

The Authority has already recognised that it would be inefficient and ineffective to make all the decisions itself and therefore has a Scheme of Delegation in place that reflects best practice and the CIPFA/Solace 'Delivering Good Governance in Local Government (Guidance note). The Scheme of Delegation is at Section 3

The Clerk and the Chair have delegated powers to agree Member attendance at external events.

The powers delegated to the Executive Committee are detailed within its terms of reference.

The powers delegated to the Audit and Governance Committee are within its terms of reference.

EXECUTIVE COMMITTEE

Membership

- CFA Chair and Vice Chair to be included in the membership
- CFA Chair to chair the Executive Committee
- A representative from each of the four constituent councils to be included within the seven members
- When the Committee meets to consult with the Representative Bodies, two representatives from the Fire Brigades Union; one Unison and one APFO representative will be invited to attend. The views of the Trade Unions will be noted at this informal meeting.

Principle Remit

To make recommendations to the Authority on the major strategic issues set out in its terms of references and formulate and approve the Authority's Policies in line with its delegated decision-making powers under the Authority's Scheme of Delegation.

Strategic

- making recommendations to the Fire Authority on its:
 - vision and strategic direction
 - Community Risk Management Plan (CRMP) proposals
 - proposals for major changes to delivery of services

Financial

- making recommendations to the Fire Authority on:
- its Medium-Term Financial Strategy and Revenue and Capital Budgets
- its Pay Policy Statement

Risk and Performance

- monitoring progress on the implementation of the Authority's CRMP

Appointment and Terms and Conditions

- making recommendations to the Fire Authority on the appointment of:
- the Chief Fire Officer, Treasurer and Legal Adviser and Monitoring Officer in accordance with the Pay Policy Statement
- the Independent Persons to serve on the Audit and Governance Committee

Quoracy

- four Members, plus one Representative Body when dealing with consultation issues

EXECUTIVE COMMITTEE – DELEGATED POWERS

Strategic

- approving the Authority's Policies
- approving the Authority's Annual Statement of Assurance

Financial

- reviewing the Authority's discretions under the Local Government Pension Scheme (LGPS) and Firefighters Pension Schemes

Appointment and Terms and Conditions

- appointing Assistant Chief Fire Officers in accordance with the Pay Policy Statement
- approving the terms and conditions of employment of the Legal Adviser and Monitoring Officer and Treasurer
- approving the local pay and terms and conditions of Brigade Managers in accordance with the Pay Policy Statement

Hearings and Appeals

- hearing grievances and disciplines in respect of Brigade Managers, Treasurer and Legal Adviser & Monitoring Officer
- hearing an appeal against cases of dismissal relating to all Brigade staff
- hearing appeals from Area Managers
- hearing an appeal against withholding Members' allowances

Governance

- making urgent decisions where it is not practicable to call a meeting of the Authority, subject to a follow up report to the next Fire Authority meeting setting out the reason for the urgency and the decision reached
- approving overseas travel outside the European Union
- making decisions on any matters concerning an industrial dispute with Trade Unions

Consultation

- consulting/liaising with recognised Representative Bodies on the formulation of Authority's policies before final decisions are reached
- responding to consultation documents both nationally and regionally

Procurement

- compiling tender lists, opening tenders and accepting the most suitable in accordance with the Authority's Constitution and Contract Procedure Rules

AUDIT AND GOVERNANCE COMMITTEE

Membership

- To be chaired by a member outside of the majority group
- Any member not on the Executive Committee will be appointed to the Audit and Governance Committee
- The 2 Independent Persons (Messrs Paul McGrath and Steve Harwood) attend meetings in an advisory capacity.
- The External Auditors (Mazars LLP) attend and present their reports to Members

Principle Remit

- The role of an Audit Committee is very important and whilst it is not a statutory requirement to have such a committee, it is well recommended and regarded as best practice by both Auditors and CIPFA
- CIPFA also regard it as best practice for the audit committee to be separate from the executive committee with the size of the audit committee not being unwieldy.
- The purpose of the Audit and Governance Committee is to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance process.
- The Audit and Governance Committee will include two Independent Persons appointed to undertake the function of standards.

Strategic

- scrutinising the Authority's Annual Statement of Assurance

Financial

- monitoring the progress of the Authority's Medium Term Financial Strategy and Revenue and Capital Budgets
- monitoring and scrutinising of the Treasury Management Strategy
- scrutinising The Financial Report

Risk and Performance

- providing independent assurance of performance, risk management and data quality frameworks
- monitoring, scrutinising, regularly reporting and communicating on the Authority's performance, risk and efficiency outcomes
- monitoring the management of the Authority's Corporate Risks

Audit

- scrutinising of External and Internal Audit reports and monitoring of achievements against any associated action plans and recommendations
- scrutiny of the Internal Audit Annual Report

Standards

- advising the Authority on promoting and maintaining good ethical governance and standards
- advising the Authority upon the adoption of a Members' Code of Conduct and any revisions to that Code through monitoring its operation and overall effectiveness
- providing advice, guidance and training in relation to the duty to promote and maintain high standards of conduct in observing the Authority's Code of Conduct by elected and co-opted members
- ensuring that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted
- reviewing the Anti-Fraud and Anti-Corruption Strategy
- making recommendations to the Authority in relation to the promotion and maintenance of high ethical standards within the Authority and to contribute to issues of governance at its discretion

Quoracy

- three Members, plus one Independent Person when dealing with Standards
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AUDIT AND GOVERNANCE – DELEGATED POWERS

Financial

- approve the Annual Governance Statement contained within the Financial Report

Audit

- approve the External Auditors Annual Audit Letter
- approve the Audit Strategy Memorandum - check title
- adopt the Annual Internal Audit Plan

Hearing and Appeals

- hearing appeals from the Treasurer and Legal Adviser and Monitoring Officer against the Executive Committee's decision in relation to terms of conditions of employment, grievance and discipline
- hearing appeals from Brigade Managers against the Executive Committee's decision in relation to pay, terms of conditions of employment, grievance and discipline

Standards

- undertaking matters of complaint referred to them by the Legal Adviser and Monitoring Officer or through any regulatory body for their consideration and to delegate to a **Hearing Sub-Committee**, powers to consider the outcome of any investigation report, to publish report findings and make such recommendations as are appropriate. **See Standards Note 1**
- granting dispensations to Members upon the requirements relating to disclosable pecuniary interests as set out within the Code of Conduct

AUDIT AND GOVERNANCE – Hearing Sub Committee

STANDARDS NOTE 1

Membership

The Hearings Sub-Committee is a Sub-Committee of the Authority's Audit and Governance Committee. The Audit and Governance Committee has decided that the sub-committee will comprise of a maximum of five and a minimum of three of its members drawn from at least two different political parties. Subject to those requirements, a Member is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Authority.

The Independent Person is invited to attend all meetings of the Hearings Sub-Committee and his/her views are sought and taken into consideration before the Hearings Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

Delegated Powers

The Audit and Governance Committee has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –

- Publish its findings in respect of the member's conduct;
- Report its findings to the Authority for information;
- Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to the Authority or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Authority;
- Recommend to the Leader of the Authority (operating executive arrangements) that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Instruct the Monitoring Officer to arrange training for the member;
- Remove from all outside appointments to which he/she has been appointed or nominated by the Authority;
- Withdraw facilities provided to the member by the Authority, such as a computer, website and/or email and Internet access; or
- Exclude the member from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending Authority, Committee and Sub-Committee meetings.

NOTE

The Hearings Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

At the end of the hearing, the Chair will state the decision of the Hearings Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Sub-Committee. The decision notice will be made available for public inspection and the decision reported to the next convenient meeting of the Authority.

The full complaints process and procedure for local hearings are detailed within the Ethical Governance Framework at Section 7.

CFA LOCAL PENSION BOARD

Firefighter Pension Schemes

Membership of the Board

3 Employer Representatives – Councillors tbc

3 Employee Representatives – Dave Howe, Sid Walker, Alan Turner

Substitutes

1 Employer – Councillor tbc

1 Employee - vacant

Remit of the Board

The purpose of the Board is to assist the Administering Authority in its role as a Scheme Manager of the Scheme to:

- Secure compliance with Regulations, any other legislation relating to the governance and administration of the Scheme and requirements imposed by the Pension Regulator in relation to the Scheme and;
- Ensure the effective and efficient governance and administration of the Pension Scheme.
- Provide the Scheme Manager with such information as it requires ensuring that any member of the Pension Board or person to be appointed to the Board does not have a conflict of interest.

The Board will ensure it effectively and efficiently complies with the code of practice or future codes of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.

Substitutes

At the CFA meeting on 10 December 2021, it was agreed LPB substitutes be established who will be able to act as Board members in the absence of one of the relevant full members.

Substitutes are encouraged to attend board meetings as observers and will also be invited to attend training sessions to help improve their knowledge and understanding of pension issues.

The Board has no delegated powers

Quoracy

1 Employer representative

1 Employee representative

INDEPENDENT REMUNERATION PANEL

Membership – Four Independent Representatives

One representative from each of the Independent Remuneration Panels of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton on Tees which will be appointed by their constituent council

Terms of Reference

When instructed by the Authority, the Treasurer will call an Independent Remuneration Panel. The next review is scheduled for 2023.

The IRP have no delegated powers and make recommendations to the Cleveland Fire Authority regarding:-

1. The amount of basic allowance that should be payable to its elected members.
2. The responsibilities or duties of Members which could/should lead to the payment of a special responsibility allowance (SRA) and as to the amount of such an allowance.
3. The Member duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance.
4. Whether any allowance should be backdated to the beginning of a financial year in the event of the Member Allowances scheme being amended.
5. Whether annual adjustments of allowance levels may be referred to an index and if so, for how long such a measure should run.

Quoracy

Three representatives

Scheme of Delegation

Cleveland Fire Authority's Delegation Scheme aligns to Core Principle 1 of the CIPFA/SOLACE 'Delivering Good Governance in Local Government Framework (2016 edition)'

Core Principle 1: *'Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law'*

1. Introduction

- 1.1 In practical terms Cleveland Fire Authority is unable to make every decision itself and therefore has specific statutory powers under the Local Government Act 1972 to delegate decisions to Committees and Officers.
- 1.2 This Scheme of Delegation sets out the terms and limitations upon which the Authority has empowered its **"Authorised Officers"** namely the Chief Fire Officer, the Treasurer, the Legal Adviser and Monitoring Officer and the Assistant Chief Fire Officer Strategic Planning and Resources (ACFOSPR) to act on behalf of the Authority and exercise delegated powers on behalf of the Authority pursuant to the statutory scheme set out in the Local Government Act 1972 and other enabling legislation including statutory instruments, regulations and orders.
- 1.3 The Authority has also delegated powers to its Committees, and these are specified in the roles and responsibilities of those committees.
- 1.4 Insofar as is lawful for it to do so, the Authority will indemnify Officers acting bona fide in the exercise of the functions of the Authority in any case where proceedings may be taken against them in respect of acts done by them in the discharge or purported discharge of the functions delegated to them.
- 1.5 The Authorised Officers shall exercise any delegated powers by making decisions that comply with the relevant approved policies and procedures of the Authority; expenditure decisions shall be in line with the standing orders and financial regulations of the Authority and within approved financial budgets.
- 1.6 The Authorised Officers may empower other officers of the Authority for whom they are managerial responsible to make decisions and act on their behalf in connection with matters of day-to-day management and administration of the Authority subject to the other limitations of this scheme.
- 1.7 The Chief Fire Officer, Treasurer, Legal Adviser and Monitoring Officer and the Assistant Chief Fire Officer Strategic Planning and Resources are authorised to negotiate, conclude and execute on behalf of the Authority any document or agreement required to give effect to any decision taken by the Authority, Committee or Officer whether or not that decision specifically records such an authorisation, provided that where expenditure is authorised under the Financial Regulations, any documentation giving effect to that expenditure may be entered into by the Officer incurring the expenditure.

2. Responsibilities of the Authority and the Chief Fire Officer

- 2.1 The statutory duty to make provision under Part 2 of the Fire and Rescue Services Act 2004 ('the Act') for fire safety, firefighting, action in respect of road accidents and other emergencies, together with other functions provided for in the Act is vested with the Cleveland Fire Authority. Thus, the Fire Authority has the overall control over the strategic direction, establishment, budget and functions of the Brigade as a body and over the acquisition, disposal and alteration of Brigade premises and appliances.
- 2.2 The Chief Fire Officer is the Chief Officer (Head of Paid Service) of the Brigade with direct responsibility to the Authority for the efficient operation of the Brigade. As such, it is essential that the Chief Fire Officer has all powers necessary for the discharge of that responsibility. The powers of the Chief Fire Officer should be such as to enable him to discharge his duties with certainty of his authority, whilst recognising and respecting the duty of the Fire Authority under the Act. The powers should, therefore, be such as to equip the Chief Fire Officer for:
- (i) the efficient operation of the Brigade in all its functions, in respect of the statutory duties regarding Fire Services and any other activities approved by the Fire Authority; and
 - (ii) all administrative and managerial activities incidental to the running of the Brigade, its equipment, and premises.
- 2.3 Power (subject to the Authority's Financial and Contract Procedure Rules, policies, schemes and procedures of the Authority):
- (i) to take any executive, administrative or operational action necessary for the efficient functioning of the Fire Brigade
 - (ii) to take any action necessary for the discharge by the Authority of their duties regarding fire safety
 - (iii) to dispose of surplus, obsolete or otherwise unwanted equipment, vehicles, plant or materials of any description
 - (iv) to make awards to employees for long service
 - (v) to incur expenditure within the approved Revenue Budget provision
- 2.4 The Chief Fire Officer is the Scheme Manager of the Local Pensions Board with delegated powers to exercise the Authority's powers and duties under the Local Government and Firefighter Pension Schemes and outlined at Section 2.
- 2.5 The Authority has appointed a Data Protection Officer with responsibility for the implementation of the General Data Protection Regulations and data protection compliance within the Fire Authority.

3. Procedure

- 3.1 The Authority discharges its statutory duties and responsibilities through its employees (the Brigade) and for this purpose delegates functions to the Chief Fire Officer and other Brigade Officers. In respect of their duties, responsibilities and actions, the Chief Fire Officer, and Brigade Officers are accountable to the Authority who are entitled to require the Chief Fire Officer and any other Officer to report to, or consult, the Authority on any aspect of their duties, responsibilities and actions.
- 3.2 The Chief Fire Officer and the Chair of the Authority shall meet (together with such other members as the Chair shall from time to time direct) according to a programme agreed between them to enable the Chief Fire Officer to brief the Chair on issues touching upon the duties and functions of the Authority or otherwise of concern or interest to the Members of the Authority.
- 3.3 Except when urgent action is necessary, the Chief Fire Officer's reports to the Authority will be submitted to a Chair/Chief Fire Officer meeting prior to referral to the Authority.
- 3.4 Where the Chief Fire Officer (and any officer of the Authority) reports upon actions taken (or to be taken) under delegated powers (which for the purposes of this protocol includes specific authority of the Authority), the delegated power will be quoted.
- 3.5 Where the Chief Fire Officer proposes to exercise delegated powers other than in respect of the normal operations of the Brigade, they shall consult the Authority's Legal Adviser and Monitoring Officer appointed under s.5 Local Government and Housing Act 1989 and Treasurer appointed under s151 of the Local Government Act 1972.
- 3.6 A meeting outside the agreed programme referred to in paragraph 2 above may be convened at any time at the request of the Chair, Chief Fire Officer, or any Authorised Officer of the Authority to discuss, clarify and, if possible, resolve any issues arising from the operation of this protocol.

4. The Delegation Scheme

- 4.1 Cleveland Fire Authority's Delegation Scheme is structured into Sections of functional responsibility to allow individuals to easily reference the appropriate delegated powers. These Sections are:
 - Section 1: Operations and Fire Safety
 - Section 2: Human Resources
 - Section 3: Finance
 - Section 4: Assets
 - Section 5: Legal
 - Section 6: Consultation
 - Section 7: Corporate Services
 - Section 8: Partnerships
 - Section 9: Other

4.2 The following abbreviations are used to represent the following officers:

- CFO: Chief Fire Officer
- TRS: Treasurer
- LAMO: Legal Adviser and Monitoring Officer
- ACFOSPR: Assistant Chief Fire Officer Strategic Planning and Resources
- ACFOCP: Assistant Chief Fire Officer Community Protection
- HoFP: Head of Finance and Procurement
- PM: Procurement Manager

4.3 An 'Authorised Officer' shall only use the delegated power as agreed with the relevant 'delegated officer'.

1. Operations and Fire Safety		
Delegated Power	Delegated Officer	Authorised Officer
1.1 Public Safety To authorise fire-fighters and other employees or individuals as appropriate to exercise personally and directly any powers vested in the Authority under any legislation (including the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004) and to authorise any such person to take any action authorised under legislative powers intended to secure the protection or rescue of human or animal life and/or to protect public safety generally and/or to protect property and/or the environment against threat or risk of harm in respect of which the Authority has a power or to prevent harm or mitigate loss and damage including action in connection with the prevention and suppression of fire, flood relief, other accidents and emergencies.	CFO	
1.2 Fire Legislation To exercise the duties and powers of the Authority, including the powers of charging, entry, issue of licences, registrations, notices and certificates, maintenance of registers and the appointment of officers (including as inspectors), in respect of the following legislation and any Orders, Regulations or Statutory Instruments made under them as occasionally amended: <ul style="list-style-type: none"> • Fire And Rescue Services Act 2004 • Civil Contingencies Act 2004 and regulations thereunder • Policing and Crime Act 2017 • The Regulatory Reform (Fire Safety) Order 2005 (including appointment of inspectors under article 26 – Enforcement Order) • Modern Slavery and Human Trafficking Act 2015 • Gambling Act 2005 • Licensing Act 2003 • Health and Safety at Work, etc., Act 1974 • The Safety at Sports Grounds Act 1975 • Local Government (Misc Provisions) Act 1982 • The Fire Safety and Safety of Places of Sport Act 1987 • Protection of Freedoms Act 2012 • Environment and Safety Information Act 1988 • Dangerous Substances (Notification of Marking of Sites) Regs 1990 • Construction (Health, Safety and Welfare) Regulations 2007 • Health and Safety (Safety, Signs and Signals) Regulations 1996 • Management of Health and Safety Regulations 1999 • The Regulation of Investigatory Powers Act 2000 • Fireworks Act 2003 • Dangerous Substances & Explosive Atmospheres Regulations 2002 • Localism Act 2011 – general power of competence and fire provision • Corporate Manslaughter and Corporate Homicide Act 2007 • The Fire and Rescue Services (Emergencies) (England) Order 2007 	CFO	ACFOCP

1. Operations and Fire Safety

Delegated Power	Delegated Officer	Authorised Officer
1.3 Fire Safety Legal Proceedings To institute any criminal or civil proceedings before a court of law or statutory tribunal as is considered appropriate for the purposes of implementing or enforcing any legislation which designates or empowers the Authority to take legal action as a relevant enforcement, licensing or regulatory control body.	CFO	ACFOCP
1.4 Fire Safety Inspections To appoint inspectors for the purpose of discharging any functions relating to the investigation of offences and to the inspection of land premises and other sites and for the enforcement generally of any legislation which designates the Authority as the relevant enforcement, licensing or regulatory control body and to authorise and facilitate all such inspectors to exercise any powers granted by the legislation to the Authority and/or Inspectors appointed for such purposes	CFO	ACFOCP
1.5 Fire Safety Enforcement To authorise the taking of any enforcement action (including the issue, amendment, cancellation or withdrawal of prohibition/improvement/stop/alteration notices etc.) under any legislation which designates the Authority as the relevant enforcement, licensing or regulatory control body	CFO	ACFOCP
1.6 Provision of Mutual Assistance and Reinforcement (i) To enter into agreements with Durham & Darlington and North Yorkshire Fire Authorities to provide mutual support and reinforcement under Section 13 and 16 of the Fire & Rescue Services Act 2004 (and any amendment thereof) or other national agreement subject to the requirements of the Cleveland Fire Brigade being given priority (ii) To enter into agreement with any Fire and Rescue Authority in the United Kingdom to provide mutual support and reinforcement under Section 13 & 16 of the Fire & Rescue Services Act 2004 (and any amendment thereof) or other national agreement subject to the requirements of the Cleveland Fire Brigade being given priority	CFO in consultation with the LAMO and TRS	
1.7 Emergency Planning Functions Responsibility for the Authority's Emergency Planning functions including all elements of Plan making and charging in relation to the manufacture and maintenance of Control of Major Accident Hazards (COMAH) Regulations 1999 and Pipelines Safety Regulations 1996 plans or other plans required by emergency planning legislation.	CFO	ACFOCP
1.8 Collaboration with Other Public Service Organisations To enter into agreement with other Public Service Bodies where it achieves economy, efficiency and effectiveness.	CFO in consultation with LAMO and TRS	

2. Human Resources

Delegated Power	Delegated Officer	Authorised Officer
2.1 Appointment, Redeployment and Promotion of Employees To appoint, redeploy and promote employees, except for the Chief Fire Officer and the Assistant Chief Fire Officers (which is the responsibility of the CFA and Executive Committee respectively in accordance with the Pay Policy Statement) and to issue contracts of employment.	CFO	ACFOSPR
2.2 Terms and Conditions of Service (i) To agree on behalf of the Authority local conditions of service to supplement the National Joint Council for Local Authorities' Fire Brigade Scheme of Conditions of Service (the "Grey Book") and the National Joint Council for Local Government Services, Scheme of Conditions of Service (the "Green Book"). (ii) To make changes to conditions of service of the Authority's employees, with the exception of the Chief Fire Officer and the Assistant Chief Fire Officers which is delegated to the Executive Committee and in accordance with the Pay Policy Statement, where these changes have been agreed either locally or nationally. Where there is no agreement, the matter will be forwarded to the Executive (Joint Consultative) Committee or other appropriate body. (iii) To exercise on behalf of the Authority, any discretion afforded to the employer (but not exercised by the Authority) by the Grey Book and the Green Book.	CFO	ACFOSPR
2.3 Secondary Employment To determine applications made by members of the Service to undertake secondary employment	CFO	ACFOSPR
2.4 Secondment of Staff To agree fixed term secondments of staff to other organisations where no costs fall on the Authority.	CFO	ACFOSPR
2.5 Job Evaluation Scheme To administer the Job Evaluation Scheme for the Authority's employees.	CFO	ACFOSPR
2.6 Contracted Hours and Working Patterns To adjust the number of contracted hours for specific employees and to vary working patterns, where this has been agreed with the employee and where financial implications are met within existing budgets.	CFO	ACFOSPR
2.7 Career Breaks and Flexible Working To decide in respect of requests for both career breaks and flexible working.	CFO	ACFOSPR
2.8 Arrangements for Public and Concessionary Holidays In consultation with the trade unions, to approve proposed arrangements for public and concessionary holidays	CFO	ACFOSPR
2.9 Students and Work Experience To permit on a non-remunerated basis students and others to undertake work experience activities within the Authority	CFO	ACFOSPR

2. Human Resources

Delegated Power	Delegated Officer	Authorised Officer
2.10 Sick Leave and Pay To determine or grant members of the service a further period of sick leave on full or half pay where appropriate on behalf of the Authority	CFO	ACFOSPR
2.11 Medical discharges To authorise medical discharges as recommended by the Authority's Medical Adviser	CFO	ACFOSPR
2.12 Voluntary Redundancy of Non-Uniformed Personnel To decide in respect of approving requests for voluntary redundancy of non-uniformed personnel where their role or location of work, as specified in their contract of employment, has significantly changed	CFO	ACFOSPR
2.13 Voluntary Early Retirement To make compensatory awards in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2002 and 2006	CFO	ACFOSPR
2.14 The Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations To hear 'Stage One' appeals	CFO	LAMO
2.15 Local Government and Firefighter Pension Schemes To exercise the Authority's powers and duties under the LGPS and FPS legislation subject to policies approved by the Authority (except for the ACFOs)	CFO	ACFOSPR
2.16 Local Government Pension Scheme, Local Government Pensions Scheme Regs and the Local Government Pension Scheme (Transition Provisions, Savings & Amendment) Regulations (i) To decide in respect of discretionary rules under the above Schemes and Regulations (ii) To fulfil the role of Scheme Manager and administer the Schemes as required under the above Regulations and Authority's Discretionary Policies.	CFO	ACFOSPR
2.17 Firefighters Pension Schemes (i) To decide in respect of discretionary rules under the above Schemes and Regulations (ii) To fulfil the role of Scheme Manager and administer the Schemes as required under the above Regulations and Authority's Discretionary policies	CFO	ACFOSPR

2. Human Resources		
Delegated Power	Delegated Officer	Authorised Officer
2.18 Ill-Health and Associated Matters In efforts to reduce incidents of ill-health retirement to utilise any of the following: <ul style="list-style-type: none"> - employ the services of an appropriate Medical and or Psychology consultants recommended by the Brigade Medical Adviser; - the provision of medical treatment in cases where the Brigade Medical Adviser's opinion is that it would increase the individual's potential for continued employment; - the provision of a physiotherapy service where such treatment would be delayed within the normal NHS channels; - the provision of treatment to employees before they incur sickness absence. 	CFO	ACFOSPR
2.19 Disciplinary Action To discipline (including termination of employment of) all uniformed and non-uniformed personnel, other than those delegated to the Executive Committee, and to determine appeals against any decision in which they did not participate in accordance with the Authority's agreed Discipline and Grievance procedures. N.B. Employees who have had disciplinary action taken against them will be given the opportunity to appeal. The final appeal stage against dismissal will not be subject to delegation and will be to the Executive Committee of the Fire Authority.	CFO	
2.20 Industrial Action (i) To seek repudiation from the FBU of any industrial action that does not comply with the legal process set out in the Trade Union and Labour Relations (Consolidation) Act 1992. (ii) To take any necessary measures to mitigate risk to the community in the event of a fire-fighters' strike or any type of industrial action by Authority employees and report such action and associated expenditure to the Authority. (iii) To pursue the recovery of actual and necessary expenditure on contingency arrangements with the Home Office and LGA.	(i)CFO (ii) and (iii) CFO in consultation with LAMO and TRS	
2.21 Legal Representation of Uniformed Staff in Relation to Road Traffic Act Offences To administer the procedure for the legal representation of uniformed staff in relation to Road Traffic Act offences.	LAMO in consultation with CFO	ACFOSPR
2.22 Local Government & Housing Act 1989 – Political Restrictions To issue any certificate required under Section 3 of the Act and to consider, prepare and submit a list of politically restricted posts in respect of all employees and Joint Secretariat staff and to determine whether any posts should be added or deducted from the list of politically restricted posts.	CFO	ACFOSPR

2. Human Resources

Delegated Power	Delegated Officer	Authorised Officer
2.23 Training, Conferences To authorise the provision within Europe of training to employees, their attendance at conferences and seminars or at official meetings as representatives of the Authority (and/or of relevant related bodies) or the undertaking of special duties subject in the case of attendance at single conferences, seminars and meetings.	CFO	ACFOSPR
2.24 Employees Equipment and Resources To authorise (where applicable subject to compliance with relevant conditions of service and/or approved schemes and procedures) the allocation of equipment and resources (including the provision of motor vehicles) to employees and the payment of or the reimbursement of fees and allowances to or on behalf of employees as appropriate for the effective/efficient discharge of their duties	CFO	ACFOCP
2.25 Provision of Training to Other Organisations In conjunction with the Treasurer, to set and review charges for the provision of all training to other organisations and to enter into specific training contracts where there is an identified benefit to the Authority	CFO	ACFOCP
2.26 Due regard to Equality Act 2010, Modern Slavery and Human Trafficking Act 2015 and other relevant legislation	CFO	ACFOSPR

3. Finance		
Delegated Power	Delegated Officer	Authorised Officer
3.1 Local Government Finance Act 1988 To exercise the CFA's statutory powers and duties under the Local Government Finance Act 1988, in particular Section 114.	TRS	Deputy TRS
3.2 Accounts and Audit Regulations 2011 To exercise the CFA's statutory powers and duties under the Accounts and Audit Regulations 2011 in relation to Internal Audit.	TRS	Deputy TRS
3.3 Insolvency Act 1986 To vote, under the Insolvency Act 1986, in any meeting of creditors in relation to either corporate liquidation, creditors voluntary arrangement, or personal bankruptcy matters.	TRS	Deputy TRS
3.4 Virement To vire between detailed budgets within the detailed activities any amount up to a max of £500k, provided that the original detailed budget remains available to cover commitments attributable to that Budget Head.	CFO in consultation with the TRS	ACFOSPR in consultation with the TRS
3.5 Charging for Services To determine charges for Special Services, Instructional Courses and other services provided by the Fire Brigade or its Officers and to waive such charges wholly or in part as appropriate	CFO in consultation with the TRS	ACFOSPR in consultation with the TRS
3.6 Insurance Claims (i) To negotiate appropriate insurances (ii) To settle all claims on insurance companies.	(i) CFO in consultation with TRS (ii) CFO in consultation with TRS	ii) ACFOCP
3.7 Debts (i) To refer to outstanding sundry debtor accounts to the Legal Adviser for recovery action. (ii) To write off debts which, in aggregate for any single debtor, does not exceed £1,000, after all appropriate recovery procedures have been attempted including all outstanding debts subject to administrative bankruptcy or liquidation procedures where there is little or no prospect of payment.	TRS	ACFOSPR
3.8 Prosecution and Fraud To institute prosecution in detected fraud cases	TRS and LAMO	
3.9 Costs for Court Action To levy reasonable costs for court action in relation to all debts due to the CFA and subject to legal recovery proceedings.	TRS and LAMO	
3.10 Leasing Agreements To negotiate and complete any necessary leasing agreements meeting the needs of the CFA.	CFO in consultation with TRS & LAMO	

3. Finance		
Delegated Power	Delegated Officer	Authorised Officer
3.11 Loans and Investments (i) To make all arrangements for the proper administration of the CFA's financial affairs including to negotiate and manage all loans to the CFA and to make any investments required for day to day cash management and borrowing, within limits set by CFA. (ii) To undertake borrowings and investments providing such are in accordance with the CFA Treasury Management Strategy and power to amend the strategy in emergency.	TRS	Deputy TRS
3.12 The Financial Report and Annual Governance Statement (i) To prepare The Financial Report (ii) To prepare the Annual Governance Statement.	TRS	Deputy TRS
3.13 Procurement Contracts under £5,000, £5001 to £25,000 and £25,001 to Higher Value Threshold (i) Opening of quotations/tenders (ii) Awarding and signing of contracts	CFO CFO	(i) HoFP and PM (ii) ACFOSPR in consultation with LAMO
3.14 Procurement Contracts above the Higher Value Threshold (i) Opening of tenders (ii) Awarding Contracts (iii) Signing of Contracts (iv) Purchase Orders	CFO Exec Com LAMO CFO	ACFOSPR & HoFP ACFOSPR & HoFP
3.15 The Public Services (Social Value) Act 2012 To consider the economic, social and environmental benefits in procurement.	CFO in conjunction with LAMO and TRS	
3.16 Withholding of Members' Allowances Where a Member ceased to be a Councillor or is otherwise unable to discharge the role (other than in the case of illness), the Treasurer in conjunction with the LAMO can withhold allowances, if reasonable to do so. Members have the right to appeal as outlined in The Constitution	TRS in conjunction with LAMO	

4. Assets		
Delegated Power	Delegated Officer	Authorised Officer
4.1 Acquisition of Land and Buildings To agree the terms and arrangements for the acquisition (whether by purchase, lease or licence), of land and/or buildings required for Authority purposes.	TRS in consultation with CFO & LAMO	CFO/ACFOSPR
4.2 Disposal of Land and Buildings Where any land and/or buildings are no longer required for Authority purposes then authority to agree terms and arrangements for the disposal of the property concerned. In all cases seeking appropriate professional valuation/estates and legal advice.	TRS in consultation with CFO & LAMO	ACFOSPR
4.3 Estates Management To be responsible for the day to day management of the Authority's estate.	CFO	ACFOSPR
4.4 Letting of Authority Premises (i) To determine requests received for the use of the Authority's premises by charitable organisations and to waive or vary charges in appropriate circumstances or in circumstances where this is beneficial to the Authority; (ii) To automatically apply inflationary increases to the charges for the use of the Authority's premises.	CFO in consultation with the TRS	ACFOSPR
4.5 Protection and Sealing (i) To take any necessary action to protect the Authority's interest in any part of the Authority's estate; (ii) To sign or use the Authority's seal on documents relating to dealings with the Authority's Estate.	LAMO in consultation with CFO	ACFOSPR
4.6 Records Responsibility for the custody of all deeds and legal documents relating to the Authority's estate.	LAMO in consultation with CFO	ACFOSPR
4.7 Sale or Disposal of Obsolete Redundant Worn Out or Surplus Equipment and Vehicles To authorise the sale or disposal of obsolete, redundant, or worn out or surplus vehicles and equipment subject to compliance with approved disposal procedures.	CFO in consultation with the TRS	ACFOSPR
4.8 Estate Legal and Contractual Matters (i) To approve the service of Notices to Quit and such other notices and formal demands which are deemed necessary to protect the interests of the Authority (ii) To agree the terms of letting of properties and facilities within the control of the Authority, with five year rent reviews, other than leases or agreements exceeding a term of ten years;	LAMO in consultation with CFO	

4. Assets		
Delegated Power	Delegated Officer	Authorised Officer
<p>4.8 Estate Legal and Contractual Matters (continued)</p> <p>(iii) To approve any revised rent fee, service charge or other sum payable under the terms of any lease, tenancy or licence agreement granted to the Authority; and Authority, with five year rent reviews, other than leases or agreements exceeding a term of ten years;</p> <p>(iv) To review and determine the rent fee, service charge or other sum payable under the terms of any lease, tenancy or licence granted by the Authority.</p> <p>(v) To determine applications for assignment, sub-letting or surrender of leases of land and premises managed by the Authority.</p> <p>(vi) To grant minor easements, wayleaves and rights of way.</p> <p>(vii) To agree the terms of any indemnity required in connection with the use of land or premises for Authority purposes; and</p> <p>(viii) To determine applications for variation or extension of business use contained in leases of land and premises managed by CFA.</p> <p>(ix) To determine of applications for consent to alter or erect premises comprised in lease under the management of the Authority.</p> <p>(x) To grant annual licences to use rights of way over land managed by the Authority.</p> <p>(xi) To deal with routine matters with regard to the tenancies of residential dwellings to operational premises.</p>	LAMO in consultation with CFO	
<p>4.9 Provision of Aid Outside the U.K.</p> <p>To approve any requests for items of obsolete vehicles, equipment and uniform to be donated overseas if they are still useable and the initiative is considered appropriate, subject to the costs of transportation not being met by the Authority.</p> <p>To sanction the use of Fire Service vehicles to transport aid to oversee countries where the cost of fuel for the vehicles will be borne by the aid organisers.</p> <p>Requests for the donation of fire appliances be considered only if:</p> <ul style="list-style-type: none"> • they are surplus to the Brigade's requirements; • the recipient country is widely accepted as being in need; • the vehicle equipment would be used for Fire Service use only; • the cost of shipment is not met by the Authority <p>Subject to the above conditions being established, a maximum of two appliances be donated in any one year.</p> <p>In all cases where the value of the appliances/equipment is greater than the scrap value, the authority be delegated to authorise their disposal.</p>	CFO in consultation with the LAMO	

5. Legal		
Delegated Power	Delegated Officer	Authorised Officer
<p>5.1 Conduct of Proceedings</p> <p>To undertake, defend or participate in any legal proceedings in any case where proceedings are necessary with regard to the Authority's interests, statutory or common law functions in proceedings in Magistrates' and Crown Courts or in any other judicial or quasi-judicial proceedings including laying information, making complaints, signature of documents and otherwise representing the Authority.</p> <p>Where any document is to be signed by a Solicitor it shall be signed by the Authority's LAMO or such Solicitor as may be instructed by the CFO to act for the Authority.</p>	LAMO in consultation with CFO	
<p>5.2 Representation in Legal Proceedings</p> <p>Exercising 5.1 above, authority may be by way of instructing the Authority's Solicitor or their deputy (or such other Solicitor as instructed to act) or the ACFOSPR (only in the case of employment proceedings) to institute, defend, participate in or instruct Counsel in legal or employment proceedings in any court or tribunal as applicable.</p>	CFO	
<p>5.3 Information Compliance</p> <p>To ensure compliance with the following legislation and any associated Brigade policies and procedure:</p> <ul style="list-style-type: none"> • Data Protection Act 2018 - General Data Protection Regulation • Freedom of Information Act 2000 • Regulation of Investigatory Powers Act 2000 • Localism Act 2011 • Public Interest Disclosure Act 1998 • Local Government Transparency Code 2015 • Protection of Freedoms Act 2012 	CFO	ACFOSPR
<p>5.4 Negotiation and Settlement of Claims</p> <p>(i) To negotiate and approve the settlement of claims by or against the Authority up to a maximum of £50,000. Settlements above this limit are subject to the approval of the Authority.</p> <p>(ii) To approve, in urgent circumstances, the settlement of any claim exceeding £50,000. Details of the settlement to be reported to the next meeting of the Authority</p> <p>(iii) To seek Counsel's opinion on any matters affecting the CFA's affairs. (Cost to be notified to CFA in advance)</p> <p>(iv) To institute proceedings for the recovery of property as a result of trespass or the breach of the terms of any lease or mortgage.</p> <p>(v) To take any legal action or steps necessary to give effect to action in respect of which any other Officer has resolved to exercise power delegated to him/her.</p> <p>(vi) To institute, withdraw, compromise or participate in any legal proceedings by or against the CFA or in which the CFA require to be represented and to instruct Counsel therein after consultation with the Chairman of the CFA where urgent action is necessary to protect or represent the CFA's interest or to discharge any statutory duty.</p>	<p>(i)(ii)(iii) LAMO in consultation with CFO & TRS</p> <p>(iv) LAMO in consultation with CFO and Chair</p> <p>(v)(vi) LAMO in consultation with CFO & TRS</p>	

5. Legal		
Delegated Power	Delegated Officer	Authorised Officer
5.4 Negotiation and Settlement of Claims continued (vii) To register or record any contract easement right or privilege enjoyed by the CFA in respect of land. (viii) To vote in any meeting of creditors in relation to either corporate liquidation, creditors' voluntary arrangement or personal bankruptcy matters under the Insolvency Act 1986.	(vii) LAMO in consultation with CFO & TRS (viii) Dep TRS in consultation with LAMO	

6. Consultation		
Delegated Power	Delegated Officer	Authorised Officer
6.1 Consultations (i) To respond to consultations on proposals affecting the Authority on operational matters. (ii) To respond to consultations on proposals affecting the Authority on urgent matters	CFO (ii) CFO and/or LAMO and/or TRS in consultation with Chair	
6.2 Code of Recommended Practice on Local Authority Publicity To comply with the Code of Recommended Practice on Local Authority Publicity.	LAMO in consultation with CFO	

7. Corporate		
Delegated Power	Delegated Officer	Authorised Officer
7.1 Local Government (Access to Information) Act 1985 To appoint as Proper Officer for the purpose of Local Government (Access to Information) Act 1985	LAMO	ACFOSPR
7.2 Local Government and Housing Act 1989 To appoint as Proper Officer for the purpose of Section 15 of the Local Government and Housing Act 1989 (proportionality on Committees)	ACFOSPR	
7.3 Code of Conduct To implement and maintain a register of interests in accordance with the requirements of the Authority's Code of Conduct	LAMO	ACFOSPR
7.4 Attendance at Conferences To agree Member attendances at Conferences	ACFOSPR in consultation with Chair & Vice Chair	

8. Partnerships

Delegated Power	Delegated Officer	Authorised Officer
8.1 Partnership arrangements (i) To enter, manage, terminate and invest in partnership arrangements with such other bodies (both public and private) where they directly contribute to the aims, objectives and statutory functions of the Authority. (ii) To decline involvement, or withdraw from involvement, in partnerships that do not deliver benefits for the Authority or the community, or in cases where the costs of involvement outweigh the benefits.	CFO in consultation with the LAMO and/or TRS	ACFOCP ACFO SPR

9. Other

Delegated Power	Delegated Officer	Authorised Officer
9.1 Actions of Matters of Urgency To act in matters of urgency, following consultation with Chair and Vice-Chair subject to: <ul style="list-style-type: none"> the action being in accordance with Authority policy; and details of the action being reported to the next available meeting of the Authority 	CFO, LAMO, TRS	

Financial Procedure Rules

1. Introduction

- 1.1 Cleveland Fire Authority is required by law to ensure that it has sound financial management policies, practices and controls in place which are strictly monitored. Financial Procedure Rules are an essential part of this control process.
- 1.2 The Financial Procedure Rules clarify responsibilities, accountabilities, and powers of individuals, named officers and Members of the Authority in relation to financial administration. The Financial Procedure Rules are part of, and inextricably linked with, the Authority's Constitution, e.g. Standing Orders, [Delegated Powers of Committees and Scrutiny Groups] and Member/Officer Codes of Conduct.
- 1.3 All Members and Officers have a general responsibility to protect the assets of the Authority under their control and ensure the proper use of those assets. The Treasurer is responsible for the financial administration arrangements within the Authority which includes a continuous review of Financial Procedure Rules and the issue of advice and guidelines to underpin those rules which Members, Officers and others acting on the Authority's behalf are required to follow. The Chief Fire Officer, Assistant Chief Fire Officer Strategic Planning and Resources (ACFOSPR) and the Assistant Chief Fire Officer Community Protection (ACFOCP) are responsible for ensuring that all staff are aware of their responsibilities under the Authority's Financial Procedure Rules and other internal regulatory controls.
- 1.4 Failure to comply with Financial Procedure Rules could give rise to disciplinary action and employees have a duty to report apparent breaches of Financial Procedure Rules to an appropriate Senior Manager, the ACFOSPR, the Treasurer and the Authority's Monitoring Officer.
- 1.5 In any case of doubt about the appropriate application of Financial Procedure Rules or any action required, Officers should consult with their Senior Manager in the first instance. Advice can also be obtained from Internal Audit particularly if information on financial administration is required which is not included within these rules.

2. Safeguarding Public Money Assets

2.1 Overview - Control Requirements – Statutory Basis

- 2.1.1 The Authority is a complex organisation and requires internal controls to ensure that it manages and monitors its progress towards the strategic objectives it sets.
- 2.1.2 A range of internal control arrangements are established to provide assurance that: operations are efficient and effective; financial information and reporting is reliable; and there is compliance with laws and regulations.
- 2.1.3 Managerial control systems exist to define policies, set objectives and plans, monitor financial and other performance indicators and to take appropriate action.
- 2.1.4 Financial and operational control systems and procedures include physical safeguards for assets, segregation of duties, authorisation and approval arrangements.
- 2.1.5 Internal Audit is responsible for independently evaluating organisational systems of internal control and undertaking effective reviews of systems and procedures on a regular basis.
- 2.1.6 External Review of the Authority's service delivery and financial arrangements is carried out by the Authority's External Auditors.
- 2.1.7 The Treasurer is responsible for proper administration of the Authority's financial affairs; setting financial standards and monitoring compliance; and preparing, reviewing and amending the Financial Procedure Rules and informing Members and staff of the content and implications.
- 2.1.8 The Chief Fire Officer and Assistant Chief Fire Officers are responsible for:
- ensuring new systems for maintaining financial records are agreed with the Treasurer
 - ensuring that the financial implications of new proposals are agreed with the Treasurer
 - ensuring that Financial Procedure Rules are known to all staff
 - securing compliance with Financial Procedure Rules and promoting financial management standards set by the Treasurer

2.2 Internal Audit

- 2.2.1 The Treasurer has a statutory responsibility for the overall financial administration of the Authority's affairs and is responsible for maintaining an adequate and effective internal audit.

- 2.2.2 Internal Audit is an independent and objective appraisal function established by the Authority for reviewing the Authority's system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources in accordance with the CIPFA Code of Practice for Internal Audit and any other relevant guidance.
- 2.2.3 In carrying out the internal audit function the Treasurer, or their authorised representative, has authority, subject to any statutory limitations, to:
- i) enter at all times any Authority land or premises
 - ii) have access to all documents, correspondence and other records relating to the finances of the Authority and apply any test or check deemed necessary
 - iii) require and receive from employees, Members or other persons, information and explanations concerning any matter under examination
 - iv) require any employee of the Authority to produce any cash, stores or other property of the Authority under the employee's control
- 2.2.4 Treasurer's responsibilities:
- maintain Strategic and Annual audit plans taking account of relative risk and in consultation with the Chief Fire Officer and Assistant Chief Fire Officers
 - ensure that Internal Audit have access at reasonable times to all Authority premises, records, documents and staff for information and explanations
 - where appropriate report to Members on any audit recommendations not actioned within a reasonable period
 - report annually to the Fire Authority via the Audit and Governance Committee on the main issues raised by Internal Audit during the year
 - investigate promptly any fraud or irregularity brought to their attention and report to the Head of Paid Service
- 2.2.5 Responsibilities of the Chief Fire Officer and Assistant Chief Fire Officers:
- ensure that Internal Auditors are given access at all reasonable times to premises, records, documents and staff for the purposes of their work and liaise and co-operate with Internal Auditors on service specific issues
 - consider and respond promptly to audit recommendations and ensure that agreed actions are carried out in a timely manner
 - notify the Treasurer immediately of any suspected fraud or irregularity and take all necessary steps to prevent further loss and secure records for any investigation

2.3 External Audit

2.3.1 Given the special accountabilities attached to public money and the conduct of public business, external audit in local government is characterised by three distinct features:

- a) auditors are appointed independently from the bodies being audited (Mazars LLP)
- b) external audit covers not only the audit and opinion on financial statements, but also the financial aspects of corporate governance and aspects of performance management
- c) the external audit approach is defined in the International Standards for Auditing

2.3.2 External auditors are responsible for following the International Standards for Auditing which sets out the External Auditors' view of what constitutes best professional practice and covers the standards, procedures and techniques that auditors should adopt. Each year the External Auditor undertakes quality reviews to ensure external audit meets or exceeds the standards set.

2.3.3 Treasurer's responsibilities:

- liaise with the external auditor in relation to timetabling audits and working procedures
- ensure that external auditors have reasonable access to premises, records, documents and staff for the purposes of their work
- follow up on recommendations made by external audit to ensure their implementation and report to Authority on actions taken to address recommendations made in the Annual Audit Letter

2.3.4 Responsibilities of the Chief Fire Officer and Assistant Chief Fire Officers:

- ensure that external auditors are given reasonable access to premises, records, documents and staff for the purposes of their work and liaise and co-operate with External Auditors on service specific issues
- ensure that all systems and records are up to date and available for inspection
- respond to recommendations and reports from external audit and take appropriate action

2.4 Banking Requirements

2.4.1 Being a complex organisation the Authority has varied banking requirements. Key Banking Controls are:

- All Banking Arrangements in relation to the Authority's business are made through the Treasurer. The Treasurer or their representative is authorised to pay or collect all monies due to or by the Authority by whatever means they deem to be appropriate.
- All Bank Accounts will have an official title and in no circumstances will accounts be opened in the name of an individual.
- All Bank Accounts must be reconciled regularly in accordance with any timescale and procedure note that the Treasurer may issue.
- All cheques and cash should be held securely.

- 2.4.2 The Treasurer is responsible for making all overall arrangements to secure the Authority's banking needs.
- 2.4.3 Responsibilities of the Chief Fire Officer and Assistant Chief Fire Officers:
- agree all arrangements for the opening, closing or operation of specific bank accounts relating to the business of the Authority with the Treasurer
 - ensure as far as is practicable the separation of duties to ensure that a single member of staff does not complete all procedures in connection with transactions through bank accounts
 - ensure that accounts are reconciled regularly and appropriate action taken in regard to any discrepancies identified
 - ensure that cheques, cash and credit cards are securely stored

2.5 Cash Arrangements

- 2.5.1 Effective cash collection and control arrangements are essential to ensure that all monies received by the Authority are receipted, effectively reconciled, securely controlled and banked properly.
- 2.5.2 The key controls within the Authority's arrangements are:
- a) the arrangements for the receipt and control of all monies received by the Authority will be subject to the control and approval of the Treasurer
 - b) all monies received must be acknowledged, recorded and either paid over to the Treasurer or banked in the Authority's name without delay
 - c) all receipts will be ordered and controlled by the Treasurer and only official receipts will be issued for monies received on behalf of the Authority
 - d) cash and receipts will at all times be kept in a safe place
 - e) only official receipts will be issued for money received on behalf of the Authority
 - f) personal cheques may not be cashed, nor payments made, out of money held on behalf of the Authority
 - g) every transfer of official monies from one officer to another must be evidenced by the signature of the receiving officer
 - h) sums may be advanced to employees receiving cash income for the purpose of giving change. The employee is personally responsible for such sum and must sign for its receipt.
- 2.5.3 The Treasurer is responsible for approving all arrangements, procedures and systems for the collection of income including the control of receipts.

- 2.5.4 Responsibilities of the Chief Fire Officer and Assistant Chief Fire Officers:
- ensuring that all receipts, tickets etc. and other records of income are held securely and kept for the appropriate length of time
 - ensuring adequate security arrangements are in place to safeguard income against loss or misappropriation, and to ensure the security of cash handling
 - ensuring adequate separation of duties as far as practicable so that cash received is properly identified and recorded
 - ensuring that all income is promptly paid into an appropriate account of the Authority and is recorded to provide an audit trail
 - ensuring income is not used to cash personal cheques or make other payments
 - maintaining a record of all transfers of official money between employees

2.6 Income and Recovery

2.6.1 The recovery of all sums due to the Authority is subject to the control of the Treasurer. Whenever practicable, departments are required to obtain payment in advance of supplying goods or services as this improves the Authority's cash flow and also avoids the time and cost of administering debts and eliminates the risk of bad debts.

2.6.2 The key controls within the Authority's arrangements are:

- a) all monies billed and collected should be in accordance with the scales of rents, fees and charges approved by the Authority or delegated to specific officers;
- b) effective action must be taken to pursue non-payment of debt within defined timescales
- c) no debt once correctly established and due to the Authority can be written off except if approved under delegated powers or by the Authority. The Treasurer is responsible for suggesting and reviewing appropriate recovery strategies
- d) appropriate accounting adjustments will be made following write off action within defined timescales
- e) all appropriate income documents must be retained for the defined period in accordance with the guidance to be issued from time to time
- f) appropriate credit checks should be carried out in accordance with guidance to be issued by the Treasurer

2.6.3 Treasurer's responsibilities:

- approving all systems and arrangements for the raising, collection and recovery of all sums due to the Authority
- establishing a recovery strategy and ensure appropriate action in consultation with the Chief Fire Officer or appropriate Assistant Chief Fire Officer is taken to recover debts, which are not paid promptly
- agreeing the write-off of debts within the limits set out in delegated powers
- referring larger unpaid debts, in consultation with the Chief Fire Officer/Treasurer to the Authority for approval to write-off
- setting the Authority's charging policy
- ensuring appropriate accounting adjustments are made in relation to write-off action
- ensuring regular review and maintenance of Bad Debt provisions

- 2.6.4 Responsibilities of the Chief Fire Officer and Assistant Chief Fire Officers:
- reviewing charging policy in line with corporate policies
 - taking appropriate action to minimise increasing and persistent debt
 - ensuring an adequate separation of duties as far as practicable for identifying and billing sums due and collection of monies
 - maintaining records on debts raised sufficient to enable recovery action to be taken for debts unpaid within a reasonable time
 - notifying the Treasurer of all outstanding income relating to the previous year as soon as possible after the 31 March in line with the timetable determined by the Treasurer
 - reviewing and maintaining, in consultation with the Treasurer, an adequate Bad Debt provision

2.7 Ordering and Paying for Goods and Services

- 2.7.1 The ordering and paying for goods and services is critical to the Authority's ability to deliver services. It is essential that the Authority's controls are adequate to demonstrate probity and good practice. Accordingly the following controls exist:
- budget provision is required for all expenditure prior to ordering
 - budget provision confers authority to spend within that budget
 - all payments other than from petty cash or specifically approved bank accounts must be made by the Treasurer from the Authority's Bank Account in the manner deemed most appropriate by the Treasurer
 - all instructions for payment must be authorised by the appropriate budget holder or other person duly approved. This should only be done after acceptable receipt of the goods or services in accordance with the order
 - expenditure must be allocated to the correct heading
- 2.7.2 Responsibilities of the Treasurer:
- making payments in accordance with the above Authority rules
 - maintaining and issuing detailed payment instructions
 - maintaining a list of budget holders or their nominees authorised to incur expenditure
 - storing, or issuing instructions in relation to the storage of source documents to support the accounts and taxation responsibilities
- 2.7.3 Responsibilities of the Chief Fire Officer and Assistant Chief Fire Officers:
- ensuring that rules and instructions in relation to the authorisation of orders and payments are followed within their service area
 - ensuring that the Treasurer is informed of all budget holders and their nominees entitled to authorise expenditure

2.8 Paying Staff and Members

2.8.1 Staff costs form the largest single element of the Authority's expenditure and appropriate controls are necessary to ensure that payments are only made in accordance with the appropriate terms and conditions. Accordingly the Authority has the following controls:

- The calculation of all payments to staff/members must be done by the Treasurer supported by appropriate Brigade Personnel/Legal advice.
- All appointments must be made in accordance with appropriate terms and conditions.
- All appointments must have adequate budget provision.
- All prime documents used to calculate pay must be signed by the individual and authorised by an appropriate budget holder or their nominee.
- Any payments to Members must be in accordance with the approved scheme of allowances.

2.8.2 Responsibilities of the Treasurer:

- making payments in accordance with the above Authority rules
- maintaining and issuing detailed payment instructions
- maintain a list of budget holders or their nominees authorised to incur expenditure
- storing, or issuing instructions in relation to the storage of source documents to support the accounts and taxation responsibilities.

2.8.3 Responsibilities of the Chief Fire Officer and Assistant Chief Fire Officers:

- ensuring that rules and instructions with regard to appointments and authorisation of payments are followed within their service area
- ensuring that the Treasurer is informed of all budget holders and their nominees entitled to authorise expenditure
- informing the Human Resources Manager promptly of any changes affecting payments to staff
- notifying the Treasurer of any changes affecting the calculation of pay within a timescale to be agreed with the Treasurer

2.9 Off Payroll Working

2.9.1 The requirement of the 2021 off-payroll tax rules commissioned by HMRC is that all companies must take 'reasonable care' when assessing if an employee working under a contract is inside or outside of IR35 tax legislation. (IR35 refers to the UK's anti-avoidance tax legislation designed to tax 'disguised' employment at a rate similar to employment).

2.9.2 The 2021 legislation change effectively means that if the Authority is engaging a service involving a person then the Authority must ensure that the correct checks have been undertaken ahead of the contract engagement being made.

- 2.9.3 The Brigade's Procurement Team is responsible for ensuring compliance through the assessment of contract preliminaries information using the CEST (Check Employer Status for Tax) HMRC online portal. The outcome from this assessment will determine the treatment of inside/outside IR35, e.g. a creditor or Off-Payroll PAYE deduction.

2.10 Preventing Financial Irregularities

- 2.10.1 In administering its responsibilities, the Authority is committed to the prevention of financial irregularities and makes it clear that it will not tolerate fraudulent or corrupt acts committed either by its Officers, Members, or those companies or organisations with which it does business.
- 2.10.2 The Authority's expectation on propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to rules, procedures and Codes of Conduct.
- 2.10.3 The Authority has in place a network of systems and procedures to cover its stewardship of public funds responsibilities and it maintains a continuous overview of the adequacy of its corporate governance arrangements through its Internal and External Auditors.
- 2.10.4 The Authority's Whistle Blowing Policy provides the opportunity for issues to be raised in a confidential manner. In addition, the Authority operates defined protocols setting out individual responsibilities for reporting and the subsequent investigation of irregularities.
- 2.10.5 Treasurer's responsibilities:
- maintaining adequate and effective audit arrangements
 - periodically reviewing the Authority's policies on Fraud and Corruption
 - ensuring irregularities are appropriately investigated and are reported to the Head of Paid Service to determine what further action should be instigated
- 2.10.6 Responsibilities of the Chief Fire Officer and Assistant Chief Fire Officers:
- ensuring that all suspected irregularities are reported in the first instance to the ACFOSPR or alternatively the Treasurer and, if appropriate, the Authority's Monitoring Officer

2.11 Assets, Stocks and Stores

- 2.11.1 The Authority holds assets in the form of property, vehicles, equipment, furniture and other items of significant value. The Authority's arrangements seek to ensure that such assets are safeguarded and used efficiently in the delivery of services. The Authority's assets must not, without the specific authorisation of the Chief Fire Officer, be used for any purpose other than the discharge of the Authority's functions. Any unauthorised or misuse of Authority assets will result in appropriate disciplinary action.

- 2.11.2 Each Assistant Chief Fire Officer is responsible for the security of assets under their control. Where practicable, each asset should be marked as the property of the Authority.
- 2.11.3 Inventories of all assets, other than land, having a value of £500 or more covering plant, equipment, furnishings, fittings, machinery, vehicles and other non-consumable items must be maintained by the Senior Head of Assets. The inventory must record: a description of item incl. make, model, serial number; the date of purchase and purchase price; whether the asset is leased; security tag reference (where applicable); and location of the asset. An annual physical asset inventory check should be undertaken and any discrepancies identified and reported to the Senior Head of Assets.
- 2.11.4 The disposal of surplus or obsolete items will be undertaken in accordance with the process for asset disposal. A register must be maintained of items disposed of from Officers and Members e.g. laptops, computers etc. The register must include the name, personnel number, description of item, date of issue and a signature obtained.
- 2.11.5 The ACFO SPR has corporate responsibility for maintaining an Asset Register of all land and buildings owned by the Authority and will ensure appropriate valuations and re-valuations are carried out. The Authority's Legal Adviser is responsible for the safe custody of all deeds.
- 2.11.6 All stock received, transferred, issued or returned must be recorded in a manner approved by the Treasurer. In stores, deliveries must be checked for quantity and quality and goods should only be issued from the stores on production of a valid requisition, properly certified.
- 2.11.7 Stores levels must be reviewed by the Senior Head of Assets at regular intervals to ensure that stores are not held in excess of reasonable requirements and to prevent the holding of obsolete stores.
- 2.11.8 The Senior Head of Assets will ensure that arrangements are made for a system of continuous stock checking or an annual stock check is made. A certificate of stockholding at 31 March every year must be made available on demand to the Treasurer.
- 2.11.9 Adjustments of deficiencies or surpluses on stocks or disposal of surplus, obsolete or damaged stock will be made by the Stores Manager via the Stores system. Adjustments are notified to the Fleet and Equipment Manager and the Head of Finance and Procurement via automated monthly reports.
- 2.11.10 Adjustments for end of life, obsolete or damaged assets should not be made without the agreement of the Treasurer with whom the method of disposal must also be agreed prior to disposal.

2.11.11 Treasurer's responsibilities:

- ensuring inventories and asset registers are maintained in accordance with good practice and Financial Procedure Rules
- advising on best practice for the disposal of assets, stocks and stores

2.11.12 Responsibilities of the Chief Fire Officer and the Assistant Chief Fire Officers:

- ensuring the maintenance of inventories in accordance with Financial Procedure Rules
- carrying out annual checks on inventories and take appropriate action in regard to surpluses and deficiencies
- making suitable arrangements for the care and custody of assets stocks and stores
- agreeing the disposal of assets with the Treasurer
- passing all title deeds to the Authority's Legal Adviser
- carrying out regular stock checks and supply stockholding certificates as required by the Treasurer

2.12. **Gifts and Hospitality**

2.12.1 The Authority's policy for Gifts/ Hospitality is included within the Employees Code of Conduct which is provided to all new employees.

2.12.2 Officers must be careful not to accept any gift or hospitality, which might interfere with or be perceived as impacting on Authority business or services. This does not include gifts of minor value, which are used at work i.e. diaries, pens, calendars etc and genuine working lunches or functions attended in an official capacity. However, any other gifts or hospitality offered should be reported to the appropriate Senior Head of Department who, after consulting with the ACFOSPR, will then determine the action to be taken.

2.12.3 Employees should not accept significant personal gifts from contractors or suppliers.

2.12.4 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community. Accepted offers of hospitality should be properly authorised and recorded by the ACFOSPR.

2.12.5 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.

2.12.6 When receiving hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality. When visits to inspect equipment etc are required, employees should ensure that the Authority meets the cost of such visits to avoid compromising the integrity of subsequent purchasing decisions.

2.12.7 The Chief Fire Officer and Assistant Chief Fire Officers are responsible for ensuring compliance with the Authority's policy and Codes of Conduct in respect of gifts, hospitality and personal interests and maintaining a register of staff interests, gifts and hospitality.

2.13 Partnership Arrangements

- 2.13.1 The Authority's policy on Partnership Arrangements is provided on the Brigade's Intranet within a document entitled, 'Partnership Policy Document'. Further operational guidance and governance information is contained within the digital 'Better Together' Partnership Framework' hosted on the Brigade's Intranet.
- 2.13.2 Partnerships are playing an increasingly important role in the future of policy development and service delivery for the Public Sector. Good partnership arrangements can support the agencies involved to deliver services which are more effective and efficient.
- 2.13.3 The Treasurer is responsible for ensuring the partnership has clearly defined Financial Regulations in place.
- 2.13.4 The responsibilities of the Chief Fire Officer and Assistant Chief Fire Officers are to ensure risks are minimised and accountability maximised by ensuring a rationale for entering into a partnership; financial, performance, risk and governance arrangements; termination arrangements and that relevant officers are made aware of the Brigade's Partnership Policy Document and the Better Together: Partnership Framework. This is supported by structures put in place by the Better Together: Partnership Framework including a process of proposal and regular review of new and existing partnerships. Management of the Partnership Framework and reporting of partnership monitoring and performance to the Executive Leadership Team is the responsibility of the Partnership and Evaluation Manager.

Corporate Governance

3.1 Revenue Financial Plans

- 3.1.1 Each year the Authority must set an annual budget for the coming year. This budget needs to be considered as part of a wider Medium Term Financial Strategy covering the following three to five years that considers the level of resources available to the Authority, and the expenditure needs of the Authority. The Authority's corporate objectives and risk management plan needs to be addressed in the consideration of the expenditure needs of the Authority in the Medium-Term Financial Strategy.
- 3.1.2 Treasurer's responsibilities:
- preparation of multi-year forecasts of resources and expenditure for the consideration of the Authority
 - identification of risks inherent in the forecasts
 - development of a Medium-Term Financial Strategy
 - submission to the Authority of an appropriate annual budget within the Medium-Term Strategy compliant with all relevant legislation.

3.1.3 Responsibilities of Chief Fire Officer and Assistant Chief Fire Officers

- provision of information to the Treasurer in relation to expenditure changes outside of their control within their Directorates for the life of the forecast
- preparation of detailed budgets within the resources allocated by the Medium-Term Financial Strategy to nominated budget holders
- responsibility for subsequent expenditure from those detailed budgets to meet the objectives of the service

3.2 **Monitoring of Revenue Income and Expenditure**

3.2.1 Having set budgets in accordance with the Authority's objectives, it is important to monitor the performance of actual income and expenditure against those budgets. This is a continuous process to ensure that resources are used to their best effect. In relation to income it is important to ensure that all income is accounted for and in relation to expenditure that differences are explained and understood.

3.2.2 The analysis of differences should enable budget holders to ensure that appropriate action to bring budgets back on track is taken. Often at the detail level this may not be possible within the financial year and the relevant Assistant Chief Fire Officers will need to consider transfers from other budgets within their control.

3.2.3 Responsibilities of the Treasurer:

- ensuring that monitoring reports are available to budget holders
- ensuring that corporate level budgets are monitored
- reporting on major differences or trends that have a significant impact on the overall finances of the Authority
- operating and maintaining an effective Financial Management system
- providing the Chief Fire Office and Assistant Chief Fire Officers with appropriate advice and guidance

3.2.4 Responsibilities of Chief Fire Officer and Assistant Chief Fire Officers:

- ensuring that adequate budget provision exists for all expenditure prior to it being incurred
- ensuring that each detailed budget has a nominated budget holder
- monitoring budgets within their service areas
- informing the Treasurer of any major differences of actual from planned income or expenditure

3.3 **Capital Financial Planning**

3.3.1 Capital Financial Planning involves the acquiring or enhancing of an asset with a long-term value to the Authority. The planning of capital expenditure is essential for a number of reasons:

- being major items of expenditure they are a key means for the Authority to directly achieve its objectives in shaping service delivery
- they create long term financial commitments in both financing and running costs
- varied funding sources are often available, each with differing requirements
- strict controls are imposed upon the Authority's ability to incur capital expenditure

- the Authority's ability to attract external funding is often dependent upon its proven track record of delivering projects on time and budget

3.3.2 Responsibilities of the Treasurer:

- preparing a detailed annual statement of likely commitments and resources within a multi-year medium term framework for consideration by the Authority
- preparing a Capital Strategy for consideration by the Authority that links the Community Risk Management Plan with the detailed statements of commitments and resources
- submitting details of potential schemes to the Authority for inclusion in the Capital Programme for the year
- determine the format of project appraisals for inclusion within the Capital Programme in conjunction with the Assistant Chief Fire Officers

3.3.3 Responsibilities of Chief Fire Officer and Assistant Chief Fire Officers

- preparing and maintaining an Asset Management Plan to assist in the planning of capital schemes
- considering proposals and with the appropriate officer/s prepare costings for future project appraisals for submission to the Authority for consideration
- ensuring that no contracts are entered into for which budget provision within the Capital Programme has not been made
- preparing bid submissions to appropriate funding bodies

3.4 **Monitoring of Capital Income and Expenditure**

3.4.1 Having set a Capital Programme to achieve its Capital Strategy it is important to monitor the performance of actual physical progress, income and expenditure against the Programme. This is a continuous process to ensure that resources are used to their best effect and not lost, as some external funding is limited to specific financial years. In relation to Capital income, which can take the form of grants or credit approvals, it is important to ensure that all income is received and accounted for within the right financial year. Physical progress should be monitored, as this is a leading indicator of real expenditure on schemes. The analysis of differences between expected spends and actual should enable budget holders to ensure that appropriate action to bring budgets back on track is taken. If this is not possible then the relevant Assistant Chief Fire Officer will need to consider transfers to or from other budgets within their control. If this is not possible then the Treasurer should be informed to enable the programme to be rebalanced.

3.4.2 Responsibilities of the Treasurer:

- ensuring that monitoring reports are available to budget holders
- reporting on major differences or trends that have a significant impact on the overall finances of the Authority
- ensuring so far as possible the overall Programme is balanced and that the Authority suffers no loss of resources
- providing the Chief Fire Officer and Assistant Chief Fire Officers with appropriate advice and guidance

- 3.4.3 Responsibilities of Chief Fire Officer and Assistant Chief Fire Officers:
- ensuring that adequate budget provision exists for all expenditure prior to it being incurred
 - ensuring that each detailed budget has a nominated budget holder
 - monitoring projects and their budgets within their service areas
 - informing the Treasurer of any major differences of actual from planned income or expenditure
 - managing the contracting process for building works
 - monitoring projects physical and financial performance and take action as necessary
 - managing the disposal of assets in accordance with the Authority's approval

3.5 Treasury Management

- 3.5.1 The Authority is responsible for very significant cash flows arising from its capital and revenue activity. The Authority must therefore adopt the highest standards in the management of these sums and flows. The Chartered Institute of Public Finance and Accountancy maintains a Code of Practice, which meets these requirements and is adopted by the Authority.
- 3.5.2 Responsibilities of the Treasurer:
- ensuring that the CIPFA Code of Practice is adopted and maintained
 - proposing to the Authority a Treasury Management Strategy within the Code of Practice
 - implementing the Treasury Management Strategy
 - making administrative decisions within the Treasury Strategy
 - administering all leasing arrangements for goods

3.6 Risk Management and Insurance

- 3.6.1 All organisations face risk to people, property, and continued service delivery, which can result in injury, damage, and loss. Where the Authority is culpable this can result in a financial claim. The Authority also has Health and Safety duties, which need to be considered. To mitigate risks the Authority has robust Risk Management arrangements in place.
- 3.6.2 The Authority recognises that risk cannot be completely removed and therefore mitigates the financial consequences of risk occurring by arranging appropriate insurance. The level of insurance cover reflects an assessment of risk and the cost of insurance cover. The Authority appoints a specialist Insurance Advisor to ensure effective and appropriate insurance arrangements are in place.
- 3.6.3 Responsibilities of the Assistant Chief Fire Officer Strategic Planning and Resources, in consultation with the Treasurer:
- appoint a specialist Insurance Advisor to support the Authority ensure effective and appropriate insurance arrangements are in place
 - implement the Risk Management Framework
 - make administrative decisions within the agreed insurance arrangements.

- 3.6.4 Responsibilities of Chief Fire Officer and Assistant Chief Fire Officers:
- identify and taking action to minimise risks within their Directorates
 - inform the Treasurer and/or Insurance provider(s) of new risks
 - investigate incidents that arise, notifying the insurance provider in relation to insured risks
 - deal with any claims that arise via Health & Safety processes, speedily and effectively, notifying the insurance provider in relation to insured risks
 - operate and maintain an effective claims handling database

3.7 Pay Policy Statement

3.7.1 Pay for staff forms a significant element of the Fire Authority's annual budget. Legislation under the Localism Act 2011 requires that the Authority approves, before 31st March each year, a Pay Policy Statement for the following financial year. This ensures that the Fire Authority is open and accountable about their local pay policies.

- 3.7.2 Responsibilities of the Legal Adviser and Monitoring Officer:
- ensuring that a Pay Policy Statement is approved by the Authority by 31st March immediately preceding the financial year to which it relates
 - ensuring that decisions on pay comply with the current approved policy

- 3.7.3 Responsibilities of the ACFOSPR:
- reviewing, at least annually, the Authority's Pay Policy Statement in consultation with the Treasurer and Monitoring Officer
 - ensuring that the Pay Policy Statement is amended and approved in-year if amendment is required
 - making and confirming decisions on pay in accordance with the current policy
 - ensuring that the Authority considers and approves a Pay Policy Statement prior to the year to which it relates and the current policy is published in accordance with Government guidance

3.8 Role of Audit

3.8.1 External audit is an essential part of the process of accountability for public money. It makes an important contribution to the stewardship of public resources and the corporate governance of public services.

- 3.8.2 To give an independent opinion on public bodies' financial statements and may review, and report on, aspects of the arrangements put in place by public bodies to ensure the proper conduct of their financial affairs and to manage their performance and use of resources. Because of the special accountabilities attached to public money and the conduct of public business, external audit in the public sector is characterised by three distinct features:
- auditors are appointed independently from the bodies being audited;
 - the scope of auditors' work is extended to cover not only the financial statements, but also aspects of corporate governance and arrangements to secure the economic, efficient and effective use of resources; and
 - auditors may report aspects of their work to the public and other key stakeholders.

- 3.8.3 The Head of Internal Audit plays a critical role in delivering the Authority's strategic objectives by:
- championing best practice in governance, objectively assessing the adequacy of governance and management of existing risks, commenting on responses to emerging risk and proposed developments
 - giving an objective and evidence based opinion on all aspects of governance, risks management and internal control
 - being a senior manager with regular and open engagement across the authority, particularly with the Leadership Team and with the Audit Committee
 - leading and directing an internal audit service that is resourced to be fit for purpose; and being professionally qualified and suitably experienced

Financial Administration

4.1 Financial Systems

- 4.1.1 The Authority needs to have in place sound financial systems. The complexity of the Authority will often mean that specialist systems are required for specific service areas. Equally the Authority needs to prepare financial accounts based upon its detailed accounting information and records. This requires a corporate financial system to ensure that probity is achieved.
- 4.1.2 The Treasurer is responsible for operating and maintaining a corporate financial accounting system and monitoring and approving all subsidiary financial systems.
- 4.1.3 The Chief Fire Officer and Assistant Chief Fire Officers are responsible for operating those financial systems within their Directorate in accordance with the procedures agreed with and notified by the Treasurer; and maintaining adequate supporting information where applicable within their Directorate.

4.2 Format of Accounts

- 4.2.1 The Authority is required by law to compile annual accounts complying with the relevant Accounting Code of Practice.
- 4.2.2 Responsibilities of the Treasurer:
- ensuring that accounts are prepared on time and in accordance with the necessary legal and professional requirements
 - ensuring that suitable accounting policies are in place and applied consistently
 - ensuring that professional judgements are made in preparation of the accounts which are prudent and reasonable in light of the information available at the time of preparation
 - ensuring that all practicable steps have been taken to identify fraud
 - submitting and authorising grant claims subject to external audit
 - issuing detailed instructions on accounting records or procedures necessary to meet the Authority Statutory requirements

- 4.2.3 The Chief Fire Officer and Assistant Chief Fire Officers are responsible for providing the Treasurer with information sufficient to enable them to prepare the accounts and submit grant claims and for maintaining appropriate up to date records.

4.3 Taxation

- 4.3.1 The Authority is subject to Tax and as such needs to ensure that its taxation affairs are efficient. Taxation of Local Authorities is complex and there is significant scope for penalties, which need to be minimised.
- 4.3.2 Responsibilities of the Treasurer:-
- ensuring that the Authority's taxation affairs are maintained on a timely basis, with due regard to the complex and changing legislation
 - liaising with the relevant Government Departments and Agencies in relation to Taxation
 - providing Assistant Chief Fire Officers with advice in relation to Taxation issues
 - ensure that the corporate payroll and accounting systems deal correctly with taxation
- 4.3.3 The Chief Fire Officer and Assistant Chief Fire Officers are responsible for ensuring the Treasurer is informed of any changes, which can materially affect the Authority's Taxation position.

4.4 Budget Transfers & Contingencies

- 4.4.1 The Authority sets budgets for both Revenue and Capital expenditure. Circumstances can and do change that result in those detail budgets becoming outdated. It is necessary, to ensure good financial management, that flexibility exists to allow transfers of resources. For revenue this needs to cover:
- detailed transfers between types of expenditure
 - detailed transfers between Directorates within the Chief Fire Officer's control
 - transfers from Revenue to Capital
 - transfers of underspends to the following financial year
 - transfers of resources into and from Specific Provisions.
- 4.4.2 Whilst for Capital this needs to cover transfers between projects and transfers from Capital to Revenue.
- 4.4.3 The following budget transfers are allowable as an integral aspect of the financial administration of the Authority's service delivery without specific Authority decisions:
- The Chief Fire Officer has primary responsibility for ensuring budgetary control. Each Budget should be the responsibility of a designated Budget Holder as agreed between the Treasurer and the Chief Fire Officer. The Budget Holder is responsible for managing expenditure and income in accordance with budgetary provision.

- Each Budget Holder may vire between “non-pay” detailed budgets (i.e. premises, supplies and services, fees and charges) within an activity an amount up to £2,000 or 5% of a budget, whichever is the greater with the consent of the Chief Fire Officer. All such virement should be notified to the Treasurer. Any diversion in excess of the above amounts requires the approval of the Authority.
 - Virement involving “pay” budgets up to £2,000 or 5%, whichever is the greater and within an activity requires the approval of both the Chief Fire Officer and the Treasurer.
 - Non-recurring expenditure of up to £7,499 is permitted to support Operational Assurance Action Group initiatives as long as it is approved by the relevant Assistant Chief Fire Officer and can be accommodated within existing budgets. Expenditure in excess of £7,500 requires the approval of the ACFO SPR.
 - The Chief Fire Officer may vire between detailed budgets within the detailed activities any amount up to a maximum of £500,000 provided that the original detailed budget remains available to cover commitments attributable to that Budget Head, after consultation with the Treasurer. Amounts in excess of these limits require the approval of the Authority.
- 4.4.4 Transfers both ways between Revenue and Capital are allowed subject to continued service delivery.
- 4.4.5 In addition to the above the Chief Fire Officer in consultation with the Treasurer can transfer resources into and from Reserves and Provisions and make technical budget adjustments necessary to allocate grant resources and comply with grant conditions.
- 4.4.6 In relation to Capital the Chief Fire Officer in consultation with the Treasurer may transfer resources from one project to another subject to a maximum of £5,000 for projects up to £50,000 and up to £50,000 or 10% on projects over £50,000 whichever is the lower.
- 4.4.7 All transfers must be notified to the Treasurer for his agreement prior to his actioning those transfers in the Accounting System.
- 4.4.8 All transfers must leave the originating budget with sufficient funds to meet its commitments within that financial year.
- 4.4.9 The Treasurer is responsible for maintaining and administering the scheme of budget transfers and contingencies and issuing guidance on the appropriateness of use of such reserves and provisions as may be requested.
- 4.4.10 The Chief Fire Officer and Assistant Chief Fire Officers are responsible for ensuring that the Treasurer is informed of any changes, which require a budget transfer.

STANDING ORDERS

Regulation of Proceedings and Business

STANDING ORDERS FOR THE REGULATION OF PROCEEDINGS AND BUSINESS

Standing Order No.	Subject
1	Meetings of the Authority
2	Chairing of meetings
3	Quorum
4	Order of Business
5	Notices of Motion
6	Motions and Amendments which may be moved without Notice
7	Questions
8	Minutes
9	Expressions of Dissent
10	Rules of Debate for Authority Meetings
11	Motions affecting Persons employed by the Authority
12	Disorderly Conduct
13	Disturbance by members of the Public
14	Rescission of Preceding Resolution
15	Voting
16	Recording of Votes
17	Record of Attendances
18	The Authority's Code of Conduct
19	Non participation in case of disclosable pecuniary interest
20	Interest of Officers in Contracts
21	Canvassing of, and Recommendations by Members
22	Relatives of Members or Employees
23	Custody of Seal
24	Sealing of Documents
25	Authentication of documents for Legal Proceedings
26	Inspection of Documents
27	Inspection of Lands, Premises etc.
28	Variation and Revocation of Standing Orders
29	Suspension of Standing Orders
30	Interpretation of Standing Orders

STANDING ORDERS RELATING TO COMMITTEES AND SUB-COMMITTEES

31	Standing Orders to apply to Committees and Sub-Committees
32	Appointment of Committees
33	Election of Chair of Committee
34	Appointment of Sub-Committee
35	Attendance of substitutes at Committees
36	Special Meetings of Committees and Sub-Committees
37	Quorum of Committees and Sub-Committees
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39	Mover of Motion may attend Committee or Sub-Committee
40	Attendance of Members at Committee Meetings
41	Attendance of Members at Sub-Committee Meetings
42	Conduct of Business by Audit & Governance Committee

STANDING ORDERS OF THE CLEVELAND FIRE AUTHORITY FOR THE REGULATION OF THEIR PROCEEDINGS AND BUSINESS

INTRODUCTION

1. In these Standing Orders “the Authority” means the Cleveland Fire Authority established under The Cleveland Fire Services (Combination Scheme) Order 1995 for the combined area of the constituent authorities of Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on Tees.
2. The Authority consists of 16 members with each member being appointed by a constituent authority from its own members.
3. A member of the Authority shall come into office on the date of their appointment from their constituent council and shall subject to paragraphs 4 and 5, hold office for such period or periods as shall be determined by that constituent council which made the appointment.
4. A member of the Authority may resign their membership by giving notice in writing to that effect to the officer of the Authority whose function it is to receive such notice.
5. A member of the Authority who ceases to be a member of the Council which appointed them shall cease to be a member of the Authority.
6. A person is disqualified from being a member of the Authority if he holds any paid office or employment with the Authority.
7. Nothing in paragraph 6 shall apply to a member because of election as Chair or Vice-Chair of the Authority or any of its Committees. Subject to paragraph (i) below, if a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority before the expiry of their period of office, the Constituent Authority which appointed them shall appoint a representative to replace them who shall come into office on the date of their appointment and unless they resign, becomes disqualified or otherwise ceases to be a member of the Authority shall hold office for the remainder of the period for which their predecessor would have held office had they not resigned, become disqualified or otherwise ceased to be a member of the Authority.
 - (i) 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 their period of office, the Constituent Authority which appointed them shall not be required to appoint a representative to replace them for the remainder of such period unless on the occurrence of such a 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 2.
8. These Standing Orders are the Authorities internal regulations for ensuring good practice and compliance with the law in the conduct of its business. They are to be observed at all meetings of the Authority and its committees.

**STANDING ORDER NO.1
MEETINGS OF THE AUTHORITY**

- (1) The Authority shall hold an annual meeting between the first day of May and the last day of June each year. The first item of business on the agenda for the annual meeting shall be the appointment of Chair and Vice-Chair for the ensuing year.
- (2) In addition to the annual meeting of the Authority and any extraordinary meetings convened by the Chair or by members of the Authority, meetings for the transaction of general business shall be held in each year at approximately such intervals and upon such days as the Authority may at its annual or other appropriate meeting determine, unless otherwise ordered by the Authority and subject to any lawful alteration which special circumstances may render desirable.
- (3) The annual meeting, extraordinary meetings and other meetings of the Authority shall unless otherwise directed or determined by the Authority or the Chair be held at Training and Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool, commencing at 2.00 p.m.

**STANDING ORDER NO.2
CHAIRING OF MEETING**

- (1) The Chair of the Authority shall preside at meetings of the Authority. The Chair of each Committee shall preside at the meeting of that Committee.
- (2) In the absence of the Chair at any meeting, the Vice-Chair shall preside at the meeting. In the absence of both, the members present shall, as their first item of business, appoint one of their number to be Chair of the meeting.

**STANDING ORDER NO.3
QUORUM**

- (1) The quorum for any meeting shall be one third of the membership (or to the nearest whole number above such number), including at least one member from each of two of the constituent authorities.
- (2) If during any meeting of the Authority the Chair or any member of the Authority states that there is not a quorum present the Clerk to the Authority (Assistant Chief Fire Officer Strategic Planning and Resources) shall call over and record the names of the members of the Authority who are present in the meeting and if it appears that there is not a quorum present the meeting shall stand adjourned to a time to be fixed by the Chair or, if s/he does not fix a time, to the next ordinary meeting of the Authority.

STANDING ORDER NO 4 ORDER OF BUSINESS

- (1) Except as otherwise provided by paragraph (2) of this standing order, the order of business at every meeting of the Authority shall be:-
- (a) To choose a person to preside if the Chair and Vice Chair are absent or unable to attend.
 - (b) To deal with any business required by statute to be done before any other business.
 - (c) to approve as a correct record and sign the minutes of the last meeting of the Authority.
 - (d) To deal with any business expressly required by statute to be done.
 - (e) To receive communications sent to the Chair or the Assistant Chief Fire Officer Strategic Planning and Resources and to take such action thereon as may be deemed necessary.
 - (f) To dispose of business (if any) remaining from the last meeting.
 - (g) To answer questions asked under Standing Order 7.
 - (h) To receive and consider reports, minutes and recommendations of committees and to pass such resolutions thereon as may be deemed necessary.
 - (i) To receive and consider reports of the overview and scrutiny committee for debate and to receive questions and answers thereon
 - (j) To consider motions in the order in which notice has been received.
 - (k) To receive the reports of officers and to pass such resolutions thereon as may be deemed necessary
 - (l) To authorise the sealing of documents.
 - (m) Other business, if any, specified in the summons.
 - (n) Any other items which the Chair decides are urgent.

Variation of Order of Business

- (2) Business falling under items (a), (b), (c) or (d) of paragraph 1, shall not be displaced, but subject thereto the foregoing order of business may be varied.
- (a) by the Chair at their discretion.
 - (b) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

STANDING ORDER NO. 5 NOTICES OF MOTION

- (1) Notice of every motion other than a motion which under Standing Order 6 may be moved without notice shall be given in writing, signed by not fewer than 5 members of the Authority giving the notice, and delivered, at least seven clear days before the next meeting of the Authority, during normal office hours to the Assistant Chief Fire Officer Strategic Planning and Resources or a member of their staff by whom it shall be dated and numbered in the order in which it is received.
- (2) The Assistant Chief Fire Officer Strategic Planning and Resources shall set out in the summons for every meeting of the Authority all motions of which notice has been duly given in the order in which they have been received, unless the member giving such a notice intimated in writing, when giving it, that they propose to move it at some later meeting or has since withdrawn it in writing.
- (3) If a motion thus set out in the summons be not moved either by a member who gave notice thereof or by some other member on their behalf it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.

- (4) If the subject matter of any motion of which notice has been duly given comes within the province of any committee or committees it shall, upon being moved and seconded, stand referred without discussion to such committee or committees, or to such other committee or committees as the Council may determine, for consideration and report.
- (5) Provided that the Chair may, if they consider it convenient and conducive to the despatch of business, allow the motion to be dealt with at a meeting of the Authority at which it is brought forward.
- (6) Every motion shall be relevant to some matter in relation to which the Authority have powers or duties or which affects the Authority.

STANDING ORDER NO.6
MOTIONS AND AMENDMENTS WHICH MAY BE MOVED
WITHOUT NOTICE

The following motions and amendments may be moved without notice:

- (1) Appointment of a Chair of the meeting at which the motion is made.
- (2) Motions relating to the accuracy of the minutes.
- (3) That an item of business specified in the summons has precedence.
- (4) Remission to a committee.
- (5) Appointment of a committee or members thereof, occasioned by an item mentioned in the summons to the meeting.
- (6) Adoption of reports and recommendations of committees or officers and any consequent resolutions.
- (7) That leave be given to withdraw a motion.
- (8) Extending the time limit for speeches.
- (9) Amendments to motions.
- (10) That the Authority proceed to the next business.
- (11) That the question be now put.
- (12) That the debate be now adjourned.
- (13) That the Authority do now adjourn.
- (14) Authorising the sealing of documents.
- (15) Suspending standing orders, in accordance with Standing Order 29.
- (16) Motion under Section 100A(4) of the Local Government Act 1972 as amended, to exclude the public.
- (17) That a member named under Standing Order 12 be not further heard or do leave the meeting.
- (18) Requesting a member to leave under Standing Order 19 (Non participation in case of disclosable pecuniary interest).
- (19) Giving consent of the Authority where the consent of the Authority is required by these standing orders.

STANDING ORDER NO. 7 QUESTIONS

- (1) A member of the Authority may ask the Chair of a committee any question upon an item of the report of a committee when that item is under consideration by the Authority.
- (2) A member of the Authority may, if a notice in writing has been given to the Assistant Chief Fire Officer Strategic Planning and Resources before mid-day on the day previous to the Authority meeting and such notice is signed by a member before the commencement of the Authority meeting, ask the Chair of the Authority or the Chair of any Committee any question on any matter in relation to which the Authority have powers or duties or which affects the Authority.
- (3) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.
- (4) An answer may take the form of:
 - (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Authority, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated as soon as may be to members of the Authority.

STANDING ORDER NO. 8 MINUTES

- (1) The Minutes of a meeting of the Authority shall be submitted for approval of their accuracy at the next meeting of the Authority.
- (2) At a meeting of the Authority at which minutes of a previous meeting are submitted for approval of their accuracy, the Chair shall move that those minutes be so approved.
- (3) No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.
- (4) If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

STANDING ORDER NO. 9 EXPRESSIONS OF DISSENT

No protest or expression of dissent shall be entered upon the minutes of the Authority or its committees provided that if, in the opinion of a member, it is being proposed that the Authority or a committee shall make a decision which is ultra vires or otherwise illegal s/he may ask that s/he shall be dissociated from such a decision and a record of their request shall be made in the minutes of the Authority or the committee.

STANDING ORDER NO. 10 RULES OF DEBATE FOR AUTHORITY MEETINGS

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded, and, unless notice has already been given in accordance with Standing Order 5, it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.

- (2) A member when seconding a motion or amendment may, if they then declare their intention to do so, reserve their speech until a later period of the debate.
- (3) A member when speaking shall signify their desire to speak and when called upon to do so by the Chair address the Chair or in their absence the person presiding. If two or more members so signify, the Chair shall call on one to speak; the other or others shall then remain silent. While a member is speaking the other members shall remain silent, unless raising a point of order or in personal explanation.
- (4) A member shall direct their speech to the question under discussion or to a personal explanation or to a point of order. A member moving a resolution or amendment shall not speak for more than 10 minutes in support thereof and no other speech shall exceed 5 minutes, except by consent of the Authority.
- (5) A member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
 - (a) to speak once on an amendment moved by another member.
 - (b) if the motion has been amended since s/he last spoke, to move a further amendment
 - (c) if their first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which s/he spoke was carried.
 - (d) in exercise of a right of reply given by paragraph (11) or (13) of this standing order.
 - (e) on a point of order.
 - (f) by way of personal explanation.
- (6) An amendment shall be relevant to the motion and shall be:
 - (a) to refer a subject of debate to a committee for consideration or re-consideration; or
 - (b) to leave out words; or
 - (c) to leave out words and insert or add others; or
 - (d) to insert or add words;
- (7) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

(PROVIDED that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Authority's business).
- (8) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- (9) A member may with the consent of the Authority signified without discussion:
 - (a) alter a motion of which they have given notice, or
 - (b) with the further consent of their seconder alter a motion which they have movedif (in either case) the alteration is one which could be made as an amendment thereto.

- (10) A motion or amendment may be withdrawn by the mover with the consent of their seconder and of the Authority, which shall be signified without discussion, and no member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.
- (11) The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on their amendment provided that, if that amendment becomes the substantive motion, the mover shall have a right of reply to the debate on that motion.
- (12) When a motion is under debate, no other motion shall be moved except the following:
- (a) to amend the motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) that a member be not further heard
 - (g) by the Chair under Standing Order 12(2) that a member do leave the meeting;
 - (h) a motion under Section 100A(4) of the Local Government Act 1972 as amended, to exclude the public.
- (13) A member may move without comment at the conclusion of a speech of another member, "That the Authority proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Authority do now adjourn", on the seconding of which the Chair shall proceed as follows:
- (a) on a motion to proceed to next business: unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
 - (b) on a motion that the question be now put unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion their right of reply under paragraph 11 of this standing order before putting their motion to the vote:
 - (c) on a motion to adjourn the debate or the meeting: if in their opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion they shall put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion.
- (14) A member may raise a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a standing order or statutory provision and the member shall specify the standing order or statutory provision and the way in which s/he considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- (15) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

- (16) Whenever the Chair rises during a debate a member then standing shall resume their seat and the Authority shall be silent.
- (17) That the member of the Authority shall speak of each other in the Authority, during the transaction of business, by their respective titles of 'Chair' or 'Member' as the case may be.

STANDING ORDER NO. 11
MOTIONS AFFECTING PERSONS EMPLOYED BY THE AUTHORITY

If any question arises at a meeting of the Authority as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Authority, such question shall not be the subject of discussion until The Authority or Committee, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A(4) of the Local Government Act 1972 as amended shall be exercised.

STANDING ORDER NO. 12
DISORDERLY CONDUCT

- (1) If at a meeting any member of the Authority, in the opinion of the Chair notified to the Authority, misconduct himself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, the Chair or any other member may move "That the member named be not further heard", and the motion if seconded shall be put and determined without discussion.
- (2) If the member named continue their misconduct after a motion under the foregoing paragraph has been carried the Chair shall:

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

OR adjourn the meeting of the Authority for such period as they in their discretion shall consider expedient.
- (3) In the event of general disturbance which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair in addition to any other power vested in him/her may, without question put, adjourn the meeting of the Authority for such period as they in their discretion shall consider expedient.
- (4) A member or members of the Authority so named in a motion carried under this standing order shall comply with such motion.

STANDING ORDER NO. 13
DISTURBANCE BY MEMBERS OF THE PUBLIC

If a member of the public interrupts the proceedings at any meeting the Chair shall warn them. If they continue the interruption the Chair shall order their removal from the meeting room. In case of general disturbance in any part of the meeting room open to the public the Chair shall order that part to be cleared.

**STANDING ORDER NO. 14
RESCISSION OF PRECEDING RESOLUTION**

No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order 6 bears the names of at least five members of the Authority. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any member to propose a similar motion within a further period of six months.

PROVIDED that this standing order shall not apply to motions moved in pursuance of a recommendation of a committee.

**STANDING ORDER NO. 15
VOTING**

- (1) Unless otherwise agreed by the Authority or a Committee in a particular instance, voting shall be by show of hands.
- (2) The Chair, or person presiding at a meeting, shall have, in the case of equality of votes, a second or casting vote.

**STANDING ORDER NO. 16
RECORDING OF VOTES**

- (1) Where immediately after a vote is taken at a meeting any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast their vote for the question or against the question or whether s/he abstained from voting.

In this paragraph “a meeting” means that of the Authority, a committee or sub-committee of the Authority or a relevant joint committee or sub-committee of such a committee.

**STANDING ORDER NO. 17
RECORD OF ATTENDANCES**

- (1) Every member of the Authority attending a meeting of the Authority or of any of its committees or sub-committees of which they are a member shall sign their name in the attendance book or sheet and, if they attend as a substitute, indicating the member for whom they attend as a substitute.

Attendance in the absence of a Quorum

- (2) The Assistant Chief Fire Officer Strategic Planning and Resources shall keep a record of the attendance of members of the Authority at Authority meetings and at meetings of each of the committees of the Authority or of the sub-committees or working parties thereof whether there be a quorum or not.

Records of other attendances and approved duties

- (3) The officer of the Authority or other person, authorised for the time being to make any payments to members of the Authority under Section 18 Local Government and Housing Act 1989 or any regulations made thereunder (“such officer”) shall keep such records of the attendances, approved duties, conferences, meetings, visits and other occasions qualifying for such payments as such officer considers necessary or desirable and members of the Authority shall supply to such officer such details thereof as s/he reasonably prescribes.

STANDING ORDER NO. 18
THE AUTHORITY'S CODE OF CONDUCT

All members of the Authority must at all times observe the requirements of the Authority's Code of Conduct, including those general principles covering the conduct of members as specified by the Secretary of State together with any further Regulations and/or guidance issued through the Secretary of State.

STANDING ORDER NO. 19
NON PARTICIPATION IN CASE OF DISCLOSABLE PECUNIARY INTEREST

- (1) A member with a disclosable pecuniary interest (or such other prejudicial interest) in a matter as defined in paragraph (V) of the Authority's Code of Conduct who attends a meeting of the Authority any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Authority must disclose to that meeting the existence and nature of that interest at the commencement of that meeting or when the interest becomes apparent.
- (2) A member with a disclosable pecuniary interest (or such other prejudicial interest) in any matter;
 - (a) must withdraw from the room where the meeting is being held whenever it becomes apparent that the matter is being considered and may not participate in any discussion or participate in any vote taken on the matter at the meeting, unless the member has obtained a dispensation from the Audit and Governance Committee of the Authority; and
 - (b) shall not otherwise seek to improperly to influence a decision about the matter.
- (3) A member must within 28 days of their election or being appointed to the Authority or from the Authority adopting or revising its Code of Conduct, register their pecuniary interest with the Legal Adviser and Monitoring Officer to the Authority in accordance with paragraphs (i) (ii) (iii) (iv) and (v) of the Authority's Code of Conduct. (If the interest is not registered and is subject of a pending notification, you must notify the Legal Adviser and Monitoring Officer of the interest within 28 days).
- (4) A member is required under the Authority's Code of Conduct to provide written notice to the Legal Adviser and Monitoring Officer of any gift or hospitality over the value of £25.00 within 28 days of receipt of such gift or hospitality.

STANDING ORDER NO. 20
INTEREST OF OFFICERS IN CONTRACTS

The Assistant Chief Fire Officer Strategic Planning and Resources shall record in a book to be kept for the purpose brief particulars of any notice given by an officer of the Authority under Section 117 of the Local Government Act, 1972 as amended of any pecuniary or other interest in a contract, and the book and such notices shall be open during office hours to the inspection of any member of the Authority.

STANDING ORDER NO. 21
CANVASSING OF, AND RECOMMENDATIONS BY, MEMBERS

- (1) Canvassing of members of the Authority directly or indirectly for any appointment under the Authority shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this standing order shall be included in any form of application.

- (2) A member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

STANDING ORDER 22 RELATIVES OF MEMBERS OR EMPLOYEES

- (1) A candidate for any appointment under the Authority who knows that he is related to any member or employee of the Authority shall disclose that relationship in his application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal without notice.
- (2) Every member and senior officer of the Authority shall disclose to the Legal Adviser to the Authority any relationship known by the member or senior officer to exist between that member or senior officer and any person whom the member or senior officer knows is a candidate for any appointment under the Authority.
- (3) Reference to this standing order shall be included in any form of application.
- (4) For the purposes of this standing order, "senior officer" means any member of the Executive Leadership Team, Brigade Manager or any other statutory officer of the Authority.
- (5) Persons shall be deemed to be related if they are husband and wife, partners, or close personal friends, or if either of them is the son, daughter, grandson, granddaughter, brother, sister, nephew or niece of the other, or of the spouse, partner or close personal friend of the other. For the purpose of this standing order "partners" include a relationship between two people of the same sex whether or not registered as a civil partnership under the Civil Partnership Act 2004 and a relationship of common law husband and wife, and "partner" shall be construed accordingly.

STANDING ORDER NO. 23 CUSTODY OF SEAL

The common seal of the Authority shall be kept in a safe place in the custody of the Legal Adviser to the Authority.

STANDING ORDER NO. 24 SEALING OF DOCUMENTS

- (1) 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 or of a committee to which the Authority have delegated their powers in this behalf, but a resolution of the Authority (or of a committee where that committee has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, 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 document necessary to give effect to the resolution.
- (2) The seal shall be attested by the Legal Adviser to the Authority, Chief Fire Officer, Treasurer or another person authorised in writing by the Legal Adviser 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 authenticated by the person who attested the seal.

STANDING ORDER NO. 25
AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

Where any document will be a necessary step in legal proceedings on behalf of the Authority it shall be signed by the Legal Adviser 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.

STANDING ORDER NO. 26
INSPECTION OF DOCUMENTS

- (1) A member of the Authority may, for purposes of their duty as such a member but not otherwise, on application to the Assistant Chief Fire Officer Strategic Planning and Resources inspect any document which has been considered by a committee or by the Authority and if copies are available shall on request be supplied for the like purposes with a copy of such a document.

PROVIDED that a member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which they have a personal and prejudicial, and that this standing order shall not preclude the Assistant Chief Fire Officer Strategic Planning and Resources or the Legal Adviser of the Authority from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

- (2) All reports made or minutes kept by any committee shall, as soon as the committee has concluded action on the matter to which such reports or minutes relate and after they have been approved by the Authority, be open for the inspection of any member of the Authority.

STANDING ORDER NO. 27
INSPECTION OF LANDS, PREMISES ETC.

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

STANDING ORDER NO. 28
VARIATION AND REVOCATION OF STANDING ORDERS

Any motion to add to, vary or revoke these standing orders other than for the purpose of compliance with any statutory requirement shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

STANDING ORDER NO. 29
SUSPENSION OF STANDING ORDERS

The Authority may resolve to suspend any of the standing orders so far as regards any business at the meeting where its suspension is moved.

STANDING ORDER NO. 30
INTERPRETATION OF STANDING ORDERS

- (1) The Interpretation Acts shall apply to these standing orders.
- (2) The ruling of the Chair as to the construction or application of any of these standing orders, or as to any proceedings of the Authority, shall be final.

- (3) In these standing orders, any reference to a statutory provision, regulations or code of conduct shall be construed as a reference to the provision, regulations or code of conduct as amended, substituted or extended from time to time.

COMMITTEES AND SUB-COMMITTEES

STANDING ORDER NO. 31 STANDING ORDERS TO APPLY TO COMMITTEES AND SUB-COMMITTEES

The standing order of the Authority headed “Rules of Debate” (except those parts which relate to standing and to speaking more than once) and the standing order 19 headed “Non Participation in case of Disclosable Pecuniary Interest” shall, with any necessary modification, apply to committee and sub-committee meetings.

Except where statutory provisions or express provisions of these standing orders otherwise provide or the context otherwise requires the following standing orders of the Authority relating to the meetings, proceedings and regulations of the Authority shall apply mutatis mutandis to meetings of committees or sub-committees:

Standing Order Nos:

2, 3, 8, 9, 10 (except those parts which relate to speaking more than once), 11, 12, 13, 16, 17, 19 together with all standing orders under the general heading “Committees and Sub-Committees”.

STANDING ORDER NO. 32 APPOINTMENT OF COMMITTEES

The Authority shall at the annual meeting or at a meeting to be held as soon as possible thereafter or at such other meeting as the Authority shall determine appoint such committees as they are required to appoint by or under statute or under the arrangements made from time to time by the Authority for the appointment, constitution and powers and duties of such standing and other committees, and scrutiny committees of the Authority as the Authority considers necessary or desirable to carry out the work of the Authority, but subject to any statutory provision in that behalf shall not appoint any member of a committee so as to hold office later than the next annual meeting of the Authority.

STANDING ORDER NO. 33 ELECTION OF CHAIR OF COMMITTEE

At the first meeting of every committee, the first business shall be to choose a Chair, and if the committee think proper, a vice-Chair unless the Chair and/or the Vice-Chair has previously been appointed by the Authority. For the purpose of the election of a Chair the Chair or the Vice Chair of the Authority, if present at the meeting, shall act as Chair.

STANDING ORDER NO. 34 APPOINTMENT OF SUB-COMMITTEES

- (1) Every committee of the Authority may appoint sub-committees for purposes to be specified by the committee.
- (2) Except where powers or duties are delegated to a sub-committee by any committee or by the Authority, no act of a sub-committee shall have effect until approved by the committee. A sub-committee with such delegated powers shall not exercise such powers unless the majority of persons present at any meeting thereof are elected members of the Authority.

STANDING ORDER NO. 35
ATTENDANCE OF SUBSTITUTES AT COMMITTEES AND SUB-COMMITTEES

- (1) A member may nominate any member of the Authority to act as their substitute and, in the absence of the member from any meeting of the relevant body the nominee shall be entitled to attend, speak and vote at the meeting (but not, in the case of a nominating member being the Chair or Vice-Chair, to exercise the rights and functions of that office)
- (2) The nomination or revocation of nomination of a substitute shall be in writing specifying the body to which it relates, signed by the nominating member, and shall be sent forthwith to the Assistant Chief Fire Officer Strategic Planning and Resources (notification thereof being given verbally by or on behalf of the nominating member in a case of urgency). Upon the receipt of notification the Assistant Chief Fire Officer Strategic Planning and Resources shall cause the register maintained for the purposes of s.100G Local Government Act 1972 to be amended accordingly.
- (3) A member attending as substitute shall, at the commencement of the meeting, identify the member on whose behalf they attend who shall thereupon be excluded from participation in that meeting.
- (4) A nomination (other than a nomination for the purpose only of a specific meeting) shall have effect until revoked by the nominating member.

STANDING ORDER NO. 36
SPECIAL MEETINGS OF COMMITTEES AND SUB-COMMITTEES

The Chair of a committee or sub-committee or the Chair of the Authority may call a special meeting of that committee or sub-committee at any time. A special meeting shall also be called on the written requisition of a quarter of the whole number of the relevant committee or sub-committee delivered in writing to the Assistant Chief Fire Officer Strategic Planning and Resources but in no case shall less than three members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

STANDING ORDER NO. 37
QUORUM OF COMMITTEES AND SUB-COMMITTEES

In all cases where it is not otherwise specially provided, three members shall form a quorum in all committees and two members shall form a quorum in all sub-committees.

STANDING ORDER NO. 38
VOTING IN COMMITTEE

Except where otherwise provided or agreed, voting at a meeting of a committee or sub-committee shall be by show of hands.

The Chair of a meeting of a committee or sub-committee shall be entitled to vote and in addition thereto shall have a second or casting vote.

STANDING ORDER NO. 39
**MOVER OF MOTION MAY ATTEND COMMITTEE
OR SUB-COMMITTEE**

A member of the Authority who has moved a motion which has been referred to any committee or sub-committee shall have notice of the meeting of the committee or sub-committee at which it is proposed to consider the motion. S/he shall (unless under a statutory disability in relation thereto) have the right to attend the meeting and to speak thereon but, unless s/he is a member of that committee or sub-committee, shall not be entitled to vote.

STANDING ORDER NO. 40
ATTENDANCE OF MEMBERS AT COMMITTEE MEETINGS

Any member of the Authority may attend meetings of any committee of which s/he is not a member, provided that s/he may not speak thereat without the permission of the committee or vote upon any decision and provided that Standing Order 19 shall apply to such member of the Authority as though s/he were a member of the committee.

STANDING ORDER NO. 41
ATTENDANCE OF MEMBERS AT SUB-COMMITTEE MEETINGS

Members of the Authority shall not attend meetings of sub-committees unless duly appointed by the committee or as a substitute for a duly appointed member or otherwise expressly invited by a majority of the sub-committee.

STANDING ORDER NO. 42
CONDUCT OF BUSINESS BY THE AUDIT AND GOVERNANCE COMMITTEE

(a) Work Programme

The Audit and Governance Committee will be responsible for setting their work programme for each year.

(b) Agenda Items

- (i) Any member of an Audit and Governance Committee shall be entitled to give notice to the Assistant Chief Fire Officer Strategic Planning and Resources that they wish an item relevant to the functions of the Committee to be included on the agenda for a future meeting of the committee. The Chair of the Committee will determine when such requests are considered by the Committee, taking into account the work programme of the Committee and the views of the member making the request.
- (ii) Members of an Audit and Governance committee making requests for items to be considered, must complete the relevant notice which is available from the Assistant Chief Fire Officer Strategic Planning and Resources. The information required to be provided by the member making the request will include the reasons for referring the issue and the objectives of an inquiry.
- (iii) The Authority may also refer items for consideration by an Audit and Governance committee. When an item is referred to Audit and Governance, the referring body must provide the following information when agreeing to refer the item to scrutiny:
- the reasons for referring the issue
 - the objectives of the scrutiny process
 - any statutory requirements that the referring body is working within/towards
 - timescales for reporting back to the referring body

ANNEX
ADDITIONAL RIGHTS OF ACCESS OF MEMBERS OF AUDIT AND GOVERNANCE
COMMITTEE

1. Audit and Governance Committees access to documents

Subject to rule 3 below, an Audit and Governance Committee will be entitled to copies of any document which is in the possession or control of the Authority or its committees and which contains material directly relating to:

- i) any business transacted at a meeting of the Authority or its committees; or
- ii) any decision that has been made by an officer

2 Limit on Audit and Governance Committee's rights of access to documents

An Audit and Governance Committee will not be entitled to:

- i) any document that is in draft form; or
- ii) any part of a document that contains exempt or confidential information, unless that information is directly relevant to:
 - an action or decision they are reviewing; or
 - any review contained in any programme of work of such a committee, or
- iii) the advice of a political adviser.

3 Additional rights of access for Members - material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Authority or its committees and contains material relating to any business previously transacted at a meeting of the Authority unless either (i) or (ii) below applies.

- i) it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information; or
- ii) it contains the advice of a political adviser.

4 Nature of right

These rights of a member are additional to any other right they may have.

5. Professional Adviser

Take advice from a Professional Adviser to the Brigade.

Contract Procedure Rules

1. Introduction

- 1.1 As a public body using public resources Cleveland Fire Authority must set and follow the highest possible standards of financial control and stewardship. These Contract Procedure Rules (CPR) give Elected Members and employees, procedures to follow which ensure the Authority's expected standards are met in relation to the procurement of goods, works and services for Cleveland Fire Authority and its Brigade.
- 1.2 These rules ensure that value for money is obtained, statutory requirements are met in terms of United Kingdom (UK) procurement law, and that the Authority's affairs are managed prudently and in an appropriately controlled and transparent manner. These rules will be subject to any relevant directives at the time being in force in the UK.
- 1.3 As a result of the UK leaving the European Union on 31 Dec 2020, amended iterations of the 'Public Contract Regulations 2015' were applied with immediate effect. These related to
- the introduction of a UK only e-notification portal to publish, access and respond to procurement notices called 'Find a Tender' which replaced OJEU and TED for UK procurement.
 - the transfer of the EU Commission's supervisory functions to the Cabinet Office. This means the Cabinet Office will be responsible for reviewing the financial thresholds for procurements every two years as well as updating the procedures for the electronic communication of tenders (for example, considering the tools and devices which may be used for the electronic receipt of tenders or any exceptions to the obligation to require use of electronic means of communication).
- 1.4 These procedures are standing orders made pursuant to Section 135 of the Local Government Act, 1972, relating to contracts and are referred to as the Contract Procedure Rules.

2. Application of Contract Procedure Rules (CPR)

- 2.1 These CPR apply to every contract for the supply of goods, materials, or services or for the execution of works, so far as they are relevant to a contract of the type determined by the Authority, except as provided in 2.2 below.
- 2.2 These rules may not apply to contracts for the execution of works or the provision of services in which the professional knowledge and skill of suppliers is so specialised that it has a sole source or is limited in availability. Each occurrence will be gauged on its own individual merit.

- 2.3 No exception from any of the rules shall be made otherwise than by direction of the Authority or in cases of unforeseeable emergencies involving immediate risk to persons, property or serious disruption to Brigade services, through the Chief Fire Officer in consultation with the Legal Advisor and Monitoring Officer (and where necessary or where otherwise desirable with the Authority's Section 151 Officer). A record of a decision of any exception from any of the provisions of these CPR shall be compiled by the above officers in consultation with the Chair of the Authority and reported to the Authority's Executive Committee at the next available meeting or otherwise be included within a quarterly report of exceptions, which shall identify the case or urgency by which the exception shall have been justified.
- 2.4 For the purposes of any financial limit referred to in these rules, if the application of the rules to a particular contract cannot be identified until after opening of any tender, the value of the contract shall be as estimated by the Chief Fire Officer in consultation with the Head of Procurement (or equivalent) and where necessary with the Section 151 Officer. If the value of the contract exceeds or could potentially exceed Higher Value thresholds the tender process should follow the relevant Higher Value procedures and timetables.
- 2.5 The letting of any contract shall also comply with any legislation or regulations relevant to the contract, in particular the Public Contract Regulations 2015 (and any amendments or revisions thereto), Health and Safety Regulations, the Authority's Financial Procedure Rules and the Authority's Procurement Policy.
- 2.6 In respect of any contract to which, for whatever reason, the procedures set out in these rules do not apply, there shall be followed a procedure which:
- has been determined and recorded prior to its commencement
 - ensures a level of competition consistent with the nature and value of the contract
 - is transparent and auditable
 - provides value for money, and
 - records the reasons for choosing the successful supplier
- 2.7 **The Public Services (Social Value) Act 2012** places a statutory requirement on public Authority's to consider the economic, social and environmental benefits of their approaches to procurement.
- 2.8 When preparing to procure or making arrangements for procuring a service contract or the carrying out of works where the estimated total contract value exceeds the Higher Value threshold, then consideration must be given to how the contract might improve the economic, social and environmental well-being of the Cleveland Fire Area as required by the 2012 Act.

- 2.9 At the outset of any procurement exercise the Authority must therefore consider:
- how what is proposed to be procured might improve the economic, social and environmental well-being of its area, and
 - how, in conducting the process of procurement, it might act with a view to securing that improvement
 - whether to undertake any consultation as to the matters that fall to be considered under the above.

3. The Principles of Tendering

- 3.1 In order to demonstrate value for money a competitive exercise should be carried out between potential suppliers. Tender and quotation exercises will be transparent and fair.
- 3.2 All potential suppliers invited to submit tenders or quotations shall be provided in all instances with identical information and instructions. Where considered appropriate the Chief Fire Officer may permit potential suppliers to also submit variant tenders and quotations (i.e. tenders or quotations which do not comply with some or all of the requirements of the primary tender or quotation). The same opportunity to submit variant tender or quotation must be given to all potential suppliers.
- 3.3 The Chief Fire Officer shall ensure that records of all tenders and quotations received are kept in line with the Brigade's Record Management Policy.
- 3.4 Procurement activities will reflect the fact that suppliers are dealt with in an impartial, legal and ethical manner.

4. Procurement Team Involvement

- 4.1 Brigade personnel will utilise the Procurement Team where any purchasing requirement is over the £7.5k threshold or where any requirement under the £7.5k threshold has an ongoing contract term and associated Terms and Conditions.
- 4.2 The Authority's Procurement thresholds are defined within section 7 and Appendix 1.

5. Whole Life Costing

- 5.1 Before any Procurement exercise commences, the procurement lead must calculate its estimated value in accordance with the following;
- 5.1.1 Where the contract period is fixed the estimated value shall be the total estimated maximum value of the supplies, services or works to be supplied over the period covered including any extensions to the contract.
- 5.1.2 Where the contract period is unknown, the estimated value shall be calculated by multiplying the estimated annual value by 4.

- 5.1.3 For feasibility studies the estimated value shall be the value of the scheme or contracts which may be awarded as a result.
- 5.1.4 Where the Authority leads on any collaborative procurement and where any other Authority contributes to the total value of that procurement, it is the estimated total value that should be applied in determining the correct procedures to be applied under these rules.

6. Disaggregation

- 6.1 A procurement opportunity should not be sub-divided for the purpose of reducing the total value of the contract. For example if the procurement requirement was £18,000 then this cannot be split into four smaller opportunities quite simply to bring the requirement into the lower value threshold.
- 6.2 Disaggregation can be defined simply as the separation of a purchase into several smaller purchase requisitions or contracts to avoid thresholds and competitive procedures.

7. Procurement Thresholds and Routes to Market

- 7.1 The following procurement thresholds should be based on the whole life cost of the required goods/services/works as identified in section 5 and must take into account all aspects of the procurement including any additional costs such as annual maintenance, system upgrades etc.
- 7.2 Full details of each of the below processes associated with the thresholds are contained within Appendix 1 – Route to Market Process Map.

NB. As a result of procurement policy note 10/21 'Thresholds and the calculation of Vat' the whole life contract value estimation should be inclusive of VAT (where applicable) from 1 January 2022. This notice in conjunction with record levels of inflation has led to the below thresholds being increased at the lower value and quotation level.

Procurement Requirements below £7,500

- 7.3 Where the procurement requirement is below £7,500, is not covered by an existing contract and has no ongoing contract term, a purchase order can be placed directly by the budget holder with the selected supplier.

Procurement Requirements between £7,500 and £30,000 (Goods, Services) or between £7,500 to £50,000 (Works)

- 7.4 Goods and Service requirements between £7,500 and £30,000 or Works between £7,500 to £50,000 will be managed by the Procurement team via a competitive quotation process whereby at least 3 formal quotations must be obtained via e-tendering.
- 7.5 Brigade Personnel should engage with the Procurement Team to ensure appropriate procurement planning takes place, development of bid documentation.

Procurement Requirements between £30,000 and £180,000 Higher Value threshold (Goods, Services) or between £50,000 to £4m Higher Value threshold (Works)

- 7.6 Goods and Service requirements between £30,000 and £180,000 or Works between £50,000 to £4m will be managed by the Procurement team via a competitive procedure either through a suitable framework or open tender via e-tendering.
- 7.7 Brigade Personnel Units should engage with the Procurement Team to ensure appropriate procurement planning takes place, development of bid documentation.

Procurement Requirements above Higher Value thresholds (Goods, Services and Works)

- 7.8 Goods, Service and Works requirements above Higher Value thresholds will be managed by the Procurement team via a competitive procedure either through a suitable framework or full tender procedure via e-tendering.
- 7.9 Brigade Personnel should engage with the Procurement Team to ensure appropriate procurement planning takes place, development of bid documentation.

8. Procurement through Framework Agreements

- 8.1 If the Chief Fire Officer considers it appropriate to maintain an internal framework of suitable suppliers or participate in collaborative framework agreements for particular types and/or values of work the following procedure shall apply:
- 8.2 Where the Authority has entered into a framework agreement for the provision of specific goods, services or the execution of works then that framework agreement must be used to purchase those specific goods, services or the execution of works.
- The provisions for tendering regarding procedures, specifications, selection and contract award
 - The agreement may be with a single supplier or several, if several then there should be a minimum of three.

Introduction to external frameworks

- 8.3 A procurement framework is an agreement put in place with a provider or range of providers that enables the Authority to either place orders direct for goods and services (direct award without competition) or run a mini competition process (Call off) for goods and services with the framework suppliers.
- 8.4 The purpose of procuring through a framework is to enable the Authority to award contracts (Either direct award or mini-competition) without going through a full procurement process which can be costly and time consuming especially at Higher Value threshold level.

- 8.5 Framework procurement provides direct access to a supply base that is tested on capability, experience and cost modelling; Procuring this way creates efficiencies within the Procurement process and also as the majority of framework agreements are priced on volume further economies of scale can be leveraged through increased buying power.

When external framework agreements should be used

- 8.6 The procurement team will always endeavour to advise on the most efficient and compliant route to market for any Procurement requirement; should a framework agreement be identified as a potential route to market, the below assessment will be carried out on the framework agreement by the Procurement Lead.
- Does the framework agreement offer the right supplier base to meet the particular requirement? (e.g. it may be that if the framework agreement has been in place for a considerable time then a full procurement exercise may provide innovation from any new suppliers to the market).
 - Does the framework agreement offer the right level of choice in terms of the goods, services or works available (e.g. new products may have entered the market since the framework was established)
 - Is pricing under the framework agreement still considered competitive (e.g. a framework agreement could have been established at a time when relevant market prices were high). In the event of a contracting market, prices may become more competitive.
 - Are the terms and conditions that apply under the framework agreement acceptable? (e.g. for any complex procurement requirement in relation to certain services the terms applying to call offs under the framework may envisage relatively straightforward requirements). As the terms and conditions must not be the subject of further substantive negotiation, it may be that there is a requirement to conduct a full procurement on the basis of a more appropriate set of terms and conditions
- 8.7 The final justification and business rationale for the route to market will be recorded on a 'Contract Preliminaries' form and approved by the Procurement Manager, with the contract award recommendation approved in line with the scheme of delegation.

Framework Compliance

- 8.8 In order to use an external framework, the framework terms must clearly identify that the Authority can participate and use the framework agreement: this can either be identified by name or specific class of contracting Authority.
- 8.9 The framework itself must have been established in full accordance with Public Contract Regulations 2015.
- 8.10 Confirmation that the particular goods, services, works required are available under the framework agreement (i.e. within the scope of the framework agreement as originally advertised).

- 8.11 A framework agreement must not be used in such a way as to prevent, restrict or distort competition. It must also comply with the general principles of non-discrimination, proportionality, transparency and equal treatment. (e.g. when undertaking any call offs under a multiple provider framework agreement it is important that the process is transparent to all relevant suppliers and that everyone is treated equally).
- 8.12 Where the Authority is able to 'call off' from existing Framework Agreements provided by other public sector bodies (such as the Crown Commercial Services, purchasing consortia) then the Authority may benefit from using these Framework Agreements without entering into a separate procurement exercise. In such cases, advice should be sought from the Legal Advisor and Monitoring Officer. Contracts based on a Framework Agreement must be for the maximum duration of four years.
- 8.13 However, in some (albeit exceptional) cases, individual contracts placed under a framework may need to extend for longer than four years. (e.g. Procurement of goods and services such as vehicle leasing where a longer term contract would offer greater efficiencies and return on investment; further examples would be where maintenance of equipment with an expected useful life of more than four years is included or where extensive training of staff to perform the contract is needed");
- 8.14 Contracts through a framework agreement can be awarded by either:
- applying the terms provided in the Framework Agreement (where such terms are sufficiently precise to cover the particular 'call off') without re-opening competition; or
 - where the terms prescribed in the Framework Agreement are not precise enough or complete (for the particular 'call off'), holding a mini competition in accordance with the rules for mini-competitions and the following procedures:
 - inviting all suppliers within the Framework Agreement that are capable of executing the subject of the contract to submit written tenders, and
 - fixing a time limit sufficient to allow tenderers for each specific contract to be scrutinised, taking into account factors such as the complexity of the subject of the contract, and
- 8.15 Awarding each contract to the tenderer who has submitted the best tender on the basis of the award criteria prescribed in the Framework Agreement In order to ensure a consistent and compliant application of procurement via frameworks, all sourcing activity through frameworks (regardless of whole life cost) will be managed centrally by the Procurement team.
- 8.16 Framework consortia and procurement activity through framework agreements will be regular reviewed by the Procurement team to ensure value for money and commercial benefit is being achieved

Available Frameworks

- 8.17 In order to ensure a consistent and compliant application of procurement via frameworks, all sourcing activity through frameworks (regardless of whole life cost) will be managed centrally by the Procurement team.

- 8.18 The Authority is either members or associate members of the following Procurement consortia which ensure direct access to their framework agreements.

Consortia	Type	Solutions
NEPO (North East Procurement Organisation)	Goods, Services, Works	Construction, Energy, Facilities Management ICT, Fleet, Food, Professional services, Social care.
ESPO (Eastern Shires Purchasing Organisation)	Goods, Services	Facilities Management, Waste & environment, fleet & highways, HR, Safety & security. IT hardware & software
YPO (Yorkshire Purchasing Organisation)	Goods, Services	Control & restraint, Verification software, Uniform, Incident command control software, Laundry, Smoke Alarms, Training.
CCS (Crown Commercial Services)	Goods, Services, Works	Construction, energy, Facilities management, recruitment solutions, ICT hardware & software, professional services.
NHSBS (NHS Business Services)	Goods, Services	Audit services, bill validation, construction consultancy, IT solutions, managed print, legal services, travel management.

- 8.19 The above list is not an exhaustive list and does not include any frameworks that are available to the Authority which have been let by other emergency services organisations and the National Fire Chiefs Council.

Review of frameworks

- 8.20 Framework consortia and procurement activity through framework agreements will be regular reviewed by the Procurement team to ensure value for money and commercial benefit is being achieved

9. Contract Opportunities, Public Notices

- 9.1 All procurement exercises where the estimated value of £25,000 or more must be advertised on Contracts Finder within 24 hours of the time when the Procurement is advertised via the Authority's e-tendering portal or website. Procurement exercises over the relevant Higher Value threshold must be advertised on find a tender as well as contracts finder.

<https://www.gov.uk/contracts-finder>
<https://www.find-tender.service.gov.uk/Search>

- 9.2 For all proposed Contracts which are advertised a period of at least ten working days should be allowed between the date when an Invitation to Tender becomes available to all bidders and the opportunity closing date.

- 9.3 The Contract Opportunity Publication must express the nature and purpose of the Procurement Exercise, stating where further details may be obtained, how and to whom an interested supplier is to respond and any other requirements such as suitability requirements or explanatory information.
- 9.4 If the Estimated Value exceeds the relevant Higher Value threshold the Procurement lead must ensure that the Contract Opportunity Publication is first published on the find a tender portal and then on Contracts Finder.
- 9.5 The advertisement of any contract opportunity does not apply in relation to the below:
- purchase by auction
 - the work to be executed or the goods, materials or services to be supplied consist of repairs to or parts for existing machinery or plant
 - purchase or repair of patented or proprietary article or articles sold only at fixed price
 - the goods, materials or services to be purchased are such that effective competition is prevented by government control
 - the prices of the goods, materials or services to be purchased are controlled by a trade organisation or for other reasons there would be no genuine competition
 - the goods, materials or services to be purchased can be obtained by use of a public authority's previously tendered contract, providing that it is clearly stated in the scope of the contract that it is available for Cleveland Fire Authority to use
 - the goods, materials or services are to be purchased by agreement with one or more public Authorities. However, in this case, by prior agreement, the contract procedure rules of one of the participating Authorities are to be adopted, e.g. collaboration/partnering

10. Transfer of Undertakings (Protection of Employment) Regulations, 2014 (TUPE)

- 10.1 Officers undertaking procurement activity must consider any potential implications of TUPE at the earliest possible stage of the procurement process. The Chief Fire Officer and Legal Advisor and Monitoring Officer must be consulted as soon as potential TUPE issues have been identified.

11. Off payroll working

- 11.1 The requirement of the 2021 off-payroll tax rules commissioned by HMRC is that all companies must take 'reasonable care' when assessing if an employee working under a contract is inside or outside of IR35 tax legislation. (IR35 refers to the UK's anti-avoidance tax legislation designed to tax 'disguised' employment at a rate similar to employment).
- 11.2 The 2021 legislation change effectively means that if the Authority is engaging a service involving a person then the Authority must ensure that the correct checks have been undertaken ahead of the contract engagement being made.

- 11.3 The Brigade's Procurement Team is responsible for ensuring compliance through the assessment of contract preliminaries information using the CEST (Check Employer Status for Tax) HMRC online portal. The outcome from this assessment will determine the treatment of inside/outside IR35, e.g. a creditor or Off-Payroll PAYE deduction.
- 11.4 The Authority's suite of tender documents include suitable organisational questions that further assess the supply base for any IR35 implications.

12. State Aid

- 12.1 State Aid is any advantage granted by a public authority through state resources on a selective basis to any organisation that could potentially distort competition and trade within the European Union (EU). It can apply to the provision of grants, loans, guarantees and the use or sale of an asset for free or at less than its market value.
** Currently awaiting further Government guidance on this which will ensure this section is updated once received
- 12.2 Prior to undertaking any tender exercise the Head of Finance and Procurement must assess whether there are any State Aid implications. Where such implications are identified they must seek advice from the Legal Advisor and Monitoring Officer before continuing with the procurement.

13. Receipt of Tenders, Quotations

- 13.1 Subject to 13.2 below, all quotations and tenders will be submitted via the Authority's e-tendering platform to ensure a full and transparent audit trail, all quotations and tenders are registered when received and left unopened until the due time and date. (This is automatic with the e-tendering system).
- 13.2 Any collaborative procurement exercise where the framework provider has run a procurement exercise on the Authority's behalf or where the Authority has used a direct digital solution (such as the governments digital marketplace) then this will follow the same principles as section 13.1. (Tenders/quotations received via email or direct from a digital solution will be registered/approved in accordance with the delegated authority matrix. (Referenced within section 33).

Late Tenders

- 13.3 A Quotation or tender received late but before the other tenders have been opened may be considered if there is evidence of technical difficulties within the e-tendering system which ensured that the bidder could not submit their proposal.
- 13.4 A tender rejected due to late delivery or other valid reason will not be opened and the bidding organisation will be informed after the analysis process.

Errors in Tender, Quotation Submissions

- 13.5 When the Procurement Lead finds an error in a submission, the bidder will be advised that an error may exist in their offer and be given the opportunity to:
- Confirm that the submission stands in its current form.
 - Withdraw the submission.
 - Correct that part of the submission that is in error within a specified time frame.
- 13.6 No request by a supplier to amend a submission after the return date shall be accepted.

14. Evaluation of Tenders/Quotations

- 14.1 All award criteria and sub-criteria together with weightings and sub-weightings must be disclosed within every competitive bid package.
- 14.2 An evaluation must be made of all tender or quotation responses by an evaluation panel. The number of people on the evaluation panel will be a minimum of two (2) but can vary depending on the type and complexity of the Contract.
- 14.3 Any collaborative procurement exercise must follow the same principles of evaluation and also the same governance procedures with regard to contract sign off and approval.
- 14.4 The Authority will evaluate and award Contracts to the Supplier(s) it considers offers the best value having regard to both price and quality factors. This is referred to as the 'most economically advantageous tender' (MEAT) and provides for the Contract to be awarded to the Supplier best able to meet the Authority's requirement, specification and budget.

15. Post Tender Negotiation and Clarification

- 15.1 Negotiation can be used when deemed advantageous to the competitive process.
- 15.2 When negotiation is employed it should be conducted with short-listed bidders and a record of each negotiation maintained.
- 15.3 Negotiation focusing only on price will not be used during the tender process. During any Higher Value Procurement Process the Procurement Lead can enter "Clarification" discussions to understand technical and operational issues of the offer that may result in a change to the cost of the contract.
- 15.4 During the negotiation and clarification process the Procurement Lead must ensure impartiality to all tenderers invited to negotiate.
- 15.5 Negotiation will be utilised **by trained Procurement personnel** and will be used to enhance better value of goods and services.

- 15.6 It is unethical in negotiation practice for tenderers commercial information to be used as a lever to reduce other offers.

16. Acceptance of Tender

- 16.1 The Quotation or Tender for a Contract which has been assessed in accordance with the published award criteria, the preferred Quotation or Tender may be recommended for acceptance by the Procurement Lead.
- 16.2 If for any reason a preferred Quotation or Tender is withdrawn or ceases to be preferred before it has been accepted, the Procurement Team Lead may recommend another Quotation or Tender for acceptance.
- 16.3 Where the Cost of a Contract is above the Higher Level threshold, before a Tender for the Contract is accepted, between notification of the provisional award decision to suppliers who submitted Tenders and the date on which the successful Tender is accepted there shall be a standstill period of 10 working days.
- 16.4 All contracts recommended for approval must be approved by the Authority's contract governance group and executive committee for any above the Higher Value threshold before any engagement with the successful/unsuccessful suppliers commences.

17. Signature of Contracts

- 17.1 The Authority's Legal Advisor and Monitoring Officer shall be the agent of the Authority to sign on behalf of the Authority all contractual documents (including Licences and external Service Level Agreements) agreed to be entered into by or on behalf of the Authority. The Authority's Monitoring Officer authorises contracts up to the value of the High Value threshold.
- 17.2 Contracts which are for a value of the Higher Value threshold or more shall be either:
- executed by the Authority's Monitoring Officer, or,
 - executed under the Authority's seal
- 17.3 No contract for a value of the Higher Value threshold or more will be signed without the approval of the Authority's Executive Committee.

18. Contracts to be in Writing

- 18.1 All contracts shall be the subject of an Authority order or other formal contract and shall specify (a) the work, materials, matters or things to be furnished, had or done; (b) the price to be paid, with statement of discounts or other deductions; and (c) the time or times within which the contract is to be performed.

19. Notification of Contract Award

- 19.1 The Procurement Team Lead must notify the successful Tenderer of the acceptance of their Tender and for all Procurement Exercises with an Estimated Value of £5,000 or more this notification must be in writing.

- 19.2 Where a Contract with an Estimated Value of £25,000 or more is awarded the Authority must publish information as required by the Public Contracts Regulations 2015 on Contracts Finder within a reasonable time.
- 19.3 Where the Authority has awarded a contract via a Framework and the value is over £25,000 or more than a contract award notice must also be placed in contracts finder.

20. Registers

- 20.1 A register of all Tenders received, and contracts subsequently placed shall be kept by the Chief Fire Officer. The register shall be open to inspection by any Elected Member of the Authority, the Legal Adviser and Monitoring Officer and the Treasurer and shall be regularly inspected by the Authority's Auditors.
- 20.2 The Authority is also required by law to publish ALL CONTRACTs over £5,000 on an electronic Contract Register.

21. Post Contract Variations

- 21.1 Any variation to extend the period or value of a Contract (other than those already provided for within the original terms of the Contract) may be approved by the procurement lead, where Best Value to the Authority can be demonstrated.
- 21.2 The Treasurer and the Monitoring Officer shall be consulted if approval of a proposed variation would mean that the Supplies, Services and / or Works to be added to or deleted from the Contract would render the Contract substantially different in scope and cost.
- 21.3 In relation to any such variation, the Contract Officer must ensure that before the variation is approved:
- The variation can be made without the Authority breaching Procurement Directives and any relevant English law;
 - The Cost of the Contract after the variation is within the financial capability of the Authority
 - Either that provision has been made for the cost of the variation in the Authority's approved budget or that appropriate adjustments to the budget are made in accordance with Financial Regulations.

22. Contract Management

- 22.1 Throughout the duration of a contract, the designated project manager, or, where no project manager has been appointed, the procurement team must monitor the contract/contractor in respect of:
- Performance
 - Compliance with the specification and the contract
 - Cost
 - User satisfaction
 - Risk management

23. Contract Extensions

- 23.1 An extension to a Contract may only be permitted where the details of any extension provisions were included within the scope of the Contract, tender documents and contract notice (where relevant).
- 23.2 Prior to exercising a contractual right to extend a Contract, the Procurement Team Lead must ensure that approval from the appropriate Head of Service (or higher authority if this is deemed appropriate).

24. Contract Termination

- 24.1 No contract prior to its expiry date shall be terminated without first obtaining advice from the Legal Adviser and Monitoring Officer.
- 24.2 Where a contract is coming to its natural expiry and is no longer required, notification should be sent to the contractor by the Procurement lead.

25. Disposal of Supplies

- 25.1 When the Chief Fire Officer determines, under his delegated power to authorise the disposal of surplus supplies, that competitive Quotations or Tenders shall be sought, the Contract Officer shall seek to comply with the essence of Contract Procedure Rules.
- 25.2 The Contract Officer shall take instructions as necessary from a head of Paid Service in relation to the disposal method to be followed and the extent to which the CSOs shall be applied in the circumstances of the proposed disposal.
- 25.3 The Contract Officer shall ensure compliance with any recycling, environmental protection, data security and / or electrical supply requirements arising from any disposal.

26. Liquidated Damages and Performance Bonds

- 26.1 Every contract which is deemed to be high risk in terms of business continuity, value or amount and is either for the execution of works or for the supply of goods, materials or services, shall, unless the Chief Fire Officer otherwise decides after consultation with the Authority's Legal Adviser and Monitoring Officer, provide for liquidated damages to be paid by the supplier in case the terms of the contract are not duly performed, and the Authority shall also require and take sufficient security for the due performance of any such contract. In the case of any such contract for the execution of works such security shall be provided by requiring the retention of a proportion of the contract sums payable until the work has been satisfactorily completed and maintained and, unless the Chief Fire Officer, after consultation with the Authority's Legal Adviser and Monitoring Officer considers it unnecessary in any particular case, additional provision of a bond for due performance.

27. Other Remedies for Breach

- 27.1 In every written contract for the supply of goods, materials or services which exceeds £5,000 in value or amount a clause shall be inserted to secure that, should the supplier fail to deliver the goods, materials or services or any portion thereof within the time or times specified in the contract, the Authority, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or to the extent of such default and to purchase other goods, or materials, as the case may be, of the same or similar description to make good (a) such default or (b) in the event of the contract being wholly determined the goods, materials or services remaining to be delivered.

The clause shall further secure that the amount by which the cost of so purchasing other goods, materials or services exceeds the amount which would have been payable to the supplier in respect of the goods, materials or services, as the case may be, replaced by such purchase if they had been delivered in accordance with the contract shall be recoverable from the supplier.

28. British Standards

- 28.1 Where an appropriate British Standards Specification or British Standard Code of Practice, issued by the British Standards Institution or Euronorm Standard, is current at the date of the tender, every contract shall require that, as the case may be, all goods and materials used or supplied and all workmanship shall be in accordance with that Standard.

29. Prevention of Corruption

- 29.1 There shall be inserted in every written contract a clause empowering the Authority to cancel the contract and to recover from the supplier the amount of any loss resulting from such cancellation, in any of the following circumstances:
- if the supplier shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward:
 - for doing or forbearing to do, or for having done or forborne to do, anything in relation to the obtaining or execution of the contract or any other contract with the Authority or
 - for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Authority; or
 - if the like acts shall have been done by any person employed by him/her or acting on their behalf (whether with or without the knowledge of the supplier) or
 - if in relation to any contract with the Authority the supplier or any person employed by him/her or acting on their behalf shall have committed any offence under the Bribery Act, 2010, namely;

- (i) Section 1 – offence of bribing another person, through offers, promises or through giving a financial or other advantage to another
- (ii) Section 2 – offence relating to being bribed, as a recipient or potential recipient of a bribe
- (iii) Section 6 – offence of bribery of a foreign public official
- (iv) Section 7 – offence of failing to prevent bribery by a relevant commercial organisation

or shall have given any fee or reward the receipt of which is an offence under Section 117 of the Local Government Act 1972.

29.2 The form of invitation to tender shall include an assurance in writing from the tenderer that s/he will not follow, or has not followed, in relation to that tender, the under-mentioned practices:

- communicating to a person other than the person calling for tenders for the execution of the work, the amount of any proposed tender in accordance with any agreement or arrangement so to communicate
- adjusting the amount of any proposed tender for the execution of the work in accordance with any agreement or arrangement by the proposed tenderer, and any person other than the person calling for tenders for the execution of such work.

30. Non-Involvement with Serious and Organised Crime

30.1 Where it is considered that the Authority is at risk from serious and organised crime through its procurement of goods, services or works, it shall include the following terminology where procurement requires advertisement or such other comparable public notice provision and in any invitation to tender (ITT);

CONTRACT NOTICE/PUBLIC NOTICE PROVISION

30.2 The contracting authority has identified that the scope of this procurement falls within a business sector which may be attractive to infiltration by organised crime groups. The contracting authority therefore reserves the right to include enhanced appropriate checks/requirements at both the selection and award stages of the procurement.”

INVITATION TO TENDER

30.3 The contracting authority has identified that the scope of this procurement falls within a business sector which may be attractive to infiltration by organised crime groups. The contracting authority therefore reserves the right to include enhanced appropriate checks/requirements at both the selection and award stages of the procurement. This may include, but not be limited to, clarification that a contractor/supplier or any person with powers of representation, decision or control therein, has not infringed the mandatory grounds for exclusion.

31. Blacklisting

31.1 The Authority will seek the following warranty from bidders to ensure that they have not undertaken or otherwise engaged in “blacklisting”, namely, in relation to their employees on the basis of their trade union membership or trade union activities, that:

- The bidder has not compiled or disseminated any “blacklist” which is intended to discriminate against workers on the grounds of their trade union membership or trade union activities.
- That it is understood that such activities are expressly prohibited by law and that should the bidder engage in such practices, the Authority has the right to exclude the bidder from tendering for any Fire Authority contracts.
- The bidder also warrants that they have not been convicted of any offence under the Employment Relations Act, 1999 (Blacklists) Regulations, 2010.

31.2 The Authority’s contract terms and conditions shall incorporate the following clauses;

‘Subject to the provisions of the Force Majeure clause in these terms and conditions, the Authority may terminate this contract with immediate effect by notice in writing to the contractor/supplier at any time, if the contractor/supplier is convicted of any offence under the Employment Relations 1999 (Blacklists) Regulations, 2010.

32. Modern Slavery

32.1 ‘Modern Slavery’ is a term which encapsulates slavery, servitude, forced or compulsory labour and human trafficking. Where a bidder is a commercial organisation (for the purposes of Section 54 of the Modern Slavery Act, 2015) it shall provide assurances to the Authority that there is transparency in that organisation’s supply chain through enforcement of its anti-slavery and human trafficking statement.

32.2 In performing its obligations under the agreement the contractor/supplier shall ensure that each of its sub-contractors/suppliers;

- comply with all applicable laws, statutes, regulations in force from time to time, including but not limited to the Modern Slavery Act, 2015, and
- shall take reasonable steps to ensure that there is no modern slavery or human trafficking in their supply chain or in any part of their business.

32.3 The contractor/supplier shall warrant that;

- neither the contractor/supplier nor any of its officers, employees or other persons associated with it;
- has been convicted of any offence involving slavery and human trafficking, and
- having made reasonable enquiries to the best of its knowledge, has not knowingly been the subject of any investigation, inquiry or enforcement proceedings by any governmental, administrative or regulatory body, regarding any offence or alleged offence of or in connection with slavery and human trafficking.

33. Delegated Authority Matrix

- 33.1 The Chief Fire Officer has the authority to delegate the practical delivery of the procurement process in accordance with the below delegated Authority Matrix.

Delegated Power	Delegated Officer	Authorised Officer
Procurement – Contracts		
Contracts below threshold (Under £7,500) Contracts £7,501 - £30,000 Contracts £30,001 – Higher Value threshold		
Opening of Quotations/Tenders	CFO	HoFP and PM
Awarding and Signing of Contracts and Purchase Orders	CFO	ACFOSPR in consultation with LAMO
Contracts above Higher Value threshold		
Opening of Tenders	CFO	ACFOSPR and HoFP
Awarding Contracts	Executive Committee	
Signing of Contracts	LAMO	
Purchase Orders	CFO	ACFOSPR and HoFP

34. Glossary

Unless the context otherwise indicates, the following terms used in these rules have the meanings stated:

Above threshold – The procurement tendering thresholds (Higher Value) of any goods/service above £180,000 or works above £4m in total value

Award criteria – The relative weightings and scoring mechanism associated to a competitive exercise.

Bid - an offer made by a prospective supplier in the form of a tender, Quotation or as part of the negotiation process.

Bidder - A supplier offering to buy or sell a product, service. This term applies prior to the formation of contract.

“Chief Fire Officer” is the Chief Fire Officer of the Brigade who is responsible for letting and supervising the completion of a contract or of contracts of a particular nature

Contract - a legal agreement between the Authority and external suppliers for the supply of goods and services.

Delegated Authority- Delegated Authority is what a person, group or organization, etc receives from a higher power or authority e.g. The Chief Fire Officer, Cleveland Fire Authority.

E-Tendering - utilisation of an electronic tendering process that enables the full process from advert to assessment to be completed via computers, significantly reducing timescales for both the buyer and supplier.

Exception – A request (which is over the £7,500k threshold but under the Higher Value threshold) to place an order direct with a particular supplier with regard to a proprietary offering or business emergency.

Framework Agreements - an agreement between one or more contracting Authority's (CCS, NEPO, Emergency Services, Consortiums) with one or more Suppliers to supply a range of works, goods or services.

Proprietary Product - a product that has unique characteristics produced by one manufacturer. A proprietary product specification could exclude Competitors from competing on equal terms. In consultancy the services of a named person or firm would be considered as a proprietary product.

Purchase Order - a serial numbered document raised by the buyer on a specific supplier for the supply of goods or services. This document is a formal legal agreement with specific conditions for the supply of goods.

Purchase Requisition - the formal request to obtain the supply of goods or services made by the internal client, authorised by the budget holder and passed to the procurement team.

Quotation - a statement of price, delivery and specification against the specific enquiry provided by a specific supplier.

Specification - a clear statement of requirement for goods and/or services, normally detailed as a generic specification to enable competition and the delivery of Value for money.

Supplier - an organisation that contracts with the Authority to supply goods, services or works.

Tender - a formal offer from a supplier to supply specified goods or services at a stated cost or rate.

Terms and Conditions - the specific conditions under which the Authority will enter into a contract or purchase order with a supplier.

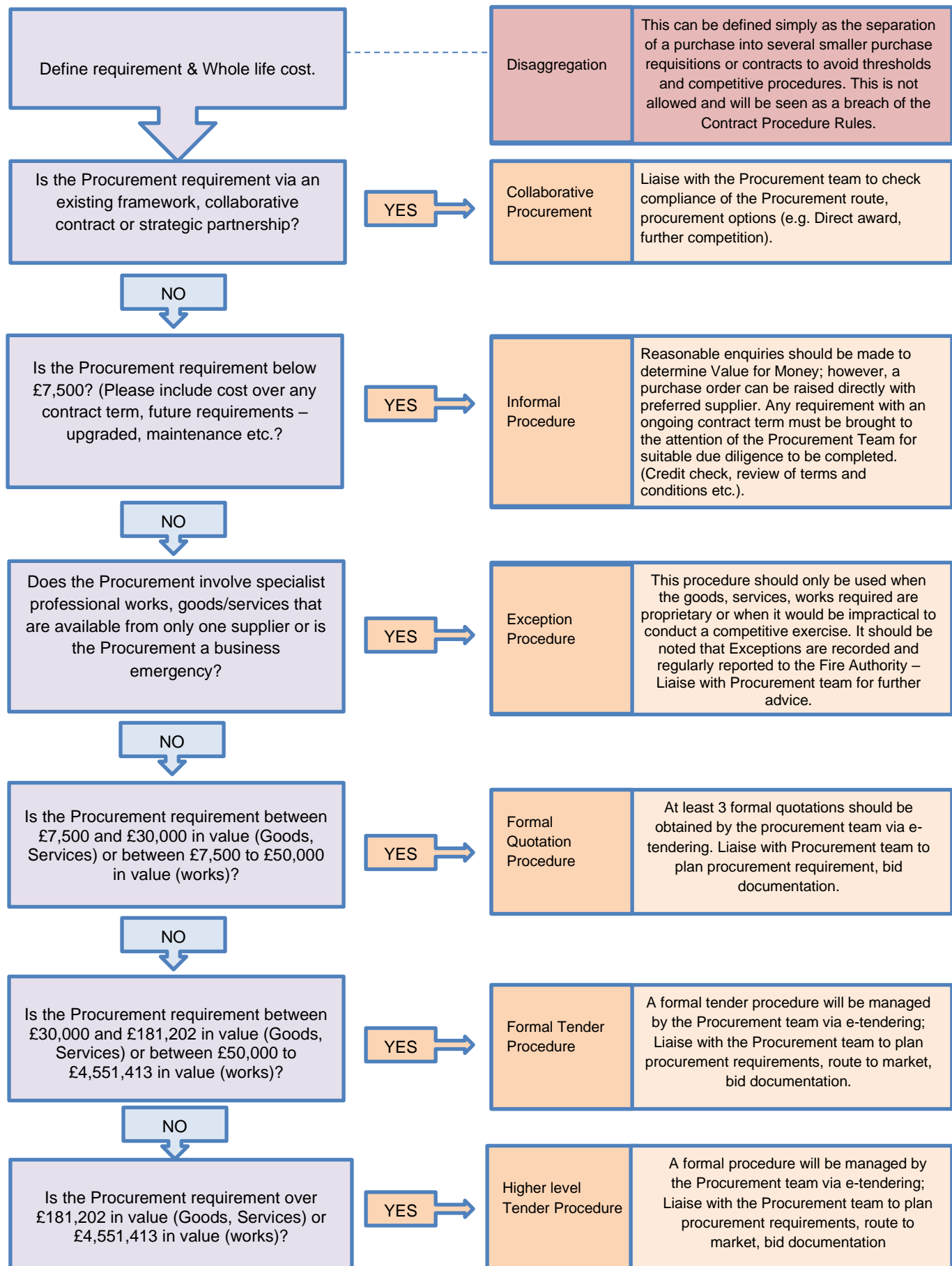
Total Contract Value - the total value of a requirement calculated as the value of a "single" purchase and or the value of the total contract period or four years whichever is the lesser value

Value for money - a combination of criteria that includes competitive price, quality, reliability, timeliness and whole life costs analysis. This is not always portrayed by the lowest priced offer.

Whole Life Cost – Takes into account all aspects of the procurement including any additional costs such as annual maintenance, system upgrades etc.

Route to Market Process Map

Appendix 1



ETHICAL GOVERNANCE FRAMEWORK

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 - Whistleblowing Policy
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 - Guidance for Employees/Members on Gifts & Hospitality
 - Anti-Money Laundering Policy
2. **Standards and Partners**
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Anti-Fraud and Anti-Corruption Strategy

- 1. Introduction**
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Appendix 1 - Fraud Response Plan

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Appendix 3 - Whistleblowing Policy

Appendix 4 - Prosecution Policy

Appendix 5 - Gifts and Hospitality

Appendix 6 - Anti Money Laundering Policy

ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY

1. INTRODUCTION

- 1.1 We (Cleveland Fire Authority) employ approximately 563 Employees and have a budget of approximately £27 million. As with other large organisations, the size and nature of our services puts us at risk of loss due to fraud and corruption both from within the Fire Authority and outside it.
- 1.2 The stewardship of public money is a fundamental responsibility for both elected Members and Employees. We are committed to making sure that the opportunity for fraud and corruption is reduced to the lowest possible risk. Where there is the possibility that fraud, corruption or other irregularities have occurred, we will deal with the issue in a firm and controlled manner.
- 1.3 An important part of Cleveland Fire Authority's approach is introducing an anti-fraud and anti-corruption strategy, which we will use to advise and guide Members and Employees on our approach to the serious issues of fraud and corruption. This document provides an overview of our strategy in this matter and includes a 'fraud response plan' which provides more detailed guidance on how to deal with instances of potential fraud and corruption.
- 1.4 In administering its responsibilities the Fire Authority is committed to the prevention of fraud and corruption. This strategy statement emphasises to all Employees the importance placed by the Fire Authority on probity, financial control and honest administration. The main message is that we expect all Members, Employees, Consultants, Contractors, and others, to be fair and honest, and to give us any help, information and support we need to deal with fraud and corruption.
- 1.5 The strategy set out in this document covers the following areas:
 - Our written rules;
 - How we expect our Members and Employees to behave;
 - Preventing fraud and corruption;
 - Detecting and investigating fraud and corruption;
 - Training.

2. OUR WRITTEN RULES

- 2.1 We have a number of procedures and rules to make sure that our financial, working and organisational procedures are properly controlled. These are an important part of our internal control process, and it is important that all Members and Employees know about them.

- 2.2 The most important of these are as follows:
- Financial Procedure Rules)
 - Standing Orders) Constitution
 - Contract Procedure Rules)
 - Delegation Scheme)
 - Code of Conduct for Members)
 - Code of Conduct for Employees
 - Disciplinary and Grievance Procedures
 - Employees' Conditions of Service
 - Values and Behaviours Framework

- 2.3 The Fire Authority also recognises the high level of public scrutiny of its affairs by a variety of bodies including;
- Internal and External Audit
 - The Home Office
 - HM Revenue & Customs
 - The General Public;
 - Local and National Media.

The Fire Authority will positively respond to such scrutiny, demonstrating its commitment to this process, by effective liaison with External Audit and other statutory agencies to ensure that it achieves the required standards of probity.

- 2.4 Individual departments have also introduced their own measures, which are designed to control their activities. Examples include accounting control procedures, working manuals and operating procedures.
- 2.5 Senior Officers and Management must make sure that all Employees have access to these rules and regulations and that Employees receive suitable training.
- 2.6 Members and Employees must make sure that they read and understand the rules and regulations that apply to them, and act in line with them.
- 2.7 If anyone breaks these rules and regulations we may take formal action against them. This may include, in particular circumstances, ending their employment with the Fire Authority in respect of Employees and referral to the Legal Adviser and Monitoring Officer following receipt of a complaint in respect of Members. It will be the responsibility of the Monitoring Officer to deal with matters amounting to any infringement of the Code of Conduct, in conjunction with adopted procedures (Constitution).

3. HOW WE EXPECT AUTHORITY MEMBERS AND EMPLOYEES TO BEHAVE

- 3.1 We expect all people and organisations that are in any way associated with us to be honest and fair in their dealings with everyone. We expect our Members and Employees to lead by example in these matters.
- 3.2 Our separate Codes of Conduct for Members, and Employees, set out an approach to work that is both honest and fair. Members and Employees must act in line with the Codes at all times.
- 3.3 Cleveland Fire Authority Members and Employees have an important part to play in our anti-fraud and corruption arrangements. We encourage our Employees and Members to inform us if they suspect a case of fraud. We will endeavour not to reveal the names of the people who gave us the information. We will deal with all information fairly and confidentially. Our Fraud Response Plan (Appendix 1) gives more advice on this issue for Employees.
- 3.4 Members and Employees are required to record both their financial and other interests and any receipt and offering of hospitality or gifts. At formal meetings, Members are required to declare any interests in the matters under discussion, where the interest is personal and prejudicial.
- 3.5 The Localism Act 2011 mandated 7 principles of public life, that apply to people who serve the public. The Relevant Authorities (General Principles) Order 2001 set out an additional three guiding principles which the Authority have incorporated into their Ethical Governance Framework. We will develop our working behaviour around these 10 principles, as outlined at Appendix 2.
- 3.6 Separate guidance has been issued on gifts/hospitality and the Fire Authority's framework which is detailed at Appendix 5.
- 3.7 We expect our Senior Officers and Managers to deal firmly and quickly with anyone who is responsible for fraud or corruption. The Treasurer and Head of Internal Audit in consultation with the Monitoring Officer may refer matters to the Police if they suspect any criminal activity has been carried out.
- 3.8 We must ensure that any investigative process is not misused and, therefore, any abuse, such as raising unfounded malicious allegations, may be dealt with as a disciplinary matter.

4. PREVENTING FRAUD AND CORRUPTION

- 4.1 To address the potential challenge of fraud and corruption, we must endeavour to prevent it from happening in the first place. It is essential that we have clear rules and procedures, to provide a framework within which Members, Employees, Consultants and Contractors can work. These include the main corporate rules, which are set out in Appendix 2.

- 4.2 We will regularly review and update our written rules.
- 4.3 Senior Officers and Managers must make sure that suitable levels of internal checks are included in working procedures, particularly financial procedures. It is important that duties are organised so that no one person can carry out a complete transaction without some form of checking process being built into the system.
- 4.4 To ensure the effective use of audit resources a 4 year Strategic Plan and Annual Internal Audit Activity Plans are in operation. These plans ensure that the challenge of potential fraud is appropriately addressed through;
- regular reviews of controls within the main financial systems;
 - protective audit visits to Fire Authority establishments to ensure appropriate standards of financial administration are in operation;
 - detailed probity work using computer interrogation techniques.

By its nature, corruption is difficult to identify and prosecute successfully. The Fire Authority's approach is to have in place a robust framework of procedures and subject them to regular review.

- 4.5 We must follow our procedures when employing new Employees. If possible, we must check the previous employment records of anyone we are considering employing. This applies to both temporary and permanent Employees. The role that Employees are expected to play in ensuring effective internal control will be included within Employees induction procedures when they begin their employment. This will be followed up with training as appropriate.
- 4.6 We are committed to working and co-operating with other organisations to prevent organised fraud and corruption. Wherever possible, we will be prepared to help and exchange information with other Fire Authorities and organisations to deal with fraud.
- 4.7 We will participate in computerised data matching initiatives, co-ordinated by External Audit and we will abide by Codes of Practice covering such processes. This kind of work needs to be tightly controlled particularly in relation to data protection issues.
- 4.8 We will make sure that full details of arrangements for reporting concerns are widely published to the public, Members and Employees through: -
- Cleveland Fire Authority Internet Site – www.clevelandfire.gov.uk
 - CFA Intranet Site - FISH
 - Members Handbook.
 - Staff Handbook.

All information received in this way will be acted on and investigated in all appropriate circumstances.

- 4.9 The Terrorism Act 2000, Bribery Act 2010, Proceeds of Crime Act, 2002, and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017, as amended, have broadened the definition of money laundering, and increased the range of activities caught by the statutory framework. Accordingly, the Authority is required to implement working procedures and undertake risk assessments designed to prevent the use of its services for money laundering. Reference is to be made to any policy of the Authority relating to anti-money laundering, and also to applicable guidance as issued by HM Customs & Excise, The Law Society and the Solicitors Regulatory Authority as a supervisory body. The policies and procedures of the Authority's Legal Services are set out within this Anti-Money Laundering Policy document at Appendix 6. Employees should therefore familiarise themselves with the requirements and procedures as set out herein.

5. DETECTING AND INVESTIGATING FRAUD AND CORRUPTION

- 5.1 The array of preventative systems, particularly internal control systems, within the Fire Authority has been designed to provide indicators of any fraudulent activity, although generally they should be sufficient in themselves to deter fraud. You should read this section in conjunction with our fraud response plan (Appendix 1) and our Prosecution Policy (Appendix 4).
- 5.2 Under the Code of Conduct and Financial Procedure Rules, Employees should report any suspected cases of fraud and corruption to the appropriate manager, or, if necessary, direct to the Head of Internal Audit. Reporting cases in this way is essential to the anti-fraud and corruption strategy and makes sure that:
- suspected cases of fraud and corruption are investigated properly;
 - the fraud response plan is properly carried out;
 - there is a standard process for dealing with all suspected cases of fraud and corruption;
 - people's rights, and authority interests are properly protected.
- 5.3 The Fire Authority's Whistleblowing Policy (Appendix 3) is intended to encourage and enable Employees and others to raise serious concerns of misconduct. Employees reporting concerns in this way are afforded certain protection against discrimination through legislation (Public Interest Disclosure Act 1998).
- 5.4 The Head of Internal Audit will work with the Monitoring Officer and Treasurer to the Authority and Senior Officers and Managers to determine the type and course of any investigation. This will include referring cases to the Police where necessary. We will instigate prosecution of offenders and we will carry out our disciplinary procedures where appropriate. We will ensure that any internal proceedings do not prejudice any criminal case.

6. TRAINING

- 6.1 Introducing and operating a successful anti-fraud and anti-corruption strategy requires that all Members and Employees possess levels of knowledge, skills and understanding that enable them to operate competently within the required parameters. Training will be programmed as necessary to meet individual development needs in this area.
- 6.2 Cleveland Fire Authority is committed to continuing personal development for all Employees. Those who are involved in operating or managing, internal control systems must consider their responsibilities during periodic development reviews and ensure that identified development needs are addressed.
- 6.3 Development opportunities for Employees, who may be involved in investigating fraud and corruption, will be provided to ensure that each individual possesses the right knowledge, skills and understanding to operate competently.

7. CONCLUSION

- 7.1 We are committed to tackling fraud and corruption whenever it happens. Our response will be effective and organised and will rely on the principles included in this document. The Fire Authority has in place a clear network of systems and procedures to assist it in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.
- 7.2 To this end, the Fire Authority maintains a continuous overview of such arrangements through, in particular, its Treasurer, and its Internal and External Auditors.

FRAUD RESPONSE PLAN

1. INTRODUCTION

- 1.1 Cleveland Fire Authority is committed to the highest possible standards of openness, probity and accountability in all its affairs. It is determined to develop a culture of honesty and opposition to fraud and corruption.
- 1.2 In line with that commitment, the Fire Authority's Anti-Fraud and Anti-Corruption Policy outlines the principles we are committed to in relation to preventing, reporting, investigating and managing fraud and corruption.
- 1.3 This Fraud Response Plan reinforces the Fire Authority's robust approach by setting out the ways in which Employees or members of the public can voice their concerns about suspected fraud or corruption. It also outlines how the Fire Authority will deal with such complaints.

2. WHAT DO WE WANT TO KNOW ABOUT?

- 2.1 This Plan is intended to be implemented where suspicions of fraud or corruption have been raised.

Fraud is defined as:

"The intentional distortion of financial statements or other records by persons internal or external to the Authority which is carried out to conceal the mis-appropriation of assets or otherwise for gain".

Corruption is defined as:

"The offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person".

- 2.2 Concerns or allegations which fall within the scope of other, existing procedures eg discrimination issues will normally be referred for consideration under those procedures.

2.3 Fraudulent or corrupt acts may include:

- Systems Issues i.e. where a process/system exists which is prone to abuse by either employees or the public;
- Financial Issues i.e. where individuals or companies have fraudulently obtained money from the Fire Authority e.g. invalid invoices/work not done;
- Equipment Issues i.e. where Fire Authority equipment is used for personal use e.g. unauthorised/inappropriate personal use of Fire Authority vehicles;
- Resource Issues i.e. where there is a misuse of resources e.g. theft of materials;
- Other Issues i.e. activities undertaken by Employees of the Fire Authority which may be: unlawful; against the Fire Authority's Rules of Procedure or policies, falls below established standards or practices; or amounts to improper conduct e.g. receiving inappropriate hospitality.

2.4 This is not an exhaustive list. If you are in any doubt about the seriousness of your concern, advice and guidance can be obtained from the Head of Internal Audit on 01429 523173.

3. SAFEGUARDS

Harassment or Victimisation – The Fire Authority recognises that the decision to report a concern can be a difficult one to make, not least because of the possible fear of reprisal from those responsible for the malpractice. The Fire Authority will not tolerate harassment or victimisation and will take action to protect those who raise a concern in good faith.

Confidentiality – The Fire Authority will do its best to protect an individual's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the individual may be required as part of the evidence.

Anonymous Allegations – This policy encourages individuals to put their names to allegations. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Treasurer and Monitoring Officer to the Authority. In exercising this discretion, the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Untrue Allegations – If an allegation is made in good faith, but it is not confirmed by the investigation, no action will be taken against the originator. If, however, individuals make malicious or vexatious allegations, action may be considered against the individual making the allegation.

4 WHAT SHOULD AN EMPLOYEE DO IF THEY SUSPECT FRAUD OR CORRUPTION?

- 4.1 Employees may be the first to realise that there is something seriously wrong within the Fire Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Fire Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 4.2 The Fire Authority's Whistleblowing Policy is intended to encourage and enable Employees to raise legitimate concerns within the Authority rather than overlooking a problem or blowing the whistle to the media or other external bodies. This policy has been discussed with the relevant Trade Unions and professional organisations and has their support.
- 4.3 A full copy of the Whistleblowing Policy is provided in the staff handbook and can be obtained from your Human Resources department or your Trade Union Representative.
- 4.4 In essence, Employees should approach the relevant line manager, who, if they find the claim to be substantiated, then in accordance with the Whistleblowing Procedure, the Head of Paid Service, Treasurer or alternatively the Head of Internal Audit should be informed. The nature of the complaint will determine the Fire Authority's course of action.
- 4.5 Internal Audit can be contacted by phone on 01429 523173, or by writing to the Head of Internal Audit, Level 3, Civic Centre, Hartlepool.

5. WHAT SHOULD A MEMBER OF THE PUBLIC DO IF THEY SUSPECT FRAUD OR CORRUPTION?

- 5.1 The Fire Authority encourages members of the public who suspect fraud and corruption to contact the Monitoring Officer, the Treasurer to the Fire Authority or the Head of Internal Audit in the first instance.
- 5.2 The Internal Audit Section is a unit, which operates independently of all other Fire Authority Services, whose work includes reviewing procedures with the following aims:
 - To develop an anti-fraud culture.
 - To deter, prevent, detect and investigate fraud and corruption.
 - To see appropriate action taken against those who commit or seek to commit some sort of fraud or corruption.
- 5.3 Internal Audit can be contacted by phone on 01429 523173, or by writing to the Head of Internal Audit, Level 3, Civic Centre, Hartlepool.

6. HOW WILL ALLEGATIONS OF FRAUD OR CORRUPTION BE DEALT WITH BY CLEVELAND FIRE AUTHORITY?

- 6.1 For issues raised by Employees or members of the public, the action taken by the Fire Authority will depend on the nature of the concern. The matters raised may be investigated internally or referred to the Police.
- 6.2 Within 10 working days of a concern being received, the Monitoring Officer or Treasurer to the Fire Authority or designated officer will write to the complainant:
- acknowledging that the concern has been received;
 - indicating how it is proposed the matter will be dealt with;
 - giving an estimate of how long it will take to provide a final response;
 - telling them whether any initial enquiries have been made; and
 - telling them whether any further investigations will take place, and if not, why not.
- 6.3 The Fire Authority accepts that those people who reported the alleged fraud or corruption need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigation.
- 6.4 Investigations will be reviewed by the Treasurer or Monitoring Officer to monitor the quality and effectiveness of investigations. A summary of investigations and outcomes will be reported to the Audit and Governance Committee.
- 6.5 Where losses arise from fraud or corruption the Fire Authority will take action to recover all losses; sanctions and/or redress will be proportioned to the effects of the fraud. Reports will be presented to the Audit and Governance Committee on monitoring and recovery of losses.

7. ALTERNATIVE METHODS FOR TAKING A COMPLAINT FORWARD

- 7.1 If either a member of the public or an Employee feels it is right to take the matter outside these processes, the following are possible ways forward:
- Elected Members of the Cleveland Fire Authority. If you are unsure how to contact them, call the CFA on 01429 874008 or visit www.clevelandfire.gov.uk for advice.
 - the External Auditors (Mazars LLP) – who are the organisation appointed to scrutinise the Fire Authority's finances and performance. By law, they must be completely independent from the Authority.
 - Trade Union – Employees may invite their Trade Union to raise a matter on their behalf
 - the Police – suspicions of fraud or corruption may be reported directly to the Police.
 - the Local Government & Social Care Ombudsman – this is an independent body set up by the Government to deal with complaints against Authority's in the UK.
 - Protect (formerly Public Concern at Work) – whistle@protect-advice.org.uk
 - Mr Peter Devlin, Legal Adviser & Monitoring Officer - 01429 872311 – pdevlin@clevelandfire.gov.uk (breach involving Member's Code of Conduct)
 - Mrs Karen Winter, Clerk to the Authority (ACFOSPR) 01429 872311 – kwinter@clevelandfire.gov.uk
 - Mr Chris Little, Treasurer to the Authority, 01429 872311 clittle@clevelandfire.gov.uk

THE GENERAL PRINCIPLES OF PUBLIC LIFE

Preamble

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

1. SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

2. INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

4. ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. HONESTY

Holders of public office should be truthful.

7. LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

The Authority has resolved to incorporate the following additional principles:

8. RESPECT FOR OTHERS

Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

9. DUTY TO UPHOLD THE LAW

Members should uphold the law and, on all occasions act in accordance with the trust that the public is entitled to place in them. This principle (which is to have general application) is intended to apply through a Member's election and their acceptance of the office of Councillor and following the appointment of a co-opted Member to the Authority.

10. PERSONAL JUDGEMENT

Members may take account of the view that others, including their political groups, but should reach their conclusion on the issues before them and act in accordance with those conclusions. As a Member your conduct will in particular address the statutory principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional Officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public and engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

WHISTLEBLOWING POLICY

PUBLIC INTEREST DISCLOSURE ACT 1998 GUIDANCE FOR EMPLOYEES AND OFFICERS ON THE PROCEDURE RELATING TO CONFIDENTIAL REPORTING

1. INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something seriously wrong with the Fire Authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Fire Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Fire Authority is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees, and others that we deal with, who have serious concerns about any aspect of the Fire Authority's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3 This procedure document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. *This confidential reporting procedure is intended to encourage and enable Employees to raise serious concerns within the Fire Authority rather than overlooking a problem or 'blowing the whistle' outside.*
- 1.4 The procedure applies to all employees and those Contractors working for the Fire Authority on Fire Authority premises. For example, agency employees, builders, drivers. Further guidance can be found within the Ethical Governance Framework at Section 2 – Standards and Partners
- 1.5 These procedures are in addition to the Fire Authority's complaints procedures and other statutory reporting procedures. You are responsible for making service users aware of the existence of these procedures.
- 1.6 This procedure has been discussed with the relevant Representative Bodies and has their support.

2. AIMS AND SCOPE

- 2.1 This procedure aims to:-
 - encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice.
 - provide avenues for you to raise those concerns and receive feedback on any action taken.
 - ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
 - reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The confidential reporting procedure is intended to cover major concerns that fall outside the scope of other procedures. These include:-

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other Employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients, or
- other unethical conduct

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of Employees or Members of the Fire Authority or others acting on behalf of the Fire Authority can be reported under the confidential reporting procedure. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Fire Authority subscribes to; or
- is against the Fire Authority's Procedural Rules and policies, or
- falls below established standards or practice, or
- amounts to improper conduct

2.4 This procedure does not replace the existing complaints procedure.

3. SAFEGUARDS

3.1 Harassment or Victimisation.

3.2 The Fire Authority is committed to good practice and high standards and wants to be supportive of Employees.

3.3 The Fire Authority recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your Employer and those for whom you are providing a service.

3.4 The Fire Authority will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

3.5 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

4. CONFIDENTIALITY

- 4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

5. ANONYMOUS ALLEGATIONS

- 5.1 This procedure encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Fire Authority.
- 5.3 In exercising this discretion, the factors to be taken into account would include:-
- the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources

6. UNTRUE ALLEGATIONS

- 6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7. HOW TO RAISE A CONCERN

- 7.1 As a first step, you should normally raise concerns with your immediate Line Manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that Management is involved, you should approach the Monitoring Officer to the Fire Authority (Mr P Devlin, 01429 872311), Chief Fire Officer and Head of Paid Service (Mr I Hayton, 01429 872311), or the Assistant Chief Fire Officer Strategic Planning and Resources (Mrs K Winter 01429 872311). In matters arising out of paragraphs 2.2.5 of the Fire Authority's Financial Procedure Rules, the Treasurer (Mr C Little telephone 01429 872311) or alternatively, the Head of Internal Audit (Mr N Adamson telephone 01429 523173) should be informed, namely: -

"The Treasurer is responsible for investigating promptly any fraud or irregularity brought to their attention and report to the Head of Paid Service.

- 7.2 Concerns may be raised verbally or in writing. Employees who wish to make a written report are invited to use the following format:-
- the background and history of the concern (giving relevant dates)
 - the reason why you are particularly concerned about the situation

- 7.3 The earlier you express the concern the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 7.5 Obtain advice/guidance on how to pursue matters of concern from:-
- Employer Internal Source (Head of Finance and Procurement, Mrs L Younger – 01429 872311)
 - Prescribed Person External Source (G Barker, Mazars LLP, External Auditors – 0191 3836302)
- 7.6 You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.
- 7.7 You may invite your Trade Union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.
- 7.8 Protect (formerly Public Concern at Work) is an independent charitable body which provides confidential advice and on-going support to individuals (020 311172520)

CONTACT NUMBERS

Mr P Devlin Monitoring Officer	01429 872311
Mr C Little Treasurer to the Authority	01429 872311
Mr Ian Hayton Chief Fire Officer	01429 872311
Mrs K Winter Assistant Chief Fire Officer Strategic Planning and Resources	01429 872311
Mrs L Younger Head of Finance & Procurement	01429 872311
Mr N Adamson Head of Internal Audit	01429 523173
Joanne Greener External Audit (Mazars LLP)	0191 3836302

8. HOW THE FIRE AUTHORITY WILL RESPOND

- 8.1 The Fire Authority will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.
- 8.2 Where appropriate, the matters raised may:-
- be investigated by management, Internal Audit or through the disciplinary process
 - be referred to the Police or other agency
 - be referred to the External Auditor
 - form the subject of an independent enquiry
- 8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Fire Authority will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example discrimination issues) will normally be referred for consideration under those procedures.
- 8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.
- 8.5 Within ten working days of a concern being raised, the recipient of your written allegations will write to you.
- acknowledging that the concern has been received
 - indicating how we propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - supplying you with information on employees support mechanisms
 - telling you whether further investigations will take place and if not, why not, and
 - will inform the Responsible Officer (paragraph 9) of the concern being raised and the action taken
- 8.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Fire Authority will seek further information from you.
- 8.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a Trade Union or a Professional Association Representative or a friend.
- 8.8 The Fire Authority will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Fire Authority will arrange for you to receive advice about the procedure.
- 8.9 The Fire Authority accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9. THE RESPONSIBLE OFFICER

- 9.1 The Assistant Chief Fire Officer Strategic Planning and Resources (Mrs K Winter - 01429 872311) has overall responsibility for the maintenance and operation of this procedure. That Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Fire Authority.

10. HOW THE MATTER CAN BE TAKEN FURTHER

- 10.1 This procedure is intended to provide you with an avenue within the Fire Authority to raise concerns. The Fire Authority hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Fire Authority, the following are possible contact points:-

- the designated independent person or organisation (External Auditor)
- your Trade Union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the Police

- 10.2 If you do take the matter outside the Fire Authority, you should ensure that you do not disclose confidential information in breach of the Data Protection Act 2018 and the General Data Protection Regulation.

PROSECUTION POLICY

Cleveland Fire Authority is committed to preventing fraud and corruption and has developed an 'Anti-Fraud and Anti-Corruption Strategy' in order to minimise its occurrence.

The Fire Authority will constantly monitor its systems and amend procedures as required.

This policy does not supersede other internal disciplinary codes implemented by the Fire Authority and internal offenders (e.g. Fire Authority Employees or Members) will be liable to general disciplinary procedures as well as prosecution.

General

The Fire Authority's policy on fraud is to:

- deter it in the first instance;
- detect it quickly;
- investigate it efficiently; and
- prosecute offenders when appropriate.
- Recover all losses

In most cases, the Treasurer and Head of Internal Audit, in consultation with the Monitoring Officer will be involved in deciding if reporting the matter to the Police is appropriate. In exceptional circumstances the Monitoring Officer/Head of Internal Audit may refer matters to the Police direct without prior consultation.

In deciding whether a fraud should be reported to the Police the following factors will be taken into account.

1. The extent of the fraud/corruption in financial terms
2. The sufficiency and appropriateness of evidence
3. Whether the public interest will be served

In general, all cases, where there is evidence of a criminal act, will be reported to the Police.

GUIDANCE FOR EMPLOYEES AND MEMBERS ON GIFTS AND HOSPITALITY

1. INTRODUCTION

- 1.1 The following guidelines supplement the Fire Authority's Finance and Contract Procedure Rules and the National and Voluntary Codes of Conduct for Members.
- 1.2 These guidelines are intended to assist Employees and Members to exercise the correct judgement when faced with circumstances where gifts or hospitality are involved. However, if a Member or Employee is in any doubt about the right course of action to take, appropriate advice should be sought from the Fire Authority's Legal Advisor, Chief Fire Officer or Treasurer.

2. GIFTS

- 2.1 The acceptance of gifts by Employees and Members from persons who have, or may seek to have, dealings with the Fire Authority can be viewed by the public with suspicion and can expose the individual(s) vulnerable to criticism. A distinction exists between significant personal gifts from contractors and outside suppliers which would not be acceptable and where criticisms could potentially be justified, and those insignificant items of token value which Members and Employees can accept:
 - small gifts under £5 in value, often given by way of trade advertisements e.g. calendars, diaries, and similar office/articles
 - small gifts under £5 in value, given on the conclusion of a courtesy visit e.g. to a factory or other premises
- 2.2 With the exception of those items specifically referred to in section 2.1, Employees or Members of the Fire Authority should tactfully refuse any personal gift which is offered to him/her or to a member of their family by, or indirectly attributable to, any person or body who has dealings of any kind with the Fire Authority.
- 2.3 Whether gifts are accepted or not, the matter should be recorded in the registers of gifts and hospitality in operation for Members and for Employees.
- 2.4 In the event of a Member or Employee receiving a gift without warning, which does not fall in any of the exemptions mentioned in 2.1 above, the matter should immediately be reported to the Chief Fire Officer, Assistant Chief Fire Officer Strategic Planning and Resources or the Authority's Legal Advisor. The Chief Fire Officer or Assistant Chief Fire Officer Strategic Planning and Resources will be responsible for deciding whether the gift should be returned, donated to The Firefighters' Charity or forwarded to a charitable deserving cause. In such cases, the donor must be informed about what has happened to the gift and why, and be asked if they will kindly not send gifts in the future.

3. GIVING AND RECEIVING HOSPITALITY

- 3.1 Any hospitality given by Employees/Members should be justified as in the Fire Authority's interest. The hospitality given should be on a scale appropriate to the occasion and extravagance should be avoided.
- 3.2 Concerning offers of hospitality there should be no cause for concern if the offer is made by another non-commercial public body, but in all other cases, offers of hospitality must be treated with caution.
- 3.3 Employees/Members must refuse offers of hospitality where any suggestion of improper influence is possible. Special caution is necessary where hospitality is offered by a person or body having or seeking business with, or a decision from, the Fire Authority, particularly where the offer is to an individual Employee/Member.
- 3.4 Where hospitality is offered or accepted the matter must be recorded in the respective registers of gifts/hospitality maintained for Members and Employees. If there are any suspicious circumstances, the matter should be notified to the Treasurer to the Fire Authority and the Chief Fire Officer.
- 3.5 All Gifts and hospitality to the value of £50 or more should be disclosed and registered in accordance with the Members and Employees' Codes of Conduct.

4. POLICY

- 4.1 Although it is not possible to define all circumstances in which gifts/hospitality may be involved, the former government agency, the Audit Commission did provide guidance as illustrated in the attached schedule of some of the common types of gift and hospitality as set out in the following table together with an initial classification by the Fire Authority as acceptable or not:

ANTI-MONEY LAUNDERING POLICY

1. INTRODUCTION

The Terrorism Act 2000, Bribery Act 2010, Proceeds of Crime Act, 2002, and the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations, 2017, as amended, have broadened the definition of money laundering, and increased the range of activities caught by the statutory framework. Accordingly, the Authority is required to implement working procedures and undertake risk assessments designed to prevent the use of its services for money laundering. Reference is to be made to any policy of the Authority relating to anti-money laundering, and also to applicable guidance as issued by HM Revenue & Customs, The Law Society and the Solicitors Regulatory Authority as a supervisory body. The policies and procedures of the Authority's Legal Services are set out within this Anti-Money Laundering Policy document, and Employees should therefore familiarise themselves with the requirements and procedures as set out herein.

2. THE TERRORISM ACT, 2000

- The definition of money laundering under this Act and the offence created is set out in Section 18(1). A person commits an offence if he enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property by concealment, by removal from the jurisdiction, by transfer to nominees or any other way.
- It is a defence for a person charged with an offence under sub-section (1) to prove that he did not know and had no reasonable cause to suspect that the arrangement related to terrorist property. (S18(2))
- The failure to disclose an offence in S21A of the Act only applies in the regulated sector (see below). A person commits an offence under Section 21A if each of three conditions is satisfied.
- The first condition is that he knows or suspects or has reasonable grounds for knowing or suspecting that another person has committed an offence under any of Sections 15 to 18 of the Terrorism Act, 2000. These sections cover fund raising (s.15), use and possession (s.16), funding arrangements (s.17) and money laundering (s.18).
- The second condition is that the information or other matter on which knowledge or suspicion is based or which gives reasonable grounds for such knowledge or suspicion, came in the course of business in the regulated sector.
- The third condition is that he does not disclose the information or other matter to a constable or a nominated officer as soon as is practicable after it comes to him.

3. THE BRIBERY ACT 2010

- 3.1 The Act will make it easier for agencies such as the Serious Fraud Office to prosecute bribery and corruption offences. Upon conviction companies face unlimited fines with individuals facing up to ten years imprisonment.
- 3.2 If bribes are paid by or on behalf of an organisation, that entity can be automatically prosecuted for a new strict liability offence of failing to prevent bribery. The only defence applicable would be to demonstrate that the organisation has “adequate procedures” in place to prevent corrupt business practices. Some of the suggested steps to cover “adequate procedures” would include, by way of example; management responsibility for the organisation’s anti-corruption programme, appointment of a Senior Officer with responsibility for compliance with cognisance to a publicised anti-corruption code, adequate risk assessment, reporting and investigation procedures.

3.3 The Offences

- 3.3.1 The legislation covers certain primary offences of “active” and “passive” bribery. Active bribery will be committed through the giving of a bribe or offering or promising to do so. Whilst passive bribery is the requesting, or agreeing to receive or accepting a bribe, there is also a new offence of bribing a ‘foreign public official’. The bribe must not be “legitimately due” and the giver must have the intention of influencing the recipient in the performance of their public duties. Accordingly, certain “facilitation payments” will now have to be scrutinised, to ensure that such payments are permitted or required under the relevant law of the relevant country.
- 3.3.2 The Act also introduces a new corporate offence of negligently failing to prevent the giving of bribes by its employees or agents. It will be a defence, if a business can show it had adequate procedures in place to prevent bribery taking place albeit those systems have failed in the individual instance. Clearly, the intention behind this new offence is to encourage businesses to adopt and embrace anti-corruption policies and strategies more seriously and to put in place appropriate measures to eradicate unethical business practices.

3.4 Enforcement

- 3.4.1 The Serious Fraud Office will be the responsible prosecuting authority and are also to issue guidance, in addition to that provided through the Ministry of Justice. It should also be noted, that the provisions under the Bribery Act, 2010, replicate those found under the Fraud Act, 2006, which cover sophisticated frauds, particularly through ever evolving technologies. The Fraud Act, 2006, in turn, building upon the provisions contained within the Theft Acts, 1968-1978. In addition the ‘Sentencing Guidelines Council’ has also indicated appropriate penalties relating to the overall culpability of individuals/organisations who commit and are convicted of such fraudulent activities.

4. THE PROCEEDS OF CRIME ACT, 2002

4.1 What is money laundering?

Money laundering means;

- concealing, disguising, converting, transferring criminal property or removing it from the United Kingdom (section 327 of the Act);
- entering into, or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of, criminal property by or on behalf of another person (section 328 of the Act);
- acquiring, using or possessing criminal property (section 329 of the Act);

These are the primary money laundering offences and thus prohibited acts under the legislation.

The legislation is designed to shift the burden for identifying acts of money laundering away from government agencies and more towards public bodies and their employees. Further, the legislation prescribes potentially very high penalties, including imprisonment, for those who are convicted of breaking the law.

Potentially, any Member or Employee could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it. It is therefore important to be aware of the legislation and its provisions. If you feel you may commit one of these primary money laundering offences, by fulfilling a client's instructions, then you will have a defence if you receive appropriate consent (official permission to continue with the transaction) from the Serious Organised Crime Agency (SOCA).

5. THE MONEY LAUNDERING, TERRORIST FINANCING AND TRANSFER OF FUNDS (INFORMATION ON THE PAYER) REGULATIONS, 2017 AS AMENDED

- The Regulations provide for various steps to be taken by the financial services sector and other persons to detect and prevent money laundering and terrorism financing. Obligations are imposed on "relevant persons" (defined in regulation 3 and subject to the exclusions in regulation 154), who are credit and financial institutions, auditors, accountants, tax advisers and insolvency practitioners, independent legal professionals, trust or company service providers, estate agents, high value dealers and casinos. Otherwise known as the "Regulated Sector".
- Relevant persons are required, when undertaking certain activities in the course of business, to apply customer due diligence measures through risk assessment and controls where they establish a business relationship, carry out an occasional transaction, suspect money laundering or terrorist finance or doubt the accuracy of customer identification information.

5.1 What are the obligations on the Authority?

Organisations conducting “relevant business” must;

- Appoint a Money Laundering Reporting Officer (MLRO) to receive disclosures from employees of money laundering activity (their own or anyone else’s);
- Implement a procedure of controls to enable the reporting of suspicions of money laundering;
- Maintain client identification procedures in certain circumstances;
- Assess the risks of money laundering and terrorist financing; and
- Maintain record keeping procedures

Not all of the Authority’s business is “relevant” for the purposes of the legislation. In the main, it will cover accountancy and audit services undertaken by the Authority and the various financial, company and property transactions undertaken by the Authority. However, the most prudent way to ensure compliance with the law is to apply the requirements of the legislation to all areas of work undertaken by the Authority’s financial and legal services.

5.2 Disclosure Procedure

Where you know or suspect that money laundering activity is taking place/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under sections 327-329 of the Proceeds of Crime Act 2002 (see above), you must disclose this as soon as practicable to the MLRO. The Authority’s nominated Officers for this purpose are to be arranged. It should be noted, that as well as the offences prescribed under sections 327-329 of the Proceeds of Crime Act 2002, this will also encompass any attempt, conspiracy or incitement to commit such an offence; or aiding, abetting, counselling or procuring such an offence. The term “criminal property” is also widely defined, encompassing property representing a person’s benefit from criminal conduct, where you know or suspect that that is the case. It includes all property (situated in the United Kingdom or abroad) real or personal, including money and also includes an interest in land or a right in relation to property other than land. It should be noted that disclosure to the MLRO should be made as soon as practicable when information comes to your attention and should not be subject to any delay or prevarication. Should a disclosure not be made, then you may be liable to prosecution.

5.3 Failure to Report Money Laundering Offences

A failure to report offences is committed, where in the regulated sector in the course of conducting relevant business, you know or suspect or have reasonable grounds to do so (even if you did not actually know or suspect) that another person is engaged in money laundering and you did not disclose this as soon as was reasonably practicable to the MLRO. However, an offence is NOT committed where you have a reasonable excuse for non-disclosure, nor where you are a **professional legal advisor** and the information came to you in **privileged circumstances** i.e.;

- By a client (or their representative) in connection with the giving of legal advice;
- By a person (or their representative) seeking legal advice;
- By a person in connection with legal proceedings (existing or contemplated);

But NOT where the information was given with the intention of furthering a criminal purpose. Consequently, if information comes to a professional legal advisor outside the privilege arena, then they may commit an offence by non-disclosure.

NOTE: There are two 'third party' offences – failure to disclose one of the three principal offences as noted above and 'tipping off' which now has application to an offence committed in the regulated sector (see below). Tipping off is where someone informs a person or people who are, or are suspected of being, involved in money laundering, in such a way as to reduce the likelihood of their being investigated, or prejudicing an investigation.

NOTE: The Law Society has issued guidance as approved by HM Treasury 'Anti-money laundering guidance March 2018' incorporating amendments made through the 2017 Regulations and which details areas of good practice.

[\(https://www.lawsociety.org.uk/policy-campaigns/articles/anti-money-laundering-guidance/\)](https://www.lawsociety.org.uk/policy-campaigns/articles/anti-money-laundering-guidance/)

No disclosures whatsoever should be made without the specific prior approval of the MLRO. Such disclosures to the MLRO will be protected in that they will not be taken to be in breach of a restriction on the disclosure of information.

5.4 Tipping Off Offences

Under section 333A of the 2002 Act, there is an offence of “**tipping off**” where a person, knowing or suspecting a disclosure has been made, makes a disclosure which is likely to prejudice any investigation which might be conducted and the information on which the disclosure is based came to the person in the course of business in the regulated sector.

However, a tipping off offence is NOT committed where;

- The person did not know or suspect that the disclosure was likely to be prejudicial;
- The disclosure is made in furtherance of their enforcement functions regarding the Act or similar criminal conduct legislation;
 - They are a professional legal advisor and the disclosure was to a client (or their representative) in connection with the giving of legal advice; or
 - is made for the purpose of dissuading the client from engaging in conduct amounting to an offence; or
 - to any person in connection with legal proceedings (existing or contemplated);

But NOT when the information was given with the intention of furthering a criminal purpose.

5.5 Legal Professional Privilege

Privilege will attach to;

- advice given on how to stay within the law and avoid committing a crime;
- warning a client that proposed actions may attract prosecution;
- a pending criminal prosecution.

Privilege will not attach to;

- information coming to you in connection with affecting a transaction, e.g. a property matter;
- a client account ledger;
- an appointments diary or time record;
- attendance notes;
- notes of open court proceedings, conversations, correspondence of meetings with opposing lawyers;
- any documents which themselves form part of a criminal or fraudulent act;
- advice sought by a client who intends to carry out a criminal offence (even where the lawyer is unaware of this purpose).

NOTE: Communications cannot be subject to legal professional privilege if they are created with the intention of furthering a criminal purpose. It is irrelevant whether the intention is that of the client, the lawyer or any third party.

5.6 Procedural Requirements

As indicated, the legislation imposes specific obligations and those carrying out “relevant business” requiring them to;

- Obtain sufficient knowledge to ascertain the true identity of clients and maintaining “**customer due diligence**” measures and ongoing monitoring;
- Ensure that “**record keeping procedures**” (e.g. evidence of identity obtained, details of transactions undertaken, etc) are maintained and adhered to;
- Maintaining internal controls through ie, audits, risk assessment and overall management.

NOTE: Where the client is acting or appears to be acting for someone else, reasonable steps must also be taken to establish the identity of that other person (although this is unlikely to be relevant to the Authority).

The law states that particular care must be taken when the client is not physically present when being identified; this is always likely to be the case with the Authority, given that its relevant business can only be undertaken with other local authorities and designated public bodies (not individuals) and therefore instructions will usually be given in writing. However, there are a limited number of exceptions where identification evidence does not need to be obtained, these are unlikely to ever be relevant to the Authority, given that it can only act for other public authorities and designated public bodies.

Satisfactory evidence of identity is that which;

- is capable of establishing, to the satisfaction of the person receiving it, that the client is who they claim to be; and
- does in fact, do so.

It is suggested that fairly rigorous identification checks should be made, for example, in relation to an organisation, that evidence should be obtained as to the identity of key individuals within the organisation along with evidence of the identity of the business entity and its activity. The following factors suggest a minimum level of client identification procedure would be appropriate; namely –

- (i) for internal clients – where a detailed awareness of individuals and their location has been established through previous dealings.
- (ii) for external clients – where the body, is heavily regulated by their very nature or there has been repeated dealings between the Authority and such bodies thereby establishing knowledge in terms of people and the business address.

5.7 Record Keeping Procedures

Signed, written instructions should enable us to have confidence in accepting instructions from a known client. If instructions are obtained from a new client, then you may also wish to seek additional evidence, for example;

- checking the organisation's website to confirm their business address;
- asking the key contact officer to provide evidence of their personal identity and position within the organisation, for example, written confirmation from the relevant head of service/chair of the relevant organisation.

5.8 The Penalties

Money laundering offences may be tried at a Magistrates' Court or in the Crown Court, depending on the severity of the suspected offence. Trials at the former can attract fines of up to £5,000, imprisonment for up to six months, or both. In a Crown Court, fines are unlimited and sentences of imprisonment (depending on the particular offence) can range from two to fourteen years.

6. SUMMARY

When considering an offence under the money laundering legislation, the Court will consider whether you have followed any relevant guidance. General queries over the legislation can be discussed with the Authority's Legal Advisor or with the Authority's MLRO (the Treasurer).

The Law Society's "Golden Rules" regarding money laundering are;

- know the legislation;
- know the Law Society's professional guidelines regarding money laundering;
- know your clients;
- know your business;
- train your employees (if you feel you need specific training, please speak to your line manager);
- monitor compliance with procedures by employees;
- don't cut corners;
- don't be afraid to ask questions (of a client or colleague);
- approach the procedures with common sense.

7. CONCLUSION

Employees and Members within the Authority must at all times be mindful of the legislative requirements as set out herein. As indicated, a failure to comply with such requirements may render an individual liable to prosecution. At all times, prompt, appropriate and proper action should be taken if you have any suspicions as to any money laundering activity, and please be aware that discussion upon this issue can be undertaken with either the Authority's Legal Adviser or through the Authority's Money Laundering Reporting Officer at any time should you have concerns regarding any matter.

The Authority's Money Laundering Reporting Officer is The Treasurer to the Authority who can be contacted at clittle@clevelandfire.gov.uk or 01429 872311.

Further guidance notes on the Code of Conduct are available using the following links:

www.sra.org.uk

www.nationalcrimeagency.gov.uk

www.hm-treasury.gov.uk

www.fca.gov.uk

www.lawsociety.org.uk

The Anti-Fraud and Anti-Corruption Strategy reflects the following strategic priorities and principles.

AUTHORITY'S STRATEGIC PRIORITIES
<p>The Anti-Fraud and Anti-Corruption Strategy contributes to the achievement of the following strategic goals:</p> <ul style="list-style-type: none">• Safer, Stronger Communities• Efficient, Sustainable Resources• Professional, Proud, Passionate People
CORE PRINCIPLES
<p>Extract from CIPFA/SOLACE “Delivering Good Governance in Local Government Framework 2016”</p> <ol style="list-style-type: none">1. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law.2. Ensuring openness and comprehensive stakeholder engagement.3. Defining outcomes in terms of sustainable economic, social and environmental benefits.4. Determining the interventions necessary to optimise the achievement of the intended outcomes.5. Developing the entity's capacity, including the capability of its leadership and the individuals within it.6. Managing risks and performance through robust internal control and strong public financial management.7. Implementing good practices in transparency, reporting and audit to deliver effective accountability.
<p>The sub Principles of good governance are detailed within the Authority's Code of Corporate Governance</p>

STANDARDS AND PARTNERS

Cleveland Fire Authority aspires to the highest standards of conduct and governance in the discharge of its roles. This affects the conduct of both members of the Authority, and its officers, in their dealings with the Authority, with the public and with others with whom they have contact in the discharge of the functions of the Authority. It also gives rise to an expectation that organisations and individuals upon whom the Authority relies for the provision of services, or in the discharge of contractual arrangements, will reflect relevant principles in their contact with the Authority, its members and officers and members of the general public with whom they come into contract.

This paper is intended, for the information of contractors, external partners and others who have dealings with the Authority, to summarise the principal elements contributing to the attainment of these objectives. Such parties are expected, so far as reasonably practicable and compatible with their own commercial interests and duties, e.g. to shareholders –

- themselves to act in a manner consistent with the principles set out when undertaking activities on behalf of the Authority
- to bring to the attention of the Authority any failure by a member or officer of the Authority, in their dealings with the contractor, partner etc., to comply with the principles set out.

STANDARDS AND PARTNERS

The General Principles

The Localism Act 2011 mandated 7 principles of public life that apply to people who service the public. The Relevant Authorities (General Principles) Order 2001 set out an additional three guiding principles which the Authority have incorporated into their Ethical Governance Framework. We will develop our working behaviour around these 10 principles, as outlined in the Anti-Fraud and Anti-Corruption Strategy (Part 1).

Of particular potential relevance to an external provider are the requirements

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Honesty

Holders of public office should be truthful.

Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them. This principle (which is to have general application) is intended to apply through a Member's election and their acceptance of the office of Councillor and following the appointment of a co-opted Member to the Authority.

These and the other general principles are then reinforced by the Code of Conduct for Councillors

The Code of Conduct for Councillors

Members of the Authority are bound by a Code of Conduct (see Part 3) which requires them, amongst other things –

- to treat others with respect
- to promote equality and not to discriminate unlawfully
- not to use their position to their own advantage or that of their friends, families etc.
- not to use authority resources for their own benefit or that of their friends, families etc.
- not to conduct themselves in a manner which brings the authority or their office as a member of the authority into disrepute
- not to bully or harass any person.
- to promote equalities and not discriminate unlawfully against any person
- not to bring your role or that of the Authority into disrepute

Financial Probity

The Authority, as a custodian of public funds, must adhere to the principles of financial probity at all times. To this end, it has adopted Financial Regulations which seek to ensure that financial transactions of the Authority are conducted in an acceptable manner and that the financial records of the Authority are maintained accurately and expediently and in accordance with current accountancy practices. Though contractors, partners, etc have no cause to be familiar with Financial Regulations, they should be alert to any actions on the part of representatives of the Authority which give rise to concerns regarding financial probity. Any concerns in this regard can be raised with the Treasurer of the Authority who will be able to consider the issue in the context of the Financial Regulations.

Civil Liberties and other legislation

As a public authority, Cleveland Fire Authority is subject to legislation which is designed to protect others and prevent abuse of their rights and liberties. Examples relevant to the Authority's relationship with contractors, partners etc. are:

- Health & Safety at Work Act 1974
- Race Relations Act 1976
- Sex Discrimination Act 1975
- Data Protection Act 2018 and GDPR
- Human Rights Act 2000

These and other relevant enactments cast upon the Authority an obligation not to infringe the rights and liberties of others. Certain aspects, such as health and safety, and data protection, may be dealt with specifically in contractual documentation between the Authority and the contractor, partner etc. In that case, the contractual provisions will prevail but in the absence of express provisions, it is the expectation of the Authority that those who discharge functions on behalf of the Authority will act only in a manner which assists the Authority in complying with relevant legislation and does not expose the Authority to criticism or sanction for breach.

Protection against victimisation

A natural concern on the part of a contractor, partner etc, who might consider making a referral is the potential for their interests to be prejudiced by doing so. The Authority extends to such parties the same guarantee against victimisation as is offered to their employees making a referral under the Whistleblowing Policy – for employee purposes adopted under the Public Interest Disclosure Act 1998 – and for the purpose of the protections of the policy, extends the procedures incorporated in the policy to contractors, partners etc. as though they were employees of the Authority.

Notification of misconduct

If a contractor, partner etc. or any of their employees become aware of misconduct on the part of a representative of the Authority, they are urged to bring the matter to the attention of the Authority or other appropriate agency. A referral should be made as soon as evidence exists which raises a reasonable belief that misconduct has taken, or is taking, place.

The nature of the misconduct may determine whether the matter is brought to the attention of the Authority or another agency. The following guidelines are offered to assist a party considering making a referral.

Conduct	Point of referral
Member misconduct, not amounting to a serious criminal offence	Monitoring Officer or Treasurer
Officer (Strategic Management) misconduct not amounting to serious criminal offence	Monitoring Officer
Officer misconduct, not amounting to a serious criminal offence	Chief Fire Officer
Member or officer conduct amounting to serious criminal offence	Police
Financial impropriety not amounting to fraud	Treasurer or Monitoring Officer Internal / External Audit
Fraud	Police

Relevant contacts for referrals

Mr P Devlin, Monitoring Officer 01429 872311	Cleveland Fire Brigade Training and Administration Hub Endeavour House Queens Meadow Business Park, Hartlepool, TS25 5TH
Mr C Little, Treasurer to the Authority 01429 872311	As above
Mr I A Hayton, Chief Fire Officer 01429 872311	As above
Mrs K Winter, Assistant Chief Fire Officer SPR 01429 872311	As above
Mrs L Younger, Head of Finance 01429 872311	As above
Mr N Adamson, Head of Internal Audit 01429 523173	Hartlepool Borough Council Hartlepool, TS24 4AY
Joanne Greener, External Auditor 0191 3836302	Mazars LLP The Rivergreen Centre Ayckley Heads, DURHAM, DH1 5TS

THE 10 GENERAL PRINCIPLES ADOPTED BY THE AUTHORITY ARE DETAILED
WITHIN THE ANTI-FRAUD AND ANTI-CORRUPTION STRATEGY AT PART 1

MEMBERS CODE OF CONDUCT

INTRODUCTION

This code applies to you as a member of Cleveland Fire Authority and when you act in your role as a Member it is your responsibility to comply with the provisions of this code. The code will also have application to voting co-opted Members and to those Independent Persons appointed to the Audit and Governance Committee.

You are a representative of this Authority and the public will view you as such therefore your actions impact on how the Authority as a whole is viewed and your actions can have both positive and negative impacts on the Authority.

This Code is adopted through the requirement for Cleveland Fire Authority to promote and maintain high standards of conduct by its members, under Section 27 of the Localism Act, 2011. The Code has application to those “principles of public life” as set out below under paras 1 – 7 as specified under the Localism Act, 2011 and the Authority has decided to incorporate the additional principles as set out within paras 8 – 10.

PRINCIPLES OF PUBLIC LIFE

Preamble

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

1. SELFLESSNESS

Holders of public office should act solely in terms of the public interest.

2. INTEGRITY

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. OBJECTIVITY

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias

4. ACCOUNTABILITY

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. OPENNESS

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. HONESTY

Holders of public office should be truthful.

7. LEADERSHIP

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

8. RESPECT FOR OTHERS

Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

9. DUTY TO UPHOLD THE LAW

Members should uphold the law and, on all occasions act in accordance with the trust that the public is entitled to place in them. This principle (which is to have general application) is intended to apply through a Member's election and their acceptance of the office of Councillor and following the appointment of a co-opted Member to the Authority.

10. PERSONAL JUDGEMENT

Members may take account of the view that others, including their political groups, but should reach their conclusion on the issues before them and act in accordance with those conclusions.

As a Member your conduct will in particular address the statutory principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the Authority's area or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional Officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public and engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

[Extracted from the Local Government Association 'Template Code and Guidance Note on Conduct'.]

Interpretation

In this Code;

"Disclosable Pecuniary Interest" has the meaning and description as detailed in the Schedule to this Code of Conduct.

"Meeting" means any meeting of;

- (a) the Authority;
- (b) any of the Authority's Committees, Sub-Committees or Joint Committees;
- (c) whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members.

"Member" includes a co-opted Member and any appointed Member.

GENERAL OBLIGATIONS

1. When acting in your role as a Member of the Authority;

- 1.1 You must treat others with respect.
- 1.2 You must not conduct yourself in a manner which is contrary to the Authority's duty to promote and maintain high standards of conduct amongst its Members.
- 1.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe or are reasonably aware, is of a confidential nature, except where –
 - (i) you have the consent of the person authorised to give it;
 - (ii) you are required by law to do so
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the authority; and
 - (c) you have consulted with the Authority's Monitoring Officer prior to its release.
- 1.4 You must not prevent any other person from gaining access to information to which that person is entitled by law.
- 1.5 **Bullying, harassment and discrimination**

You must not bully or harass any person.

You must promote equalities and not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims

1.6 Disrepute

You must not bring your role or that of the Authority into disrepute.

As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and your Authority and may lower the public's confidence in your or your Authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your Authority into disrepute.

You are able to hold the Authority and fellow Members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the Authority whilst continuing to adhere to other aspects of this Code of Conduct.

2. When using or authorising the use by others of the resources of the Authority;

- 2.1 You must act in accordance with the Authority's reasonable requirements including the requirements of the Authority's applicable information technology policy and those related policies copies of which have been provided to you and which are deemed to have read;
- 2.2 You must ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 2.3 You have regard to any applicable Code of Recommended Practice on local authority publicity issued under Section 4 of the Local Government Act, 1986.

INTERESTS

- 3.1 As a public figure, your public role may, at times, overlap with your personal and/or professional life and interests however when performing your public role as a Member, you should act solely in terms of the public interest and should not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
- 3.2. You are required to register "pecuniary" and such other interests as determined by the Authority through this Code of Conduct. A failure to declare or register a pecuniary interest will be a criminal offence if this is done without a reasonable excuse. If you knowingly or recklessly provide false or misleading information about a pecuniary interest this will also be a criminal offence.

3.3. There will be a requirement for you to formally declare any gift and/or hospitality to the Monitoring Officer over £25. *Further, you should also have regard to the following considerations;*

- *you should not accept any gift or hospitality which might interfere with or be perceived as impacting on the Authority's business or services,*
- *you should not accept significant personal gifts from any contractor and/or outside suppliers or agents thereof,*
- *you should only accept hospitality if there is a genuine need to impart information or to represent the Authority (or a body to which you are appointed by the Authority) in the community*
- *you should also be particularly sensitive to receiving gifts and/or hospitality which may relate to the timing of a decision which the Authority may be taking which affects those from whom the gift and/or hospitality was received,*
- *the advice of the Authority's Monitoring Officer should be obtained where necessary or desirable.*

(i) Notification of Interests

(1) You must, within 28 days of –

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

notify the Monitoring Officer of your disclosable pecuniary interests that are notifiable under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests, and notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

(2) You have a personal interest in any business of your authority where either –

(a) it relates to or is likely to affect –

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body -
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.

(3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest, notify the Monitoring Officer of the details of that new interest or change.

(ii) Disclosure of Interests

- (1) Subject to sub-paragraphs (2) to (4), where you have a personal interest described in paragraph (2) above or in paragraph (2) below in any business of your authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) (A) You have a personal interest in any business of your authority
- (i) where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a *relevant person* to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
 - (ii) it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest.
- (B) In sub-paragraph (2)(A), a *relevant person* is –
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body 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 person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in paragraph **(i)** (2)(a)(i) or (ii) above.
- (3) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph **(i)** (2)(a)(i) or **(i)** (2)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a personal interest but, by virtue of paragraph **(iv)**, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(iii) Register of interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

(iv) Sensitive interests

Where you consider that disclosure of the details an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

(v) Non participation in case of pecuniary interest

- (1) Where you have a personal interest in any business of your authority you also have a pecuniary interest in that business where 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 your judgement of the public interest and where that business –
 - (a) affects your financial position or the financial position of a person or body described in paragraphs **(i)** (2) or **(ii)** (2) above or
 - (b) relates to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph.
- (2) Subject to paragraph (3) and (4) below, where you have a pecuniary interest in any business of your authority –
 - a) You may not participate in any discussion of the matter at the meeting.
 - b) You may not participate in any vote taken on the matter at the meeting.
 - c) If the interest is not registered, you must disclose the interest to the meeting.
 - d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

Note: In addition Standing Order 19 requires you to leave the room where the meeting is held while any discussion or voting takes place.

- (3) Where you have a pecuniary interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (4) Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of –
 - (i) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (ii) an allowance, payment or indemnity given to members;
 - (iii) setting council tax or a precept under the Local Government Finance Act 1992.

Pre-Determination or Bias

- (5) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as member, however you should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (6) When making a decision, you need to consider the matter with an open mind and on the facts before the meeting at which the decision is to be taken.

Offences

- (7) Under Section 34 of the Localism Act, 2011, a person commits an offence if, without reasonable excuse, that person fails to comply with an obligation imposed on them in respect of the disclosure of pecuniary interests on taking office and must disclose that interest (other than in the case of certain sensitive interests, to which a different procedure applies) or participate in any discussion or votes or takes any steps in contravention of the above. The person will therefore commit an offence if they provide information that is false or misleading and the person knows that that information is false or misleading or is reckless as to whether the information is true and not misleading.

A person guilty of an offence under this Section is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000) and a Court may order the disqualification of that person from being or becoming a Member or Co-opted Member of a relevant authority for a period not exceeding five years.'

SCHEDULE

A "disclosable pecuniary interest" is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

(In the extracts from the Regulations below, 'M' means you and 'relevant person' means you and your partner, as above)

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority –</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge) –</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where –</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either –</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body: or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

[Extract from 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012]



CLEVELAND FIRE AUTHORITY

LOCALISM ACT, 2011

THE CODE OF CONDUCT

For the purpose of compliance with the requirements of the Localism Act, 2011, you are asked to read the Code of Conduct adopted by the Authority on 9 June 2023 carefully, and sign and date the following declaration.

I, _____,

confirm that I have read and understood the Authority's Code of Conduct.

Signed _____

Date _____

Please return to:

Beverley Parker
Democratic and Administration Manager
Cleveland Fire Brigade
Training and Administration Hub
Endeavour House
Queens Meadow Business Park
Hartlepool
TS25 5TH

For office use

Received:

Date:

REGISTER OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS

2023/24

Register of Members' Disclosable Pecuniary Interests

I, (FULL NAME),

a member of Cleveland Fire Authority, give notice that I have set out below under the appropriate headings my pecuniary interests which I am required to declare in accordance with the Authority's approved Code of Conduct and in accordance with applicable regulations and any amendments thereto.

(Please complete all sections indicating "None" or "N/A" as appropriate.)

1. EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION
<p>You should show every employment, office, trade, profession or vocation carried on for profit or gain</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>NOTES - Give a short description of the employment etc. concerned</p> <ul style="list-style-type: none"> • Employees should give the name of their employer. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company. • Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, the local education authority; in the case of an aided school, the school governing body. • If you are a partner in a firm, give the name of the firm. • If you are a remunerated director, give the name of the organisation

2. SPONSORSHIP

You should declare the name of any person or body who has made any payments to you in the last year towards your expenses as a councillor or towards your election expenses. You do not need to declare the amounts of any payments: only the name of the person or body making them.

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NOTES - This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act, 1992.

- Employees should give the name of their employer. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company.
- Where you hold an office, give the name of the person or body which appointed you. In the case of a public office, this will be the authority which pays you. In the case of a teacher in a maintained school, the local education authority; in the case of an aided school, the school governing body.
- If you are a partner in a firm, give the name of the firm.
- If you are a remunerated director, give the name of the organisation

3. CONTRACTS WITH THE AUTHORITY

(a) You should describe all contracts, of which you are aware, which are not fully discharged, and which are:

(i) contracts for the supply of goods, services or works to the authority or on the authority's behalf and

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(ii) between the authority of which you are a member, and either yourself or a company in which you have a beneficial interest or of which you are a director.

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NOTES - You need not say what the financial arrangements are, but should say for how long the contract is.

4. LAND IN THE AREA OF THE AUTHORITY

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NOTES - You should include any land in the area of the authority in which you have a beneficial interest (that is, in which you have some proprietary interest for your own benefit). You should give the address or a brief description to identify it. If you live in the authority's area you should include your home under this heading as owner, lessee, or tenant.

You should also include any property from which you receive rent, or of which you are the mortgagee.

"Land" includes any buildings or parts of buildings.

5. LICENCES TO OCCUPY LAND

You should include land in the area of the authority which you have a right to occupy (alone or jointly with others), but neither own nor have a tenancy of and which licence is for a month or longer.

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NOTES - You should give the address or a brief description to identify it.
"Land" includes any buildings or parts of buildings.

6. CORPORATE TENANCIES

You should list any tenancies of property of which you are aware where the landlord is the authority of which you are a member, and the tenant is a body in which you have a beneficial interest.

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7. SECURITIES

You should list the names of any body that (to your knowledge) has a place of business or land in the authority's area and in which you have a substantial interest. You do not need to show the extent of your interest.

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NOTES -
You have a substantial interest if you own shares or other securities in the body with a nominal value of more than £25,000 or more than 1/100th of the issued shares or securities. If there are several classes of shares or securities, the fraction of 1/100th applies to any of those classes.

The requirement also covers shares and securities held in the name of other people in which you have a beneficial interest.

8. OTHER INTERESTS

You should give the names of any other bodies of which you are a member, or are in a position of general control or management.

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NOTES -

- a body to which you are appointed by the authority as its representative.
- a public authority or body exercising functions of a public nature
- a company, industrial and provident society, charity, or body directed to charitable purposes
- a body whose principal purposes include the influence of public opinion or policy, and a trade union or professional association

9. INTERESTS OF CLOSE RELATIONS (RELATED PARTY DISCLOSURE)

You should disclose the existence of any interests that close relations may have with any body that (to your knowledge) are active in the authority's area in which you have a substantial interest. A 'close relation' would be considered as a spouse, civil partner or someone living in a common household. Further, it will also include; a grandparent, non dependent child, brother or sister, the spouse or domestic partner of a child, a parent in law, a brother in law or a sister in law.

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I recognise that it can be a criminal offence to:

- (1) **fail to comply with an obligation to disclose a pecuniary interest**
- (2) **provide information that is materially false or misleading;**
- (3) **fail to give further notices in order to bring up to date information given in this notice.**

Signed: _____

Date: _____

GIFTS AND HOSPITALITY

GIFTS AND HOSPITALITY GUIDANCE

This guidance is for members of the Authority and independent and co-opted members (voting and non-voting).

1. General Caution

- Treat with extreme caution any offer or gift, favour or hospitality that is made to you personally.
- Your personal reputation and that of the Authority can be seriously jeopardised by the inappropriate acceptance by you of a gift or hospitality
- The acceptance of gifts and hospitality is not always unlawful or inappropriate. The decision for you in every case is whether or not it is appropriate to accept any gift or hospitality that might be offered to you, having regard to how it might be perceived. No hard and fast rules can be laid down to cover every circumstance as to what is appropriate or inappropriate. This guidance is intended to enable you to make your own decision.

2. Criminal Law

- It is a criminal offence corruptly to solicit or receive any gift, reward or advantage as an inducement to doing or forbearing to do anything in respect of any transaction involving the Authority.
- The onus would be on you to disprove corruption in relation to a gift from a person holding or seeking to obtain a contract from the Authority.

3. Limits of Guidance

This guidance does not apply to:-

- Gifts and hospitality you may receive from family and friends (as birthday or other festival presents) that are not related to your position as a member. You should however question any such gift or hospitality offered from an unusual source.
- The acceptance of facilities or hospitality provided to you by the Authority.
- Gifts given to the Authority that you accept formally on the Authority's behalf and are retained by the Authority and not by you personally.

4. Meaning of Gifts and Hospitality

The expressions 'gifts' and 'hospitality' have wide meanings and no conclusive definition is possible. Gifts and hospitality include:-

- The free gift of any goods or services.
- The opportunity to acquire goods or services at a discount or at terms not available to the general public.
- The opportunity to obtain goods or services not available to the general public.
- The offer of food, drink, accommodation or entertainment or the opportunity to attend any cultural or sporting event.

Common gifts includes pens, diaries, calendars and other business stationery, articles of clothing, books, flowers and bouquets. Members should however be cautious when purchasing anything, when additional services, privileges or advantages are offered, which might be related to their position as a member.

5. Appropriate Gifts and Hospitality

There are some circumstances where you may accept gifts and hospitality as being in the normal course of your duties as a member.

- Civic hospitality provided by another public authority.
- Normal and modest refreshment in connection with any meeting in the course of your work as a member (e.g. tea, coffee and other normal beverages and refreshments).
- Tickets for sporting, cultural and entertainment events which are sponsored or promoted by the Authority or bodies to which you have been appointed by the Authority, and the tickets are offered in relation to that sponsorship or promotion.
- Small low value gifts (such as pens, calendars, diaries, flowers and other mementos and tokens).
- Drinks or other modest refreshment in the normal course of socialising arising consequentially from Authority business (e.g. inclusion in a round of drinks after a meeting).
- Modest meals provided as a matter of courtesy in the office or meeting place of a person with whom the Authority has a business connection.
- Souvenirs and gifts from other public bodies intended as personal gifts.

6. Principles to apply in relation to Gifts and Hospitality

In deciding whether it is appropriate to accept any gifts or hospitality you must apply the following principles:-

- Do not accept gifts or hospitality as an inducement or reward for anything you do as a member. If you have any suspicion that the motive behind the gift or hospitality is an inducement or reward you must decline it.
- 'Reward' includes remuneration, reimbursement or fee.
- Do not accept a gift or hospitality of significant value or whose value is excessive in the circumstances.
- Do not accept a gift or hospitality if acceptance might be open to misinterpretation. Such circumstances will include gifts and hospitality:-
- From parties involved with the Authority in a competitive tendering or other procurement process.

- From parties in legal proceedings with the Authority.
- Do not accept a gift or hospitality if you believe it will put you under any obligation to the provider as a consequence
- Do not solicit any gift or hospitality and avoid giving any perception of so doing

7. Registration of Gifts and Hospitality

- The new revised Code of Conduct for Members provides that ‘you have a personal interest in any business of your authority where it relates to or is likely to affect the interests of any person for whom you have received a gift or hospitality with an estimated value of at least £50’
- This interest must be registered in the register of members’ interests. You should register the interest as soon as possible after acceptance of the gift or hospitality and by no later than 28 days of acceptance. The registration should include the source and nature of the gift or hospitality. A form is available for this purpose and is available both hard copy and electronically from our internet site.
- You must disclose the existence and nature of the interest arising from a gift or hospitality at a meeting of the Authority at which business is considered to which the interest relates (i.e. business relating to the interests of the person or body giving the gift or hospitality). The disclosure requirement does not however apply to gift and hospitality interests registered more than 3 years ago.
- Whilst the registration requirement in the code is limited to gifts or hospitality over the value of £50, members are encouraged to register any significant gift or hospitality they receive below this value. There is however no obligation to make a disclosure in relation to gifts and hospitality on the register which are below £50 in value.

8. Reporting of Inappropriate Gifts and Hospitality Offered

- It is a criminal offence for a person corruptly to give or offer any gift, reward or advantage as an inducement or reward to you for doing or forbearing to do anything as a member of the Authority.
- You must immediately report to the Monitoring Officer any circumstances where an inappropriate gift or hospitality has been offered to you.
- You may thereafter be required to assist the Police in providing evidence.

9. Enforcement

- The Authority’s Audit and Governance Committee has responsibility for overseeing compliance with this guidance.
- Allegations of any failure to meet the guidance must be made in writing to the Monitoring Officer.



DECLARATION OF GIFTS AND HOSPITALITY

The following gift/hospitality was received and disposed of as follows:-

GIFT/HOSPITALITY	RECEIVED FROM	RETAINED BY

NAME:

SIGNATURE:

DATE

ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT, 2011

1. Background

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this Authority has failed to comply with the Authority’s Code of Conduct and sets out how the Authority will deal with allegations of a failure to comply with the adopted Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Authority must have in place “arrangements” under which allegations that a member or co-opted member of the Authority, or of a Committee or Sub-Committee of the Authority, has failed to comply with that Authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Authority at any other stage, or by a member against whom an allegation has been made.

2. The Code of Conduct

The Authority has adopted a Code of Conduct for members, which is outlined at Section 3 of the Ethical Governance Framework and available for inspection on the Authority’s website www.clevelandfire.gov.uk and on request from Reception at Cleveland Fire Brigade, Training and Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool.

The Authority’s Code of Conduct will have application when a Member acts in their official capacity, namely where they are conducting the business of the Authority or otherwise acting, claiming to act, or giving the impression that they are acting as a representative of the Authority. Further, that at the time of the alleged misconduct, they were an elected or co-opted member of the Authority.

3. Making a complaint

If you wish to make a complaint, please write or email to –

Mr P J Devlin
Legal Adviser & Monitoring Officer
Cleveland Fire Authority, Training and Administration Hub
Endeavour House, Queens Meadow Business Park,
Hartlepool, TS25 5TH
pdevlin@clevelandfire.gov.uk

The Monitoring Officer is a senior officer of the Authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the Authority's website and is available on request from Reception at the Cleveland Fire Brigade, Training and Administration Hub (see Appendix 1).

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The Authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4. Publicity

The Monitoring Officer will request both the complainant and the subject member do not make public the complaint until the Monitoring Officer (in unison with the Independent Person) has decided how the matter should be dealt with and until any investigation is formally completed. Should the complainant and/ or the subject member disclose details of the complaint or any part of the investigation prior to its conclusion, then this would be a material consideration as to the confidentiality behind that item when it is formally reported to the relevant Council Committee, following the completion of that investigation. Any consideration as to whether that disclosure of information was in the public interest will be determined by the Monitoring Officer at that time, and included as a reference within that report.

5. Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of your complaint. Where the Monitoring Officer has taken a decision, they will inform you of their decision and the reasons for that decision (see Assessment Criteria at Appendix 3).

Where they require additional information in order to come to a decision, they may come back to you for such information, and may request information from the member against whom your complaint is directed.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that their conduct was unacceptable and offering an apology, or other remedial action by the authority.

Where the member or the Authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the Police and other regulatory agencies.

Vexatious Complaints

A complaint is unlikely to be referred for investigation where the complaint is either habitual/repeated or is vexatious in nature, or is otherwise the unreasonable pursuit of a complaint. The Authority shall keep under review those complaints that have been determined to be either habitual, repeated or vexatious and for the avoidance of doubt, will not disregard any new issues which are so significantly different from the original complaint that they need to be addressed as a separate complaint. However, it will be unlikely that a matter would proceed for investigation in the following circumstances:

- A persistence in pursuing a complaint where the local assessment and determination process has been fully and properly implemented and exhausted.
- Where the complainant has persistently changed the substance of a complaint or raises identical or similar issues or otherwise seeks to prolong unreasonably the matters of complaint through further concerns or questions whilst the original complaint is being addressed.
- The complaint is unreasonable or disproportionate in the amount of time expended and those matters of complaint are considered to be unreasonable as to impose a significant burden in terms of time and cost to be expended by the Authority, if such matters were pursued.
- Is a matter of complaint which can fairly be characterised as being obsessive or manifestly unreasonable through, for example, repetitive allegations.

- The matter of complaint is politically motivated and where press and other publicity has been attracted to the matter of complaint before the same have been reported to the Authority's Monitoring Officer and which the Monitoring Officer in unison with the Independent Person reasonably believes is not in the public interest to warrant an investigation. It will be also be a consideration as to whether independent evidence is likely to be obtained and the nature of seriousness of complaint which may not warrant any further action being taken.

6. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the Authority, an officer of another Authority or an external investigator. The Investigating Officer will decide whether they need to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide them with a copy of your complaint, and ask the member to provide their explanation of events, and to identify what documents they need to see and who they need to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

7 Timescales

If a complaint has been referred for investigation it will be conducted and completed as expeditiously as possible, and this generally will be within six months of the start of the investigation.

If an investigation is likely to exceed this six months timescale then an update report will be brought before the Audit and Governance Committee to explain why an extension to the six months is required.

8 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider their report.

9 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Sub Committee or, after consulting the Independent Person, seek local resolution.

9.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit and Governance Committee for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

9.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Sub-Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Authority has agreed a procedure for local hearings, which is attached at Appendix 2.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give their response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Sub-Committee may issue directions as to the manner in which the hearing will be conducted.

At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Sub-Committee. The member will then have an opportunity to give their evidence, to call witnesses and to make representations to the Hearings Sub-Committee as to why they consider that they did not fail to comply with the Code of Conduct.

If the Hearings Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Sub-Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Sub-Committee will then consider what action, if any, the Hearings Sub-Committee should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

10 What action can the Hearings Sub-Committee take where a member has failed to comply with the Code of Conduct?

The Audit and Governance Committee has delegated to the Hearings Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may:

- 10.1 Publish its findings in respect of the member's conduct;
- 10.2 Report its findings to the Authority for information;
- 10.3 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to the Authority or to Committees) that they be removed from any or all Committees or Sub-Committees of the Authority;
- 10.4 Instruct the Monitoring Officer to arrange training for the member;
- 10.5 Remove from all outside appointments to which they have been appointed or nominated by the Authority;
- 10.6 Withdraw facilities provided to the member by the Authority, such as a computer, website and/or email and Internet access; or
- 10.7 Exclude the member from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending Authority, Committee and Sub-Committee meetings.

NOTE

The Hearings Sub-Committee has no power to suspend or disqualify the member or to withdraw members' basic or special responsibility allowances.

11 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Sub-Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Sub-Committee, and send a copy to you, to the member, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Authority.

12 Who are the Hearings Sub-Committee?

The Hearings Sub-Committee is a Sub-Committee of the Authority's Audit and Governance Committee with a minimum of three members. The Audit and Governance Committee has decided that it will comprise a maximum of five members of the Authority and comprising members drawn from at least 2 different political parties. Subject to those requirements, a Member is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Authority.

The Independent Person is invited to attend all meetings of the Hearings Sub-Committee and their views are sought and taken into consideration before the Hearings Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

13 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of the Authority.

A person cannot be "independent" (subject to transitional arrangements) if they –

- 13.1 Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- 13.2 *[Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area], or*

- 13.3 Is a relative, or close friend, of a person within paragraph 13.1 or 13.2 above. For this purpose, “relative” means –
- 13.3.1 Spouse or civil partner;
 - 13.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 13.3.3 Grandparent of the other person;
 - 13.3.4 A lineal descendent of a grandparent of the other person;
 - 13.3.5 A parent, sibling or child of a person within paragraphs 13.3.1 or 13.3.2;
 - 13.3.6 A spouse or civil partner of a person within paragraphs 13.3.3, 13.3.4 or 13.3.5;
- or
- 13.3.7 Living with a person within paragraphs 13.3.3, 13.3.4 or 13.3.5 as husband and wife or as if they were civil partners.

14 Revision of these arrangements

The Authority may by resolution agree to amend these arrangements, and has delegated to the Hearings Sub-Committee the right to depart from these arrangements where the Sub-Committee considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

15 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Sub-Committee . If you feel that the Authority has failed to deal with your complaint properly, you may make a complaint to the Local Government and Social Care Ombudsman.

Appendix 1	Complaint Form
Appendix 2	Procedure for Hearings
Appendix 3	Assessment Criteria



COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

(Delete as appropriate)

- The Member (s) you are complaining about
- The Monitoring Officer of another Authority (where applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- ☐ Member of the public
- ☐ An elected or co-opted member of an Authority
- ☐ An Independent Person of the Audit and Governance Committee
- ☐ Member of Parliament
- ☐ Local Authority Monitoring Officer
- ☐ Other Authority officer or employee
- ☐ Other ()

Making your complaint

Anyone who considers that a Member of the Authority may have breached the Code of Conduct may make a complaint through the Monitoring Officer. The Audit and Governance Committee are required to promote and maintain high standards of conduct by elected and co-opted Members of the Authority. In addition a Hearings Sub-Committee is established to determine (where necessary) whether a Member has breached the Code, and where appropriate, what action should be taken in relation to that Member.

Consequently, a complaint is initially directed to the Monitoring Officer who will determine in conjunction with an Independent Person whether or not to refer the matter for investigation or whether other action (for example, training, conciliation, instituting changes to procedures) should be taken or that no action should be taken. The aim is to complete this initial review within an average of 20 working days.

Guidance on 'Arrangements for dealing with standards allegations under the Localism Act, 2011, can be found on the Authority's website www.clevelandfire.gov.uk.

3. Please provide us with the name of the Member (s) you believe have breached the Code of Conduct and the name of their authority:

Title	First Name	Last Name	Authority

4. Please explain in this section (or separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account in the decision whether to take any action on your complaint.

For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Only complete this next section if you are requesting that your identity is kept confidential

5. In the interests of fairness and natural justice, members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- Disclosure may lead to intimidation either of yourself as a complainant or a witness
- Disclosure could prejudice an investigation
- Lead to evidence being compromised or destroyed.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer in conjunction with the Independent Person will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

6. Complaints must be submitted in writing, this includes electronic submissions. However, in line with the requirements of the Disability Discrimination Act 1995, as amended, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

If you require this document in an alternative language, large print or Braille, or support in completing this form, please let the Legal Adviser and Monitoring Officer know as soon as possible on 01429 872311 or pdevlin@clevelandfire.gov.uk

إذا كنت تحتاج إلى هذا المستند بلغة بديلة أو مطبوع بأحرف كبيرة أو بطريقة برايل، فلا تتردد في الاتصال بنا.

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ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਦਸਤਾਵੇਜ਼ ਕਿਸੇ ਬਦਲਵੀਂ ਭਾਸ਼ਾ, ਵੱਡੇ ਅੱਖਰਾਂ ਜਾਂ ਬ੍ਰੇਲ ਵਿੱਚ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰਨ ਵਿੱਚ ਹਿਜਰ ਮਹਿਸੂਸ ਨਾ ਕਰੋ।

உங்களுக்கு இந்த ஆவணம் ஒரு மாற்று மொழியில், பெரிய அச்சு அல்லது பிரெயிலில் தேவைப்பட்டால், எங்களைத் தொடர்பு கொள்ள தயங்க வேண்டாம்.

یہ دستاویز اگر آپ کو کسی دیگر زبان، بڑے حروف کی چھپائی یا بریل میں درکار ہو تو برائے مہربانی بلا جھجک ہم سے رابطہ کریں

HEARING PROCEDURES FOR THE AUDIT AND GOVERNANCE COMMITTEE

Definition and Interpretation

'Member' means the Member of the authority who is the subject of the allegation being considered by the Audit and Governance Committee, unless stated otherwise. It also includes the Member's nominated representative.

'Investigator' means the Monitoring Officer or other Investigating Officer, and their nominated representative.

'Committee' also refers to 'a sub-committee' of the Council's Audit and Governance Committee.

'Legal Adviser' means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer or the Deputy Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.

Representation

The member may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Committee, another person.

Legal Advice

The Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the member and the investigator if they are present.

Setting the scene

After all the Members and everyone involved have been formally introduced, the Chair should explain how the Committee is going to proceed with the hearing.

Preliminary procedural issues

The Committee should seek to resolve any issues or disagreements about how the hearing should be conducted, prior to the formal hearing process.

Making findings of fact

After dealing with any preliminary issues, the Committee should then consider whether or not there are any significant disagreements about the facts contained in the investigator's report.

If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.

If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the investigator.

The Member should then have the opportunity to make representations to support their version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.

NOTE

At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the investigator to challenge any evidence put forward by witnesses called by the Member.

If the Member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the investigator is not present, the Committee will consider whether or not it would be in the public interest to continue in their or her absence. After considering the Member's explanation for not raising the issue at any earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigator's report;
- (b) allow the member to make representations about the issue, and invite the investigator to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present or for the investigator to be present if they are not already.

The Committee will usually move to another room to consider the representations and evidence in private.

On their return, the Chair will announce the Committee's findings of fact.

Did the Member fail to follow the Code?

The Committee needs to consider whether or not, based on the facts it has found, the Member has failed to follow the Code of Conduct.

The Member should be invited to give reasons why the Committee should not decide that they have failed to follow the Code.

The Committee should then consider any verbal or written representations from the investigator.

The Committee may, at any time, question anyone involved on any point they raise in their representations.

The Member should be invited to make any final relevant points.

The Committee will then move to another room to consider the representations.

On their return, the Chair will announce the Committee's decision as to whether or not the Member has failed to follow the Code of Conduct.

If the Member has not failed to follow the Code of Conduct

If the Committee decides that the Member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the authority.

If the Member has failed to follow the Code

If the Committee decides that the Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the investigator and the Member as to:-

- (a) whether or not the Committee should recommend action to be taken; and
- (b) what form any action should take.

The Committee will then move to another room to consider whether or not to impose a sanction on the Member and if so, what the sanction should be.

The Chair will announce the Committee's decision.

Recommendations to the Authority

After considering any verbal or written representations from the investigator, the Committee will consider whether or not it should make any recommendations to the authority, with a view to promoting high standards of conduct among Members.

The written decision

The Committee will announce its decision on the day and provide a short written decision on that day. It will also need to issue a full written decision within 5 working days from the conclusion of the hearing.

AUDIT AND GOVERNANCE COMMITTEE ASSESSMENT CRITERIA FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT, 2011

Assessment Criteria

Before commencing an assessment of a complaint, it needs to be satisfied that:-

1. It is a complaint against one or more named Members of the Authority.
2. The named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
3. The complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of the above requirements it cannot be investigated as a breach of the code and the complainant will be informed that no further action will be taken in respect of the complaint.

Decisions to refer a complaint for investigation

A complaint is likely to be investigated when it meets one or more of the following criteria:-

- It is so serious, if proven, to justify in the public interest a formal investigation of the complaint.
- It is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Authority and there is no other avenue left to deal with it, other than by investigation.

Note: In considering the above points, consideration will be given to the time that has passed since the alleged conduct occurred.

Decisions not to refer for investigation

A complaint is unlikely to be referred for investigation where it falls into any of the following categories:-

- The complaint appears to be vexatious, malicious, politically motivated, relatively minor or insufficiently serious,
- The same, or substantially similar, complaint has already been the subject of an investigation and there is nothing more to be gained by further action being.
- The complaint concerns acts carried out in the Members private life, when they are not carrying out the work of the authority or have not misused their position as a Member.
- It appears that the complaint concerns, or is really about dissatisfaction with a Authority decision, or policy rather than a breach of the Code.
- There is not enough information currently available to justify a decision to refer the matter for investigation.
- The complaint is about someone who is no longer a member of the Authority.
- A significant period of time has elapsed since the events the subject of the complaint occurred.
- The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter.

Other Considerations

- Training for the Member concerned is considered to be a more appropriate way of dealing with the matter.
- The Monitoring Officer in conjunction with the Independent Person believe that a breakdown in relationships has occurred which may be effectively dealt with by conciliation/mediation and the member complained of and the complainant are amenable to engaging in such alternative action.
- An investigation is not the most cost effective way of resolving the matter and the Monitoring Officer is able to deal with it informally.
- Some other action is more appropriate e.g. a review and/or change to the Authority's policies and procedures.
- The conduct complained of is not so serious that it requires a substantive investigation.

Decisions to refer the complaint to another Authority

The Monitoring Officer is likely to refer complaints to another Authority where:-

- The Complaint is about someone who is no longer a Member of the Authority, but is a Member of another Authority. In such cases the Monitoring Officer may refer the complaint to the Audit and Governance Committee of that other Authority.

Anonymous Complaints

The Monitoring Officer will only consider anonymous complaints if there is independent evidence to substantiate them. There must be documentary, photographic or other evidence which supports the substance of the anonymous complaint. However, even if such evidence has been provided, the Monitoring Officer in consultation with the Independent Person is unlikely to consider a complaint that is minor in nature, or appears to be malicious or politically motivated.

If the subject member requests to know the identity of the complainant, then representations will be sought from the Complainant and the Subject Member and thereafter this information will be reported to the Audit and Governance Committee as to whether or not there should be disclosure of the complainant's name to the Subject Member.

Considering Requests for withholding a complainant's details

The Monitoring Officer and where required a Hearing Sub-Committee will need to determine whether or not the complainant's details should be withheld from the subject member. Rarely is it in the public interest not to disclose the complainant's details. This could be on the basis that disclosure could prejudice an investigation, may lead to intimidation of the complainant or indeed, any witnesses involved, or could lead to evidence being compromised or destroyed. This will necessarily involve undertaking an assessment of the potential risks against the wider connotations of procedural fairness and the principles of natural justice.

Withdrawing Complaints

A complainant may ask to withdraw their complaint prior to any investigation being undertaken.

In such circumstances, and before coming to a decision on the request, consideration will need to be given to;

- whether the public interest in taking action about the complaint (eg because of its seriousness) outweighs the complainant's wish for the matter to be withdrawn;
- if the complaint can be actioned e.g. investigated, without the complainant's participation or assistance;
- the actual reasons given (if any), and what other reasons there appear to be, for the request to withdraw and whether those reasons would support a decision to agree to the withdrawal of the complaint.

MEMBERS ALLOWANCE SCHEME

CLEVELAND FIRE AUTHORITY - MEMBERS' ALLOWANCE SCHEME

This is the Cleveland Fire Authority Members Allowance Scheme, covering the allowances which can be claimed by Members (including Co-opted Members) of Cleveland Fire Authority.

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Section 6	:	How to Claim Travelling & Subsistence Allowance
Section 7	:	Co-optees' Allowance
Section 8	:	Income Tax and Welfare Benefits
Section 9	:	Insurance for Members
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Updated 31 October 2019 – to be reviewed in 2023

SECTION 1: THE SCHEME AND SUMMARY OF ALLOWANCES PAYABLE

1.1 The Scheme

- 1.1.1 This is the Cleveland Fire Authority Members' Allowance Scheme ["the Scheme"] for the payment of Members' Allowances. The Scheme is based on and conforms with 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 18 October 2019, the Cleveland Fire Authority ["the Authority"] after having regard to the recommendations made by an Independent Remuneration Panel approved a Scheme to take effect from 1st April 2019.
- 1.1.2 The Scheme shall have effect without time limit and may be amended or revoked in accordance with the Regulations. Sections 4, 8 and 9 of this document and any other content included in this document for information may be updated, supplemented or deleted as appears appropriate. Any such alterations shall not be treated as amendments to the Scheme.
- 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 Allowances will be reviewed following Members calling of an IRP.

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 annual Special Responsibility Allowance for those Members who have special duties and/or hold particular posts.
- 1.2.3 It is outside the powers of the Authority, under the current Regulations, to approve Dependants Carers' Allowance.

- 1.2.4 Section 5 and 6 of the Scheme provide for Travelling and Subsistence Allowance for all Members and Co-opted Members of the Authority and explain how claims should be made.
- 1.2.5 Section 7 of the Scheme provides for annual Co-optees' Allowance. As the Authority has no Co-optees at this time no allowance has been set.
- 1.2.6 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.
- 1.2.7 Provision has been made, in accordance with the power conferred by the regulations, to make annual adjustments to allowances by reference to specified indices. The index for inflation to be adopted for the purpose of this Scheme is the Harmonised Index of Consumer Prices (HICP) or Consumer Prices Index (CPI) as it is referred to in the UK. Any change arising only from such annual adjustment shall not be deemed to be an amendment to the scheme.

1.3 Tax and Insurance

- 1.3.1 Section 8 and 9 of the Scheme mention liability to Income Tax and the 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 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 Training and Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool.

The record may be inspected free of charge by any local government elector for the areas of Hartlepool, Middlesbrough, Stockton on Tees and Redcar and Cleveland Borough Councils, 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.

- 1.5.2 Copies of the Scheme are made available for inspection by the public at the Authority's principal office, Training and Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool during normal office opening hours. A copy will be supplied to any person who so requests. Any person wishing to inspect the record of payments or the Scheme should contact the Democratic and Administration Manager.

1.6 Foregoing Entitlement to Allowances

- 1.6.1 A Member or Co-optee may elect to forgo entitlement to all or any part of their entitlement to allowances under the Scheme, by notifying the Treasurer 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 Democratic and Administration Manager.
- 1.7.2 In the case of an unresolved dispute in relation to any claim, the Democratic and Administration Manager shall refer the matter to the Treasurer to the Authority who shall be the final arbiter.

SECTION 2: BASIC ALLOWANCE

- 2.1 Basic Allowance is paid to all Members of the Authority at the same rate. It is intended to recognise the requirement for Members to attend various meetings of the Authority as part of their duties. It is also to recognise the role Members perform within the community.
- 2.2 The amount and payment of 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 Basic Allowance. Allowances for Co-optees are set out in Section 7.

- 2.4 Any allowance may be withheld where a Member ceased to be a Councillor or is otherwise unable to discharge the role (other than in the case of illness), the Treasurer in conjunction with the Legal Adviser and Monitoring Officer can withhold allowances, if reasonable to do so. Members have the right to appeal as outlined in the Corporate Governance Framework
- 2.5 Basic Allowance is subject to Income Tax and National Insurance Contributions (see Section 8).

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. In the event of failure to elect, the Member will be deemed to have elected to receive the Special Responsibility Allowance which is the greatest.
- 3.5 Special Responsibility Allowance is subject to Income Tax and National Insurance Contributions (see Section 8).

SECTION 4: DEPENDANTS CARERS' ALLOWANCE

- 4.1 It is outside the powers of the Authority to approve Dependants Carers' Allowance under the present Regulations.

SECTION 5: TRAVELLING AND SUBSISTENCE ALLOWANCE

5.1 Travelling Allowances

- 5.1.1 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

- 5.1.2 Please note that proper VAT receipts for expenses including parking fee tickets are needed in order for the Authority to validate claims and to reclaim VAT. Members should ask for/keep these and attach them to claim forms. Failure to supply a receipt may result in non-payment of a claim.
- 5.1.3 When travelling by train Members should obtain a rail warrant so that the Authority can take advantage of preferential rates. In the first, instance please contact the Democratic and Administration Manager at Fire Brigade Training and Administration Hub for guidance on obtaining a travel warrant as soon as travel arrangements have been confirmed and the post-holder will arrange for a travel warrant to be issued.
- 5.1.4 Claims for Travel Allowance are generally not subject to deductions for Income Tax and National Insurance (see Section 8)

5.2 Subsistence Allowances

- 5.2.1 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.
- 5.2.2 Members are not entitled to claim subsistence to the extent that 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.
- 5.2.3 Members are not entitled to claim subsistence to the extent that 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 consult the Democratic and Administration Manager prior to arranging and paying for accommodation themselves.
- 5.2.4 Please note that proper VAT receipts are needed in order for the Authority to validate claims and to reclaim VAT. Members should ask for/keep these and attach them to claim forms. Failure to supply a receipt may result in non-payment of a claim.
- 5.2.5 When a receipt is not provided, claims for Subsistence Allowance are subject to deductions for Income Tax and National Insurance.

SECTION 6: HOW TO CLAIM TRAVELLING AND SUBSISTENCE ALLOWANCE

- 6.1 In this section “Members” includes Co-optees.
- 6.2 Claims for Travelling and/or Subsistence Allowance must be submitted on the standard forms.
- 6.3 The forms include 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 Cleveland Fire 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.”
- 6.4 Claim forms are kept by the Democratic Support team, from whom additional forms may also be obtained.
- 6.5 The deadline for processing claims is usually about the 25th day of the month and payment is made monthly on or about the fifteenth of the month by direct transfer to bank/building society accounts.
- 6.6 Members should submit claims promptly, in arrears, and by no later than the last day of the calendar month. Claims should be made within three months of the approved duty for which the claim is made.
- 6.7 If any of the rates of Travelling and Subsistence Allowance are increased by the Authority and the increase is backdated to the start of a year, Members may be able to show that claims already processed or being processed should be revised to reflect the increase.
- 6.8 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. NB, if Members’ allowance payments become the subject of investigation, these records may be required by the investigator.
- 6.9 Members should also note that, as mention in Section 1 above, the Authority has to maintain a record showing payments made to Members which is open to public inspection.

SECTION 7: CO-OPTEEES' ALLOWANCE

- 7.1 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.
- 7.2 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 5 and 6 of the Scheme.
- 7.3 Co-optees' Allowance is subject to Income Tax and National Insurance Contributions (see Section 8).

SECTION 8: INCOME TAX & WELFARE BENEFITS

8.1 General

- 8.1.1 NB – Members must read the paragraph in Section 1 above headed “Tax and Insurance”
- 8.1.2 In this section “Members” includes Co-optees.

8.2 Income Tax

- 8.2.1 Basic, Special Responsibility, Co-optees and Dependant Carers' 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.
- 8.2.2 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.
- 8.2.3 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 their expenses as a Member may be tax deductible, should contact the Tax Office.
- 8.2.4 The Authority's Tax Office is :
HM Revenue & Customs, PO Box 1970, Liverpool, L75 1WX

8.3 National Insurance Contributions

- 8.3.1 Basic and Special Responsibility Allowance payments will attract National Insurance (NI) contributions at levels which vary depending on the total earnings of Members.
- 8.3.2 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 amount mentioned in 8.3.3 (a) below
 - (b) They are men at state pension age
 - (c) They are women at state pension age
 - (d) They are already paying the maximum NI Contributions on their employment earnings mentioned in 8.3.3 (b) below
- 8.3.3 There is no NI liability if either (a) total earnings are less than the specified minimum, currently £719 per month or (b) NI contributions at maximum rate are paid on employment earnings.
- 8.3.4 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.
- 8.3.5 Members who are self-employed may also be subject to different levels of NI Contributions.
- 8.3.6 Members who believe that they fall into any of the above categories should contact the Head of Finance who will seek to obtain further information to assist with the query. Members should also obtain the appropriate certificates from the Department of Work and Pensions (DWP).

8.4 Social Security Benefits

- 8.4.1 The receipt of allowances may affect Members who are receiving Social Security Benefits. All allowances should be declared to the DWP who will be able to advise Members about the way in which allowances affect benefits such as Income Support.
- 8.4.2 Members should note that failure to disclose any allowances to the DWP may result in prosecution.

SECTION 9: INSURANCE FOR MEMBERS

- 9.1 NB – Members must read the paragraph in Section 1 above headed “Tax and Insurance”
- 9.2 In this section “Members” includes Co-optees.
- 9.3 The Authority provides some insurance cover for Members when they are engaged on business which relates to their activities for the Authority. The insurance does not cover Party Political activities.
- 9.4 The insurance covers certain risks in the following broad categories:
- Public Liability
 - Officials Indemnity
 - Libel and Slander
 - Employers Liability
 - Personal Accident Insurance
 - Business Travel Insurance
 - Legal Expenses Insurance

For further details relating to the extent of this cover please contact the Brigade's Head of Finance

- 9.5 Please note that the Authority's motor insurance does not extend to Members' own vehicles, even if these vehicles are used on Authority business. Members should ensure that they have advised their own insurers and they are suitably covered if their own vehicles are to be used on Authority business.

SCHEDULE 1

RATES OF ALLOWANCES

Allowance	<u>Amount</u>
Basic	£2,238 a year
Special Responsibility	
(a) Chair of the Authority	£8,952.a year
(b) Vice Chair of the Authority	£4,476 a year
(c) Chair of Audit and Governance Com	£2,797 a year
(d) Co-optees	No rate set.

Payments

- 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 or about the fifteenth of the month by direct transfer to bank/building society accounts (unless otherwise notified).
- 1.2 Where a payment of one-twelfth of the amount specified in this Scheme in respect of a Basic, Special Responsibility or Co-optees Allowance would result in a Member or Co-optee receiving more than the amount to which they would be entitled, the monthly payments shall be restricted to such amount as will ensure that no more is paid than the amount to which they are entitled in any one financial year.

SCHEDULE 2

PART-YEAR ENTITLEMENT

- 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.

1.2 Amendments to the Scheme

- 1.2.1 If one or more amendments to the Scheme are made which take effect during 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.
- 1.2.2 If the amendment is backdated to the start of the year, Members' entitlement shall be adjusted accordingly.
- 1.2.3 Otherwise the Members' entitlement shall reflect the changes in the rate of Allowance and the period(s) during which each rate was in force.

1.3 Members for part Year only

- 1.3.1 Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, their 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 their term of office as a Member subsists and
 - (b) at the rate or rates applicable to that Allowance whilst their term of office as a Member subsists.

1.4 Members performing Special Responsibilities for part Year only

- 1.4.1 Where a Member carries out any special responsibility such as entitles him/her to a Special Responsibility Allowance during part only of a year, their 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.

1.5 Co-optees for part Year only

- 1.5.1 Where the appointment of a Co-optee begins or ends otherwise than at the beginning or end of a year, their 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 their appointment as a Co-optee subsists and
 - (b) at the rate or rates applicable to them as a Co-optee whilst their appointment as a Co-optee subsists.

SCHEDULE 3

TRAVELLING AND SUBSISTENCE RATES

Public Transport

The Authority will reimburse actual cost of coach travel or standard class rail fares, or the cheapest alternative. First class rail travel will only be allowed where as a result of possessing a rail card, a reduction, equal to second class rail travel is achieved; or when travelling with Officers of the Brigade entitled to travel first class; or when travelling long distances and requiring a meal which can only be obtained via a 1st class fare.

When travelling by train Members must obtain a rail warrant so that the Authority can take advantage of preferential rates. In the first, instance please contact the Democratic and Administration Manager for guidance on obtaining a travel warrant as soon as travel arrangements have been confirmed and the post holder will arrange for a travel warrant to be issued. If Members/Co-optees have to purchase their own rail tickets they should produce their receipt or ticket when claiming reimbursement.

Travel by air may be appropriate in certain cases. This will be arranged by the Democratic and Administration Manager.

Travel by public transport is encouraged for long distance journeys but may be undertaken by private car where this is expedient. If so the Authority will pay Members/Co-optees the appropriate car mileage allowance shown below, not exceeding an amount equivalent to the standard second class rail fare.

For local travel Members may choose either the appropriate car or motorcycle mileage allowance shown below. Local travel is defined as any journey within a 60 mile radius of Fire Brigade HQ which takes in the perimeter of Regional Brigades HQ's.

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 no suitable public transport is available. Receipts should be produced. Please contact the Democratic and Administration Manager whenever possible prior to booking taxis as preferential rates may be available.

Car Mileage Allowances

Capacity

Basic rate for cars	up to 999cc	45.0p per mile
	1000cc to 1199cc	45.0p per mile
	1200 and above	45.0p per mile
Motorcycle Allowance	up to 150cc	9.5p per mile
	151 to 500cc	13.7 per mile
	Exceeding 500cc	18.1 per mile

HMRC have set an Approved Mileage Allowance Payment (AMAP) rate of 45p for the first 10,000 miles and 25p thereafter for Members/Co-optees using their own cars. Any tax due will be deducted at source through the payroll.

Day Subsistence

The amounts below are the maximum which can be claimed. Receipts should be produced for all subsistence claimed.

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

Breakfast allowance	-	it is necessary to leave home before 7.00am for a minimum period of four hours	£5.57
Lunch allowance	-	minimum four hours' absence including 12 noon – 2.00pm	£7.70
Tea allowance	-	minimum four hours' absence Up to and including 8.30pm	£3.04
Evening Meal allowance	-	minimum four hours' absence returning after 8.30pm	£9.54
Out of Pocket Expenses		for an overnight stay	£4.89
General	-	Tea and evening meal allowances cannot be claimed in respect of the same evening.	

Overnight Subsistence

For an absence overnight where own arrangements are to be made for accommodation, overnight subsistence may be claimed up to a maximum of:

London Rate	-	not exceeding	£91.04
Standard Rate	-	not exceeding	£79.82

These rates cover all accommodation and meals and will be reduced for any meals provided.

Receipts should be produced for all subsistence claimed.

Overnight subsistence may be appropriate for meetings with an early start and a significant travelling distance. Each case will be judged on merit. Please contact the Democratic and Administration Manager for guidance and to enable the Authority to book accommodation to take advantage of preferential rates.

SCHEDULE 4

APPROVED DUTIES

The Authority specifies as approved duties for the purpose of the payment of Travelling and Subsistence Allowance:-

1. Attendance at any meeting of the Authority or any of its Committees and Sub-Committees/Panels.
2. Attendance at any meeting of any bodies to which the Authority makes appointments or nominations, including any Committee or Sub-Committee of such a body.
3. Attendance at any other meeting
 - (a) the holding of which is authorised by the Authority, or any of its Committees or Sub-Committees, or by any Joint Committee (or Sub-Committee thereof) of the Authority and any other authority and
 - (b) which is a meeting to which Members of at least two political groups of the Council have been invited

(Without restricting the freedom to add to this list, the following meetings are approved under this category

- i) Members tours of the Authority's area.
 - ii) Training sessions for the induction of Members or for the better performance of their duties and responsibilities or to enable better understanding of the Authority's functions.
4. Attendance at any meetings of any association of authorities of which the Authority is a member.
5. Performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are open.
6. Performance of any duty in connection with any function of the Authority conferred by or under enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
7. Any other duty, or class of duty, approved by the Authority for the purpose of or in connection with the discharge of the functions of the Authority or any of its Committees or Sub-Committees. For this purpose, the Chief Fire Officer or The Clerk to the Authority (Assistant Chief Fire Officer Strategic Planning and Resources) in either case after consultation with the Chair of the Authority, may approve any duty or class of duty on behalf of the Authority.

CODE OF CORPORATE GOVERNANCE

1. INTRODUCTION

- 1.1 Cleveland Fire Authority comprises of 16 Elected Members from the Borough Councils of Hartlepool (3 Members), Middlesbrough (4 Members), Redcar and Cleveland (4 Members) and Stockton on Tees (5 Members). The Members are appointed by their Constituent Council on a politically proportional basis and although appointed by their constituent authorities they are accountable in their decisions to the Fire Authority rather than their individual borough councils.
- 1.2 The Authority is a corporate body and for many purposes, has the status, rights and duties of a local authority under the Local Government Act 1972 and other local government legislation. It is funded from Government Grants and precepting the constituent authorities of Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton on Tees.
- 1.3 The Fire and Rescue Services Act 2004, Civil Contingencies Act 2004 and the Regulatory Reform Order (Fire Safety) 2005, are key pieces in the legislative framework in which the Authority provides its Fire and Rescue services.
- 1.4 The Authority is committed to having an effective Constitution which sets out how the Authority operates, how decisions are made and the procedures and legislation followed to ensure transparency, accountability and value for money to the community it serves.

2. STRATEGIC DIRECTION AND VALUES

- 2.1 The Authority's new Strategic Plans outline our plans and priorities and how we can make a real difference to the lives of the people in our communities. Our Vision as outlined on page 2 was developed through extensive consultation and gives focus to what we want to achieve by 2026.
- 2.2 The Code of Corporate Governance enhances the delivery of the Authority's vision. The core values are the blueprint of our culture and the internal drivers which inspire and motivate people to achieve this vision.

2.3 **Our Vision 2022 – 2026 *is to be a leading fire and rescue service where our..***

- **communities feel safe and protected**
- **people are professional, proud and passionate**
- **business is built on learning and innovative digital approaches**
- **future is ‘greener’ and bright**
- **organisation is welcoming, trusted and respected**

2.4 **Strategic Goals**

Our vision is underpinned by our three strategic goals and aims and a set of associated strategic outcomes that measure our achievements.

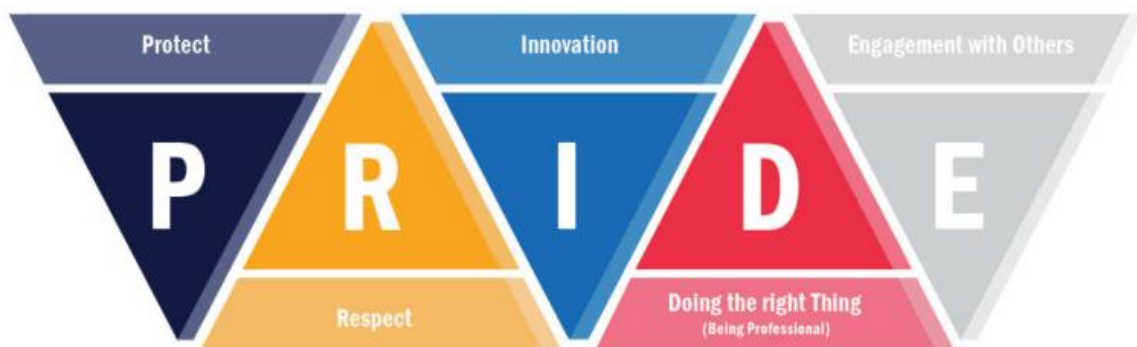


2.5 Core Values and Behaviours

Our Values are what makes us unique; they are the core things that we believe are essential to our culture and which motivate us to come to work. Our Values drive the way that we all behave and respond to others at work - so they underpin everything that we do.

Behaviours describe the attitudes and approaches that we take to work, which is how we demonstrate our values. Our Values drive our behaviours, which impact the extent of our success at every level of the organisation. **Our values should be at the heart of everything we do, decision making, leadership, designing new ways of working, recruitment, induction, development and progression.**

PRIDE is an acronym for our five core values – the building blocks upon which our culture is built.



Protect – putting safety first, protecting ourselves, the community, the organisation and the environment from all avoidable harm

Respect – respect ourselves; our colleagues; our community; our heritage; our property; our organisation and our environment

Innovation – improving performance through learning from our own and others' experiences and innovative business solutions

Doing the Right Thing – Being Professional – making decisions and undertaking our work in the most efficient and effective way

Engagement with others – understanding and working with our colleagues, partners and communities to provide the best delivery of services

3. CORPORATE GOVERNANCE

- 3.1 Corporate Governance comprises of the systems, processes, cultures and values by which an Authority is directed and controlled and through which it is accountable to, engages with and supports the communities it serves.
- 3.2 In other words it is about how the Authority ensures that it is doing the right things, in the right way, for the right people.
- 3.3 Good Corporate Governance requires Authorities to carry out their business in a way that demonstrates accountability, transparency, effectiveness, integrity, impartiality, inclusivity and efficiency.

4. CLEVELAND FIRE AUTHORITY'S GOVERNANCE

- 4.1 Cleveland Fire Authority fully supports the fundamental principles of good Governance and the Authority's governance arrangements encompass the guidance and best practice as outlined in the "Delivering Good Governance in Local Government Framework (2016 edition)" published by the Chartered Institute of Public Finance and Accountancy (CIPFA) and The Society of Local Authority Chief Executive's (Solace).
- 4.2 The Authority is committed to being at the forefront of those Fire and Rescue Authority's that are effective and efficient, and this Code draws strongly on the good practices already established and outlines the way in which the Authority will meet that commitment, and how these arrangements will be monitored and reviewed.
- 4.3 The Authority recognises that good governance should be robust and effective, leading to good management, attainment of good performance and overall proper stewardship of public monies. It has a Constitution in place which is aimed at ensuring that we are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- 4.4 The Authority will report regularly on activities, performance and the Authority's financial position. The Executive Leadership Team will ensure the delivery of this information in a timely, objective and understandable manner regarding the Authority's activities, achievements, performance and financial position.
- 4.5 Full details of the Governance Arrangements, including the decision making structure, terms of reference, Standing Orders, Financial Procedure Rules, Delegated Powers, Ethical Governance Framework, Roles of Members are outlined within the Constitution displayed on the Brigade website.

5. THE CORPORATE GOVERNANCE STATEMENT

- 5.1 Each year the Authority will publish an Annual Governance Statement as part of the Authority's Annual Financial Report which provides an overall assessment of the Authority's Governance arrangements and an appraisal of the key controls in place to manage the Authority's principal governance risks. The Statement also provides details of where improvements need to be made and is scrutinised and approved by the Audit and Governance Committee, incorporating the Authority's duties to publish an Annual Governance Statement in accordance with the Accounts and Audit Regulations 2015.
- 5.2 The Authority also produces an Annual Statement of Assurance which provide assurance on financial, governance and operational matters.

6. CORE PRINCIPLES

The following 7 core principles provide a framework and visual overview of the various arrangements that the CFA have in place to meet their responsibilities to ensure that business is conducted in accordance with the law and proper standards. The underlying purpose of this "Code of Corporate Governance" is to provide a statement of the Authority's commitment to proper and effective governance and outlines the key documents evidencing the Authority's compliance.

6.1 Core Principle 1

Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law	
Local government organisations are accountable not only for how much they spend but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.	
Sub Principles	Evidence
<p>BEHAVING WITH INTEGRITY</p> <p>Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation</p> <p>Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan principles)</p> <p>Leading by example and using the above standard operating principles or values as a framework for decision making and other actions</p> <p>Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively</p>	<ul style="list-style-type: none"> • The Constitution • Anti-Fraud and Anti-Corruption Strategy • Members and Employees Codes of Conduct • Member Development Plan • A&G terms of reference • Register of Members Interests on website • Independent Persons • Internal Audit Ethical audit • Corporate and Ethical Governance frameworks • Code of Corporate Governance • Annual meeting Governance • Declaration of Interests is a standard agenda item • Values and Behaviour Framework
<p>DEMONSTRATING STRONG COMMITMENT TO ETHICAL VALUE</p> <p>Seeking to establish, monitor and maintain the organisation's ethical standards and performance</p> <p>Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation</p> <p>Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values</p> <p>Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation</p>	<ul style="list-style-type: none"> • People Plan • Resource Plan • CFA Values and Behaviours • Member and Officer Training • Anti-Fraud & Anti-Corruption Strategy • Very low level of Member complaints • Modern Slavery Statement • Delegation Scheme • Member and Employee Codes of Conduct • EDI Policy & EIA • Regular review of governance & policies • Website - How to do Business • Standards and Partners

<p>RESPECTING THE RULE OF LAW</p> <p>Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations</p> <p>Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements</p> <p>Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders</p> <p>Dealing with breaches of legal and regulatory provisions effectively</p> <p>Ensuring corruption and misuse of power are dealt with effectively</p>	<ul style="list-style-type: none"> • The Constitution • Ethical Training for Members/ Officers • Declaration of Interests is a standard agenda item • Anti-Fraud and Anti-Corruption Strategy • Whistleblowing Policy • Members and Employee Codes of Conduct • A&G Hearings Sub Com. • External Compliments and Complaints • Independent Persons • Disciplinary Procedure
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6.2 Core Principle 2

Ensuring Openness and comprehensive stakeholder engagement	
Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.	
Sub Principles	Evidence
<p>OPENNESS</p> <p>Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness</p> <p>Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided</p> <p>Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear</p> <p>Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/courses of action</p>	<ul style="list-style-type: none"> • All policies/procedures on Bridge • Corporate and Strategic documents on website • Comply with: Publication Scheme; Local Government Transparency Code • CFA reports/minutes on website and justification if they are marked "not for publication" • Public notices displayed and email notification of meetings • All CFA reports and minutes on website and justification if they are not published • CRMP consultation & EIA's on policy documents • Terms of Reference for CFA & ELT/TU negotiations/meetings
<p>ENGAGING COMPREHENSIVELY WITH INSTITUTIONAL STAKEHOLDERS</p> <p>Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably</p> <p>Developing formal and informal partnerships to allow for resources to be used more effectively and outcomes achieved more effectively</p> <p>Ensuring that partnerships are based on: trust, a shared commitment to change; a culture that promotes and accepts challenge among partners and that added value of partnership working is explicit</p>	<p><i>(N.B. institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.)</i></p> <ul style="list-style-type: none"> • CRMP consultation 2022 • Collaboration with Police and other partners in place • Memorandums of Understanding are in place with partners • EIA's/PIA's • Regular and various social media communications

ENGAGING WITH INDIVIDUAL CITIZENS AND SERVICE USERS EFFECTIVELY

Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes

Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement

Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs

Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account

Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity

Taking account of the impact of decisions on future generations of taxpayers and service users

- CRMP consultation
- CRMP 2022-2026 & EIA
- The Constitution
- Community Safety Strategy
- Values and Behaviours Framework
- Annual Performance and Efficiency report
- Regular social media communications
- CRMP
- Numerous prevention campaigns
- People Strategy

6.3 Core Principle 3

Defining outcomes in terms of sustainable economic, social and environmental benefits	
<p>The long term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stake holders, including citizens, service users and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.</p>	
Sub Principles	Evidence
<p>DEFINING OUTCOMES</p> <p>Having a clear vision which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the organisation's overall strategy, planning and other decisions.</p> <p>Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer.</p> <p>Delivering defined outcomes on a sustainable basis within the resources that will be available.</p> <p>Identifying and managing risks to the achievement of outcomes.</p> <p>Managing service users expectations effectively with regard to determining priorities and making the best use of the resources available.</p>	<ul style="list-style-type: none"> • CRMP 2022 - 2026 • Resource Plan 2022 - 2026 • Service Plan • Values & Behaviour Framework • Annual Performance and Efficiency Report • Corporate Risk Register • Strategic Planning Framework • People Plan 2022 - 2026 • Community Safety Strategy • Efficiency and Productivity Plan 2023/24 •
<p>SUSTAINABLE ECONOMIC, SOCIAL AND ENVIRONMENTAL BENEFITS</p> <p>Considering and balancing the combined economic, social and environmental impact of policies, plans and decisions when taking decisions about service providers.</p> <p>Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints.</p> <p>Ensuring fair access to services</p> <p>Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible.</p>	<ul style="list-style-type: none"> • Resource Plan 2022 - 2026 • Values and Behaviour Framework • Vision Statement • CIRMP • Service Plan • PRIDE - Our Values • Community Safety Strategy • Equality Impact Assessments • Strategic Planning Framework • Integrated Strategic Risk and Financial Planning Cycle

6.4 Core Principle 4

Determining the interventions necessary to optimise the achievement of the intended outcomes	
Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision –making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.	
Sub Principles	Evidence
<p>DETERMINING INTERVENTIONS</p> <p>Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore ensuring best value is achieved however services are provided.</p> <p>Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people skills, land and assets and bearing in mind future impacts.</p>	<ul style="list-style-type: none"> • CFA reports and minutes • CRMP • Scheme of Delegation • Annual Service Plan
<p>PLANNING INTERVENTIONS</p> <p>Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets.</p> <p>Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered.</p> <p>Considering and monitoring risks facing each partner when working collaboratively including shared risks.</p> <p>Ensuring arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances.</p> <p>Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured.</p> <p>Ensuring capacity exists to generate the information required to review service quality regularly.</p>	<ul style="list-style-type: none"> • Strategic Planning Framework • MTFS • Risk Registers • Annual Improvement Plans • Internal Operating Plans • Annual Performance & Efficiency Report • CRMP Planning Process • Treasury Management Strategy • Integrated Strategic Risk and Financial Planning Cycle • Budget Planning and reporting process • The Financial Report • Treasury Management Strategy • Budget Planning and reporting process • Revenue and Capital Outturn quarterly reporting • Resource Plan 2022 -2026

<p>Preparing budgets in accordance with organisational objectives, strategies and the medium term financial plan.</p> <p>Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy.</p>	<ul style="list-style-type: none"> • Performance Management Framework • Integrated Strategic Risk and Financial Management Cycle • Efficiency and Productivity Plan 2023/24
<p>OPTIMISING ACHIEVEMENT OF INTENDED OUTCOMES</p> <p>Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints.</p> <p>Ensuring the budgeting process is all inclusive, taking into account the full cost of operations over the medium and longer term.</p> <p>Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage.</p> <p>Ensuring the achievement of ‘social value’ through service planning and commissioning. The Public Services (Social Value) Act 2012 states that this is “the additional benefit to the community ... over and above the direct purchasing of goods, services and outcomes.”</p>	<ul style="list-style-type: none"> • Treasury Management Strategy • Budget Planning and reporting process • MTFS • The Financial Report • Financial Procedure Rules • Annual Performance & Efficiency Report • Community Risk Profile • Efficiency and Productivity Plan 2023/24 • Website

6.5 Core Principle 5

Developing the entity's capacity, including the capability of its leadership and the individuals within it	
Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.	
Sub Principles	Evidence
<p>DEVELOPING THE ENTITY'S CAPACITY</p> <p>Reviewing Operations, performance use of assets on a regular basis to ensure their continuing effectiveness.</p> <p>Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the authority's resources are allocated so that outcomes are achieved effectively and efficiently.</p> <p>Recognising the benefits of partnerships and collaborative working where added value can be achieved.</p> <p>Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources.</p>	<ul style="list-style-type: none"> • CRMP Planning Process • CRMP • People Plan 2022 - 2026 • Strategic Planning Framework • Equality, Diversity and Inclusion Policy and Improvement Action Plan • Strategic Planning Framework • Authority and Brigade Meeting structures • Community Safety Strategy • Performance Management Framework
<p>DEVELOPING THE CAPABILITY OF THE ENTITY'S LEADERSHIP AND OTHER INDIVIDUALS</p> <p>Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained.</p> <p>Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body.</p> <p>Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads the authority in implementing strategy and managing the delivery of services and the other outputs set by members and each provides a check and a balance for each other's authority.</p>	<ul style="list-style-type: none"> • Corporate Sounding Board • People Plan – Future Leadership Development • PDR's • Delegation Scheme • The Constitution • CFA reports and minutes • Member Development Plan • Staff Induction Programme • CPD Scheme • External and Internal Audit • Audit Completion Report • VFM Conclusion • Self-Assessments and HMICFRS Inspections • PDR's

<p>Developing the capabilities of members and senior management to achieve effective shared leadership and to enable the organisation to respond successfully to changing policy demands as well as economic, political and environmental changes and risks by:</p> <ul style="list-style-type: none"> • Ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged. • Ensuring Members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis. • Ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weakness both internal and external. • Ensuring that there are structures in place to encourage public participations. <p>Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections</p> <p>Holding staff accountable through regular performance reviews which take account of training or development needs.</p> <p>Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.</p>	<ul style="list-style-type: none"> • Health and Wellbeing Framework • Minutes of EHWB and EDIF Meetings • EHWB Mental Health Sub Group • Code of Conduct for Employees • Public Sector Equality Duty Report
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6.6 Core Principle 6

Managing risks and performance through robust internal control and strong public financial management	
<p>Local government needs to ensure that the organisations and governance structures that it oversees have implemented and can sustain an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability. It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.</p>	
Sub Principles	Evidence
<p>MANAGING RISK</p> <p>Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making</p> <p>Implementing robust and integral risk management arrangements and ensuring that they are working effectively</p> <p>Ensuring that responsibilities for managing individual risks are clearly allocated.</p>	<ul style="list-style-type: none"> • Efficiency and Productivity Plan 2023/24 • Risk Management Framework • Community/Area Risk Profiles • CRMP • PDR's and IOP's • Corporate Risk Registers • Strategic Planning Framework • Improvements Plans
<p>MANAGING PERFORMANCE</p> <p>Monitoring service delivery effectively including planning, specification, execution and independent post implementation review</p> <p>Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risk inherent in the organisations financial, social and environmental position and outlook.</p> <p>Ensuring the effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible (OR, for a committee system) Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making.</p>	<ul style="list-style-type: none"> • IOP's • The Constitution • CFA reports and minutes • Budgetary Process • Authority Meetings • Annual Performance and Efficiency Report • Risk Management Framework • Key Document Register • Performance Management Framework • Quarterly Performance Reporting • Quarterly PDR's • Improvement Plans

<p>Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement.</p> <p>Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (eg financial statements)</p>	<ul style="list-style-type: none"> • Fire Authority Meetings
<p>ROBUST INTERNAL CONTROL</p> <p>Aligning the risk management strategy and policies on internal control with achieving the objectives.</p> <p>Evaluating and monitoring the authority's risk management and internal control on a regular basis.</p> <p>Ensuring effective counter fraud and anti-corruption arrangements are in place.</p> <p>Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor.</p> <p>Ensuring an audit committee or equivalent group or function which is independent of the executive and accountable to the governing body:</p> <ul style="list-style-type: none"> - Provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment - That its recommendations are listened to and acted upon 	<ul style="list-style-type: none"> • Efficiency and Productivity Plan 2023/24 • Resource Plan 2022 - 2026 • Annual Governance Statement • Internal Audit Outturn • CIRMP • Audit and Governance Committee • Internal Audit reporting and monitoring • Anti-Fraud and Anti-Corruption Strategy • Ethical Governance Framework • The Constitution • External Audit reporting - Annual Audit Letter • VFM Conclusion
<p>MANAGING DATA</p> <p>Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data.</p> <p>Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies.</p> <p>Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring.</p>	<ul style="list-style-type: none"> • Information Assurance and Governance Policies and Procedures • Audit & Governance (Constitution) • Pay Policy Statement • GDPR • Information Sharing Agreements • Data Quality Framework • Privacy Notices
<p>STRONG PUBLIC FINANCIAL MANAGEMENT</p> <p>Ensuring financial management supports both long term achievement of outcomes and short term financial and operational performance.</p> <p>Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.</p>	<ul style="list-style-type: none"> • Efficiency and Productivity Plan 2023/24 • MTFS • Treasury Management Strategy • Financial Procedure Rules

6.7 Core Principle 7

Implementing good practices in transparency, reporting and audit to deliver effective accountability	
<p>Accountability is about ensuring that those making decision and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.</p>	
Sub Principles	Evidence
<p>IMPLEMENTING GOOD PRACTICE IN TRANSPARENCY</p> <p>Writing and communicating reports for the public and other stakeholders in an understandable style appropriate for the intended audience and ensuring that they are easy to access and interrogate</p> <p>Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand.</p>	<ul style="list-style-type: none"> • Website compliant with Local Transparency Code 2015 Regs • Publication Scheme • Guidance Note for the Development and Approval of Policies and Strategies
<p>IMPLEMENTING GOOD PRACTICES IN REPORTING</p> <p>Reporting at least annually on performance, value for money and the stewardship of its resources.</p> <p>Ensuring member and senior management own the results</p> <p>Ensuring robust arrangements for assessing the extent to which the principles contained in the Framework have been applied and publishing the results on this assessment including an action plan for improvement and evidence to demonstrate good governance (annual governance statement)</p> <p>Ensuring that the framework is applied to jointly managed or shared service organisations as appropriate.</p> <p>Ensuring the performance information that accompanies the financial statement is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations.</p>	<ul style="list-style-type: none"> • Annual and quarterly Performance and Efficiency reports • Delegation Scheme • Annual Statement of Assurance • Annual budget setting • Internal Audit Reports • MTFS • Annual Governance Statement • Performance Management Framework • Financial Report • CFA meetings and minutes

<p>ASSURANCE AND EFFECTIVE ACCOUNTABILITY</p> <p>Ensuring that the recommendations for corrective action made by external audit are acted upon.</p> <p>Ensuring an effective internal audit service with direct access to Members is in place which provides assurance with regard to governance arrangements and recommendations are acted upon.</p> <p>Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations.</p> <p>Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement.</p> <p>Ensuring that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met.</p>	<ul style="list-style-type: none"> • A&G Committee • ELT • CFA • Annual Performance & Efficiency Report • Efficiency and Productivity Plan 2023/24 • Annual Statement of Assurance • Risk Registers • Community Risk Profile • HMICFRS • Financial Report • Performance Management Framework • External Audit • Internal Audit
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7. **CFA KEY DOCUMENTS**

The following documents demonstrate the Authority's compliance:

7.1 **The Constitution**

- Governance
- Terms of Reference and Delegated Powers
- Scheme of Delegation
- Financial Procedure Rules
- Standing Orders for the regulation of proceedings and business
- Contract Procedure Rules
- Ethical Governance Framework which includes the:
 - ✓ Anti-Fraud and Anti-Corruption Strategy (this outlines how we want our Members and Officers to behave) which includes the Fraud Response Plan; General Principles of Public Life; Whistleblowing Policy; Prosecution Policy; Gifts and Hospitality Guidance; and Anti-Money Laundering Policy
 - ✓ Standards and Partners
 - ✓ Code of Conduct for Members
 - ✓ Register of Members Interests – this is displayed on the website.
 - ✓ Gifts and Hospitality
 - ✓ Complaints Process for Members
- Members Allowance Scheme
- Code of Corporate Governance

7.2 Key Documents

1. Corporate Plan 2022 - 2026
2. Resource Plan 2022 - 2026
3. CRMP 2022 – 2026
4. People Plan 2022 - 2026
5. The Financial Report and Medium Term Financial Strategy
6. Risk Management Framework and Community Risk Profile
7. Annual Governance Statement
8. External Auditor reports
9. Compliments and Complaints
10. Year End Performance and Efficiency Report
11. Pay Policy Statement
12. Annual Statement of Assurance
13. Transparency, Accountability and Assurance Policy and Strategy
14. Strategic Planning Framework
15. External and Internal Auditor reports
16. ICT and Information Governance Policies and Procedures
17. Annual Service Plan
18. Equality, Diversity and Inclusion Policy
19. The Publication Scheme
20. Member Development Plan
21. Community Safety Strategy
22. Values and Behaviours Framework
23. Whistleblowing Policy
24. Grievance and Disciplinary Procedures
25. Community Risk Profile
26. Internal Audit Reports
27. Gender Pay Gap Report
28. PSED annual report
29. Integrated Strategic Risk and Financial Planning Framework
30. Code of Conduct for Employees
31. Efficiency and Productivity Plan 2023/24

8. MONITORING AND REVIEW

- 8.1 A full review of the Code of Corporate Governance will be undertaken in April 2023 in line with the Authority's Corporate Document Framework. A light touch review of the Authority's Governance arrangements will be carried out annually to ensure compliance and provide assurance that the governance arrangements are operating effectively.
- 8.2 The preparation and publication of the Annual Governance Statement will meet the statutory requirement of the Accounts and Audit Regulations that requires Organisations' to "conduct a review at least once a year on the effectiveness of its system of internal control" and to prepare a statement on internal control "in accordance with proper practices". As such the Governance Statement will be prepared in accordance with the timetable for the preparation of financial statements in accordance with the Accounts and Audit Regulations.

8.3 The Authority is responsible for the review and monitoring of the Authority's Constitution, which includes the annual review of the Pay Policy Statement and the Annual Statement of Assurance. The Audit and Governance are responsible for monitoring and reviewing the Authority's Corporate Governance arrangements whose principle remits are to:

- provide independent assurance of the performance and risk management framework and associated control environment
- scrutiny of financial and non-financial performance issues
- scrutinise the Authority's performance in achieving its objectives and monitoring of progress and performance against the annual strategic plan of the Authority (CIRMP)
- external and internal Audit
- advise the Authority upon the adoption of a Code of Conduct and any revisions to that Code through monitoring its operation and overall effectiveness
- promote good ethical governance and maintain high standards of conduct from members of the Authority and to assist them in observing the Codes of Conduct
- provide such advice, guidance and training as may be required in relation to the duty to promote and maintain high standards of conduct by elected and co-opted members
- make recommendations to the Authority in relation to the promotion and maintenance of high ethical standards within the Authority and to contribute to issues of governance at its discretion
- undertake matters of complaint referred to them by the Legal Adviser and Monitoring Officer or through any regulatory body for their consideration and to delegate to a Hearing Sub-Committee and to take any action required. Powers to consider the outcome of any investigation report, to publish report findings and make such recommendations as are appropriate
- grant dispensations to Members upon the requirements relating to disclosable pecuniary interests as set out within the Code of Conduct
- scrutiny of the Annual Statement of Assurance

8.4 Through the above Committee the Authority will ensure that these arrangements are kept under continual review by:

- The work of Internal Audit;
- Reports prepared by managers with responsibility for aspects of the Code of Corporate Governance;
- External Audit opinion;
- Other review agencies and Inspectorates;
- Opinion from the Authority's Proper Officers (Statutory Officers)

9. TRANSPARENCY AGENDA

1. All Cleveland Fire Authority reports and minutes are displayed on the internet with the exception of exempt information.
2. Notices of meetings are sent to be displayed on the four constituent Council public notice boards.
3. Members Registers of Interests are displayed on the Brigade website.
4. Complaints Procedure displayed
5. All transactions over £500 are itemised on the website
6. Adhere to the Local Government Transparency Code 2015
7. Comply with the Trade Union Facility Time Regulations
8. Adhere to the Publication Scheme

10. CONTACTS

Please contact the following Authority Officers for further information regarding the Authority's governance arrangements:

Peter Devlin, Legal Adviser/Monitoring Officer

Training and Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool, TS25 5TH
Telephone 01429 872311

Karen Winter, Assistant Chief Fire Officer Strategic Planning and Resources,
Cleveland Fire Brigade, Training and Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool, TS25 5TH
Telephone 01429 872311

Chris Little, Treasurer to the Authority,

Training and Administration Hub, Endeavour House, Queens Meadow Business Park, Hartlepool, TS25 5TH
Telephone 01429 872311

If you would like this document in an alternative language, large print or braille, please do not hesitate to contact
communications@clevelandfire.gov.uk