

# Leicester, Leicestershire and Rutland Combined Fire Authority

# Constitution

**11<sup>th</sup> Edition**  
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## Part 1

### Summary and Explanation

Leicester, Leicestershire and Rutland Combined Fire Authority ("CFA") was established on 20 November 1996 by virtue of the Leicestershire Fire Services (Combination Scheme) Order 1996 and draws its Members from Leicester City Council, Leicestershire County Council and Rutland County Council. This Constitution is subject to the provisions of that Order. Under the provisions of the Order the CFA maintains a fire brigade called the Leicestershire Fire and Rescue Service.

The CFA became a precepting authority on 1 April 2004. Although the CFA is not currently required to have a Constitution, the CFA decided to produce one as a matter of good practice.

The Constitution is divided into 13 Articles which set out the basic Rules for the CFA's business. More detailed procedures and codes of practice are provided in separate Rules and protocols at the end of the document.

#### **WHAT IS IN THE CONSTITUTION?**

Article 1 of the Constitution commits the CFA to provide clear leadership in fire and rescue matters to the residents and communities of Leicester, Leicestershire and Rutland ("Our Area") and to ensure that it operates with transparency, efficiency and accountability.

Articles 2 - 13 explain the rights of members of the public and how the key parts of the CFA operate. These are:

Article 2	Members of the CFA
Article 3	The CFA and the public
Article 4	The full CFA
Article 5	Corporate Governance Committee
Article 6	Employment Committee
Article 7	Pension Board
Article 8	Joint Arrangements
Article 9	Officers
Article 10	Decision Making
Article 11	Finance, Contracts and Legal Matters

Article 12      Review and Revision of the Constitution

Article 13      Suspension, Interpretation and Publication of the Constitution

## **HOW THE CFA OPERATES**

### Members of the CFA

The CFA is composed of 17 Councillors (referred to as "Members" in this Constitution) who are appointed by the CFA's 3 Constituent Authorities: Leicester City Council (5), Leicestershire County Council (11) and Rutland County Council (1) for whatever period those authorities feel is appropriate. The number of appointees is in proportion to the number of local government electors in Our Area. The Councils can replace their Members at their discretion. Unlike in their roles in their appointing Councils, individually Members are not democratically accountable to residents of their electoral wards but they do have a special duty to all the residents and communities of the CFA Area. Collectively, they represent the interests of and have an overriding duty to all those who live and work in the CFA Area. The names of all Members together with membership of political groups, and membership of committees and other details are published on the CFA's website [www.leicestershire-fire.gov.uk](http://www.leicestershire-fire.gov.uk).

### Code of Conduct

The CFA supported by the Monitoring Officer has a duty to promote and maintain high standards of conduct by Members and has adopted a Code of Conduct to facilitate this.

### Full CFA

All Members meet together 5 times a year as the full CFA. These meetings are open to the public, although the public may be excluded when exempt or confidential information is to be discussed. Here Members decide the CFA's overall policies and set the budget (which includes the annual revenue budget and capital programme) each year.

A Member is appointed at the Annual Meeting in May or June each year to act as the Chair of the CFA. He or she presides over the CFA's meetings and is responsible for interpreting the Rules of procedure with the power to control and regulate the course of debate. The Chair has a vote and may have a second or casting vote where this is necessary.

Members of the public may ask questions of the Chair and Committee Chairs. They can also submit petitions.

## **HOW DECISIONS ARE MADE**

The full CFA is the main decision making body and is supported in doing so by the Corporate Governance Committee and the Employment Committee which have delegated powers as set out in the Articles of this Constitution.

## THE CFA'S OFFICERS

The CFA employs people (known as Officers) to give advice, implement decisions and manage the day-to-day delivery of its services.

Some Officers have a specific duty to ensure that the CFA acts within the law and uses its resources wisely.

Officers may be authorised by the full CFA to take decisions. The scope of these delegated powers is set out in the general scheme of delegation in Part 3 of this Constitution.

## THE PUBLIC

Members of the public have a number of rights in their dealings with the CFA. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the CFA's own processes.

Members of the public have the right (subject to the appropriate fee (where applicable) and any statutory conditions) to:

- contact Members about any matters of concern to them.
- view and obtain a copy of the CFA Constitution by downloading from the website.
- attend meetings of the CFA and its committees except where, for example, confidential matters or exempt information are being discussed.
- inspect agendas, reports, background papers and minutes except where these concern a confidential or exempt matter.
- the following information for all Members: name, political group, and other details (this is available from the CFA's Member Services Section or the Website - [www.leicestershire-fire.gov.uk](http://www.leicestershire-fire.gov.uk)).
- ask questions or submit petitions.
- complain to the CFA under its internal complaints procedure regarding any action by the CFA.
- complain to the Local Government Ombudsman if they think the CFA has not followed its procedures properly. However, they should only do this after using the CFA's own complaints procedure.
- complain to the CFA if they have evidence which they think shows that a Member has not followed the CFA's Code of Conduct.
- inspect the CFA's accounts and make their views known to the external auditor.

## Part 2

### The Constitutional Framework (Articles)

#### **Article 1 - The Constitution**

##### 1.1 POWERS OF THE CFA

The CFA, as a corporate body, will exercise all its powers and duties in accordance with the law and this Constitution.

##### 1.2 THE CONSTITUTION

This Constitution, and its various parts, is the Constitution of the Leicester, Leicestershire and Rutland Combined Fire Authority ("the CFA").

##### 1.3 PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:

- (a) enable the CFA to provide clear leadership to its communities in partnership with members of the public, businesses and other organisations.
- (b) support and encourage the active involvement of members of the public in the process of the CFA's decision-making.
- (c) provide a framework within which Members can represent the CFA Area effectively.
- (d) enable decisions to be taken efficiently, effectively and transparently.
- (e) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for the decisions.
- (f) provide for the effective delivery of fire and rescue services to Leicester, Leicestershire and Rutland.

##### 1.4 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the CFA to choose between different courses of action, the CFA will always choose that option which it believes is closest to the purposes stated above.

The CFA will monitor and evaluate the operation of the Constitution as set out in Article 12.

##### 1.5 REVOCATION

The provisions of this Constitution take effect from the date of the

Meeting of the full CFA which approved the most recent edition of the Constitution as set out on the front cover. All previous editions and versions of this Constitution shall be revoked from that date, although the validity of anything done under those previous editions and versions prior to that date shall not be affected. This Constitution shall continue in full force and effect until such time as it is amended or revoked by the full CFA.

## **Article 2 - Members of the CFA**

### **2.1 COMPOSITION**

The CFA is composed of 17 Members who are appointed by Leicester City Council (5), Leicestershire County Council (11) and Rutland County Council (1). The number of appointees is in proportion to the number of local government electors each Council has as a proportion of the total number of such electors in the CFA Area. The size of the CFA, i.e the number of members, shall be kept under review.

### **2.2 ELECTION & TERMS OF OFFICE OF MEMBERS**

The appointing Councils appoint Members to the CFA for whatever term those authorities feel is appropriate. Members can resign at any time and cease to hold office if they cease being councillors. The Councils can replace their Members at their discretion.

The Monitoring Officer is authorised to make and terminate appointments to the CFA and its committees in accordance with the wishes of the constituent authority to which the seat is allocated subject to being given one day's notice of its wishes.

### **2.3 ROLES AND FUNCTIONS OF ALL MEMBERS**

All Members will:

- collectively share responsibility for the good governance of the CFA and be the ultimate policy-makers and carry out a number of strategic and corporate management functions.
- represent their communities and bring their views into the CFA's decision-making process i.e. become the advocates of and for their communities.
- contribute to the good governance of the CFA and actively encourage community participation and public involvement to inform decision-making.
- respond to the public's enquiries and representations, fairly and impartially.
- be available to represent the CFA on other relevant bodies.
- maintain the highest standards of conduct and ethics and show respect for fellow Members, employees and the community.



## 2.4 RIGHTS AND DUTIES

Members have rights of access to such documents and information as is necessary for the proper discharge of their functions and in accordance with the law. However, the Chief Fire and Rescue Officer in consultation with the Monitoring Officer may refuse to allow inspection of any documents where they are, or in the event of legal proceedings would be, protected by privilege arising out of a Solicitor and Client relationship or where access is sought for improper or ulterior motives.

Members will not make public any information which is confidential or exempt without the consent of the CFA or divulge information given in confidence.

For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 Section D of this Constitution.

Members cannot issue or make a contract or any other arrangement which is binding upon the CFA.

Members do not have any right to inspect or enter any land unless specifically authorised to do so by the CFA.

## 2.5 CONDUCT

Members will at all times observe the Members' Code of Conduct set out in Part 5 Section H of this Constitution.

## 2.6 REGISTER OF INTERESTS

The CFA is required to maintain and update a Register of Interests of its Members. The Register is available for public inspection on the Fire Service's website and at Fire Service HQ.

## 2.7 ALLOWANCES

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

## 2.8 MEMBERS' ROLES

The various roles of the Members of the CFA are set out in detail under Schedule 2 at the conclusion of Part 2 of this Constitution.

## 2.9 INDEMNITY

Members (including any Independent Members appointed by the CFA) have the benefit of the indemnity set out in Part 5, Section M of this Constitution.

## **Article 3 - CFA and the Public**

### 3.1 RIGHTS OF MEMBERS OF THE PUBLIC

In general members of the public have the following rights:

(a) Information

Members of the public have the right to:

- (i) attend meetings of the CFA and its committees except where confidential or exempt information is likely to be disclosed and the meeting is, therefore, held in private.
- (ii) see agendas, reports and background papers (these are listed at the end of each report) of matters discussed in public and any records of decisions made by the CFA.
- (iii) Contact the CFA about the conduct of its Members.

These rights are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution.

(b) Participation

Members of the public have the right to attend meetings of the CFA and its committees, submit written questions and submit petitions.

(c) Complaints

Members of the public have the right to complain to:

- (i) the CFA under its complaints procedure or about an alleged breach of the Members Code of Conduct.
- (ii) the Local Government Ombudsman.

### 3.2 RESPONSIBILITIES

Members of the public are expected to conduct themselves in a reasonable manner that is non-confrontational, when dealing with Members or employees. Equally, they are expected to show respect for property and assets owned by the CFA, Members or employees. Failure to do so may require them to be excluded from the meeting or any property owned by the CFA.

### 3.3 EQUAL OPPORTUNITIES

In all its dealings with members of the public, the CFA will endeavour to provide the highest level of service and aim to provide its services fairly across its Area except where they need to (or by law must) be targeted to meet special needs, regardless of age, gender, marital status, disability, ethnic and national origin, religious beliefs or sexual orientation.

The CFA will thoroughly investigate any complaint of non-compliance with this policy.

## **Article 4 - The Full CFA**

### 4.1 MEANINGS

#### (a) Policy Framework

The Policy Framework means the following plans and strategies:

- (i) Integrated Risk Management Plan
- (ii) Strategic Plan
- (iii) Annual Report on Equalities
- (v) Any other strategic policy or matter that the CFA reserves to itself for approval.

#### (b) The Budget (Medium Term Financial Strategy)

The CFA's revenue budget and capital programme including the setting of a precept rate.

### 4.2 FUNCTIONS

The CFA will exercise the following functions:

- (a) Determination of the policy and strategy relating to the objectives of the CFA and its priorities including approval of its Strategic Plan and other plans identified in the CFA's Plan Framework;
- (b) Approving the CFA's revenue and capital budget strategy, revenue and capital budgets including any in-year changes, the precept level and the Statement of Accounts;
- (c) Ensuring that the CFA fulfils its statutory responsibilities and duties including those under the relevant Fire and Rescue Services Acts and Regulations;
- (d) Dealing with questions and petitions from the public;
- (e) Receiving quarterly reports on the performance of the CFA against its approved budget and targets within strategic plans.
- (f) Receiving reports and recommendations from its committees arising from the discussions and investigations.
- (g) Approving changes to the Constitution of the CFA.
- (h) Making appointments to outside bodies.
- (i) Approving the Members' Allowances Scheme.

- (j) Appointing persons to the posts of Chief Fire Officer, the Assistant Chief Fire Officer, the Treasurer (Section 151 Officer) and the Monitoring Officer;
- (k) Any other matters which, by law, must be reserved to the CFA.

#### 4.3 MEETINGS

There are three types of CFA meeting:

- (a) The Annual Meeting
- (b) Ordinary meetings (at least 4 per year)
- (c) Extraordinary meetings (as required)

They will be conducted in accordance with the CFA Procedure Rules in Part 4 of this Constitution.

### **Article 5 - The Corporate Governance Committee**

#### 5.1. COMPOSITION

Membership of the committee shall be determined by the CFA.

#### 5.2. FUNCTIONS

- (a) To promote and maintain high standards within the CFA in relation to the operation of its Code of Governance and in particular to ensure:-
  - i. That an adequate risk management framework and associated control environment is in place;
  - ii. That the CFA's financial and non-financial performance is properly monitored;
  - iii. Proper oversight of the financial reporting process;
  - iv. That the CFA's Treasury Management arrangements are appropriate and regularly monitored.
- (b) To review the CFA's Code of Governance as necessary and make recommendations to the CFA to ensure that it remains relevant to the Authority's work and practices.
- (c) To satisfy itself that the CFA's Statement of Accounts including the Annual Governance Statement have been prepared in accordance with best practice.
- (d) To make recommendations to the CFA on any amendments required to the Financial Procedure Rules and Contract Procedure Rules.
- (e) To monitor the adequacy and effectiveness of the external audit of the

Authority's services and functions and to:-

- i. Consider the nature and scope of the external audit of the Authority's services and functions;
  - ii. Consider external audit reports;
  - iii. Monitor the CFA's response to the external auditor's findings and the implementation of external audit recommendations.
- (f) To Monitor the adequacy and effectiveness of the Internal Audit Service and to:-
- i. Consider the annual Internal Audit plan;
  - ii. Monitor progress against the plan through the receipt of periodic progress reports and an annual Internal Audit report;
  - iii. Consider major Internal Audit findings and recommendations;
  - iv. Monitor the response to major Internal Audit findings and the implementation of its recommendations.
- (g) To monitor the effectiveness of officer arrangements for ensuring an adequate internal control environment and combating fraud and corruption.
- (h) To monitor the arrangements for the identification, monitoring and management of strategic and operational risk within the CFA.
- (i) To liaise with other bodies as appropriate on matters of corporate governance and financial accountability.
- (j) To advise on training for members of the CFA on matters relating to the corporate governance of the CFA.

#### STANDARDS OF CONDUCT MATTERS

- (K) The promotion and maintenance of high standards of conduct by members of the CFA, including:-
- (i) Advising the CFA on the adoption or revision of its code of conduct;
  - (ii) Monitoring and advising the CFA about the operation of its Code of Conduct in the light of best practice and changes in the law.
- (l) Ensuring that all members of the CFA have access to training in all aspects of the code, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the code.
- (m) Making arrangements for the appointment of independent persons, or a panel, whose views must be sought about allegations of a breach of the Members' Code of Conduct in accordance with the provisions of the Localism Act 2011.

- (n) Making payments or providing other benefits in cases of maladministration under section 92 of the Local Government Act 2000.
- (o) Making arrangements for members to receive dispensations to speak on, or participate in matters in which they have interests.
- (p) Subject to the powers of the Employment Committee in relation to Local Conditions of Service, advising as necessary on matters relating to the conduct of employees and procedures relating to the handling of complaints, including “whistle blowing”.

## CONSTITUTIONAL MATTERS

- (q) Advising the CFA on the Members’ Allowances Scheme (Note: approval of the scheme cannot be delegated by the CFA to a committee).
- (r) Advising the CFA on the Constitution.

### 5.3. MEETINGS

The committee shall meet at least 4 times a year. Additional meetings shall be convened as and when required. All meetings will be conducted in accordance with the CFA Procedure Rules.

## **Article 6 - The Employment Committee**

### 6.1. COMPOSITION

Membership of the committee shall be determined by the CFA. The Monitoring Officer shall be empowered to constitute a Panel to hear appeals and disciplinary cases from time to time as required. The Panel shall be drawn from the membership of the CFA and shall include at least one member of the Employment Committee.

### 6.2. FUNCTIONS

- (a) To determine suspension decisions in respect of the Chief Fire and Rescue Officer, the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer.
- (b) To hear disciplinary proceedings against the Chief Fire and Rescue Officer, the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer.
- (c) To recommend for approval by the CFA the appointment of the Chief Fire and Rescue Officer, the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer.

[Note: for the appointment of the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer, the Chief Fire and Rescue Officer shall act as the principal adviser to the Employment Committee and/or the CFA.]

- (d) Acting on behalf of the CFA as the body to deal with any collective dispute that has not been resolved by discussions with the Chief Fire and Rescue Officer.
- (e) To hear appeals against disciplinary decisions lodged by the Chief Fire and Rescue Officer, the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer.
- (f) To hear appeals under the grievance procedure by the Chief Fire and Rescue Officer, the Assistant Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer.
- (g) To hear appeals under the Firefighters Pension and Compensation Schemes.
- (h) To make recommendations to the CFA on matters relating to terms and conditions.

### 6.3. MEETINGS

The Committee shall meet as and when required and those meetings will be conducted in accordance with the CFA Procedure Rules except that Rule 5.1 shall be replaced by the following:

"A minimum of three members of the Committee must be present for there to be a quorum."

## **Article 7 – Pension Board**

### 7.1 STATEMENT OF PURPOSE

The purpose of the Board is to assist Leicester, Leicestershire and Rutland Combined Fire Authority (CFA) in its role as the Scheme Manager of the Firefighters Pension Scheme 1992, 2006 and 2014 (Scheme). Such assistance is to:

- a) secure compliance with the Scheme's regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme.
- b) ensure the effective and efficient governance and administration of the Scheme.

## 7.2 MEMBERSHIP

The Board will comprise an equal number of employer and member representatives with a minimum requirement of no less than four in total.

## 7.3 SCHEME MEMBER REPRESENTATIVES

2 Scheme Member representatives shall be appointed to the Board jointly by the trades union recognised by the CFA who represent Scheme Members but in default of any such appointments being made the CFA shall invite expressions of interest from Scheme Members and appoint such Scheme Member representatives who it regards as best suited to the role of Board Member.

## 7.4 EMPLOYER REPRESENTATIVES

- a) 2 Employer representatives shall be appointed to the Board by the CFA.
- b) Employer representatives shall be CFA Members provided they do not exercise delegated responsibility for discharging the Scheme Manager function of the CFA.

## 7.5 SUBSTITUTES

- a) In the absence of a Scheme Member Representative or an Employer Representatives that Representative may send a suitable substitute in their place.
- b) A substitute will have the same rights and responsibilities as the Representative for whom they are substituting.

## 7.6 APPOINTMENT OF CHAIR

The Board shall appoint its own chair for a period of 12 months rotating the appointment between member representatives and employer representatives.

## 7.7 TERM OF OFFICE

The term of office for Board Members shall be 2 Municipal Years and there shall be no restriction on reappointment at the expiry of a Board Member's term.

## 7.8 MEETINGS

The Board shall meet 2 times per year.

## 7.9 QUORUM

A meeting is only quorate when at least 50% of both Scheme Member and



Employer representatives are present.

## 7.10 VOTING

- a) The Board shall as far as possible make any decisions by consensus but where this proves not to be possible the Board may vote upon an issue.
- b) Each Board Member shall have 1 vote but in the event of an equality of votes the Chair shall not have a casting vote and the status quo shall prevail.

## **Article 8 - Joint Arrangements**

### 8.1 JOINT ARRANGEMENTS

The CFA may establish joint arrangements with one or more local authorities to exercise functions in any of the participating authorities, or advise the CFA. Such arrangements may involve the appointment of a joint committee with these other local authorities.

Details of any joint arrangements including any delegations to joint committees will be found in the CFA's Scheme of Delegation in Part 3 Section B of this Constitution.

### 8.2 ACCESS TO INFORMATION

The Access to Information Procedure Rules in Part 4 of this Constitution apply.

If the joint committee contains members who are not on any participating local authority then the Access to Information Procedure Rules in Part VA of the Local Government Act 1972 will apply.

### 8.3 DELEGATION TO AND FROM OTHER FIRE AND RESCUE AUTHORITIES

The CFA may, by agreement, delegate functions to another fire and rescue authority and may also accept such a delegation from another authority.

### 8.4 CONTRACTING OUT

The CFA may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the CFA's agent under usual contracting principles.

## Article 9 - Officers

### 9.1 STRUCTURE

#### General

The CFA may engage such people (referred to as Officers) as it considers necessary to carry out its functions in an efficient and effective manner. Officers may be authorised by the full CFA to take decisions. The scope of these delegated powers is set out in the general Scheme of Delegation in Part 3 of this Constitution.

#### Statutory Officers

Most local authorities are required to have certain posts under either the Local Government Finance Act 1988 or the Local Government and Housing Act 1989 as set out in paragraph 10.2 below although the requirement to have a Head of Paid Service does not apply to the CFA. However, the CFA has determined that it wishes to have a non-statutory Head of Paid Service designated to undertake the functions set out in the Constitution attributable to the Head of Paid Service post.

#### Structure

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the CFA showing the management structure and deployment of employees. This is set out at Part 7 of this Constitution.

### 9.2 STATUTORY POSTS

The CFA will designate the following posts as shown:

<b>Designation</b>	<b>Post</b>
Head of Paid Service (non-statutory)	Chief Fire and Rescue Officer
Chief Finance Officer (known as the Treasurer)	Director of Finance – Leicester City Council
Monitoring Officer	Director of Law and Governance – Leicestershire County Council

The duties of the Monitoring Officer and the Treasurer (apart from the administration of the financial affairs of the CFA) must be carried out personally. If these powers are delegated or carried out by a nominated Deputy accountability will remain with the Monitoring Officer and the Treasurer as appropriate.

The Treasurer and the Monitoring Officer have the right to have access to and take copies of any information held by the CFA in order to discharge their functions. Where such information involves the disclosure of personal information the Chief Fire and Rescue Officer shall be consulted in advance (unless the information concerns the Chief Fire and Rescue Officer) in which case they shall consult the Chairman of the Combined

Fire Authority or in his/her absence the Vice Chairman.

### 9.3 FUNCTIONS OF THE HEAD OF PAID SERVICE

The Head of Paid Service will report to the full CFA on the manner in which the discharge of the CFA's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.

### 9.4 FUNCTIONS OF THE TREASURER

#### (a) Ensuring lawfulness and financial prudence of decision making

After consulting with the Head of Paid Service (if that post is not also held by the Chief Finance Officer) and the Monitoring Officer, the Treasurer will report to the full CFA and the CFA's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the CFA is about to enter an item of account unlawfully or the CFA has insufficient resources to meet its spending.

#### (b) Administration of financial affairs

The Treasurer will have responsibility for the administration of the financial affairs of the CFA.

#### (c) Contributing to corporate management

The Treasurer will contribute to the corporate management of the CFA, in particular through the provision of professional financial advice.

#### (d) Providing advice

The Treasurer will provide advice on the scope of the powers and authority to take decisions, maladministration, financial impropriety, probity and Policy Framework to all Members, and will support and advise Members and Officers in their respective roles. Advice will also be provided on treasury, cash flow management, pensions, trust funds, safe custody of assets, including risk management and insurance.

#### (e) Give financial information

The Treasurer will provide financial information to the media, members of the public and the community. He or she will also provide financial information to Members and Officers.

#### (f) Internal Audit

The Treasurer will ensure an efficient and effective internal audit of the CFA's activities is maintained.

#### (g) Firefighters' Pension Schemes

The Treasurer will undertake the role of Scheme Manager for the Firefighters' Pension Schemes on behalf of the CFA subject to any limitations imposed by the CFA.

### 9.5 FUNCTIONS OF THE MONITORING OFFICER

#### (a) Maintaining the Constitution

The Monitoring Officer will ensure that an up-to-date version of the Constitution is maintained and that it is widely available for inspection by Members, Officers and the public.

#### (b) Ensuring lawfulness and fairness in decision-making

After consulting with the Head of Paid Service and the Treasurer (if not held by the same post holder as the Head of Paid Service), the Monitoring Officer will report to the full CFA if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

#### (c) Member Conduct

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct by Members through the provision of advice and support to the CFA.

#### (d) Complaints against Members

The Monitoring Officer will be responsible for ensuring the proper operation of the procedure for complaints against Members and ensuring that decisions and recommendations made by a panel of the Corporate Governance Committee and/or the CFA are implemented.

#### (e) Providing Advice

The Monitoring Officer will provide advice on the scope of the powers and authority to take decisions, maladministration, financial impropriety and probity to all Members.

#### (f) Restriction on Functions

The Monitoring Officer cannot be the Section 112 Officer.

#### (g) Registers and Lists

The Monitoring Officer will ensure that the following registers and lists are maintained:

- i. a register of Members' interests under Section 29 of the Localism Act 2012.
  - ii. a register of Officers' interests in contracts.
  - iii. a register of Officers' gifts and hospitality.
  - iv. a register of reports received under the confidential reporting procedures (Whistle blowing).
  - v. a list of politically restricted posts under section 2 (2) of the Local Government and Housing Act 1989.
  - vi. a list of Officers to whom powers are delegated under section 100G (2) of the Local Government Act 1972.
- (h) The Monitoring Officer is expected to develop good liaison and working relationships with the External Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
- (i) Attendance and Advice to Officer Decision-Making Meetings.

The Monitoring Officer shall receive advance notice of any Officer decision-making meeting and receive agenda, reports and minutes.

#### 9.6 PROVISION OF SUFFICIENT RESOURCES TO THE HEAD OF PAID SERVICE, CHIEF FINANCE OFFICER AND MONITORING OFFICER

The CFA will provide the Head of Paid Service, the Treasurer (if held by a different post holder than the Head of Paid Service) and the Monitoring Officer with such Officers, accommodation and other resources as are, in their opinion, sufficient to allow them to perform their duties.

#### 9.7 CONDUCT

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

#### 9.8 EMPLOYMENT

The recruitment, selection and dismissal of the above Officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

#### 9.9 DECLARATION OF INTERESTS BY OFFICERS

All Officers are required to declare in writing to the Head of Paid Service any financial or non-financial interests that they consider could bring about conflict with the CFA's interests.

In addition, Officers have a duty to declare an interest at CFA meetings.

Advice as to the interest declared can also be obtained from the Monitoring Officer, however the onus is on the member concerned in deciding if an interest exists.

#### 9.10 INDEMNITY

Officers have the benefit of the indemnity set out in Part 5, Section M of this Constitution.

### **Article 10 - Decision Making**

#### 10.1 RESPONSIBILITY FOR DECISION MAKING

The CFA will issue and keep up-to-date a record of what part of the CFA or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in the Scheme of Delegation in Part 3 of this Constitution.

#### 10.2 PRINCIPLES OF DECISION MAKING

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

- (a) the Rule of Law;
- (b) proportionality that is, in any decision the action must be proportionate to the desired outcome;
- (c) due consideration and the taking of professional advice from Officers and/or appropriately qualified consultants;
- (d) presumption in favour of openness;
- (e) having due regard to appropriate national, strategic, local policy and guidance.

#### 10.3 DECISION MAKING BY THE FULL CFA IN RELATION TO ITS FUNCTIONS

The full CFA meeting will follow the CFA Meeting Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### 10.4 DECISION MAKING BY COMMITTEES AND PANELS ESTABLISHED BY THE CFA

CFA committees and panels will follow the CFA Procedure Rules set out in Part 4 of this Constitution as apply to them

## 10.5 DECISION MAKING BETWEEN CFA MEETINGS

Decisions made between CFA Meetings will be in accordance with the CFA Meeting Procedure Rules set out in Part 4 of this Constitution.

## **Article 11 - Finance, Contracts and Legal Matters**

This Article refers to the Financial Procedure Rules and the Contract Procedure Rules which are contained in Part 4 of this Constitution.

### 11.1 FINANCIAL MANAGEMENT

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

### 11.2 CONTRACTS & PROCUREMENTS

Every contract and procurement made by the CFA will comply with the Contract Procedure Rules set out in Part 4 of this Constitution.

### 11.3 LEGAL PROCEEDINGS

The Chief Fire and Rescue Officer and the Monitoring Officer are authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the CFA or in any case where they consider that such action is necessary to protect the CFA's interests.

### 11.4 SIGNING OF DOCUMENTS

The Monitoring Officer or in his absence the Chief Fire and Rescue Officer or the Treasurer are authorised to sign on behalf of the CFA any document or contract necessary to give effect to any resolution of the CFA or to a decision of the Chief Fire and Rescue Officer within powers delegated by the CFA.

Every contract signed shall be recorded and consecutively numbered in a register kept for the purpose and the register may be held electronically. The name of the person who signed the contract shall be recorded in the register.

The Monitoring Officer or in his absence the Chief Fire and Rescue Officer or the Treasurer are authorised to sign the following on behalf of the CFA:

- (a) any document necessary in legal proceedings on behalf of the CFA; and
- (b) information and complaints and to lay them on behalf of the CFA for the purposes of Magistrates Court proceedings.

The Monitoring Officer may specifically authorise other persons to sign such documents under this Article.

For the purposes of this Article "contract" shall have the meaning set out in the Contract Procedure Rules.

## 11.5 COMMON SEAL OF THE CFA

The Common Seal of the CFA will be kept in a safe place in the custody of the Monitoring Officer. A decision of the CFA, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer, or other authorised employee, should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer or another officer authorised by him. Every sealing of a document shall be recorded and consecutively numbered in a register kept for the purpose and the register may be held electronically. The name of the person who attested the seal shall be recorded in the register.

## **Article 12 - Review and Revision of the Constitution**

### 12.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

This Constitution has been developed to achieve the purposes set out in Article 1. In order to ensure that the CFA is achieving these, it may from time to time be necessary for amendments to be made to the Constitution.

The Monitoring Officer in consultation with the Treasurer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and it is kept up-to-date.

### 12.2 CHANGES TO THE CONSTITUTION

Changes to the Constitution will only be approved by the full CFA.

Any changes to the Members' Allowances Scheme will only be made following receipt of the views of the Independent Remuneration Panels of the 3 Constituent Authorities.

## **Article 13 - Suspension, Interpretation and Publication of the Constitution**

### 13.1 SUSPENSION OF THE CONSTITUTION

#### **Limit to suspension**

The Articles of this Constitution may not be suspended. The Procedural Rules specified below may be suspended by the full CFA or relevant Committee to the extent permitted within the Rules and the law:

- (a) The CFA Procedure Rules set out in Part 4 of this Constitution;
- (b) Financial Procedure Rules; and



- (c) Contract Procedure Rules.

### **Procedure to suspend**

A motion to suspend any Procedural Rule cannot be moved without notice unless at least one half of the total numbers of the full CFA or the relevant Committee are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 and will only be for so long as is necessary to transact the particular item of business necessitating the suspension.

### **13.2 INTERPRETATION**

The ruling of the Chair of the CFA or relevant committee, or in his/her absence the chair of the meeting, as to the construction or application of this Constitution or as to any proceedings of the CFA, or committee, shall not be challenged at any meeting. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### **13.3 PUBLICATION**

The Chief Fire and Rescue Officer will ensure that copies of this Constitution are available for inspection at Fire Service HQ and on the Fire Service's Website, and can be purchased by members of the local press and the public on payment of a reasonable fee which shall be determined each year.

### **Schedule 1 - Description of Arrangements**

The following parts of this Constitution constitute the CFA's decision-making structure:

Article 4	Full CFA
Article 5	Corporate Governance Committee
Article 6	Employment Committee
Article 7	Pension Board
Part 3	Responsibilities for Functions
Part 4	Meeting Procedure Rules

### **Schedule 2 – Guidance Notes on role of the Chair, Vice-Chair and members of Committees**

#### **a) ROLE OF THE CHAIR OF THE CFA**

##### **APPOINTMENT PROCEDURE**

The Chair is usually appointed from the majority party on the CFA at the Annual CFA Meeting in May/June for the forthcoming Municipal Year (until the next Annual Meeting).

## KEY ROLES

The Chair will:

1. provide strong political leadership for the CFA;
2. chair meetings of the CFA and exercise any power or duty of the Chair permitted in terms of the CFA Procedure Rules to ensure democratic decision making and the orderly conduct of meetings;
3. propose the budget and tax level to the full CFA for adoption following appropriate consultation.
4. propose the Policy Framework for adoption by CFA and any material changes thereto;
5. ensure the CFA is represented on appropriate bodies;
6. represent the CFA's view to the media.

### **b) ROLE OF THE VICE-CHAIR OF THE CFA**

#### PURPOSE

The Vice-Chair will deputise for the Chair in his absence. The Vice-Chair will also act in a supportive role in assisting the Chair to fulfil his or her role.

#### APPOINTMENT PROCEDURE

As with the Chair of the CFA, the Vice-Chair is appointed at the Annual CFA Meeting for the forthcoming Municipal Year.

#### KEY ROLES

1. Chair Meetings of the CFA in the absence of the Chair;
2. Undertake the role of the Chair in his or her absence and carry out all duties applicable to this position.

### **c) ROLE OF THE MEMBERS OF THE CORPORATE GOVERNANCE COMMITTEE**

#### PURPOSE

Collectively Members of the Corporate Governance Committee will be responsible for the promotion and maintenance of high standards within the Authority in relation to the operation of its Code of Governance. In particular this shall include monitoring the Risk Management Framework and the Authority's financial performance.

## APPOINTMENT PROCEDURE

Members of the Committee are appointed at the Annual CFA Meeting for the forthcoming Municipal Year. The membership of the Committee is politically balanced to reflect the political make-up of the CFA as a whole.

### **d) ROLE OF THE MEMBERS OF THE EMPLOYMENT COMMITTEE**

#### PURPOSE

Collectively Members of the Employment Committee will be responsible for taking decisions on any staffing matter not delegated to the Chief Fire and Rescue Officer excepting any matter which falls to be considered by an Appeals Panel.

#### APPOINTMENT PROCEDURE

Members of the committee are appointed at the Annual CFA Meeting for the forthcoming Municipal Year. The membership of the Committee is determined by the CFA.

### **e) ROLE OF THE MEMBERS OF THE PENSION BOARD**

The role of the Board is to ensure the effective and efficient governance and administration of the Scheme. It must also ensure compliance with relevant legislation or requirements imposed by the Pensions Regulator.

#### APPOINTMENT PROCEDURE

Regulations require that the Board 'must include an equal number, which is no less than 4 in total, of employer representatives (i.e. members of the CFA) and scheme member representatives (i.e. employees) and must be satisfied that persons appointed to the Board have 'the capacity and understanding to represent employers/members on the local pension board'. The CFA has agreed that the Board membership should number four, two members of the CFA and two employee representatives.

## Part 3

### Decision making

#### Section A - Responsibility for Functions

1. The CFA has agreed the following delegation of its powers and duties to Committees and Officers. The exercise of any power or duty referred to in the Scheme of Delegation is to be subject to compliance with the law, the provisions of this Constitution, sufficient budgetary provision having been made and to any decision of the CFA.
2. Without prejudice to Paragraph 1 above each Committee has delegated authority to decide matters within the Scheme of Delegation in Section B.
3. In exercising any powers on a matter, a Committee, Sub-Committee or employee must have regard to any other Committees, Sub-Committees or Officers having responsibility for that or related matters.
4. Where a power or duty of the CFA has been delegated to a Committee, a Sub-Committee, the Chief Fire and Rescue Officer or other nominated Officer, the delegation shall be deemed to include any action that may be incidental to the exercise of the power or duty.
5. Without prejudice to the preceding paragraph, Officers are empowered in respect of their duties and responsibilities to take any action required to implement a decision of the CFA, its Committees or Sub-Committees.
6. The Chief Fire and Rescue Officer is authorised, in liaison with the Chairman of the CFA, to respond to consultation documents where the period during which a response is required does not allow the consultation paper to be reported to the CFA. Any such response shall be presented to the next meeting of the CFA.
7. The Chief Fire and Rescue Officer may authorise in writing any other Officer to exercise in his or her absence any of his or her powers or duties.
8. The Chief Fire and Rescue Officer shall have the power to exercise any of the powers and duties delegated to any other Officer in their absence but for the avoidance of doubt excluding those that are the responsibility of the Monitoring Officer or Treasurer.
9. The Chief Fire and Rescue Officer may delegate in writing any or all of his

or her powers and duties to any other Officer if he or she is of the opinion that such delegation is for the efficient operation of the CFA's business. Neither the Treasurer's nor the Monitoring Officer's statutory functions may however be delegated, except to their nominated deputies as set out in Article 10 of this Constitution.

10. Any reference to a function or matter shall be deemed to include a reference to all statutory powers relating to that function or matter whether directly or indirectly and shall be deemed to include authority to exercise all such powers.
11. Any reference in this Scheme of Delegation to an Act of Parliament or statutory instrument includes a reference to any amendment, modification or statutory re-Enactment (with or without modification) of the same.
12. The arrangements made in this Part for the discharge of the CFA's functions by a Committee, Sub-Committee or Officer does not prevent the full CFA from exercising those functions.

## Section B - Scheme of Delegation

### 1. DELEGATION TO COMMITTEES

1.1 The CFA has delegated to the Corporate Governance Subcommittee and the Employment Subcommittee those functions set out in Part 2 of this Constitution.

### 2. DELEGATION TO THE CHIEF FIRE AND RESCUE OFFICER

#### 2.1 General

Any exercise of delegated powers by the Chief Fire and Rescue Officer or Officer nominated by the Chief Fire and Rescue Officer:

- a) shall comply with the CFA Procedure Rules, the Contract Procedure Rules and the Financial Procedure Rules;
- b) shall not authorise expenditure except in accordance with approved estimates and where further approval is required shall not precede that approval;
- c) shall not involve a new policy or extend an existing policy of the CFA;
- d) shall be the subject of prior consultation with the appropriate professional or technical officer providing services to the CFA in any case involving professional or technical considerations not within the province of the Chief Fire and Rescue Officer;
- e) shall be the subject of prior consultation with the Treasurer in respect of any financial implications and the Monitoring Officer in respect of any legal implications.

Any delegation to the Chief Fire and Rescue Officer may be exercised on his behalf by any Officer authorised by him either generally or specifically for the purpose.

Delegation to Officers shall be without prejudice to the overriding right of the CFA to decide any matter or to call for information about a particular case or class of case. In particular the Chief Fire and Rescue Officer may in any case in lieu of exercising his delegated powers refer a matter to the CFA for decision.

Subject to the foregoing conditions and to any special conditions which may have been or may in future be applied in respect of particular matters, the Chief Fire and Rescue Officer will be expected to make such decisions and to initiate such action as he deems necessary in the interests of the efficient running of the Fire and Rescue Service.

Subject to the foregoing conditions all decision-making not reserved to the CFA or a Committee as set out in this Constitution shall be delegated to the Chief Fire and Rescue Officer subject to the limitations set out in the following sub-paragraphs of paragraph 3.

Powers are delegated to the Chief Fire and Rescue Officer by this Constitution other than by the provisions set out in this Part 3.

### 3. LIMITATIONS ON THE DELEGATED POWERS OF THE CHIEF FIRE AND RESCUE OFFICER

#### 3.1 Incurring Expenditure

Power to incur such expenditure as necessary on the running of the Service provided that such expenditure is within policy and the approved revenue budget and capital programme.

#### 3.2 Property Acquisition, Disposal and Review

Power to acquire, dispose and appropriate property (excluding the right to buy and Leasehold Reform Sales) as necessary for the running of the Service subject to such acquisitions and disposals having been agreed with the CFA.

#### 3.3 Leases

Entering into or granting leases for any term subject to having terms agreed with the Treasurer.

#### 3.4 Disposal of Appliances and Equipment

All such disposals shall be reported back to the CFA.

#### 3.5 Management of Staff

- a) Power to appoint and promote within the authorised establishment, discipline, dismiss, grant early retirement to and accept an offer of voluntary redundancy by all Officers below the level of Assistant Chief Fire and Rescue Officer, apart from the Treasurer and Monitoring Officer who shall be appointed, disciplined and dismissed by the CFA.
- b) An appointment may be at any point within the approved salary scale, but in the case of linked grades shall normally be within the lower or lowest of such grades.
- c) All early retirements and voluntary redundancies shall be reported to the CFA on an annual basis.
- d) Power to make in-year variations to the Authorised Establishment provided that such variations are accounted for in the revised annual Authorised Establishment approved by the CFA.

#### 3.6 Grading of Support Staff

Regrading which forms part of a Service review or major sectional review shall be the subject of the approval of the CFA.

### 3.7 National Conditions of Service

The Chief Fire and Rescue Officer shall not have authority to impose conditions of service beyond the nationally agreed conditions of service.

### 4. DELEGATION TO THE TREASURER AND MONITORING OFFICER

Powers are delegated to the Treasurer and the Monitoring Officer by this Constitution other than by the provisions set out in this Part 3.



## Part 4

### Section C - CFA Meeting Procedure Rules

#### **INTRODUCTION**

These Procedure Rules are the CFA's internal rules 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 CFA and its committees.

#### **Rule 1 - Meetings of the CFA**

- 1.1 The CFA 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.
- 1.2 In addition to the annual meeting of the CFA and any meetings convened by the Chair or by members of the CFA, meetings for the transaction of general business shall be held on such days at such times and in such places as may be determined by the CFA at its annual meeting provided any such details may be varied at a subsequent meeting.
- 1.3 In these Procedure Rules "ordinary meeting" means a meeting described in paragraph (1) or (2) above other than a meeting convened by the Chair or by members of the CFA.
- 1.4 The Chair of the CFA may cause a special meeting of the CFA to be called at any time.
- 1.5 A special meeting of the CFA shall be called on the request of at least one third of the whole number of members of the CFA, including at least one member from each of two of the Constituent Authorities, by notice in writing and signed by them and given to the Monitoring Officer and specifying the business for which the meeting is to be called.

#### **Rule 2 - Chair of the Meeting**

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

### **Rule 3 - Public Notice of Meetings**

- 3.1 Notice of the time and place of CFA meetings shall be published at Fire Service HQ, at least five clear days\* before the meeting. In the case of a special meeting which may be called on the grounds of urgency, five clear days' notice shall be given, save where a special meeting is called within five clear days and in such circumstances the required notice [unless a special meeting is called within three days] must be published as soon as the special meeting is called.

(\*Note - "clear days" excludes the day of notice, the day of the meeting, Bank Holidays, Saturdays and Sundays.)

### **Rule 4 - Summons to Meetings**

- 4.1 A summons to attend a CFA meeting must be delivered to each member of the CFA, giving at least five clear days\* notice (unless the meeting is called urgently), specifying the business to be transacted and signed by or on behalf of the Monitoring Officer. In the case of a special meeting called within five clear days, the notice must be delivered as soon as is practically possible. (\*see Rule 3).

### **Rule 5 - Quorum**

- 5.1 The quorum prescribed for meetings of the CFA by the Leicestershire Fire Services (Combination Scheme) Order 1996 is one third of the total number of members, including at least one from each of two of the Constituent Authorities.
- 5.2 If during any meeting of the CFA the Chair, after counting the number of members present, declares that there is not a quorum present, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chair at the time the meeting is adjourned, or if the Chair does not fix a time, to the next ordinary meeting of the CFA or to any earlier special meeting, if called, and that business is specified in the notice.

### **Rule 6 - Order of Business**

- 6.1 Except as otherwise provided by Rule 7 the order of business at ordinary meetings of the CFA shall be:

- 1) to choose a person to preside if the Chair and Vice-Chair are absent;
- 2) apologies for absence;
- 3) to receive declarations by members of personal and/or prejudicial interests in respect of items on the agenda;
- 4) to deal with any business required by statute to be done before any other business;
- 5) Chair's announcements;
- 6) to confirm the minutes of the last meeting of the CFA;
- 7) to deal with any business expressly required by statute to be done;
- 8) questions asked under Rule 9;
- 9) to advise on any other items which the Chair has decided to take as urgent elsewhere on the agenda;
- 10) to consider reports of Officers;
- 11) to consider motions in the order in which notice has been received;
- 12) any other items which the Chair decides are urgent.

#### **Rule 7 - Variation of Order of Business**

- 7.1 Business falling under items 1), 2), 4), 5) or 6) of Rule 6.1 shall not be displaced, but subject thereto the foregoing order of business may be varied:
- 1) at the discretion of the Chair; or
  - 2) by a resolution passed at that meeting. A motion to vary the order of business shall be moved and seconded formally and put without discussion.

#### **Rule 8 - Minutes of the CFA**

- 8.1 The Minutes of a meeting of the CFA shall be submitted for approval of their accuracy at the next meeting of the CFA.
- 8.2 At a meeting of the CFA at which minutes of a previous meeting are submitted for approval of their accuracy, the Chair shall move that those minutes be so approved.
- 8.3 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.

8.4 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.

## **Rule 9 – Questions**

9.1 At a meeting of the CFA a member may ask the Chair of the CFA, any question relating to the business of the CFA or which relates to a matter affecting the CFA.

9.2 The text of any question shall be submitted in writing to the Chief Fire and Rescue Officer not less than five clear days before the meeting at which the member proposes to ask the question subject to paragraph (4) of this Standing Order (urgent business).

9.3 The Chair of the meeting may allow the asking of a question which has not been submitted as required by paragraph 9.2 above, if he or she considers that it relates to urgent business. The text of any such question shall, if possible, be delivered to the Chief Fire and Rescue Officer not later than 10.00 a.m. on the day before the meeting at which the question is to be asked.

9.4 After a question has been replied to, the member who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. A member asking such a supplementary question shall confine himself or herself to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of his or her original question.

9.5 Every question shall be put and answered without discussion.

9.6 No resolution shall be moved with reference to any question or reply to a question.

9.7 If the Chair of the meeting is of the opinion that the question is out of order, or of a personal character, or in the interests of the Council it is undesirable, he or she shall so inform the member and shall not allow the question to be put.

9.8 Questions asked in pursuance of the above paragraphs of this Rule 9 shall be recorded in the minutes of the meeting, and the Monitoring Officer shall

supply the questioner with a copy of the replies thereto within seven working days after the meeting.

### **Rule 9A - Right of Recognised Trades Unions to make representations**

- 9A.1 A representative from each of the trades unions recognised by the CFA shall have the right to make representations at any meeting of the CFA on any item on the agenda.
- 9A.2 The right to make representations shall only apply to an item on the agenda to which the public has not been excluded under Part 4, Section D (Access to Information Procedure Rules) Rule 10.
- 9A.3 The right to make representations shall only apply where the representative has notified the Monitoring Officer by 12 noon on the last working day before the meeting that the right is to be exercised for a particular item on the agenda and where possible and in the interests of transparency provide a note of the key points to be raised.
- 9A.4 For the purposes of Rules 18.8 and 18.9 (Conduct of Members) the expression "member" shall be construed so as to include a representative exercising the right to speak under this rule.

### **Rule 10 - Notices of Motion**

- 10.1 Notice of every motion (other than a motion which under Rule 11 may be moved without notice) shall be in writing signed by the member or members of the CFA giving the notice and delivered at least eight clear days\* before the next meeting of the CFA, to the Monitoring Officer, by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every member of the CFA. (\* See Rule 3 for the definition of "clear days").
- 10.2 There shall be inserted in the summons for every meeting of the CFA all notices of motion duly given in the order in which they have been received, unless the member giving such a notice has, when giving it, intimated in writing that the member proposes to move it at some later meeting or has withdrawn it in writing.

- 10.3 If a motion of which notice has been given and not withdrawn be not moved by the member who gave notice of it, it may be moved by another member of the CFA and if not so moved it shall, unless postponed by consent of the CFA, be treated as abandoned and shall not be moved without fresh notice.
- 10.4 Any notice of motion which would have the effect of materially increasing the expenditure or reducing the revenue of the CFA, otherwise than in the form of a proposal that the matter be referred to the Chief Fire and Rescue Officer for consideration and report to the next ordinary meeting of the CFA, shall not be deemed to have been duly given for the purposes of this Rule.

### **Rule 11 - Motions and Amendments which may be moved without Notice**

- 11.1 Motions and amendments relating to the following matters may be moved without notice:
- 1) appointment of a member to preside at a meeting in the absence of the Chair and Vice Chair.
  - 2) the approval of accuracy of the minutes.
  - 3) that an item of business specified in the summons have precedence (subject to the provisions of Rule 7).
  - 4) adoption of reports and recommendations of officers and any consequent resolution.
  - 5) authorising the sealing of documents.
  - 6) giving consent of the CFA where the consent of the CFA is required by these Procedure Rules.
  - 7) any of the motions listed in Rule 12 whether or not moved whilst another motion is under debate.
  - 8) any motion relating to an item which the Chair has decided to take as urgent.

### **Rule 12 - Motions which may be moved during Debate**

- 12.1 When a motion is under debate no other motion shall be moved except the following:
- 1) to amend the motion.

- 2) to adjourn the meeting.
- 3) to adjourn the debate.
- 4) to proceed to the next business.
- 5) that the proposition under discussion be put (see Rule 22).
- 6) that a member be not further heard.
- 7) by the Chair under Rule 18(9) (a) "that the member named do leave the meeting".
- 8) to exclude the public.
- 9) to extend the time limit for speeches.
- 10) that these Procedure Rules be suspended under Rule 31.
- 11) that leave be given to alter or withdraw a motion, amendment or report.

### **Rule 13 - Rescissions**

- 13.1 No motion to rescind any resolution passed within the preceding six months and no motion to the same effect as one which has been rejected within that period shall be proposed unless at a meeting subsequent to the meeting at which such resolution or rejection was agreed, a member moved for consent to propose the motion and obtain a majority of those members present at the meeting in which case notice of the motion shall be inserted in the summons for the next ordinary meeting of the CFA.
- 13.2 This Rule shall not apply to a motion moved whilst there is before the CFA a recommendation of an Officer relating to the matter.

### **Rule 14 - Amendments to Motions**

- 14.1 An amendment shall be relevant to the motion and shall be either:
- 1) to leave out words;
  - 2) to leave out words and insert or add others;
  - 3) to insert or add words;

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

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 the Chair considers that this course would facilitate the proper conduct of the CFA's business.

- 14.2 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.

### **Rule 15 - Alterations or Withdrawal of Motion or Amendment**

- 15.1 A proposer of a motion may, with the concurrence of the seconder and the consent of the CFA, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chair be reduced into writing and handed to the Chair before the consent of the CFA to the alteration is sought.
- 15.2 A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the CFA, withdraw such motion or amendment, and no member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.
- 15.3 The giving or refusal of the consent of the CFA to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

### **Rule 16 - Motions and Amendments Generally**

- 16.1 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 Rule 10) 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.
- 16.2 A member may not propose or second a motion or amendment on



which the member is disqualified from voting.

### **Rule 17 - Motions Affecting Persons Employed by the CFA**

- 17.1 If any question arises at a meeting of the CFA or its committees as to the appointment, promotion, dismissal, salary, pension, conditions of service or the conduct of any person employed by the CFA, such question shall not be the subject of discussion until the CFA has decided whether or not the power of exclusion of the public under Section 1(2) of the Public Bodies (Admission to Meetings) Act 1960 (as amended by Section 100 of the Local Government Act 1972), shall be exercised.

### **Rule 18 - Length of Speeches and Conduct of Members**

- 18.1 A member shall direct his or her speech to the question under discussion or to a personal explanation or to a point of order and shall not impute motives or use offensive expressions to or about any other member.
- 18.2 Except in the case of a speech given by a principal speaker which shall not exceed 10 minutes, no speech shall exceed 5 minutes without the consent of the CFA, and upon a motion for extension of these time limits no discussion shall be allowed. For the purposes of this Standing Order "principal speaker" shall be the member who moves the adoption of a report or of an item of a report of a committee or who is designated as being an "appropriate spokesman" of the body concerned and is speaking on such a motion or any amendment to it or the member who moves a motion under Standing Order 10.
- 18.3 Any extension of time granted to speakers by the CFA in pursuance of this Standing Order shall not exceed 10 minutes in the case of a principal speaker or 5 minutes in any other case but the Chair, at his or her discretion, may permit a further extension if he or she considers that this would facilitate the conduct of the CFA's business.
- 18.4 A member when speaking shall address the Chair.
- 18.5 While a member is speaking the other members shall remain seated, unless rising to a point of order or in personal explanation.
- 18.6 Whenever the Chair rises during a debate a member then speaking shall resume his or her seat and the meeting shall be silent.

- 18.7 If any member in the opinion of the Chair signified to the CFA, misconduct himself or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by willfully obstructing the business of the CFA, or by tedious repetition or unbecoming language in his or her speech, the Chair or any other member may move "That the member named be not further heard", and such motion if seconded shall be put and determined without discussion.
- 18.8 If the member named continues his or her misconduct after a motion under the last previous paragraph has been carried, the Chair shall either:-
- (a) move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
  - (b) adjourn the meeting of the CFA for such period as he or she in his or her discretion shall consider expedient.

#### **Rule 19 - Points of Order and Explanations**

- 19.1 A member may request to speak on a point of order or in personal explanation, and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Rule or statutory provision and the member shall specify the Rule or statutory provision and the way in which the member considers it has been broken. A personal explanation shall be confined to some material part of a former speech by the member which may appear to have been misunderstood in the present debate.
- 19.2 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

#### **Rule 20 - Next Business, etc.**

- 20.1 A member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another member, unless the Chair considers that the matter has been insufficiently discussed, move "that the CFA proceed to the next business" or, if there is no other business to be transacted, "that the CFA Adjourn".
- 20.2 The proposer of such a motion may speak thereon but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion.

- 20.3 On the seconding of the motion, the Chair shall first give the mover of the original motion an opportunity to speak on it and then put to the vote the motion to proceed to the next business or to adjourn the CFA.
- 20.4 If that motion is carried, the original motion shall be considered as withdrawn.

### **Rule 21 - Adjournment of Debate**

- 21.1 A member who seeks to interrupt a debate so that it may be continued at a later hour or on another occasion may, at the conclusion of the speech of another member, move that the debate be adjourned to that hour or occasion.
- 21.2 If the member does not specify an hour or occasion, the motion shall be deemed to intend that the debate shall be resumed at the next ordinary meeting of the CFA.
- 21.3 The proposer of such a motion may speak thereon but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion except that the mover of the original motion may speak on it.
- 21.4 On the resumption after adjournment of an interrupted debate, the CFA shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Procedure Rules.

### **Rule 22 - Closure**

- 22.1 A member may at the conclusion of the speech of another member move "that the proposition under discussion be now put" (which is in these Procedure Rules referred to as "the closure").
- 22.2 The proposal and seconding of the closure shall be formal and without comment and there shall be no debate on it. The closure shall be put forthwith to the vote unless it appears to the Chair that the proposition to which it is sought to apply the closure has not been sufficiently discussed.
- 22.3 If the closure is carried, the motion or amendment which is the subject of the interrupted debate shall be put without further discussion, subject to

the mover of the original motion, first having a right to reply.

### **Rule 23 - Voting**

- 23.1 Every proposition shall, unless otherwise required by these Procedure Rules or Statute, be determined by show of hands or, at the discretion of the Chair, by voices.
- 23.2 In taking the votes on any proposition, those members only shall be entitled to vote who are present in the meeting room when the proposition is put by the Chair.
- 23.3 After a proposition is put by the Chair but before the vote is taken, any three members rising in their places may require that the voting shall be recorded in the minutes of the meeting so as to show whether each member present voted for or against that proposition.
- 23.4 Where immediately after a vote is taken, if any member so requires, there shall be recorded in the minutes of the meeting whether that person voted for the question or against the question or abstained from voting.
- 23.5 A proposition shall be decided by a majority of the Members of the CFA present and voting thereon at the meeting.
- 23.6 In the case of an equality of votes the Chair shall have a second or casting vote.

### **Rule 24 - Appointments by the CFA**

- 24.1 Every candidate nominated to represent the CFA in any capacity or for any position to be filled by the CFA shall be openly proposed and seconded.
- 24.2 At the close of nominations the Chair shall state the names of the candidates who have been duly proposed and seconded and the number of vacancies to be filled if the number is limited.
- 24.3 If the number of nominations does not exceed the number of vacancies or if the number of vacancies is not limited the Chair shall immediately put the appointment of the duly nominated candidates collectively as a substantive motion upon which no amendment may be moved.

- 24.4 If the number of nominations exceeds the number of vacancies there shall be a secret ballot of the members present at the meeting in which each member of the CFA may vote for as many candidates as there are vacancies to be filled.
- 24.5 Any ballot shall be conducted by the Monitoring Officer whose return shall be final and conclusive.
- 24.6 No candidate shall be appointed unless the number of votes cast in the candidate's favour exceeds half the number of persons voting. If in any ballot no candidate received the number of votes entitling a candidate to be appointed, the names of those who receive no votes and the name of the one who receives the least number of votes shall be struck off the list and a fresh ballot be taken, and so on, until all the vacancies are filled.

#### **Rule 25 - General Disturbances**

- 25.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If that person continues the interruption the Chair shall order the person's removal from the room. In case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.
- 25.2 If, in the opinion of the Chair, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in the Chair, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

#### **Rule 26 - The CFA's Code of Conduct**

- 26.1 All members of the CFA must at all times observe the requirements of the CFA's Code of Conduct.

#### **Rule 27 - Canvassing of, and Recommendations by, Members**

- 27.1 Canvassing of Members of the CFA directly or indirectly for any appointment under the CFA shall disqualify the candidate concerned for that appointment. The purpose of this paragraph of this Rule shall be included in any form of application.
- 27.2 A Member of the CFA shall not solicit for any person any appointment

under the CFA, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the CFA with an application for appointment.

## **Rule 28 - Relatives of Members or Employees**

- 28.1 A candidate for any appointment under the CFA who knows that he is related to any Member or Officer 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.
- 28.2 Every Member and Senior Officer shall disclose to the Monitoring Officer 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 an appointment under the CFA.
- 28.3 Reference to this Rule shall be included in any form of application.
- 28.4 For the purposes of this Rule, "senior officer" means any member of the Executive Advisory Board, Area Managers Forum or any other statutory officer of the CFA.
- 28.5 Persons shall be deemed to be related if they are husband and wife, partners, or close personal friends, or if either of them or the spouse, partner or close personal friend of 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 Rule "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.

## **Rule 29 - Record of Attendances**

- 29.1 The names of Members present at a meeting shall be recorded by the Monitoring Officer.
- 29.2 To facilitate Rule 29.1, every Member attending a meeting of the CFA, shall sign his/her name in the attendance book or sheet provided for that purpose.

## **Rule 29A - Non-attendance of Members**

- 29A.1 Where a Member fails, throughout a period of three months from the date of their last attendance, to attend any meeting of the CFA, then the appropriate Political Group Leader shall be advised of the non-attendance and asked to take appropriate action. Where the Member is not a member of a political group the Monitoring Officer shall advise the Member directly.
- 29A.2 Where a Member fails, throughout a period of six months from the date of their last attendance, to attend any meeting of the CFA, then the Monitoring Officer shall write to the Chief Executive of the Member's Constituent Authority advising them of the non-attendance and inviting that Authority to consider removing the Member and appointing an alternative.
- 29A.3 Rules 29A.1 and 29A.2 shall not apply where the failure to attend was as a result of some reason approved by, or on behalf of, the CFA or one of the Constituent Authorities before the expiry of that period.
- 29A.4 A 'meeting of the CFA' includes meetings of the CFA itself and of its committees.
- 29A.5 Where a situation arises with a member's non-attendance which is not specifically covered by the preceding paragraphs of this Rule the Monitoring Officer shall take whatever reasonable action he deems appropriate within the spirit of this Rule to deal with that situation.

## **Rule 30 - Variation and Revocation of Procedure Rules**

- 30.1 These Procedure Rules may only be added to, varied or revoked by a motion passed at a meeting of the full CFA.
- 30.2 Rules 3.1, 4.1, 5.1, 23.5, 23.6 and 29.1 may only be varied or revoked in compliance with a statutory requirement to do so.

## **Rule 31 - Suspension of Procedures Rules**

- 31.1 Subject to paragraph (2) of this Rule, any of the preceding Procedure Rules may be suspended so far as regards any business at the meeting where its suspension is moved.

- 31.2 A motion to suspend any of the preceding Procedures Rules shall not be moved without notice unless there shall be present at least two thirds of the whole number of the members of the CFA.
- 31.3 Rules 3.1, 4.1, 5.1, 23.5, 23.6 and 29.1 may only be suspended where this is permitted by law.

### **Rule 32 - Interpretation of Procedures Rules**

- 32.1 The ruling of the Chair as to construction or application of any of these Procedure Rules, or as to any proceedings of the CFA, shall not be challenged at any meeting of the CFA.

### **Rule 33 - Petitions**

- 33.1 Petitions may be presented at meetings of the CFA. The CFA shall receive only such petitions as have been lodged with the Chief Fire and Rescue Officer eight clear days before the meeting and are presented by a person who resides, studies or works in the County and is associated with the petition.
- 33.2 Every petition shall be couched in proper language and be relevant to some question over which the CFA has authority and shall involve a call for action. Signatories should record their name, address (and email address for electronic petitions) and date they signed the petition, and any residential, work or study addresses. Petitions must be signed by at least 25 people resident within the area of the CFA. The Chief Fire and Rescue Officer shall have the right to refuse to accept any petition which is considered to be frivolous, vexatious or discriminatory.
- 33.3 A period of five minutes will be allowed for receiving petitions. A petition may be presented by one of the petitioners concerned or may be considered in their absence. It may also be presented by an elected member. If the petitioner is present and wishes to do so, he or she may speak but only to the extent of formally repeating the wording of the petition and stating the number of signatories to it. A member of the CFA to which the petition has been presented may then formally propose either that it be considered at that meeting or that it be referred for consideration to a future meeting or be the subject of a written response by the relevant chief officer to the person who presented the petition.



- 33.4 If the CFA determines that the petition be considered at the meeting at which it is presented, the question raised by the petition shall be debated at that meeting.
- 33.5 If the CFA determines that the petition be considered at a future meeting, a report on the question raised by the petition shall be considered as soon as practicable and in any case not later than six months following the date of the meeting at which the petition is presented.

#### **Rule 34 – Questions from electors**

- 34.1 At any ordinary meeting of the CFA, a board or committee to which the press and public are admitted, any elector registered within the area may, subject to this Standing Order, ask the chair of the body concerned any question on any matter in relation to which the body concerned has powers and duties.
- 34.2 Any question shall be submitted in writing to the Monitoring Officer not less than five clear days before the meeting at which the elector proposes to ask the question.
- 34.3 The Monitoring Officer may decline to accept a proposed question if in his or her opinion it is:
- (a) not relevant to the functions of the body concerned;
  - (b) is otherwise offensive, frivolous or defamatory;
  - (c) is substantially similar to a question which has been put at a meeting in the past six months; or
  - (d) requires the disclosure of confidential or exempt information.
- 34.4 The period allowed for the putting and answering of questions shall be ten minutes, commencing immediately following the confirmation of the minutes of the previous meeting, but it shall be open to any member of the body concerned to move an extension of this period should there be questions remaining unanswered. Such a motion shall be moved and seconded formally and be put without discussion.
- 34.5 Questions shall be put and answered in the order in which they were received and accepted by the Monitoring Officer.
- 34.6 After a question has been replied to, the elector who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. An elector asking such a supplementary question shall confine himself or herself to the substance of the original question, and shall not

introduce any new matter which did not fall within the scope of his or her original question. If the chair of the meeting is of the opinion that the supplementary question is out of order, or of a personal character, or in the interests of the CFA it is undesirable, he or she shall so inform the elector and shall not allow the question to be put. In paragraph (8) of this Standing Order, the word "question" shall include such a supplementary question.

34.7 A question shall fall and shall not receive an answer if the elector who submitted the question is not present at the meeting to put the question at the due time.

34.8 There shall be no discussion on the question or the answer but a member of the body concerned may propose that the subject matter of the question be placed on the agenda of the next ordinary meeting of the body concerned. Such a motion shall be moved and seconded formally and be put without discussion.

### **Rule 35 - Decision-Making between CFA Meetings**

35.1 The Chief Fire and Rescue Officer, or in his absence the Assistant Chief Fire and Rescue Officer be authorised to take any action between meetings which he considers to be urgent in consultation with the Chair and Vice Chair (or their nominated representatives) subject to the details of such action being reported for information to the next meeting of the CFA.

35.2 Where any urgent actions proposed in 35.1 affects the Chief Fire and Rescue Officer or any of his Deputies, the Treasurer and/or Monitoring Officer (the Statutory Officers) shall initiate consultation with the Chair and Vice Chair and take such action as may be required.

### **Rule 36 - Withdrawal from the Meeting**

36.1 Where a Member has a disclosable pecuniary interest or a personal interest which might lead to bias in any matter being considered at a meeting of the CFA, in accordance with the Members' Code of Conduct the Member concerned must withdraw from the room or chamber in which the meeting is taking place during any discussion and/or vote; and should the Member refuse to leave the room or chamber the Chair shall have the power to order the Member's removal from the room or chamber.

## **Section D - Access to Information Procedure Rules**

### **Rule 1 - Scope**

- 1.1 These Rules apply to all meetings of the CFA and its committees (together called formal meetings).

### **Rule 2 - Additional Rights to Information**

- 2.1 These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **Rule 3 - Rights to Attend Meetings**

- 3.1 Members of the public may attend all formal meetings subject only to the exceptions in these Rules.

### **Rule 4 - Notices of Meeting**

- 4.1 The CFA will give at least five clear days' notice of any formal meeting by posting details at the Fire Service HQ and on the Fire Service's Website.

### **Rule 5 - Access to Agenda and Reports before the Meeting**

- 5.1 The CFA will make copies of the agenda and reports open for public inspection at Fire Services HQ at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to Members.

### **Rule 6 - Supply of Copies**

- 6.1 The CFA will supply copies of:
- a) any agenda and reports which are open to public inspection;

- b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- c) if the Monitoring Officer thinks fit, copies of any other documents supplied to Members in connection with an item;
- d) to any person on payment of a charge for postage and any other costs.

### **Rule 7 - Access to Minutes etc. after the Meeting**

7.1 The CFA will make available copies of the following for six years after a meeting:

- a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- b) a summary of any proceedings not open to the public, where the minutes open to inspection would not provide a reasonably fair and coherent record;
- c) the agenda for the meeting; and
- d) reports relating to items when the meeting was open to the public.

### **Rule 8 - Background Papers**

8.1 List of background papers

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

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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10 below).

8.2 Public inspection of background papers

The CFA will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

A Member of the public wishing to exercise these rights shall normally be required to give three working days' notice of such inspection to enable the compilation of the relevant papers. The Monitoring Officer may produce the papers in a shorter or longer period depending on the nature of the request.

## **Rule 9 - Summary of Public's Rights**

9.1 These Rules provide a written summary of the public's rights to attend meetings and to inspect and copy documents.

## **Rule 10 - Exclusion of Access by the Public to Meetings**

10.1 Confidential information - requirements to exclude public

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

10.2 Meaning of confidential information

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

10.3 Exempt Information - discretion to exclude the public

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

A motion to exclude the press and public may be moved without notice at any time during a meeting. The mover must identify the proceedings or part of the proceedings to which the motion applies and state the description in terms of the 7 categories listed in rule 10.4 below.

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

#### 10.4 Meaning of exempt information

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

<b>No.</b>	<b>Category</b>
1.	Information relating to any individual [Personal information]
2.	Information which is likely to reveal the identity of an individual [Identification of an individual]
3.	Information relating to the financial or business affairs of any particular person (including the CFA holding that information) [Personal financial or business affairs]
4.	Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the CFA or a Minister of the Crown and employees of, or office holders under, the CFA [Labour relations]
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings [Legal professional privilege]
6.	Information which reveals that the CFA proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment [Statutory notice, direction or order]
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime [Crime related matters]
	<b>Condition</b>

	<p>1. Information falling within Category 3 is not exempt if it is required to be registered under:(a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.</p> <p>2. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town &amp; Country Planning General Rules 1992.</p> <p>3. Information which:(a) falls within any of the Categories 1 to 7; and (b) is not prevented from being exempt by virtue of Conditions 1 and 2 above, is exempt information if and so long, as all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
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## **Rule 11 - Exclusion of Access by the Public to Reports**

- 11.1 Whenever possible, all reports will be available for inspection within the timeframes set out in Rule 5 as public documents and grouped accordingly in the agenda for the meeting. Following the meeting, these reports will be filed and made available for public inspection in terms of Rule 7 on request and payment of the required fee.
- 11.2 If the Monitoring Officer thinks fit, the CFA may exclude access by the public to reports which in his or her opinion relate to terms during which, in accordance with Rule 10 above, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed and grouped separately from the public reports under an exempt section of the agenda not available to the public. However, in order to retain as much information in the public domain as possible, and, where only a portion of a report contains exempt information as described above, the bulk of the report will be made available as a public report with the exempt section being extracted and set out in a separate appendix. Where applicable, the application of the Public Interest Test will be explained.

## **Rule 12 - Additional Rights of Access for Members**

- 12.1 All Members are entitled to inspect any document, which has already been considered by a meeting, and, if copies are available shall on request be supplied with a copy. However, a Member shall not knowingly inspect or request a copy of any document relating to a matter in which he or she is interested in either professionally or through any personal or prejudicial interest.

## 12.2 Exception

The Monitoring Officer may decline to allow inspection of any document which discloses exempt information as defined in rule 10.4 above, unless the information falls within:

- a) Category 3 [Personal financial or business affairs], except if the information relates to any terms proposed or to be proposed by or to the CFA in the course of negotiations for a contract; or
- b) Category 6 [Statutory notice, direction or order].



## Appendix

### Schedule 12A - Exempt Information

#### A Guide to Assessing and Applying the Public Interest Test

The public interest test requires that information should only be withheld under exemption if, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing information.

Exemptions subject to the public interest test are as follows:

- i. Information relating to any individual.
- ii. Information which is likely to reveal the identity of an individual.
- iii. Information relating to the financial or business affairs of any particular person (including the CFA holding that information).
- iv. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matter arising between the CFA or a Minister of the Crown and employees of, or office holders under, the CFA.
- v. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- vi. Information which reveals that the CFA proposes:
  - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b) to make an order or direction under any enactment.
- vii. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.

Information should not be withheld on the grounds of:

1. potential embarrassment.
2. the seniority of the officers involved in the subject matter.

3. the risk of the recipient misinterpreting information.
4. In weighing the public interest regard should be given to:
  - a) a general public interest to information being available;
  - b) disclosure of reasons for most decisions;
  - c) contributing to the maintenance of social peace and order;
  - d) contributing to the administration of justice and enforcement of law;
  - e) revealing and avoiding serious malpractice, impropriety, fraud or breach of public law;
  - f) keeping the public adequately informed of any danger to public health or safety, or to the environment;
  - g) ensuring that regulatory functions are being adequately discharged;
  - h) avoidance of waste or misuse of public funds;
  - i) ensuring the public obtains value for money.
5. It may also be helpful to take into consideration that:
  - a) the public interest is not necessarily the same as that in which the public is interested;
  - b) usually the public interest pertains to a fairly large group of people, but there is nothing to stop it applying to a single individual;
  - c) factors that operate against disclosure include potential damage to community interests and the need to avoid damage to the proper working of the CFA at the highest level;
  - d) factors which operate for disclosure include the need for accountability of the CFA and for individuals to know the reasons for decisions made that concern them.

## Section E - Officer Employment Procedure Rules

### Rule 1 - Recruitment and appointment

- 1.1 The CFA will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of a Member or Officer; or of the partner of such persons.
- 1.2 No candidate so related to a Member or an Officer will be appointed without the authority of the Chief Fire and Rescue Officer or an Officer nominated by him.
- 1.3 The CFA will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the CFA. The content of this paragraph will be included in any recruitment information.
- 1.4 No Member will seek support for any person for any appointment with the CFA.

### Rule 2 - Recruitment of the Statutory Officers and the Assistant Chief Fire and Rescue Officer

- 2.1 Where the CFA proposes to appoint a Statutory Officer or the Assistant Chief Fire and Rescue Officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the CFA will:
  - a) draw up a statement specifying:
    - i. the duties of the Officer concerned; and
    - ii. any qualifications or qualities to be sought in the person to be appointed;
  - b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - c) make arrangements for a copy of the statement mentioned in paragraph a) to be sent to any person on request.

### **Rule 3 - Appointment of the Statutory Officers and the Assistant Chief Fire and Rescue Officer**

- 3.1 The full CFA will approve the appointment of a Statutory Officer or the Assistant Chief Fire and Rescue Officer following the recommendation of such an appointment by the Employment Committee.

### **Rule 4 - Other appointments**

- 4.1 The appointment of Officers other than the Statutory Officers and the Assistant Chief Fire and Rescue Officer is the responsibility of the Chief Fire and Rescue Officer or his nominee, and may not be made by Members.

### **Rule 5 - Disciplinary action**

- 5.1 No action may be taken by the Employment Committee – except for suspension – relating to the dismissal of either the Chief Fire and Rescue Officer, the Monitoring Officer or the Treasurer other than in accordance with The Local Authorities (Standing Order) (England) (Amendment) Regulations 2015) and as set out below.
- 5.2 In respect of the proposed dismissal of the Chief Fire and Rescue Officer, the Monitoring Officer or the Treasurer, the Employment Committee may appoint an Independent Investigating Officer (IIO) to examine the circumstances of the case and to advise the Committee on any action to be taken.
- 5.3 Where consideration is being given to the dismissal of the Chief Fire and Rescue Officer, the Monitoring Officer or the Treasurer, a Panel (comprising an Advisory Committee established under Section 102(4) of the Local Government Act 1972) will be set up which shall consist of three Independent Persons and which shall meet at least 20 working days before any meeting of the CFA at which any proposed dismissal is to be considered.
- 5.4 The Employment Committee will, having considered the advice of any Independent Investigating Officer appointed, make a recommendation to the CFA for consideration, including any terms for cessation of employment.
- 5.5 Where a Committee, Sub Committee or Officer is discharging, on behalf of the CFA, the function of the dismissal of an Officer designated as the Chief Fire and Rescue Officer, as the Treasurer, or as the Monitoring Officer, the CFA must approve that dismissal before notice is given to that person.

5.6 Any proposal to dismiss the Head of Paid Service, the Monitoring Officer and the Treasurer may only be taken by the CFA following consideration of:

- a) Any advice, views or recommendations from the Panel set up under paragraph 3 above.
- b) The conclusions of any investigation into the proposed dismissal; and
- c) Any representations from the Officer concerned.

### **Rule 6 - Dismissal**

6.1 Members will not be involved in the dismissal of any Officer other than the Statutory Officers except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the CFA's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

## Section F – Financial Procedure Rules

### 1. **Introduction**

- 1.1 Finance procedure rules specify the Combined Fire Authority's financial management requirements, and must be followed by all employees and contractors engaged by the CFA.
- 1.2 The rules are complemented by specific financial instructions issued by the Treasurer, which are also binding.
- 1.3 Rules may only be waived by the Treasurer, in consultation with the Chair and Vice Chair. Waivers must be reported promptly to the Corporate Governance Committee.
- 1.4 If any unauthorised breach of these rules comes to light, it must be immediately reported to the Treasurer.
- 1.5 These rules specify, in various cases, responsibilities falling upon the Treasurer or Chief Fire and Rescue Officer. The Treasurer and Chief Fire and Rescue Officer may delegate responsibilities for carrying out designated responsibilities, but remain accountable for the way they are performed.
- 1.6 In particular, the Treasurer will delegate many functions to the Area Manager (Finance) who will be professionally accountable to the Treasurer for the way the responsibilities are executed.
- 1.7 Many of the Chief Fire and Rescue Officer's responsibilities will be delegated to nominated members of the senior management team.

### 2. **Financial Systems**

- 2.1 The Treasurer is responsible for the provision of a system (or systems) for incurring expenditure and collection of income; and for recording financial transactions. All employees must ensure that provided systems are used, and transactions are recorded accurately and promptly.
- 2.2 No employee may implement or make changes to a system, or associated procedures, which make or record financial transactions without the approval of the Treasurer.
- 2.3 The Treasurer shall arrange for appropriate training of those with responsibilities for using financial systems.

### 3. **Budget Setting**

- 3.1 The Chief Fire and Rescue Officer and the Treasurer are jointly responsible for recommending a budget to the Combined Fire Authority each year. At minimum, the budget shall include:-

- (a) The proposed council tax requirement;
- (b) The proposed Band D council tax;
- (c) A breakdown of the budget for control purposes;
- (d) A scheme of virement, which conveys (and limits) authority to make in-year changes to the budget.

#### 4. **Incurring Expenditure and Collecting Income**

- 4.1 The Chief Fire and Rescue Officer is authorised to incur expenditure on services for which there is approved budget, provided such expenditure complies with CFA policy.
- 4.2 The Chief Fire and Rescue Officer is responsible for collecting all income due.
- 4.3 Where budgeted expenditure is to be met by grant income, the Chief Fire and Rescue Officer is responsible for complying with the conditions of grant aid.
- 4.4 All applications for grant income must be approved by the Treasurer.
- 4.5 The Treasurer shall determine the arrangements for submitting grant claims, and for submitting details of qualifying expenditure, to funding bodies.

#### 5. **Controlling Expenditure and Income**

- 5.1 The Chief Fire and Rescue Officer is responsible for ensuring approved budgets are not overspent.
- 5.2 The Chief Fire and Rescue Officer is responsible for allocating the total budget to individual nominated cost centre managers. When nominating cost centre managers, he/she must align budgetary accountability with managerial responsibility for use of resources as closely as possible.
- 5.3 Cost centre managers are responsible for ensuring that the budget for which they are responsible is not overspent, and are accountable to the Chief Fire and Rescue Officer (through normal line management arrangements) in this regard.

#### 6. **Monitoring and Reporting Revenue Expenditure**

- 6.1 The Treasurer shall periodically report progress on implementation of the budget to the Corporate Governance Committee or CFA during the financial year.
- 6.2 The Treasurer shall report the revenue outturn to the CFA, as soon as practicable after the end of the financial year.

6.3 The Chief Fire and Rescue Officer and cost centre managers are responsible for providing such information and explanations to the Treasurer as are requested.

6.4 The CFA shall hold the Chief Fire and Rescue Officer to account for the management and use of resources.

## 7. **Reserves**

7.1 The creation and use of reserves is a function of the Combined Fire Authority.

7.2 The CFA may give authority to use reserves to the Chief Fire and Rescue Officer as part of the scheme of virement in the annual budget.

## 8. **Capital Programme**

8.1 The Chief Fire and Rescue Officer and the Treasurer are jointly responsible for recommending a capital programme to the Combined Fire Authority.

8.2 The capital programme may cover one or more than one year, and must be approved prior to the start of the first year to which it relates.

8.3 The recommended programme shall as a minimum include:-

(a) Information about each proposed capital scheme;

(b) Details of how the programme will be financed, in particular specifying any required borrowing;

(c) The extent to which the programme conveys approval to spend, and any further approvals required;

(d) The extent to which the programme can be changed or varied after it has been approved;

(e) The revenue implications of the programme, including the revenue implications of any borrowing;

(f) The extent to which borrowing is affordable, sustainable and prudent with reference to such indicators as the Treasurer believes appropriate.

8.4 Once the Chief Fire and Rescue Officer has been authorised to incur expenditure, he/she is responsible for ensuring each scheme is completed on time, in accordance with its objectives and within the approved capital programme provision.

8.5 For each approved capital scheme, the Chief Fire and Rescue Officer shall nominate a project executive. Project executives shall be those officers who are in overall control of delivering the scheme.



8.6 Project executives are responsible for ensuring that each scheme for which they are responsible is completed on time, in accordance with its objectives, of sufficient quality, and within the approved capital programme provision. They are accountable to the Chief Fire and Rescue Officer (through normal line management arrangements) in this regard.

9. **Monitoring and Reporting Capital Expenditure**

9.1 The Treasurer shall periodically report progress on implementation of the capital programme to the Corporate Governance Committee or CFA during the financial year.

9.2 The Treasurer shall report the capital outturn to the CFA, as soon as practicable after the end of the financial year.

9.3 The Chief Fire and Rescue Officer and project executives are responsible for providing such information and explanations to the Treasurer as are requested.

9.4 The CFA shall hold the Chief Fire and Rescue Officer to account for delivery of the programme.

10. **Property acquisition, disposal and review**

10.1 The CFA will be responsible for acquisition, disposal and allocation of land and buildings as requested by the Chief Fire and Rescue Officer and/or the Treasurer.

10.2 The Chief Fire and Rescue Officer will be responsible for a continuing review both of the purpose for and the efficiency of all land and buildings owned or used by the CFA.

10.3 The Chief Fire and Rescue Officer in consultation with the Treasurer will regulate the purchase, lease, disposal management and repair and maintenance of all land and buildings.

10.4 The Chief Fire and Rescue Officer shall maintain a terrier of all land and buildings and interests owned by the CFA in a form approved by the Treasurer and the Monitoring Officer.

11. **Ordering and Paying for Work, Goods and Services**

11.1 Works, goods and services may only be ordered and paid for by means of the corporate system specified by the Treasurer; or by other arrangements specifically approved by the Treasurer.

11.2 The Treasurer shall issue financial instructions specifying detailed arrangements for ordering and payments. These shall, in particular:-

- (a) Include provisions ensuring that works, goods and services are only ordered when necessary for the functions of the fire service;
- (b) Include provision for recurring expenditure items outside normal ordering processes;
- (c) Include procedures to ensure that payment is only made when properly due;
- (d) Specify arrangements for deduction of tax under the Construction Industry Scheme, and reclaiming of VAT on purchases;
- (e) Make arrangements for the division of responsibilities;
- (f) Specify arrangements which apply in exceptional circumstances, such as emergencies.

## 12. **Payment of Salaries and Other Payments to Employees and Members**

- 12.1 The payment of all salaries, pensions, allowances and expenses are the responsibility of the Treasurer.
- 12.2 The Chief Fire and Rescue Officer is responsible for the submission of all information necessary to generate and record accurate payments.
- 12.3 The Treasurer shall issue financial instructions specifying detailed arrangements for making payments. These shall, in particular:-
  - (a) Include provision ensuring that payment is only made when properly due;
  - (b) Identify detailed responsibilities for the provision of information such as starters/leavers, changes to terms and conditions, sickness and overtime;
  - (c) Have proper regard to the obligations of the service to make payment of taxes.

## 13. **Banking**

- 13.1 The Treasurer is responsible for providing bank accounts for making payments and receiving income. No other employee may open a bank account.
- 13.2 Instructions to the bank, including authorisation for payments, shall only be given by a person authorised by the Treasurer. The Treasurer shall also authorise persons responsible for signing cheques.

- 13.3 The Treasurer may authorise individual officers:-
- (a) To hold a separate imprest bank account, and an accompanying cheque book or debit card;
  - (b) To hold credit cards or other forms of payment card (including virtual cards).
- 13.4 Such accounts/cards shall only be used for the official business of the CFA.
- 13.5 The Treasurer shall issue financial instructions as to the use of separate accounts/cards. In particular, such instructions shall:
- (a) specify limits on amounts which can be held in any bank or other types of account;
  - (b) specify limits on available credit;
  - (c) include provisions for recording transactions and replenishing bank or other accounts.
- 13.6 Employees authorised to operate accounts/cards shall sign an acknowledgement that they have received and understand the financial instructions.

#### 14. **Petty Cash**

- 14.1 The Treasurer may provide petty cash floats of such amounts as are considered necessary for meeting minor expenses.
- 14.2 The Chief Fire and Rescue Officer shall nominate an officer as responsible for the safe keeping and proper use of each float.
- 14.3 Petty cash floats shall only be used for the purposes of the service, and must not be borrowed for personal use or used to cash personal cheques.
- 14.4 The Treasurer shall issue financial instructions governing the use of petty cash floats. These shall include:-
- (a) Arrangements for certification of the balance;
  - (b) Arrangements, if necessary, for independent checking of balances;
  - (c) Arrangements for security of monies held;
  - (d) Arrangements for recording transactions and replenishing monies spent.

14.5 Employees authorised to hold a petty cash float shall sign an acknowledgement that they have received and understand the financial instructions.

## 15. **Stocks and Stores**

15.1 The Chief Fire and Rescue Officer may hold stocks of consumable items.

15.2 The Chief Fire and Rescue Officer is responsible for the safe keeping of all such items.

15.3 The Treasurer shall issue financial instructions governing the management of stocks and stores. Such instructions shall include:

- (a) Arrangements for safe keeping and insurance;
- (b) Arrangements for disposal of obsolete stock;
- (c) Arrangements for certifying stock balances;
- (d) Arrangements for independent stock checks.

15.4 The write off of deficiencies in stocks may be authorised as follows:-

- (a) By the Chief Fire and Rescue Officer – up to £2,000;
- (b) By the Treasurer, in consultation with the Chair and Vice-Chair, for amounts exceeding £2,000.

15.5 The Treasurer shall report annually to the CFA or Corporate Governance Committee on the value of stock items written off, and any individual write offs in excess of £2,000.

## 16. **Inventories**

16.1 The Treasurer shall issue financial instructions specifying:-

- (a) Assets which must be recorded in inventories. This shall include all vehicles and firefighting appliances;
- (a) Form of records which need to be maintained;
- (b) Arrangements for safekeeping and insurance;
- (e) Procedures for independent checking of assets;
- (f) Authority to remove inventory items from the service's premises;
- (g) Arrangements for the disposal of obsolete items and items which have reached the end of their useful lives, including any permissions for

disposal to members of staff. Such arrangements may be differentiated with regard to value.

- 16.2 Financial instructions may make separate provision in relation to any vehicle/appliance acquired by lease finance.
- 16.3 The write off of deficiencies in inventories may be authorised as follows:-
- (a) By the Chief Fire and Rescue Officer – up to £2,000;
  - (b) By the Treasurer, in consultation with the Chair and Vice-Chair, for amounts exceeding £2,000.
- 16.4 The Treasurer shall report annually to the CFA or Corporate Governance Committee on the value of inventory items written off, and any individual write offs in excess of £2,000.

17. **Credit Income**

- 17.1 The Treasurer is responsible for providing a system for raising and collecting debts. Invoices shall only be raised by means of this system, or by other arrangements specifically approved by the Treasurer.
- 17.2 The Chief Fire and Rescue Officer is responsible for ensuring that all debts due to the CFA are promptly and accurately raised.
- 17.3 The Treasurer is responsible for collecting all income once an invoice has been raised.
- 17.4 The Treasurer shall issue financial instructions specifying further arrangements for the raising of invoices which shall include the treatment of VAT.

18. **Cash Income**

- 18.1 The Chief Fire and Rescue Officer shall nominate employees authorised to collect cash income for goods or services sold.
- 18.2 Officers responsible for the collection of money shall ensure that money collected is recorded and banked without delay.
- 18.3 All money received must be accounted for and paid into the bank account specified by the Treasurer. Officers responsible for collecting cash income shall ensure safe custody until such time as it is banked.
- 18.4 The Treasurer shall issue financial instructions for the recording, receipting, safekeeping and banking of cash income.
- 18.5 Employees authorised to collect cash income shall sign an acknowledgement that they have received and understand the financial instructions.

## 19. **Review of Charges**

19.1 The Chief Fire and Rescue Officer is authorised to increase charges in line with inflation each year, or as otherwise specified in the annual budget.

## 20. **Debt Write Off**

20.1 No debt properly due to the CFA shall be discharged except by:-

- (a) Payment in full;
- (b) Write off.

20.2 Debts irrecoverable at reasonable effort and expense may be written off as follows:

- (a) By the Chief Fire and Rescue Officer – up to £2,000;
- (b) By the Treasurer, in consultation with the Chair and Vice-Chair, for amounts exceeding £2,000.

20.3 The value of all amounts written off shall be reported annually to the CFA or Corporate Governance Committee, together with any individual write offs in excess of £2,000.

## 21. **Insurance**

21.1 The Chief Fire and Rescue Officer is responsible for assessing the strategic and operational risks facing the service in accordance with national Home Office requirements and local arrangements specified by the Treasurer.

21.2 The Treasurer is responsible for determining what insurance cover the CFA requires, and for arranging it.

21.3 The Chief Fire and Rescue Officer must advise the Treasurer of:-

- (a) Any change in circumstances which may require a change in insurance cover;
- (b) Any damage, loss or other event which may lead to an insurance claim.

21.4 All employees must comply with the terms of insurance policies.

21.5 All employees must co-operate with claims investigations.

21.6 Employees must not admit liability, or take any other action which may compromise a claim, without the approval of the Treasurer.

## 22. **Treasury Management**

22.1 The Treasurer is responsible for any borrowing which may be required.

- 22.2 The Treasurer is responsible for securing any lease finance required for the purchase of vehicles or equipment.
- 22.3 The Treasurer is responsible for the investment of the Authority's cash balances.
- 22.4 The Treasurer is responsible for:-
- (a) Ensuring that all borrowing and investment activity has regard to best professional practice and CIPFA guidance;
  - (b) Securing external advice where necessary;
  - (c) Ensuring appropriate administrative arrangements exist for managing loans and investment transactions, always ensuring division of responsibilities between the officers involved;
  - (d) Preparing a strategy governing the way in which borrowing and investment activity is carried out, and ensuring the strategy is formally approved;
  - (e) Reporting periodically on borrowing and investment activity to the CFA or Corporate Governance Committee; in particular, reporting on performance, compliance with approved strategies, and circumstances where recommended practice has not been followed.
- 22.5 Rule 23.4 (a) to (d) shall not apply in circumstances where the treasury management function is carried out by another body.

### 23. **Audit and Irregularities**

- 23.1 The Treasurer is responsible for ensuring the provision of an internal audit service.
- 23.2 The internal audit service shall plan its activities in consultation with the Chief Fire and Rescue Officer.
- 23.3 The Treasurer is responsible for recommending a process for procuring an external auditor to the CFA.
- 23.4 Internal and external auditors have the right of access at all times to the service's premises, assets, data and records. They may require such information and explanations as they see fit.
- 23.5 The Treasurer shall agree a protocol with external auditors regarding access to personal data.
- 23.6 External auditors have the right to report to and attend Corporate Governance Committee.

23.7 The Treasurer shall report annually to the Corporate Governance Committee on the effectiveness of the internal audit service.

23.8 Any employee who discovers an actual or suspected financial irregularity shall promptly advise the Treasurer, or person nominated by the Treasurer to receive such notification.

24. **Document Retention**

24.1 The Treasurer shall issue financial instructions regarding retention of financial documents for evidential purposes. These shall:-

- (a) Ensure all audit requirements can be met (including audits of any grant claims);
- (b) Protect the Authority's position in the event of a contractual dispute;
- (c) Meet the requirements of tax authorities;
- (d) Ensure the level of any continuing payments, such as pay or pensions, can be justified.

25. **Unofficial Funds**

25.1 Any employees who become responsible, by virtue of their employment, for managing monies that do not belong to the service shall notify the Treasurer.

25.2 Unofficial funds must be kept separate from service funds and from other unofficial funds.

25.3 The Treasurer shall issue instructions regarding the management of unofficial funds. In particular, such instructions shall include:-

- (a) Stipulations about record keeping;
- (b) Arrangements for security of monies held;
- (c) Arrangements as necessary for checking balances and records.

25.4 Employees managing unofficial funds shall sign an acknowledgement that they have read and understood the financial instructions.



## Section G – Contract Procedure Rules

### **PREAMBLE**

*Defined words are shown with initial capital letters and definitions given/signposted in Appendix 1 at the end of these Rules.*

#### **1. The Contract Procedure Rules**

- 1.1 These rules (“the Contract Procedure Rules”) are a legal requirement and are part of the CFA’s Constitution. Contract Procedure Rules fulfil these statutory requirements. Contract Procedure Rules set out the basic principles that must be followed by everyone proposing to enter into any Contract on behalf of the CFA. Following these Contract Procedure Rules ensures that the CFA meets its legal obligations and therefore it is important that all officers understand, apply and adhere to Contract Procedure Rules.
- 1.2 If there is any doubt or lack of clarity as to the meaning or application of these Contract Procedure Rules, officers must seek advice from the Monitoring Officer.

#### **2. Aims**

- 2.1 These Contract Procedure Rules aim to:
  - 2.1.1 achieve Best Value and deliver savings from the market;
  - 2.1.2 achieve accountability and transparency at all levels within the CFA, and ensure an adequate audit trail is maintained;
  - 2.1.3 ensure that officers comply with legal requirements and follow proper, fair and proportionate procedures for the involvement and selection of Bidders and the award of Contracts;
  - 2.1.4 ensure that all procurement processes reflect appropriate quality requirements and that Submissions are judged by objective criteria set out in Invitation to Tender or Request for Quotation documentation;
  - 2.1.5 ensure that all procurement processes are delivered within an appropriate legal framework;
  - 2.1.6 ensure that appropriate levels of monitoring exist to ensure compliance and that these Contract Procedure Rules are regularly reviewed to take account of new requirements;
  - 2.1.7 ensure that as many potential suppliers as possible are able to identify opportunities and to put themselves forward;
  - 2.1.8 ensure that the CFA’s wider policy objectives are promoted (including environmental sustainability, economic regeneration, business continuity);
  - 2.1.9 reduce the risk of fraud, bribery and corruption.

#### **3. Compliance with Contract Procedure Rules**

- 3.1 Where the CFA fails to comply with procurement legislation, it leaves itself open to challenges from Bidders/Contractors who may bring claims for damages

against the CFA. Non-compliance may also lead to the CFA being fined and/or having funding withdrawn.

- 3.2 Failure to comply with the provisions of Contract Procedure Rules may be considered as misconduct and result in disciplinary action. Where it is considered appropriate, misconduct may be reported to the police with potential criminal consequences for any person involved.
- 3.3 Responsibility for compliance with the Contract Procedure Rules rests with anyone who carries out procurement of Goods, Services or Works for, or on behalf of, the CFA.

#### **4. Procurement Guidance**

- 4.1 The Chief Fire and Rescue Officer may from time to time publish procurement processes and/or guidance to amplify and fine tune the steps to be taken as part of procurement and contract management processes or vary the standard procurement documents.
- 4.2 Where there is any ambiguity or conflict between the Contract Procedure Rules and or guidance issued under Rule 4.1, the provisions of the Contract Procedure Rules shall take precedence.

#### **5. Processes**

- 5.1 Tender and Quotation processes assist Procuring Officers in meeting their obligation to deliver a fair and transparent procurement process that encourages competition and delivers good value solutions that meet the requirements of the CFA.
- 5.2 The higher the value and risk, the more rigorous the process. The CFA recognises the administrative cost involved in tendering Contracts and provides for less exhaustive processes for lower value Contracts. The Contract Procedure Rules set value levels and describe how these will apply together with the procedures that must be followed. A risk assessment should be conducted as required by the CFA's Governance and Risk Management Strategy and this will inform the procurement process and documentation in many ways.
- 5.3 The use of electronic quotation and tendering processes helps to reduce the burden, improve transparency and reduce the CFA's carbon footprint.
- 5.4 The procedures are designed in incremental steps depending upon the value of the Contracts. Contracts that exceed the EU Thresholds are subject to the most rigorous processes.

#### **6. Transparency**

- 6.1 The CFA is required to ensure that its processes are fair and transparent and will publish data in accordance with the requirements stated in the Local Government Transparency Code 2014 and any additions or amendments thereto.

## **7. Social Value**

- 7.1 The Public Services (Social Value) Act 2012 requires the CFA under certain circumstances to consider how the economic, social and environmental wellbeing of Leicester, Leicestershire and Rutland may be improved by Services that are to be procured, and how procurement activity may secure these improvements.
- 7.2 The statutory requirements of the Public Services (Social Value) Act 2012 only apply to Services Contracts over the EU Threshold; however, the CFA will, wherever possible, implement the principles of social value procurement into the commissioning and procurement of all Large and EU Contracts, and where appropriate Intermediate Contracts.

## **8. Collaboration**

- 8.1 There may be demonstrable benefits of collaborative procurement with the wider public sector and the CFA should consider taking advantage of these where appropriate and including the opportunity for others to join in contracts that it is procuring.

## **9. Best Value & the Delivery of Savings**

- 9.1 All officers must be mindful of their responsibility in securing Best Value through all procurement activity and must consider how savings can be delivered.

## **10. Electronic Tendering System**

- 10.1 Use of an Electronic Tendering System means many of the requirements for security and segregation required for the processing of Submissions are covered by the security features built into the system. In addition such systems are auditable. An Electronic Tendering System should be used where practical and always for EU Contracts.
- 10.2 Any reference in these Rules to “written”, or “in writing”, will be satisfied by an e-mail, a process within an Electronic Tendering System or any other electronic means.
- 10.3 Electronic auctions may be used, so long as, where applicable, Regulation 35 of the Public Contracts Regulations 2015 is complied with.

## **11. Contract Management**

- 11.1 Contracts must be properly managed after they have been awarded to ensure compliance and continuous improvement. Therefore in addition to the processes by which Contracts are established, these Contract Procedure Rules also cover aspects of contract management which relate to ongoing Contract Variation, price control or termination of Contracts at any time during the contract period.
- 11.2 The majority of the ‘life’ of most Contracts is spent in contract management and effective performance management will help ensure that the Contract delivers what is intended at the intended price. Contracts should include an appropriate framework for Contract monitoring, quality assurance and measurement of

continuous improvement. The need to maintain proper and auditable records cannot be over emphasised.

## **12. Status**

12.1 In the event of any inconsistencies between the provisions of the Contract Procedure Rules and the Law, then the Law shall prevail.

12.2 These Contract Procedure Rules:

12.2.1 are made under Section 135 of the Local Government Act 1972 and all other relevant enabling powers;

12.2.2 are applicable to all members, officers and staff, including agency staff, interims and consultants, of the CFA;

12.2.3 are applicable to all departments of the CFA, including the CFA's trading organisations and organisations for which the CFA is the accountable body;

12.2.4 are applicable where the CFA is acting as agent for another body (principal) unless the principal directs otherwise;

12.2.5 must be adopted by any external Contractor that is acting as an agent of the CFA and empowered to form contracts on behalf of the CFA and by any person who is not an officer of the CFA engaged to manage a Contract on behalf of the CFA;

12.2.6 shall be interpreted so far as possible to ensure the aims set out at Rule 2 of the Contract Procedure Rules are achieved;

12.2.7 are not applicable to expenditure between or within CFA departments;

## **13. Scope**

13.1 The Contract Procedure Rules are applicable to the formation of Contracts and to any matters as may arise in the process of managing Contracts including those which change, vary or terminate any Contract during its term, or extend its term.

13.2 These Contract Procedure Rules are applicable to all Contracts for the:

13.2.1 provision, supply, and/or hire to the CFA of Goods including but not limited to intellectual property, or Works;

13.2.2 for the provision of Services, including consultancy, to the CFA;

13.2.3 Works and Services Concession Contracts;

which may include Contracts from which the CFA receives an income.

13.3 The Contract Procedure Rules apply to the award of a Contract where a sub-contractor or supplier is to be nominated by the CFA to a main Contractor.

13.4 The Contract Procedure Rules are not applicable to:

13.4.1 Contracts only for the acquisition or disposal of any interest in land;

13.4.2 Contracts of employment;

13.4.3 Contracts for the lending or borrowing of money;

- 13.4.4 Grants that are given to support the aims and objectives of an organisation or as gap funding, which do not fall within the definition of procurement set out in the Public Contracts Regulations 2015;
- 13.4.5 Functional arrangements with other public bodies, including arrangements which meet the criteria set out in the Regulation 12 of the Public Contracts Regulations 2015, so long as the advice and prior written approval of the Monitoring Officer has been obtained. Any such functional arrangements must be added to the Contracts Register.

#### **14. Private Interests**

- 14.1 No member, officer or agent of the CFA, shall improperly use their position to obtain any personal or private benefit from any Contract entered into by the CFA.
- 14.2 Employees shall comply with the Code of Conduct for Officers which includes requirements for registering interest and maintaining the highest standards of probity and fairness.
- 14.3 Members' interests are governed by the Code of Conduct for Members. This includes the requirement for members to declare interests in Contracts to the Monitoring Officer.
- 14.4 Whenever any member, officer or other person involved in a procurement process on behalf of the CFA has any interest, or could be perceived to have any interest, in a Bidder or potential Bidder, this interest must be notified in writing to the Procuring Officer, or (e.g. in the case of the Procuring Officer), to the Monitoring Officer. Any such interest must be declared even if it has been declared on an earlier occasion, either generally or in relation to another Contract/procurement exercise. The Monitoring Officer will decide how, if at all, the process, or the role of the person concerned, should be adjusted to ensure fairness can be demonstrated, and to reduce any potential accusation of misconduct, eliminate bias and maintain the integrity of the process.

## **THRESHOLDS**

### **15. Financial Parameters**

- 15.1 Before the procurement of any Contract is begun the Procuring Officer must calculate its estimated value in accordance with this Rule (the Estimated Value).
- 15.2 The Estimated Value shall be calculated as follows:
  - 15.2.1 Where the Contract period is fixed the Estimated Value shall be the total estimated maximum value of the Goods, Services or Works to be supplied over the period covered including any extensions to the Contract;
  - 15.2.2 Where the Contract period is indeterminate the Estimated Value shall be calculated by multiplying the estimated average monthly value by 48;
  - 15.2.3 For trials or pilots the Estimated Value shall be the value of the scheme or Contracts which may be awarded as a result;
  - 15.2.4 For Concessions the Estimated Value shall include the total income, regardless of source, to the Contractor over the Contract period;
  - 15.2.5 The Estimated Value must exclude Value Added Tax (VAT) but must include all other taxes and duties;
  - 15.2.6 Periodic purchases for the same requirement, whether that is from the same or different contractors, must be aggregated over a minimum of a 12-month period;
  - 15.2.7 Requirements for any department or section of the CFA should be included (no department or section is permitted to regard itself as a 'discrete operational unit' within the terms of the Public Contracts Regulations 2015);
  - 15.2.8 Where the CFA may be contributing only part of the total value of a Contract, it is nevertheless the total Estimated Value that must be applied in determining the correct procedures to be applied under these Rules;
  - 15.2.9 The Estimated Value should be calculated considering the total consideration that the Contractor(s) will receive in return for carrying out the Contract, whatever the nature or source of the consideration.
- 15.3 Where there is any doubt as to the Estimated Value then the procedure for the higher categorisation must be used.
- 15.4 The requirement shall be looked at as a whole and must not be artificially split to avoid competition.
- 15.5 In calculating the Estimated Value, the Procuring Officer shall take account of historic cost and an assessment of future trends or, where the requirement is new, the best estimate of value available at the time.
- 15.6 The following table sets out the thresholds for categorisation of Contract into value bands based on the Estimated Value as calculated following the

principles set out above.

<b>Contract Categorisation</b>	<b>Value</b>
<b>Minor Contract</b>	£0 - £10,000
<b>Small Contract</b>	£10,000 - £25,000
<b>Intermediate Contract</b>	£25,000 - £100,000
<b>Large Contract</b>	£100,000 – EU Threshold
<b>EU Contract</b>	Over EU Threshold

## **APPROVALS & REPORTING**

### **16. Procurement Plan**

- 16.1 The Chief Fire and Rescue Officer is responsible for periodically approving a Procurement Plan. The Procurement Plan will consist of a list of EU Contracts expected to be procured to alert members, the public and potential bidders.
- 16.2 The award of all Contracts is delegated to the Chief Fire and Rescue Officer.

### **17. Procurement Strategy**

- 17.1 The Chief Fire and Rescue Officer is responsible for periodically approving a Procurement Strategy, which will include the CFA's approach to procurement and how procurement and management of Contracts will contribute to the overall aims and objectives of the CFA.

### **18. Minor Amendments to the Rules**

- 18.1 The Monitoring Officer, in consultation with the Chief Fire and Rescue Officer and Treasurer, may from time to time amend the thresholds in the table in Rule 15.6.
- 18.2 The Monitoring Officer may from time to time amend the Contract Procedure Rules:
  - 18.2.1 To correct an error or clarify an ambiguity;
  - 18.2.2 To reflect changes in the management structure, working practices and responsibilities, e.g. as set out elsewhere in the Constitution; and
  - 18.2.3 To reflect changes in the Law where otherwise these rules would not be constituent with the Law;
- 18.3 If changes to the Contract Procedure Rules are made pursuant to Rule 18.1 or 18.2 above, the Monitoring Officer shall cause such changes to be published and the Constitution to be amended.

### **19. Reporting and Review of the Rules**

- 19.1 The Monitoring Officer, in consultation with the Chief Fire and Rescue Officer and Treasurer, shall at least every five years review the Contract Procedure Rules and, if deemed appropriate, propose amendments to the CFA for consideration.
- 19.2 The Corporate Governance Committee will receive a report annually to include:
  - 19.2.1 EU Contract procurement over the preceding 12 months;
  - 19.2.2 Compliance with these Rules, including a summary of Waivers;
  - 19.2.3 Any changes to these Rules made under Rule 18 above.



## **EXCLUSIONS, EXEMPTIONS & WAIVERS**

### **20. No Competition**

20.1 The actions permitted under this Rule 20 must be considered alongside the requirements of EU Directives, the Treaty on the Functioning of the European Union (TFEU), Acts of Parliament and UK Regulations, all of which take precedence over the Contract Procedure Rules. Procuring Officers should seek advice from the Monitoring Officer.

### **21. Exemptions & Waivers**

21.1 The Procuring Officer may request an exemption to the Contract Procedure Rules to directly negotiate the award of a Contract without for Contracts for:

21.1.1 Goods, Services or Works which are available only as proprietary or patented articles; Services or Works from one Contractor for which there is no reasonably satisfactory alternative available in the European Union; and for repairs to, or the supply of, parts of existing proprietary or patented articles or Works, including machinery or plant;

21.1.2 genuine unforeseen emergencies (not of the CFA's own making), where immediate action is required, including in order to fulfil the CFA's statutory obligations under the Civil Contingencies Act 2004;

21.1.3 Goods, Services or Works where one or more of the criteria for use of the negotiated procedure without prior publication set out in Regulation 32 of the Public Contracts Regulations 2015 are met; or certain Services set out in Regulation 10 of the Public Contracts Regulations 2015.

21.2 When none of the circumstances listed in Rule 21.1 apply, the Procuring Officer may, following consultation with the Monitoring Officer, request a waiver of the Contract Procedure Rules.

21.3 The following table sets out the required authorisations for exemptions and waivers.

<b>Contract Categorisation</b>	<b>Exemption</b>	<b>Waiver</b>
<b>Minor Contract</b>	Chief Fire and Rescue Officer	Chief Fire and Rescue Officer
<b>Small Contract</b>	Chief Fire and Rescue Officer	Chief Fire and Rescue Officer
<b>Intermediate Contract</b>	Chief Fire and Rescue Officer	Chief Fire and Rescue Officer
<b>Large Contract</b>	Monitoring Officer & Chief Fire & Rescue Officer	Monitoring Officer & Chief Fire & Rescue Officer
<b>EU Contract</b>	Monitoring Officer and Chief Fire and Rescue Officer	Monitoring Officer and Chief Fire and Rescue Officer

## **22. In-House**

- 22.1 Where in-house staff are able to provide the Goods, Services or Works required by another department/service of the CFA, the Procuring Officer should consult with the in-house staff prior to commencing a procurement exercise.
- 22.2 Where the Procuring Officer considers it more advantageous to the CFA as a whole to procure the service externally rather than use the in-house staff, the Contract Procedure Rules must be followed.
- 22.3 Where the Procuring Officer decides to engage the in-house staff to provide Goods, Services or Works, the Contract Procedure Rules do not apply.

## **TERMS AND CONDITIONS**

### **23. Contract Duration**

- 23.1 A Contract may not be of indeterminate duration or have a duration exceeding five years without the prior written approval of the Chief Fire and Rescue Officer.
- 23.2 A Framework Agreement may not be of indeterminate duration or have a duration exceeding four years without the prior written approval of the Monitoring Officer.

### **24. Contract Terms**

- 24.1 For Minor and Small Contracts, the Procuring Officer may place a Purchase Order including the CFA's Standard Terms and Conditions.
- 24.2 When using a non-CFA Framework Agreement, the Procuring Officer may use the conditions of contract set out in the Framework Agreement.
- 24.3 For Intermediate and Large Contracts, the Procuring Officer may use:
  - 24.3.1 Appropriate Industry Standard Contract Templates, e.g. JCT or NEC; or
  - 24.3.2 The CFA's Standard Contract Templates for the appropriate type of Contract;

provided no significant amendments are made to these templates. If these templates require significant amendment or bespoke terms and conditions are required, the Procuring Officer must engage the Monitoring Officer to provide appropriate terms and conditions. If the CFA is to contract on a Contractor's terms and conditions, these must be approved in writing by Monitoring Officer prior to a Contract being signed.

- 24.4 For EU Contracts, the Procuring Officer must request that the Monitoring Officer provide and/or approve appropriate terms and conditions.

### **25. Execution of Contracts**

- 25.1 For Intermediate Contracts, the Procuring Officer must complete a Delegated Powers Certificate (DPC) for authorisation by the Chief Fire and Rescue Officer. Once the DPC is authorised, the Procuring Officer may issue the Contract to the Contractor(s) for execution.
- 25.2 For Large and EU Contracts with no Standstill Period, following completion of the evaluation procedure, the Procuring Officer must complete a DPC for authorisation by the Chief Fire and Rescue Officer. Once the DPC is appropriately authorised, the Procuring Officer may issue the Contract to the Contractor(s) for execution.
- 25.3 For Large and EU Contracts with a Standstill Period, following completion of the evaluation procedure, the Procuring Officer must complete a DPC for authorisation by the Chief Fire & Rescue Officer. Once the DPC is appropriately authorised, the Procuring Officer may issue the notices under Rule 48.1 to

commence the Standstill Period. On completion of the Standstill Period, the DPC must be again authorised by the Chief Fire and Rescue Officer, and, if a challenge is received, by the Monitoring Officer. Once the DPC has again been appropriately authorised, the Procuring Officer may issue the Contract to the Contractor(s) for execution.

25.4 EU Contracts must be executed under seal as a deed.

25.5 Letters of Intent may only be issued ahead of the full Contract with the prior written approval of the Monitoring Officer.

## **26. Mandatory Clauses**

26.1 The proposed terms of Contract must include the provisions:

26.1.1 Permitting the termination of the Contract and the recovery of any sums paid where there has been evidence of bribery or corruption;

26.1.2 Entitling the CFA to terminate part or all of the Contract or to obtain substituted provision of the Goods, Services and Works to be supplied under the Contract in the event of a breach of Contract by the insolvency of the Contractor;

26.1.3 Stating the price (and/or any mechanism by which the price, any additional price or discounts are to be ascertained), and where appropriate, setting out the mechanisms for payment such as BACS, and requiring the inclusion of purchase orders numbers on invoices;

26.1.4 For Large and EU Contracts, prohibiting the Contract or from sub-contracting, assigning or otherwise transferring the Contract without the prior written consent of the CFA and providing that the Contractor shall remain liable to the CFA for any part of the Contract that may be sub-contracted;

26.1.5 Requiring compliance by the contractor with any relevant legislative requirements, including where appropriate, in respect of:

a) health and safety, including the setting up of appropriate systems and procedures for the Goods, Services and Works procured;

b) the prevention of inequality and the promotion of equality;

c) the observance of human rights in the performance of functional activity under the Contract (as if the Contractor were a public body);

d) Freedom of Information and Environmental Information Regulations, and requiring the Contractor to co-operate with the CFA in dealing with requests, the Contractor accepting that information will be liable to disclosure and allowing for requirements as to local transparency on Contracts and Tenders;

e) data protection, confidentiality and information security; and

f) workforce transfer legislation, where appropriate, including associated codes of practice.

26.1.6 Setting out indemnities for any claim in respect of employer's liability or public liability arising from the Contract, including if appropriate

- infringement of intellectual property rights, and appropriate insurance requirements of the Contractor;
- 26.1.7 Setting out indemnities in respect of claims made against the CFA made in respect of a Contractor's activities and the provision of satisfactory insurance against such claims;
  - 26.1.8 In cases where the Contractor's activities are of a type that can normally be so insured, requiring provision to the CFA of evidence of satisfactory professional indemnity insurance held by the Contractor.
  - 26.1.9 Where appropriate, requiring the provision to the CFA of adequate Intellectual Property protection together with an indemnity protection;
  - 26.1.10 Requiring the provision to the CFA of adequate warranties (or direct covenants) from manufacturers of mechanical and engineering supplies, or for supplies of other products, where the CFA's requirements have prescribed or prohibited materials or where a duty of skill and care is appropriate to the manufacture of the product in Contracts for the purchase of Goods;
  - 26.1.11 If necessary, ensuring that appropriate vetting and barring is undertaken to ensure the safety of vulnerable groups, and appropriate safeguarding requirements, such as in relation to incident reporting, the CFA's right to investigate and access to records/data;
  - 26.1.12 For professional consultancy Contracts, requiring fair dealing in the case of conflict of interest;
  - 26.1.13 Requiring the Contractor to grant reasonable access to the CFA to information relating to the Contract, and to undertake appropriate monitoring and compliance procedures.

## **PROCUREMENT PROCEDURES**

### **27. Principles**

- 27.1 A Contract of a lower Estimated Value may be procured via a procedure for a Contract of a higher Estimated Value, especially when the requirement is complex or the Contract could be considered high risk, so long as the procedure is proportionate to the requirement and complies with the Regulations.
- 27.2 Where the Regulations permit (or do not fully apply), the procurement procedures set out in Rules 33 to 37 may be adapted to suit the nature of the procurement process in question. The process to be followed must be set out in the documents issued to Bidders and must at all times be fair and transparent.
- 27.3 Where a collaborative procurement process is being led, or has already been conducted, by another public sector body, the Contract Procedure Rules (or equivalent) of that public body shall apply to the process, so long as all relevant legislation is complied with.
- 27.4 The Procuring Officer must ensure that any Quotation/Tender, if accepted, is reasonable in all the circumstances and represents value for money for the CFA.

### **28. Minor Contracts**

- 28.1 For Minor Contracts, the Procuring Officer should obtain at least one quotation, preferably in writing and from a Local Bidder.
- 28.2 Whilst there is only a requirement for one quotation the Procuring Officer must consider whether additional quotations are in the CFA's best interests.
- 28.3 Where it is not practical or possible to obtain a written quotation, the Procuring Officer must obtain at least one oral quotation and record this contemporaneously.

### **29. Small Contracts**

- 29.1 Small Contracts must be procured in one of three ways:
- 29.1.1 An Advertised Quotation process as further described in Rule 33;
  - 29.1.2 A Targeted Quotation process as further described in Rule 34; or
  - 29.1.3 Use of a compliant Non-CFA Framework Agreement.

### **30. Intermediate Contracts**

- 30.1 Intermediate Contracts must be procured in one of three ways:
- 30.1.1 An Advertised Quotation process;
  - 30.1.2 A Targeted Quotation process; or
  - 30.1.3 Use of a compliant Non-CFA Framework Agreement.

### **31. Large Contracts**

- 31.1 Large Contracts must be procured in one of three ways:
  - 31.1.1 An open procedure;
  - 31.1.2 A restricted procedure; or
  - 31.1.3 Use of a compliant Non-CFA Framework Agreement.

### **32. EU Contracts**

- 32.1 EU Contracts must be procured in consultation with the Monitoring Officer.
- 32.2 EU Contracts must be procured in one of the following ways:
  - 32.2.1 An open procedure;
  - 32.2.2 A restricted procedure;
  - 32.2.3 Use of a compliant Non-CFA Framework Agreement; or
  - 32.2.4 A Complex Procurement Procedure set out in Rule 37.

### **33. Advertised Quotation**

- 33.1 The Procuring Officer must advertise the requirement for an appropriate period of time to allow interested parties to respond.
- 33.2 A Request for Quotation (RfQ) document must be made available to all interested parties who respond to the Advertisement. The RfQ must contain or identify:
  - 33.2.1 Instructions for the completion and return of Quotations;
  - 33.2.2 A Specification setting out the CFA's requirements;
  - 33.2.3 The proposed terms and conditions of Contract;
- 33.3 Quotations received in accordance with the instructions contained in the RfQ (or as otherwise permitted by these Rules) will be evaluated by the Evaluation Panel in line with the procedure set out in the RfQ to make a decision on which Bidder(s), if any, will be awarded the Contract.

### **34. Targeted Quotation**

- 34.1 The Procuring Officer must obtain three written Quotations of which at least one should be from a Local Bidder. Where this is not reasonably practical, the Procuring Officer must make a file note to evidence reasonable effort to obtain the required Quotations.
- 34.2 For Intermediate Contracts, the Procuring Officer must issue an RfQ as described in Rule 33.2 to a selection of Bidders to invite Quotations.
- 34.3 The Procuring Officer must record all details of the Quotations or other responses for future reference.

34.4 The Evaluation Panel may make the decision on whether or not to award the Contract after considering all offers and shall keep a written record of their decision including reasons for the decision.

### **35. Open Tender**

35.1 The Procuring Officer must advertise the requirement on the Source Leicestershire website (or other appropriate website) for an appropriate period of time to allow interested parties to respond.

35.2 An Invitation to Tender (ITT) document must be made available to all interested parties who respond to the Advertisement. The ITT must contain or identify:

35.2.1 Instructions for the completion and return of Tenders;

35.2.2 A Specification setting out the CFA's requirements;

35.2.3 The proposed terms and conditions of Contract; and

35.2.4 The procedure for the evaluation of Tenders.

35.3 Tenders received in accordance with the instructions contained in the ITT (or as otherwise permitted by these Rules) will be evaluated by the Evaluation Panel in line with the procedure set out in the ITT to make a decision on which organisation(s), if any, will be awarded the Contract.

35.4 When using an open procedure for an EU Contract, the Procuring Officer must comply with any applicable requirements set out in the Regulations.

### **36. Restricted Tender**

36.1 The Procuring Officer must advertise the Contract on the Source Leicestershire website (or other appropriate website) for an appropriate period of time to allow interested parties to respond.

36.2 A Pre-Qualification Questionnaire (PQQ) document must be made available to all interested parties who respond to the Advertisement. The PQQ must contain or identify:

36.2.1 Instructions for the completion and return of PQQs;

36.2.2 A brief overview of the CFA's requirements; and

36.2.3 The procedure for the evaluation of PQQs.

36.3 PQQs received in accordance with the instructions contained in the PQQ (or as otherwise permitted by these Rules) will be evaluated by the Evaluation Panel in line with the procedure set out in the PQQ to make a decision on which Bidders, if any, are to be invited to tender. For EU Contracts, a minimum of five Bidders must be selected to tender (unless fewer suitable candidates have met selection criteria and these are sufficient to ensure genuine competition).

36.4 An Invitation to Tender (ITT) document must be made available to all Bidders selected to be invited to tender following the procedure set out above. The ITT must meet the requirements of Rule 34.2 above.



36.5 Tenders received in accordance with the instructions contained in the ITT (or as otherwise permitted by these Rules) will be evaluated by the Evaluation Panel in line with the procedure set out in the ITT to make a decision on which Bidder (s), if any, will be awarded the Contract.

36.6 When using a restricted procedure for an EU Contract, the Procuring Officer must comply with any applicable requirements set out in the Public Contracts Regulations 2015.

### **37. Complex Procurement Procedures**

37.1 The following procurement procedures may only be used with the approval of the Monitoring Officer:

37.1.1 innovation partnership or design contest;

37.1.2 competitive procedure with negotiation;

37.1.3 competitive dialogue.

37.2 When using any of these procedures, the Procuring Officer must comply with any applicable requirements set out in the Public Contracts Regulations 2015.

### **38. Value Categorisation of Framework Agreements & DPSs**

38.1 Categorisation of Framework Agreements and Dynamic Purchasing Systems (DPS) will follow that set out in Rule 15.6 for Contracts. The Estimated Value should consider the total expected value of all Call-Off Contracts over the maximum duration of the Framework Agreement by all organisations who may use the Framework Agreement or DPS.

### **39. CFA Framework Agreements**

39.1 Where the CFA is the contracting authority, the Framework Agreement must be established by following these Contract Procedure Rules as if it were a Contract.

39.2 The Framework Agreement must set out a methodology for how Contracts under the Framework Agreement will be called off. Completion of this process will replace the procedures required by these Rules for Call-Off Contracts.

### **40. Non-CFA Framework Agreements**

40.1 The Procuring Officer may use Framework Agreements set up by other public authorities or central purchasing bodies where the Framework Agreement entitles the CFA to do so. For EU Contracts this must be subject to the approval of the Monitoring Officer.

40.2 The Procuring Officer must follow the methodology and all requirements set out in the Framework Agreement when awarding a Call-Off Contract under the Framework Agreement.

**41. Dynamic Purchasing Systems (DPSs)**

- 41.1 A Dynamic Purchasing System may only be established with the approval of the Monitoring Officer. A Dynamic Purchasing System must be established and used in accordance with the Public Contracts Regulations 2015.

## **CONDUCTING A PROCUREMENT PROCESS**

### **42. Fairness & Equal Treatment**

- 42.1 The Procuring Officer must give all Bidders the same information about the proposed Contract and procurement process and in particular information relating to the Tender/Quotation process, Specification, award methodology and evaluation criteria.
- 42.2 The Procuring Officer must ensure that all processes set out in the procurement documentation issued to Bidders are followed.
- 42.3 Between the Advertisement and deadline for receipt of Submissions or where no Advertisement is placed (e.g. in the second stage of a Restricted Tender procedure or in a Targeted Quotation procedure), the issue of documents to Bidders, the Procuring Officer may respond to questions of clarification received from Bidders, but must ensure that Rule 42.1 is complied with, to the extent that any response given to one Bidder may be relevant to other Bidders.

### **43. Advertisement**

- 43.1 Wherever stated in the Procurement Procedures section above, procurement procedures must be advertised on the Source Leicestershire website. This website may be substituted with another appropriate advertising medium at the discretion of the Monitoring Officer.
- 43.2 For all procurement procedures that are advertised, the Procuring Officer must allow a reasonable time between the date of the Advertisement (or where no Advertisement is placed (e.g. in the second stage of a Restricted Tender procedure or in a Targeted Quotation procedure), the issue of documents to Bidders) and the deadline for receipt of Submissions, having regard to:
  - 43.2.1 the requirements of the Regulations;
  - 43.2.2 the amount of effort likely to be required to make a Submission; and
  - 43.2.3 the urgency of the requirement.
- 43.3 The Advertisement must express the nature and purpose of the procurement procedure, stating where further details may be obtained.

### **44. Specification**

- 44.1 The Specification must be a clear written statement of the Goods, Services or Works required, in sufficient detail to:
  - 44.1.1 enable the Bidder to submit a competitive price, demonstrating quality and added value;
  - 44.1.2 ensure that Goods, Services or Works supplied will meet the requirement of the CFA; and
  - 44.1.3 define the precise output and/or outcomes required.
- 44.2 Unless justified by the subject matter of the Contract, the Specification shall not refer to a specific make or source, or a particular process which characterises

the Goods, Services or Works provided by a specific organisation, or to trade marks, patents, types or a specific origin or production with the effect of favouring or eliminating certain organisations or certain products. Such reference shall be permitted on an exceptional basis, where a sufficiently precise and intelligible description of the subject-matter of the Contract is not possible and this is agreed by the Procuring Officer and the Procuring Officer. Such reference shall be accompanied by the words 'or equivalent'.

#### **45. Opening of Submissions**

- 45.1 The PQQ, RfQ, or ITT must specify the latest day and hour for the receipt of Submissions.
- 45.2 For Large and EU Contracts, where an Electronic Tendering System is not used:
- 45.2.1 Tenders must be returned to an officer designated by the Monitoring Officer. The designated officer must have no other involvement in the procurement process.
  - 45.2.2 Tenders must be received in a plain sealed envelope or parcel addressed to the designated officer. The envelope or package must bear the word "Tender" followed by the subject to which it relates.
  - 45.2.3 On receipt, envelopes containing Tenders must be date and time stamped by the designated officer and shall remain in the designated officer's secure custody until they are opened, which shall not be before the stated closing date/time.
  - 45.2.4 The designated officer must open the Tenders at one time in the presence of at least one other officer. Each officer must initial each Tender once opened which must also be date stamped.
  - 45.2.5 Particulars of all Tenders opened must be entered by the designated officer upon a written record which must be signed by the officers present at the opening, together with a written note of any Tenders rejected at the point of opening and the reasons for their rejection.
  - 45.2.6 The designated officer must retain a copy of the record and forthwith send a copy to the Procuring Officer with the Tenders.
- 45.3 For Quotations and Tenders not covered by Rule 45.2 above, where an Electronic Tendering System is not used:
- 45.3.1 Submissions must be returned to an officer designated by the Monitoring Officer. The designated officer must have no other involvement in the procurement process.
  - 45.3.2 On receipt, envelopes containing Tenders must be date and time stamped by the designated officer and shall remain in the designated officer's secure custody until they are opened, which shall not be before the stated closing date/time.
- 45.4 Where Submissions are received by e-mail, the requirement in Rules 45.2 and 45.3 for date and time stamping, and initialling is removed, and the requirements for labelling envelopes should be applied to the subject of the e-mail instead.

- 45.5 Where an Electronic Tendering System is not used, completed PQQs may be returned directly to the Procuring Officer.
- 45.6 The Monitoring Officer may authorise the acceptance of Submissions received via an Electronic Tendering System after the stated date and time where:
- 45.6.1 there is clear evidence of technical issues preventing the Bidder sending their Submission ahead of the deadline, as acknowledged by the provider of the Electronic Tendering System; and
- 45.6.2 the Bidder gains no other advantage through the acceptance of their Submission.
- 45.7 Where an Electronic Tendering System has not been used a Submission received after the closing date and time may be opened and evaluated if there is clear evidence of it having:
- 45.7.1 been posted by first class post at least a day before the closing date; or
- 45.7.2 been posted by second class post at least three days before the closing date; or
- 45.7.3 been placed in the custody of a courier who has provided reasonable written assurance of delivery prior to the closing date and time.
- 45.8 Submissions not received in compliance with the instructions set out for Bidders will be rejected, except where the Monitoring Officer considers that there are exceptional circumstances and that the Bidder who made the Submission has gained no advantage from its non-compliance, he may determine to accept the Submission and authorise that it be opened and evaluated together with any other Submissions. The Monitoring Officer shall record in writing the reasons, which must be consistent with the application of public procurement Law, for which the Submissions has been accepted. Any such reason shall not be deemed to set any precedent.

#### **46. Clarification of Submissions**

- 46.1 Bidders are not permitted to alter their Submissions after opening save in accordance with the instructions provided to Bidders, this Rule or Rule 47 below.
- 46.2 Following the closing date for receipt of Submissions but before acceptance of any Submission, the Procuring Officer may correspond or discuss with Bidders in order to seek clarification of its Submission. A written note of the discussions must be made to record the date, time, and detail of the discussion. Where an Electronic Tendering System is being used, clarification should be conducted via or recorded on the Electronic Tendering System.
- 46.3 Any clarification of Submissions during a procurement process must always ensure fair and equal treatment of all Bidders is maintained. Clarification of Submissions is at the CFA's discretion.

## **47. Negotiation**

- 47.1 Subject to the prior written approval of the Monitoring Officer, for all Contracts except EU Contracts, following the closing date for receipt of Submissions, but before acceptance of any Submissions, the Procuring Officer may negotiate with the Bidder(s) in an attempt to secure improvements in the price or economic advantage.
- 47.2 Post-tender negotiations are not allowed for EU Contracts; however, clarifications of errors or discrepancies in Tenders may take place in accordance with Rule 46.

## **48. Standstill Period**

- 48.1 For Tenders for EU Contracts, the Procuring Officer must notify all Bidders who are required to be notified under Regulation 86 of the Public Contracts Regulations 2015 of the decision regarding the acceptance or rejection of their Tender, including:
- 48.1.1 the successful Bidder's score;
  - 48.1.2 the score (if any) of the Bidder receiving the notice;
  - 48.1.3 the characteristics and (if appropriate) relative advantages of the successful Bidder's Tender;
  - 48.1.4 any reasons why the Bidder receiving the notice did not meet the Specification;
  - 48.1.5 the name of the Bidder to be awarded the Contract, and
  - 48.1.6 the date when the Standstill Period required in accordance with Rule 48.2 will come to an end.

A Standstill Period may be applied to Large Contracts and Call-Off Contracts from Framework Agreements that themselves constitute EU Contracts.

- 48.2 The Standstill Period must last a minimum of 10 calendar days from the day of sending the notice to the date on which the CFA enters into the Contract, if the notice is sent electronically. Where the notice is sent by other means, then the Standstill Period must last a minimum of either 15 days from the day of sending the notice or 10 days from the day of receipt of the notice by the last Bidder to receive the notice. In all cases, count the day after sending the notice as day one. The Standstill Period must end on a Working Day.
- 48.3 If, during the Standstill Period, a formal challenge is received from a Bidder, the authorisation of the Monitoring Officer to award the Contract must be sought.

## **49. Contract Award**

- 49.1 Following the appropriate authorisation of a DPC (see Rule 25), and including, where applied, the completion of the Standstill Period, the Procuring Officer must notify the successful Bidder(s) of the acceptance of their Submission.
- 49.2 For Large and EU Contracts the Procuring Officer must also notify in writing all unsuccessful Bidders at the same time as the successful Bidder(s).

- 49.3 For Contracts for which the Regulations stipulate that an OJEU Contract Award Notice, OJEU Concession Award Notice and/or Contracts Finder Contract Award Notice is required, the Procuring Officer shall ensure that such Award Notice(s) is/are placed within the timescales required by the Regulations.
- 49.4 The Procuring Officer must ensure that all Small, Intermediate, Large and EU Contracts are entered onto the Contracts Register maintained by the Monitoring Officer.

## **CONTRACT MANAGEMENT & CONTRACT AMENDMENTS**

### **50. Contract Management**

- 50.1 The Chief Fire and Rescue Officer must ensure that for each Large or EU Contract, a person is designated as the Contract Manager. The Contract Manager may be a CFA officer or a Contractor/consultant. The Procuring Officer may be, but need not be, the Contract Manager.
- 50.2 The Contract Manager is responsible for managing the performance of the Contract and the Contractor(s) throughout the Contract period, including ensuring that Best Value is obtained and that the CFA and Contractor both fulfil their respective obligations under the Contract.

### **51. Financial Parameters for Contract Amendments**

- 51.1 When considering Contract Extensions and Variations as set out in Rules 52 and 53 below the categorisation of a Contract should follow the table at Rule 15.6 but the value should include the value for the original period of the contract and any proposed extension or Variation (including any further options for additional extensions/Variations) whether provided for in the original Contract or not.

### **52. Contract Extensions**

- 52.1 Where a Minor, Small or Intermediate Contract provides for the proposed extension, the Contract Manager shall be authorised to extend the period of the Contract. The Contract Manager must inform the Monitoring Officer of the extension.
- 52.2 Where a Large or EU Contract provides for the proposed extension, the Chief Fire and Rescue Officer shall be authorised to extend the period of the Contract in consultation with the Monitoring Officer.
- 52.3 Where a Minor, Small or Intermediate Contract does not provide for the proposed extension, the Chief Fire and Rescue Officer shall be authorised to extend the period of the Contract. The Chief Fire and Rescue Officer must inform the Monitoring Officer of the extension.
- 52.4 Where a Large or EU Contract does not provide for the proposed extension, the Chief Fire and Rescue Officer shall seek authorisation to extend the period of the Contract from the Monitoring Officer.

### **53. Contract Variations**

- 53.1 No Variation may be authorised under this Rule that alters the overall nature of the Contract. When authorising all Variations, the officer(s) must have due regard to transparency and openness of procurement and to value for money of the proposed variation.
- 53.2 The Contract Manager may make changes to the Contract or delivery of the Contract where these have been explicitly foreseen within the terms of the Contract or where changes are of a minor nature and will not significantly affect the overall delivery or cost of the Contract. The Contract Manager must retain



both parties' written agreement to the change which must include details of the change.

- 53.3 The Chief Fire and Rescue Officer shall be authorised to vary a Minor, Small or Intermediate Contract. This authorisation must be issued before the work is carried out, or in the case of an emergency, immediately thereafter. The Chief Fire and Rescue Officer must inform the Monitoring Officer of the variation.
- 53.4 The Chief Fire and Rescue Officer shall be authorised to vary a Large Contracts, so long as this does not give cause to an increase in value of more than 50% of the original Contract Value, whether caused by this one variation or the aggregation of this variation with ones that have previously been authorised. In such cases the Chief Fire and Rescue Officer must inform the Monitoring Officer of the variation.
- 53.5 If the proposed variation of a Large Contract will give cause to an increase to the original Contract Value of more than 50% the Chief Fire and Rescue Officer must seek the authorisation of the Monitoring Officer. This authorisation must be issued before the Goods/Services/Works that are the subject of the Variation are provided/carried out, or in the case of an emergency, immediately thereafter.
- 53.6 The Chief Fire and Rescue Officer shall be authorised to vary an EU Contract, so long as this does not give cause to an increase in value of 10% or more (15% for Works Contracts) of the original Contract Value, whether caused by this one Variation or the aggregation of a Variation with ones that have previously been authorised. In such cases the Chief Fire and Rescue Officer must inform the Monitoring Officer of the variation. If the proposed variation will give cause to an increase to the original Contract Value of 10% or more (15% for Works Contracts) the Chief Fire and Rescue Officer must seek the authorisation of the Monitoring Officer ensuring the CFA remains within the provisions of the Regulations. This authorisation must be issued before the Goods/Services/Works that are the subject of the Variation are provided/carried out, or in the case of an emergency, immediately thereafter.

#### **54. Novation of Existing Contracts**

- 54.1 The novation of a Contract from/to the CFA or to a new Person (in place of the CFA or in place of another party to the Contract) requires the prior written approval of the Monitoring Officer. The novation of a Contract must be agreed in writing between the parties.

#### **55. Early Termination of Contracts**

- 55.1 Following consultation with the Monitoring Officer the Chief Fire and Rescue Officer shall be authorised to terminate any Contract before the expiry of its agreed term or the provision of the Goods, Works or Services is complete.

#### **56. Execution of Contract Amendments**

- 56.1 For Small and Intermediate Contracts, the Contract Manager must complete a Contract Extension and Variation form (CEV) detailing the Contract Amendment for the appropriate authorisations. Once the CEV is appropriately

authorised, the Contract Manager may confirm the Contract Amendment in writing to the Contractor(s), so long as the Contract Manager is authorised to do so under Article 11 of the Constitution. If the Contract Manager is not authorised to do so, another officer, so duly authorised, may do so.

- 56.2 For Large and EU Contracts the Contract Manager must complete a CEV for the appropriate authorisations detailing the Contract Amendment. Once the CEV is appropriately authorised, Legal Services may issue the Contract Documents to the Contractor(s) for signature.

## **APPENDIX 1: DEFINITIONS**

Terms defined in the Public Contracts Regulations 2015 have the same meaning when used in these Rules.

Terms defined in the CFA's Constitution have the same meaning when used in these Rules. Where a job title is used and that job title is no longer appropriate, the Chief Fire and Rescue Officer will identify the postholder to replace the stated job title. To ensure effective operation of the Contract Procedure Rules, the Monitoring Officer, Chief Fire & Rescue Officer and Treasurer may delegate their responsibilities under the Contract Procedure Rules to appropriately skilled officers.

Other terms are defined by the Contract Procedure Rules.

In all of the above cases, hyperlinks are provided to the appropriate definition wherever the term is used.

Where necessary, additional definitions are provided below:

**“Best Value”** A statutory framework that ensures that CFAs are required to plan, deliver and continuously improve services. Each fire authority has a duty to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

**“Bidder”** means a person or organisation who responds to an Advertisement or invitation and participates in a procurement procedure to win a Contract.

**“Call-Off Contract”** – a Contract based on a Framework Agreement or DPS.

**“Contract”** means an agreement between the CFA and a Contractor comprising the conditions of Contract, Specification and any defined schedules or other matters referred to in the ITT/RfQ and/or the Contractor's Submission.

**“Contract Manager”** means a person appointed by a Head of Service or Chief Officer to manage the performance of a Contract throughout its Contract period. The duties of a Contract Manager shall begin when the Contract is awarded and shall cease when it is completed or terminated.

**“Contractor”** means any person or organisation contracted to sell, provide or buy Goods, Service or Works. This term applies after a Contract is formed.

**“Electronic Tendering System”** means any IT system approved for use by the Monitoring Officer via which a procurement process can be conducted.

**“EU Threshold”** means the relevant threshold set out in Regulation 5(1)(a), (c) or (d) of the Public Contracts Regulations 2015 or Regulation 9(1) of the Concession Contracts Regulations 2016.

**“Evaluation Panel”** means the Procuring Officer and any other individuals designated by them to participate in evaluating Submissions. All such individuals must have the relevant skills and experience to make value judgements on the Submissions received. For Large and EU Contracts, the Evaluation Panel must include at least one other officer to evaluate the technical quality elements of the Submission in addition to the Procuring Officer.

**“Goods”** means the subject of a Public Supply Contract.

**“Law”** means any law, statute, subordinate legislation within the meaning of section 21(1) of the Interpretation Act 1978, bye-law, enforceable right within the meaning of section 2 of the European Communities Act 1972, regulation, order, mandatory guidance or code of practice, judgment of a relevant court of law, or directives or requirements of any regulatory body with which the Supplier is bound to comply

**“Local”** means a business having a base from which the Goods/Services/Works will be delivered with a postcode within the administrative area of Leicestershire, Leicester City and Rutland.

**“OJEU”** means the Official Journal.

**“Procuring Officer”** means a person appointed by the Chief Fire and Rescue Officer to identify and specify the requirement, and provide specialist service/technical input into the procurement procedure and carry out the appropriate duties set out in these Contract Procedure Rules. A Procuring Officer may be appointed specifically for the purpose of a single Contract or for a range of Contracts.

**“Quotation”** means a completed Request for Quotation (also referred to as an RfQ) or a similar Submission from a Bidder, and any attached documents submitted by a Bidder as part of a procurement procedure; or, where no RfQ has been issued, a clear priced offer of Goods/Services/Works including adequate terms and conditions and Specification.

**“Regulations”** means the Public Contracts Regulations 2015 and the Concession Contracts Regulations 2016, or whichever applies.

**“Schedule 3”** means Schedule 3 to the Regulations.

**“Services”** means the services provided pursuant to a Public Services Contract.

**“Specification”** means a clear written statement of the Goods, Services or Works, in sufficient detail to:

- a) enable the Bidder to submit a competitive price, demonstrating quality and added value.
- b) ensure that Goods, Services or Works supplied will meet the requirement of the CFA.
- c) define the precise output and/or outcomes required.

**“Submission”** means a Tender, RfQ, PQQ or other similar document submitted by a Bidder as part of a procurement procedure.

**“Tender”** means a completed invitation to tender, and any attached documents submitted by a Bidder as part of a procurement procedure.

**“Works”** means the subject of a Public Works Contract.

# Part 5

## Conduct and Probity

### Section H - Members' Code of Conduct

#### CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS OF LEICESTER, LEICESTERSHIRE AND RUTLAND COMBINED FIRE AUTHORITY

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the Authority.

#### Part 1 - General Provisions

##### Introduction

- 1.1 This Code applies to **you** as a member of Leicester, Leicestershire and Rutland Combined Fire Authority ('the Authority').
- 1.2 You should read this Code in conjunction with the CFA Procedure Rules as detailed in the Constitution.
- 1.3 It is your responsibility to comply with the provisions of this Code and ensure all obligations are met.

##### Interpretation

- 1.4 In this Code:
  - 1.4.1 "**co-opted member**" means those members who are not elected members of the Authority, but who are co-opted and have voting powers.
  - 1.4.2 "**meeting**" means any meeting of:
    - a) the Authority;
    - b) the executive of the Authority;
    - c) any of the Authority's or its executive's committees, subcommittees, joint committees, joint subcommittees, or area committees.
  - 1.4.3 "**member**" means any person being an elected or co-opted member of the Authority.

##### Scope

- 1.5 You must comply with this Code whenever you:
  - 1.5.1 act in your capacity as a member or co-opted member of the Authority;
  - 1.5.2 conduct the business of the Authority (which, in this Code, includes

the business of the office to which you are elected or appointed).

1.6 Where you act as a representative of the Authority:

1.6.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or

1.6.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **Part 2 - The Principles**

2.1 In accordance with the requirements of the Localism Act 2011, you must have regard to the following principles and observe the following rules of behaviour:-

### Principle 1 - Selflessness

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

### Principle 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.

### Principle 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.

### Principle 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.

### Principle 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.

### Principle 6 - Honesty

Holders of public office should be truthful.

### Principle 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.

- 2.2. The above principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions contained in this Code are derived from these principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the Authority when they are acting in that capacity.

### **Part 3 - General Obligations**

#### **Respect**

- 3.1 You must treat others with respect.
- 3.2 You must not:
- 3.2.1 do anything which may cause the Authority to breach any of the equality enactments;
  - 3.2.2 bully any person;
  - 3.2.3 intimidate or attempt to intimidate any person who is or is likely to be:
    - (i) a complainant;
    - (ii) a witness; or
    - (iii) involved in the administration of any investigation or proceedings;
- in relation to an allegation that a member (including yourself) has failed to comply with his or her Authority's code of conduct;
- 3.2.4 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

#### **Confidentiality**

- 3.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- 3.3.1 you have the consent of a person authorised to give it;
  - 3.3.2 you are required by law to do so;
  - 3.3.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - 3.3.4 the disclosure is:
    - (i) reasonable and in the public interest; and
    - (ii) made in good faith and in compliance with the reasonable

requirements of the Authority.

- 3.4 You must not prevent another person from gaining access to information to which that person is entitled by law.

### **Reputation of the Authority**

- 3.5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.

### **Use of your position and the Authority's resources**

- 3.6 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
- 3.7 You must, when using or authorising the use by others of the resources of the Authority:
- 3.7.1 act in accordance with the Authority's reasonable requirements;
  - 3.7.2 ensure that such resources are not used improperly, (including use for political and party political purposes).

### **Publicity**

- 3.8 You must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.

### **Decision making**

- 3.9 When reaching decisions on any matter you must have regard to any relevant advice provided to you by officers of the Authority acting pursuant to their statutory responsibilities (including a proper officer designated by the Authority), or advisors to the Authority.
- 3.10 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.
- 3.11 You must follow the adopted corporate operational policies of the Authority.

## **Part 4-Interests**

### **A. Disclosable Pecuniary Interests**

#### **Definition**

- 4.1 You have a Disclosable Pecuniary Interest in any business of the Authority if it is of a description specified in regulations made by the Secretary of State and the interest is:



- a) yours;
- b) your spouse's or civil partner's;
- c) somebody with whom you are living as husband and wife or as if you are civil partners; and you are aware, in the case of paragraphs (b) and (c) that that other person has the interest.

*[Note: the regulations currently in force are attached but do not form part of the Constitution determined by the Authority, as they may be amended by the Government at any time.]*

#### Declaring at and participation in meetings

- 4.2 If you are present at any meeting of the Authority, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, and the interest is not a 'sensitive interest', at the meeting:
  - 4.2.1 you must disclose the interest to the meeting whether or not it has been registered;
  - 4.2.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;
  - 4.2.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.
- 4.3 Where you have a Disclosable Pecuniary Interest in any business of the 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 leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 4.4 Following any disclosure of a Disclosable Pecuniary Interest at a meeting which is not on the Authority's register or the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

*[Note: In addition, CFA Procedure Rules, rule 35 requires you to leave the room where the meeting is held while any discussion or voting takes place.]*

- 4.5 Where an executive member may discharge functions alone and becomes aware of a Disclosable Pecuniary Interest in a matter being dealt with or to be dealt with by him/her, the executive member must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter.

## **B. Personal Interests**

### **Definition**

4.6 You have a personal interest in any business of the Authority where either:

4.6.1 it relates to or is likely to affect:

4.6.1.1 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 the Authority;

4.6.1.2 any body:

(i) exercising functions of a public nature

(ii) directed to charitable purposes; or

(iii) one of whose principle 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.

4.6.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 within the last 12 months.

**or**

4.6.2 a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing 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.

4.7 For the purposes of paragraph 4.6, a 'relevant person' is:

4.7.1 a member of your family or any person with whom you have a close association; or

4.7.2 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; or

4.7.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body; or

4.7.4 any body of a type described in sub-paragraph 4.6.1.1 or 4.6.1.2.

#### Declaring at and participation in meetings

- 4.8 Subject to paragraph 4.10 below, where you have a Personal Interest in any business of the 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 the Authority where such business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you.
- 4.9 Where you have a Personal Interest you may remain in the meeting, speak and vote on the matter unless to do so would compromise your impartiality obligations or any other obligations set out in this Code.
- 4.10 Where you have a Personal Interest, but, by virtue of paragraph 4.17, sensitive information relating to it is not registered in the 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.

### **C. Personal Interests which might lead to bias**

#### Definition

- 4.11 In addition to the requirements in relation to Disclosable Pecuniary Interests referred to in Section A of Part 4 of this Code, you have a Personal Interest which might lead to bias in any business of the Authority where:
- 4.11.1 you have a 'Personal Interest' as defined in paragraphs 4.6 and 4.7 above; **and**
- 4.11.2 that 'Personal 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.
- 4.12 The provisions of paragraph 4.11 shall be applied in such a manner as to recognise that this Code should not obstruct a member's service on more than one local authority. For the avoidance of doubt, participation in discussion and decision making at one local authority will not by itself normally prevent you from taking part in discussion and decision making on the same matter at another local authority. This is on the basis that a reasonable member of the public will see no objection in principle to such service or regard it as prejudicing a member's judgement of the public interest and will only regard a matter as giving rise to a Personal Interest which might lead to bias in exceptional circumstances.

#### Declaring at and participation in meetings

- 4.13 If you are present at any meeting of the Authority, and you have a

Personal Interest which might lead to bias in any matter to be considered or being considered, and the interest is not a 'sensitive interest', subject to paragraphs 4.14 and 4.15 below, at the meeting:

- 4.13.1 you must disclose the interest to the meeting (whether or not it is registered);
  - 4.13.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting;
  - 4.13.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.
- 4.14 Where you have a Personal Interest which might lead to bias in any business of the 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.
- 4.15 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a Personal Interest which might lead to bias, if the matter relates to:
- 4.15.1 housing, where you are a tenant of the Authority provided that those functions do not relate particularly to your tenancy or lease;
  - 4.15.2 school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - 4.15.3 an allowance, payment or indemnity given to members;
  - 4.15.4 any ceremonial honour given to members; or
  - 4.15.5 setting council tax or precept under the Local Government Finance Act 1992.

#### **D. Registration of interests**

- 4.16 Subject to paragraph 4.18 (Sensitive Interests), you must within 28 days of:
- a) the adoption of this Code; or
  - b) your election or appointment to office as a member (where that is later);

notify the Monitoring Officer in writing of :

- (i) any Disclosable Pecuniary Interest, as defined in paragraph 4.1 above; and

(ii) details of your Personal Interests where they fall within the category mentioned in paragraph 4.6.1 above.

4.17 Subject to paragraph 4.18 (Sensitive Interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Personal Interest as referred to in paragraph 4.6.1, or any change to any such interest, notify the Monitoring Officer in writing of the details of that new interest or change.

### **E. Sensitive Interests**

4.18 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of 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.

### **F. Dispensations**

4.19 To enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest or a Personal Interest that might lead to bias, you may apply for and be granted a dispensation in accordance with rules and procedures established by the Authority.

## Section I - Officers' Code of Conduct

### General Principles - Why we need a code

1. The CFA is a large public authority, which expects the highest standards of conduct and integrity, both from its Statutory Officers as well as from all of its employees who work within the Fire and Rescue Service. The CFA is mindful of the high expectations of the public and the degree of scrutiny to which its affairs are subjected. It has therefore determined that the culture and tone of the organisation should embody honesty, fairness and opposition to any form of corruption and dishonesty. It follows that every director, manager and employee has a duty to ensure their actions are ethically correct and in the best interest of the service and the communities we serve.

### Accountability

2. This code of conduct sets out the standards of conduct and behaviour that the CFA expects from all directors, managers and employees at all times. Officers should always act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

### Political Neutrality

3. Even if an Officer is in a post that is not designated as 'politically restricted', they must follow every lawfully expressed policy of the CFA and not allow their own personal or political opinions to interfere with their work. Where they are a politically restricted post-holder (by the nature of the work you do), they must comply with any statutory restrictions on their political activities.

### Relations with Members, the Public and Other Employees

4. Mutual respect between Officers and elected members is essential to good local government, and working relationships should be kept on a professional basis.
5. Officers should deal with the public, members and other employees sympathetically, efficiently, and without bias.

### Equality

6. At all times Officers should comply with policies relating to equality issues, as agreed by the CFA, in addition to the requirements of the law.

## **Stewardship**

7. Officers must ensure that they use the public funds that are entrusted to them in a responsible and lawful manner as directed by the Financial Procedure Rules. Additionally, they must not use the property, vehicles or other facilities of the CFA for personal use unless they are specifically authorised to do so.

## **Personal Interests**

8. Whilst an Officer's private life is their own concern, they must not allow their private interests to conflict with their public duty. An Officer must not misuse their official position or information acquired by them in the course of their employment to further either their private interests, or the interests of others. In particular, an Officer must comply with:
  - (1) The CFA's requirements for the registration and declaration of any financial and non financial interests,
  - (2) the CFA's policies on the declaration of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the CFA. As a general principle, an Officer must not accept benefits from a third party unless authorised to do so by the CFA.

## **Whistle Blowing**

9. If an Officer becomes aware of activities which they believe to be illegal, improper, unethical or otherwise inconsistent with this Code, they should report the matter, acting in accordance with their rights under the Public Interest Disclosure Act 1998, and the CFA's Whistle Blowing Policy.

## **Treatment of Information**

10. Openness in the dissemination of information and decision-making should always be the norm as regards the functions of the CFA. However, certain information may be confidential or sensitive and therefore not appropriate for a wider audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than an elected member, another Officer or any other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

## **Appointment of Staff**

11. If an Officer is involved in the recruitment and appointment of staff they must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, they must not be involved in any

appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

### **Investigations in respect of Member Conduct**

12. Where an investigation is being undertaken in respect of a complaint against a Member an Officer must comply with any requirement made by the Monitoring Officer in connection with such an investigation.



## Section J - Complaints Procedure

### POLICY STATEMENT

1. It is the policy of the CFA to take seriously all complaints and concerns made by members of the public and to thoroughly investigate them.
2. Whilst the CFA is committed to providing a quality service and continually strives to meet public expectations, from time to time things can go wrong or are perceived by others to have gone wrong. When this happens the CFA will:
  - (a) Treat all complainants with respect and dignity and deal with their complaint in a fair and sympathetic manner.
  - (b) Deal with the complaint swiftly, thoroughly and impartially and with confidentiality.
  - (c) View the complaint as a useful source of information about how others see the CFA, and how they are serving the public.
  - (d) Adopt a positive approach by using the complaint as an opportunity to improve the service provided.
  - (e) Provide an effective response and ensure, where possible, the cause of the complaint is addressed.
3. Complaints can be a useful source of information about how others see the CFA and how customers are being served. Whether the complaint is justified or not, the person making the complaint feels aggrieved with the CFA. Dealing with complaints courteously and effectively can do much to restore the complainant's confidence in the CFA in the future.
4. Likewise, compliments are a useful source of information as to how satisfied others are with the service provided.
5. Whilst it is important to treat complaints seriously, compliments should be treated in a similar fashion.

## Section K - Anti-Fraud and Corruption Strategy

1. For the purposes of this Statement and the Anti-Fraud and Corruption Strategy, the following definitions apply:
  - (a) Fraud - the abuse of position, or false representation, or prejudicing someone's rights for personal gain.
  - (b) Corruption - the deliberate misuse of a position for direct or indirect personal gain.
2. The CFA takes its responsibilities to protect the public purse very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets. To achieve the objectives set out in Our Plan, the CFA needs to maximise the financial resources available to it. The CFA has an ongoing commitment to continue to improve its resilience to fraud, corruption and other forms of financial irregularity.
3. The CFA advocates strict adherence to its anti-fraud framework and associated policies. Whilst individual circumstances of each case will be carefully considered, in the majority of cases there will be a zero tolerance approach to fraud and corruption in all of its forms. The CFA will not tolerate fraud or corruption by its Members, Officers, suppliers, contractors, partners or service users and will take all necessary steps to investigate all allegations of fraud or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal and/or referral to the Police. The required ethical standards are included in both our Members' Code of Conduct (Section H) and Officers' Code of Conduct (Section I). Where cases have been proven, the CFA will seek compensation for losses that it has incurred.
4. The CFA fully recognises its responsibility for spending public money and holding public assets. The prevention, and if necessary the investigation, of fraud and corruption is therefore seen as an important aspect of its duties which it is committed to undertake. The procedures and also the culture of the CFA are recognised as important in ensuring a high standard of public life.
5. The CFA's general belief and expectation is that those associated with it (Members, Officers, service users, contractors and voluntary bodies) will act with honesty and integrity. In particular, Members and Officers will lead by example and will be accountable for their actions.
6. The CFA recognises, however, that it must guard itself against the possibility of fraud and corruption. To this end, it will devise systems and take specific measures that reduce its risk. In taking such measures however, due regard will be taken of the legal rights of individuals.
7. At the same time the CFA also recognises that the people associated with it, particularly its Officers, can make a significant contribution to the prevention of fraud and corruption. It will therefore seek to raise the awareness of Officers about fraud and corruption and how to report or pass on concerns.

8. The CFA will take steps to help ensure high standards of ethical behaviour are adopted in partnerships to which the CFA is a member. This will be done through applying appropriate elements of this Policy Statement to all partnership working, where it is relevant to do so. With regard to partnership working, responsibility for Codes of Conduct and policies of this nature (and so for enforcement action for breach of those codes or policies) generally lies with the relevant individual organisation in the partnership. The response of the CFA may be limited to drawing the attention of the partner organisation to its concerns.
9. The CFA recognises its duty to provide leadership and guidance on the prevention of fraud and corruption. This Policy Statement is therefore underpinned by an Anti-Fraud and Corruption Strategy. The Strategy sets out what actions the CFA proposes to take over the medium-term future to continue to develop its resilience to fraud and corruption. It sets out the key responsibilities with regard to fraud prevention, what to do if fraud is suspected and the action that will be taken by management. The CFA will ensure that the rights of people raising legitimate concerns are properly protected.

## Section L - Protocol for the Chair and Chief Fire and Rescue Officer /Chief Executive

### Overview

The CFA is committed to the principles of good corporate governance and the working relationship between the Chair of the CFA and the Chief Fire and Rescue Officer / Chief Executive (CFO) is vital to the continued success of the CFA.

The purpose of this protocol is to assist the Chair and CFO with forging and sustaining a successful working relationship by giving guidance on the expectations of their roles. It aims to provide a framework of good practice and it sits alongside other already agreed protocols which form part of the CFA's Constitution.

### Principles of Corporate Governance

#### 1. Leadership

The CFA positively recognises and accepts the six core principles of good governance<sup>3</sup>.

<b>Core Principle 1</b>
Focusing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area
<b>Core Principle 2</b>
Members and Officers working together to achieve a common purpose with clearly defined functions and roles
<b>Core Principle 3</b>
Promoting values for the Authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
<b>Core Principle 4</b>
Taking informed and transparent decisions.
<b>Core Principle 5</b>
Developing the capacity and capability of Members and Officers to be effective
<b>Core Principle 6</b>
Engaging with local people and other stakeholders to ensure robust public accountability

The concept of effective leadership, acknowledged as the over-arching principle to corporate governance, and the other principles can only be effectively achieved

through:

- The CFA providing a vision for its community and leading by example in its decision making and other processes and actions.
- Members and Officers conducting themselves in accordance with high standards of conduct.

## 2. Good governance

Good governance is where political leadership and officer support combine to be greater than the sum of the parts. The Chair and CFO should make sure that they work together well in the best interests of the CFA and the people served by the CFA.

### **Roles & Responsibilities**

#### 1. Chair

The role of the Chair is set out in Part 2 Schedule 2 of the Constitution and in essence his/her role is to deliver strong political leadership and to represent the CFA to external stakeholders.

#### 2. CFO

As Head of Paid Service, the CFO is the most senior of all the employed staff and is responsible for ensuring the efficient day-to-day management of the Fire and Rescue Service.

### **The Relationship**

The relationship between the Chair and the CFO is of critical importance to the successful operation of the whole CFA. Good communication and mutual courtesy and respect are critical in establishing and maintaining effective Member-Officer relations throughout the CFA, and particularly so between the Chair and CFO.

There are some simple things that can make it easier to establish relationships that work. There should be clarity about the respective roles of Members and Officers and this can only be achieved through discussion. Getting the Member-Officer relationship right requires that:

- Both should aim to develop a relationship based on mutual respect.
- Members should define the core values of the organization.
- Members should identify priorities, assisted by the Officers.
- Officers should provide clear advice and offer alternative courses of action where they exist.
- Members and Officers should communicate clearly and openly, avoiding ambiguity and the risk of misunderstanding.

- Members and Officers should work in partnership to turn the core values and priorities into practical policies for implementation.
- Officers should carry out the decisions of the CFA to the highest standard of efficiency and effectiveness.

## **Expectations**

To encourage a constructive and effective working relationship the Chair and the CFO shall conduct their relationship in accordance with the following expectations:

Principle 1: Working together to achieve a common purpose with clearly defined functions and roles.

The Chair and CFO will:

- Clearly communicate their roles and responsibilities in accordance with the Constitution, and ensure they are updated / maintained as necessary - this will ensure Members, Officers, partners and the public are clear about what can be expected.
- Clarify their respective roles early in the relationship and ensure a shared understanding of roles and objectives is maintained so that each knows what to expect of the other.
- Comply with their respective Codes of Conduct as set out in the Constitution.
- Carry out their responsibilities to a high standard.

Principle 2: Promoting values for the CFA and demonstrating the values of good governance through upholding high standards of conduct and behavior.

The Chair and CFO will:

- Ensure their leadership exemplifies high standards of conduct and effective governance.
- Ensure their leadership relationship is characterised by integrity, transparency, mutual respect and trust; and sets a tone for the organisation by creating a climate of openness, support and respect.
- Feel free to speak to one another openly and honestly.
- Be courteous and helpful.
- Listen and make every effort to help.
- Promote equality irrespective of race, religious belief, disability, gender, sexual orientation or age.
- Not discriminate nor permit discrimination against anyone.
- Provide information in clear and simple terms.

- Welcome constructive feedback and work to continuously improve their working relationship.

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<sup>3</sup> *Delivering good governance in local government* (CIPFA, 2007)

## Section M - Members' and Officers' Indemnity

1. The Combined Fire Authority (CFA) shall indemnify each Member and Officer of the CFA against any claim, liability, loss and/or damage in relation to any action of, or failure to act by them in relation to any action of, or failure act by them which is:
  - (a) authorised by the CFA
  - (b) forms part of, or arises from, any powers conferred, or duties placed upon them, as a consequence of any function being exercised by them (whether or not when exercising that function they do so in their capacity as a Member or Officer of the CFA)
    - (i) at the request of, or with the approval of the CFA, or
    - (ii) for the purpose of the CFA.
2. This indemnity is subject to the Member or Officer having the belief that the action or failure to act in question was within the powers of the CFA, or where that action or failure comprises the issuing or authorisation of any documents containing any statement as to the powers of the CFA, or any statement that certain steps have been taken or requirements fulfilled, and they believe that contents of that statement were true.
3. For the avoidance of doubt it is acknowledged that this indemnity may apply to an act or omission which is subsequently found to be beyond the powers of the Member or Officer, but only to the extent that they reasonably believe that the act or omission in question was within the powers at the time which they acted.
4. This indemnity may apply to the defence of any allegation of defamation made against the Member or Officer, but does not extend to the making of any claim in relation to an alleged defamation of them.
5. Where a conflict of interest arises between the CFA and the Member or Officer in response to allegations for personal liability then the CFA agree to;
  - (a) Fund independent legal representation for the Member or officer;
  - (b) Provide them with reasonable and proportionate access to;
    - (i) the CFA's employees;
    - (ii) the CFA's resources and facilities to enable them to properly respond to the allegation of personal liability being advanced.
6. Where the Member or Officer relies upon this indemnity in relation to the defence of any criminal proceedings this indemnity shall be subject to the condition that if the Member or Officer is convicted of a criminal offence



and that conviction is not overturned on appeal they shall reimburse the CFA for any sums expended by the CFA in relation to those proceedings pursuant to this indemnity.

7. Where the Member or Officer is obliged to reimburse the CFA pursuant to the terms of this indemnity, those sums may be recoverable by the CFA as a civil debt.

## Part 6

# Members Allowances Scheme

### Members' Allowances 2019/2020

In accordance with the agreed arrangements for indexation shown in paragraph (e) below, the revised Scheme of Members' Allowances, is with effect from 1st April 2019 as follows:

- a. The basic allowance for Members serving on the Authority is **£3,220**
- b. Subsistence and travelling expenses are paid in line with those received by Officers of the Leicestershire Fire and Rescue Service but also to include a rate for subsistence incurred in an overnight stay at the rate allowed for dinner for Members of the Leicestershire County Council and to reflect future increases in this rate automatically.
- c. Special responsibility allowances are paid annually in addition to the basic allowances as follows:
  - i. Chairman - **£9,698**
  - ii. Vice-Chairman – **£3,260**
  - iii. Group Leaders (not being Chairman or Vice-Chairman) - **£1,868**
  - iv. Chairs of Committees - **£1,868**
- d. No member to receive more than one Special Responsibility Allowance.
- e. Indexation – Basic, Special Responsibility and Independent Members' Allowances to be increased from 1st April 2011 onwards annually by the pay award agreed by National Joint Council (NJC) for Local Government Services or in default of an agreement the award set by the employers' side.
- f. Child Care and Dependent Carers' Allowance should be claimed from the Member's appointing County or District Council.

## Part 7

The Principal Officers who make up the Senior Management Team and the Statutory Officers are:

Post	Name
Chief Fire and Rescue Officer & Chief Executive <b><i>Head of Paid Service (non-statutory)</i></b>	Rick Taylor
Assistant Chief Fire and Rescue Officer - Director of Service Support	Richard Hall
Assistant Chief Fire and Rescue Officer – Director of Service Delivery	Callum Faint <i>(Temporary)</i>
Treasurer to the CFA	Alison Greenhill
Monitoring Officer	Lauren Haslam