

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

MEMBERS' HANDBOOK

**Enquiries relating to this Handbook please contact
Ruth Gladstone Tel: 01609 532555, Fax: 01609 532343
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HANDBOOK CONTENTS

Subject	Page No
Authority Members - Contact details, political Groups and terms of office	5
Authority Members and Substitute Members – Names	9
Committees - Memberships and terms of reference	11
Scheme for the Appointment of Substitute Members to attend Authority, Committee and Sub-Committee Meetings	29
Member Forums, Informal Working Groups and Member Champions	31
Outside Bodies – Representation	33
Dates of Authority and Committee Meetings and Members' Seminars	35
Members' Code of Conduct, Protocol for Members' Guidance, and Dispensation Request Procedure	37
Protocol for Fire Authority Member Visits to Operational Workplaces	59
Protocol for Member/Officer Relations	61
The North Yorkshire Fire Services (Combination Scheme) Order 1995 - Extracts from	71
Standing Orders for the Regulation of Business	75
Conventions	89
Financial Regulations and Contract Regulations	95
Members' Allowances Scheme	117
Scheme of Delegation to Officers	123
Officers of the Authority - Contact Details	127

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AUTHORITY MEMBERS – CONTACT DETAILS, POLITICAL GROUPS AND TERMS OF OFFICE

Name, Constituent Council, Political Group and Term of Appointment	Postal Address	Telephone Numbers, Fax Number and Email address
<p>Aspden, Keith</p> <p>City of York Council Liberal Democrat</p> <p>26.5.11 – CYC Annual Meeting 2012</p>	<p>5 Beverley House Main Street Fulford York YO10 4QG</p>	<p>Tel: 01904 659028</p> <p>Email: cllr.kaspden@york.gov.uk</p>
<p>Backhouse, Andrew</p> <p>North Yorkshire County Council Conservative</p> <p>17.6.09 – NYCC elections 2013</p>	<p>15a High Street Burniston Scarborough North Yorkshire YO13 0HH</p>	<p>Tel: 01723 871178</p> <p>Fax: 01723 871919</p> <p>Email: Cllr.andrew.backhouse@northyorks.gov.uk</p>
<p>Barrett, Philip</p> <p>North Yorkshire County Council Independent</p> <p>17.6.09 – NYCC elections 2013</p>	<p>14 Beanlands Drive Glusburn Keighley BD20 8PZ</p>	<p>Tel: 01535 636910</p> <p>Email: Cllr.philip.barrett@northyorks.gov.uk</p>
<p>Bateman, Bernard MBE</p> <p>North Yorkshire County Council Conservative</p> <p>17.6.09 – NYCC elections 2013</p>	<p>Thornsett The Paddock Melmerby Ripon HG4 5HW</p>	<p>Tel: 01765 640362</p> <p>Fax: 01765 608787</p> <p>Email: Cllr.bernard.bateman@northyorks.gov.uk</p>

<p>Boyce, Barbara</p> <p>City of York Council Labour</p> <p>26.5.11 – CYC Annual Meeting 2012</p>	<p>c/o Democratic Services City of York Council Library Square York YO1 7DU</p>	<p>Tel: 01904 551088 (City of York Council Democratic Services)</p> <p>Email: cllr.bboyce@york.gov.uk</p>
<p>Fort, John BEM</p> <p>North Yorkshire County Council Conservative</p> <p>17.6.09 – NYCC elections 2013</p>	<p>Horse Pasture Craggs Dacre Summerbridge Harrogate HG3 4ES</p>	<p>Tel: 01423 780674</p> <p>Fax: 01423 781317</p> <p>Email: Cllr.john.fort@northyorks.gov.uk</p>
<p>Heseltine, Michael</p> <p>North Yorkshire County Council Conservative</p> <p>17.6.09 – NYCC elections 2013</p>	<p>Mayfield Glebe Terrace Scorton Richmond North Yorkshire DL10 6DL</p>	<p>Tel: 01748 811843</p> <p>Fax: 01748 818052</p> <p>Email: Cllr.michael.heseltine@northyorks.gov.uk</p>
<p>Huxtable, Neville</p> <p>North Yorkshire County Council Conservative</p> <p>17.6.09 – NYCC elections 2013</p>	<p>Dimple Wells Thormanby York YO61 4NL</p>	<p>Tel: 01845 501068</p> <p>Email: Cllr.neville.huxtable@northyorks.gov.uk</p>
<p>King, Ken</p> <p>City of York Council Labour</p> <p>26.5.11 – CYC Annual Meeting 2012</p>	<p>149 York Road Acomb York YO24 4NP</p>	<p>Tel: 01904 783024</p> <p>Fax: 01904 788251</p> <p>Email: cllr.kking@york.gov.uk</p>
<p>Marshall, J W</p> <p>North Yorkshire County Council Liberal Democrat</p> <p>17.6.09 – NYCC elections 2013</p>	<p>Wordsworth House 165 Cold Bath Road Harrogate North Yorkshire HG2 0HN</p>	<p>Tel: 01423 568580</p>

<p>Metcalfe, Chris</p> <p>North Yorkshire County Council Conservative</p> <p>17.6.09 – NYCC elections 2013</p>	<p>17 West Mount Tadcaster LS24 9LB</p>	<p>Tel: 01937 832501</p> <p>Email: Cllr.chris.metcalfe@northyorks.gov.uk</p>
<p>Pearson, Chris</p> <p>North Yorkshire County Council Conservative</p> <p>16.12.09 – NYCC elections 2013</p>	<p>31 Fir Tree Lane Thorpe Willoughby Selby North Yorkshire YO8 9PG</p>	<p>Tel: 01757 704202</p> <p>Email: Cllr.chris.pearson@northyorks.gov.uk</p>
<p>Popple, Peter</p> <p>North Yorkshire County Council Independent</p> <p>12.10.11 – NYCC elections 2013</p>	<p>40 Ryndle Walk Northstead Scarborough YO12 6JU</p>	<p>Tel: 01723 360619</p> <p>Email: Cllr.peter.popple@northyorks.gov.uk</p>
<p>Seymour, Caroline</p> <p>North Yorkshire County Council Liberal Democrat</p> <p>17.6.09 – NYCC elections 2013</p>	<p>White Horse Farm Stokesley Middlesbrough Cleveland TS9 5LE</p>	<p>Tel: 01642 710382</p> <p>Email: Cllr.caroline.seymour@northyorks.gov.uk</p>
<p>Shaw, Stephen</p> <p>North Yorkshire County Council Conservative</p> <p>13.10.10 – NYCC elections 2013</p>	<p>109 Scarborough Road Norton Malton North Yorkshire YO17 8AA</p>	<p>Tel: 01653 697845</p> <p>Email: Cllr.stephen.shaw@northyorks.gov.uk</p>
<p>Steward, Chris</p> <p>City of York Council Conservative</p> <p>26.5.11 – CYC Annual Meeting 2012</p>	<p>11 Dewsbury Court York YO1 6LH</p>	<p>Tel: 01904 638810</p> <p>Email: Cllr.csteward@york.gov.uk</p>

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AUTHORITY MEMBERS AND SUBSTITUTE MEMBERS – NAMES

1. Membership:

COUNTY COUNCILLORS (12)		
1.	BACKHOUSE, Andrew	Conservative
2.	BARRETT, Philip	Independent
3.	BATEMAN, Bernard, MBE	Conservative
4.	FORT, John, BEM (Chairman)	Conservative
5.	HESELTINE, Michael	Conservative
6.	HUXTABLE, Neville	Conservative
7.	MARSHALL, J W	Liberal Democrat
8.	METCALFE, Chris	Conservative
9.	PEARSON, Chris	Conservative
10.	POPPLE, Peter	Independent
11.	SEYMOUR, Caroline	Liberal Democrat
12.	SHAW, Stephen	Conservative
CITY COUNCILLORS (4)		
1.	ASPDEN, Keith	Liberal Democrat
2.	BOYCE, Barbara	Labour
3.	KING, Ken (Vice-Chairman)	Labour
4.	STEWART, Chris	Conservative

Political Composition:	Conservative	9
	Liberal Democrat	3
	Labour	2
	Independents	<u>2</u>
	Total	<u>16</u>

Quorum: 6 including at least one Member from each Constituent Council

2. Substitute Members – North Yorkshire Council Council

<u>Conservative</u>	<u>Liberal Democrat</u>
1. TROTTER, Cliff 2. JEFFELS, David 3. BLADES, David 4. PLANT, Joe 5. GARNETT, Heather	1. DE COURCEY-BAYLEY, Mrs M-A 2. BARNES, Keith 3. HOULT, Bill
	<u>Independents</u>
	1. BLACKIE, John 2. CHATT, Bill 3. JEFFERSON, Janet

3. Substitute Members – City of York Council

<u>Liberal Democrat</u>	<u>Labour</u>
1. REID, Ann	1. FUNNELL, Christina

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

AUDIT AND PERFORMANCE REVIEW COMMITTEE

1. Membership:

	<u>Name</u>	<u>Group</u>	<u>Constituent Council</u>
1.	ASPDEN, Keith	Lib Dem	CYC
2.	BACKHOUSE, Andrew (<i>Chairman</i>)	Con	NYCC
3.	BATEMAN, Bernard, MBE	Con	NYCC
4.	HESELTINE, Michael	Con	NYCC
5.	HUXTABLE, Neville	Con	NYCC
6.	KING, Ken	Lab	CYC
7.	SEYMOUR, Caroline (<i>Vice-Chairman</i>)	Lib Dem	NYCC
8.	SHAW, Stephen	Con	NYCC
9.	STEWART, Chris	Con	CYC
10.	Vacancy	Ind	NYCC

Political Composition:	Conservative	6
	Liberal Democrat	2
	Labour	1
	Independents	<u>1</u>
	Total	<u>10</u>

Quorum: 3. If it is not possible for any Authority Member from a constituent Council to be present at a meeting of a Committee or Sub-Committee, any Authority Member from that Council may request that particular business is not considered at that meeting. Such requests must be made to the Secretary to the Authority by no later than midday on the working day prior to the meeting. Where such a request is received, the business will not be considered until a Member from that constituent Council can be present. (Standing Order 27)

2. Substitute Members:

<u>Conservative</u>	<u>Liberal Democrat</u>
For all Con County Councillors:- 1. METCALFE, Chris 2. PEARSON, Chris For City Councillor Chris Stewart:- 1. BOYCE, Barbara (Lab) 2. METCALFE, Chris 3. PEARSON, Chris	For County Councillor Caroline Seymour:- 1. MARSHALL, J W For City Councillor Keith Aspden:- 1. BOYCE, Barbara (Lab) 2. MARSHALL, J W
<u>Labour</u>	<u>Independents</u>
1. BOYCE, Barbara	1. BARRETT, Philip

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

AUDIT AND PERFORMANCE REVIEW COMMITTEE

The Authority, on 26 September 2007, resolved "That, for the purposes of the International Standard on Auditing, the Audit and Performance Review Committee be the body charged with Governance in this Authority".

TERMS OF REFERENCE

1. To monitor, and report to the Authority on, the performance of the Service against:
 - (a) The standards set by Government, including the National Fire and Rescue Framework and the Authority.
 - (b) The Authority's Code of Governance in terms of implementation and compliance.
2. To develop and review the Authority's Business Management Framework, incorporating the Risk Management, Performance Management and Project Management frameworks, and to monitor the performance of the Authority against them.
3. To oversee the work of Internal Audit and consider its findings.
4. To oversee the work in respect of Comprehensive Area Assessment, associated improvement plans, and the Service's involvement in Partnerships.
5. To oversee the work in respect of specific service improvement reviews and associated improvement plans.
6. To approve the final accounts.
7. To consider the External Auditors' Management Letter, Audit Plan and any consequent reports and to report to the Authority on any action it considers necessary to take as a consequence of those issues.
8. To monitor the exercise of delegated powers by officers.
9. To develop and review the Authority Members' development programme.
10. To oversee the production of the Authority's Annual Governance Statement and to make recommendations thereon to the Authority.
11. To ensure effective scrutiny of the Treasury Management Strategy and Policies (as required by the CIPFA Code of Practice on Treasury Management).

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

AUDIT AND PERFORMANCE REVIEW COMMITTEE

SCHEDULE OF MEETINGS AND BUSINESS MEETINGS HELD UNTIL 31.12.11

Timing of meeting	Specific Items
Late April	<ul style="list-style-type: none"> • External Audit Plan • Draft Corporate Plan, including draft IRMP Action Plan • Corporate Governance Monitoring Report • Annual Governance Statement • Actions taken under delegated authority
Late June	<ul style="list-style-type: none"> • Detailed Accounts • Outturn Performance Report • Outturn Improvement Plan • Internal Audit Progress report (including Internal Audit Opinion)
Late September	<ul style="list-style-type: none"> • Annual Governance Report – External Auditor • Reviews of Standing Orders, Financial Regulations • Review of Members’ Development Programme • Risk Register • Performance Progress report • Improvement Plan Progress • Internal Audit Progress Report
Early December	<ul style="list-style-type: none"> • Annual Audit Letter – External Auditor • Partnership Evaluation • Risk Assessment of Estimates • Performance Progress Report • Improvement Plan progress • Risk Register • Annual Review of Risk Management • Treasury Management mid year review
Early February	<ul style="list-style-type: none"> • Internal Audit Plan • Internal Audit Progress Report • Members’ Meeting with Chief Internal Auditor (to be held either before or after the Committee’s formal meeting) • Members’ Meeting with External Auditor (to be held either before or after the Committee’s formal meeting)

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

AUDIT AND PERFORMANCE REVIEW COMMITTEE

SCHEDULE OF MEETINGS AND BUSINESS - MEETINGS 2012 ONWARDS

Timing of meeting	Specific Items
Late April	<ul style="list-style-type: none">• External Audit Plan• Draft Corporate Plan, including draft IRMP Action Plan• Corporate Governance Monitoring Report• Annual Governance Statement• Actions taken under delegated authority• Internal Audit Progress report (including Annual Opinion)
Late June	<ul style="list-style-type: none">• Members' Meeting with Chief Internal Auditor (to be held either before or after the Committee's formal meeting)• Members' Meeting with External Auditor (to be held either before or after the Committee's formal meeting)• Outturn Performance Report• Outturn Improvement Plan• Internal Audit Progress report• Treasury Management
Late September	<ul style="list-style-type: none">• Statement of Final Accounts• Annual Governance Report – External Auditor• Reviews of Standing Orders, Financial Regulations• Review of Members' Development Programme• Risk Register• Performance Progress report• Improvement Plan Progress• Internal Audit Progress Report
Early December	<ul style="list-style-type: none">• Annual Audit Letter – External Auditor• Partnership Evaluation• Risk Assessment of Estimates• Performance Progress Report• Improvement Plan progress• Risk Register• Annual Review of Risk Management• Internal Audit Plan• Internal Audit Progress Report• Treasury Management mid year review

Adopted April 2011 and amended September 2011

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

STANDARDS COMMITTEE

1. Membership:

<u>Name</u>	<u>Group</u>	<u>Constituent Council</u>
1. BEAVERS, Phil*	n/a	n/a
2. BOYCE, Barbara	Lab	CYC
3. DAWSON, Mrs Kim* (<i>Vice-Chairman</i>)	n/a	n/a
4. PEARSON, Chris	Con	NYCC
5. STEWARD, Chris	Con	CYC
6. THOMPSON, Roger* (<i>Chairman</i>)	n/a	n/a
7. Vacancy	Ind	NYCC

* Phil Beavers, Mrs Kim Dawson and Roger Thompson are (non-elected) Independent Members. They have each been appointed to serve until the date of the North Yorkshire County Council elections in 2013.

Composition: Independent Members (non-elected)	3
Conservative	2
Liberal Democrat	0
Labour	1
Independent Cllrs	<u>1</u>
Total	<u>7</u>

Quorum: 3 including a (non-elected) Independent Member. If it is not possible for any Authority Member from a constituent Council to be present at a meeting of a Committee or Sub-Committee, any Authority Member from that Council may request that particular business is not considered at that meeting. Such requests must be made to the Secretary to the Authority by no later than midday on the working day prior to the meeting. Where such a request is received, the business will not be considered until a Member from that constituent Council can be present. (Standing Order 27)

2. Elected Members' Substitute Members:

<u>Conservative</u>	<u>Labour</u>	<u>Independents</u>
For County Cllr Chris Pearson:- 1. HESELTINE, Michael 2. METCALFE, Chris	1. KING, Ken 2. ASPDEN, Keith (Lib Dem)	1. BARRETT, Philip
For City Cllr Chris Steward:- 1. KING, Ken (Lab) 2. ASPDEN, Keith (Lib Dem) 3. HESELTINE, Michael 4. METCALFE, Chris		

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

STANDARDS COMMITTEE

TERMS OF REFERENCE

General Functions

1. Promote and maintain high standards of conduct by the Members of the Authority.
2. Assist Members of the Authority to observe the Authority's Code of Conduct for Members.
3. Receive and consider complaints that Members of the Authority may have breached the Authority's Code of Conduct for Members.

Specific Functions

- (a) Advise the Authority on the adoption or revision of a Members' Code of Conduct.
- (b) Monitor the operation and effectiveness of the Authority's Code of Conduct for Members.
- (c) Advise, and arrange to train, Members of the Authority on matters relating to the Authority's Code of Conduct for Members.
- (d) Grant dispensations to Members from requirements relating to prejudicial interests set out in the Members' Code of Conduct.
- (e) Receive and assess complaints that Members may have breached the Code of Conduct for Members.
- (f) Review Standards Committee decisions to take no action on a complaint that the Code has been breached, where such review is requested by the complainant.
- (g) Deal with any reports from a case tribunal or interim case tribunal, any reports to the Standards Committee by an Ethical Standards Officer, and any report from the Monitoring Officer (including any report on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer).
- (h) Determine complaints (other than those being determined by the Standards Board/Adjudication Panel) that Members may have breached the Code of Conduct for Members.
- (i) Exercise all functions in respect of the publication of Standards Committee independent Member vacancies.
- (j) Assist in the recruitment of independent Members to the Standards Committee (but not to approve individual appointments).

- (k) Grant exemptions to officers in politically restricted posts to allow them to engage in political activities.
- (l) Exercise such other functions as the Authority considers appropriate.

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

STANDARDS COMMITTEE SUB-COMMITTEES

(from 22 June 2011)

Note: Political proportionality is not applied to these sub-committees.

Note: Standards Committee Sub-Committees - Initial assessment hearings and reviews by the Assessment and Review Sub-Committees are '**closed**' meetings (not open to the public) and are excluded from the scope of Part VA of the LGA 1972. Consequently those Sub-Committees are not subject to the following:

- rules regarding notices of meetings
- rules on the circulation of agendas and documents
- rules over public access to meetings and documents
- rules on the validity of proceedings

but instead must follow other requirements set out in the Complaint Assessment Procedure adopted by the Standards Committee on 29 January 2009.

Complaint Assessment Sub-Committee

Terms of Reference:- To undertake all functions of the Standards Committee in relation to the initial assessment of complaints that Members have breached the Authority's Code of Conduct for Members (including the referral or otherwise of complaints for investigation or other action), as set out in the Local Government Act 2000 as amended, associated legislation and Standards Board for England guidance.

Membership

- | | | |
|----|---------------------------------|-------------------------------------|
| 1. | Mr Roger Thompson (Chair) | (Independent Member) |
| 2. | City Councillor Chris Steward | (Authority Member – CYC appointed) |
| 3. | County Councillor Chris Pearson | (Authority Member – NYCC appointed) |

Substitutes

- | | | |
|----|-------------------------------|-------------------------------------|
| 1. | Mrs Kim Dawson | (Independent Member) |
| 2. | Mr Phil Beavers | (Independent Member) |
| 3. | City Councillor Barbara Boyce | (Authority Member – CYC appointed) |
| 4. | Vacancy | (Authority Member – NYCC appointed) |

Complaint Review Sub-Committee

Terms of Reference:- To undertake all functions of the Standards Committee in relation to the review of assessment decisions to take no action in respect of complaints that Members have breached the Authority's Code of Conduct for Members, as set out in the Local Government Act 2000 as amended, associated legislation and Standards Board for England guidance.

Membership

1. Mrs Kim Dawson (Chair) (Independent Member)
2. City Councillor Barbara Boyce (Authority Member – CYC appointed)
3. Vacancy (Authority Member – NYCC appointed)

Substitutes

1. Mr Phil Beavers (Independent Member)
2. Mr Roger Thompson (Independent Member)
3. City Councillor Chris Steward (Authority Member – CYC appointed)
4. County Councillor Chris Pearson (Authority Member – NYCC appointed)

Complaint Determination Sub-Committee

Terms of Reference:- To undertake all functions of the Standards Committee in relation to the consideration of complaint investigation reports, the holding of complaint determination hearings, the making of findings and the imposition of sanctions (if appropriate) in respect of complaints that Members have breached the Authority's Code of Conduct for Members, as set out in the Local Government Act 2000 as amended, associated legislation and Standards Board for England guidance.

Membership

1. Mr Phil Beavers (Chair) (Independent Member)
2. City Councillor Chris Steward (Authority Member – CYC appointed)
3. County Councillor Chris Pearson (Authority Member – NYCC appointed)

Substitutes

1. Mr Roger Thompson (Independent Member)
2. Mrs Kim Dawson (Independent Member)
3. City Councillor Barbara Boyce (Authority Member – CYC appointed)
4. Vacancy (Authority Member – NYCC appointed)

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

APPEALS COMMITTEE

1. Membership:

<u>Name</u>	<u>Group</u>	<u>Constituent Council</u>
1. FORT, John, BEM (<i>Chairman</i>)	Con	NYCC
2. KING, Ken	Lab	CYC
3. MARSHALL, J W	Lib Dem	NYCC
4. METCALFE, Chris	Con	NYCC

Political Composition:	Conservative	2
	Liberal Democrat	1
	Labour	1
	Independents	<u>0</u>
	Total	<u>4</u>

Quorum: 3. If it is not possible for any Authority Member from a constituent Council to be present at a meeting of a Committee or Sub-Committee, any Authority Member from that Council may request that particular business is not considered at that meeting. Such requests must be made to the Secretary to the Authority by no later than midday on the working day prior to the meeting. Where such a request is received, the business will not be considered until a Member from that constituent Council can be present. (Standing Order 27)

2. Substitute Members:

<u>Conservative</u>	<u>Liberal Democrat</u>
1. BACKHOUSE, Andrew 2. SHAW, Stephen 3. BATEMAN, Bernard, MBE	1. SEYMOUR, Caroline 2. ASPDEN, Keith
<u>Labour</u>	
1. BOYCE, Barbara 2. ASPDEN, Keith (Lib Dem) 3. STEWARD, Chris (Con)	

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

APPEALS COMMITTEE

TERMS OF REFERENCE

To hear and determine appeals against the decision of officers, where provision exists for appeals to a Member level body, in respect of:-

- (a) dismissals;
- (b) individual grievances (Principal Officers only);
- (c) awards under the Firefighters' Pension Scheme.

NB: No Member who has previously been involved in the consideration of a particular case shall sit on the Appeals Committee which hears the appeal against the decision.

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

APPOINTMENTS COMMITTEE

1. Membership:

<u>Name</u>	<u>Group</u>	<u>Constituent Council</u>
1. ASPDEN, Keith	Lib Dem	CYC
2. BACKHOUSE, Andrew	Con	NYCC
3. BARRETT, Philip	Ind	NYCC
4. FORT, John, BEM (<i>Chairman</i>)	Con	NYCC

Political Composition:	Conservative	2
	Liberal Democrat	1
	Labour	0
	Independents	<u>1</u>
	Total	<u>4</u>

Quorum: 3. If it is not possible for any Authority Member from a constituent Council to be present at a meeting of a Committee or Sub-Committee, any Authority Member from that Council may request that particular business is not considered at that meeting. Such requests must be made to the Secretary to the Authority by no later than midday on the working day prior to the meeting. Where such a request is received, the business will not be considered until a Member from that constituent Council can be present. (Standing Order 27)

2. Substitute Members:

<u>Conservative</u>	<u>Liberal Democrat</u>
1. BATEMAN, Bernard, MBE 2. SHAW, Stephen 3. METCALFE, Chris	1. KING, Ken (Lab) 2. BOYCE, Barbara (Lab) 3. STEWARD, Chris (Con)
	<u>Independents</u>
	1. Vacancy

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

APPOINTMENTS COMMITTEE

TERMS OF REFERENCE

- (i) To exercise the functions set out in paragraphs (ii) – (v) below in respect of the Chief Fire Officer/Chief Executive and his/her Directors.
- (ii) To determine an appropriate recruitment package within existing policies as regards salary, benefits and removal expenses in respect of vacancies in the posts at (i).
- (iii) To appoint, as necessary, any recruitment consultants in respect of vacancies in the posts at (i).
- (iv) Where a vacancy occurs in a post to which (i) refers, to:-
 - (a) interview all applicants who meet the Personal Qualities and Attributes, and National Occupational Standards relevant to the post; or
 - (b) select a short-list of suitable applicants and interview those on that list; and (in either case)
 - (c) having carried out such interviews, either appoint one of the candidates to the vacancy, or decide not to appoint any of the candidates, but instead to take such further action in relation to the filling of the post as the Committee may determine.
- (v) To evaluate, from time to time, with the support of the Head of Personnel as Technical Adviser, the terms and conditions of the posts to which (i) refers and make necessary changes to them.

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SCHEME FOR THE APPOINTMENT OF SUBSTITUTE MEMBERS TO ATTEND AUTHORITY, COMMITTEE AND SUB-COMMITTEE MEETINGS

THE APPROVED SCHEME

1. (a) The North Yorkshire County Council and the City of York Council (hereafter called "the constituent Councils"), in addition to appointing members (hereafter called "the normal members") to serve on the North Yorkshire Fire and Rescue Authority, may also appoint County/City Councillors to act as substitute members of the North Yorkshire Fire and Rescue Authority in the circumstances set out below. North Yorkshire County Council's "standing substitutes lists" (or "long lists" of substitute members) do not apply to the North Yorkshire Fire and Rescue Authority.

(b) The North Yorkshire Fire and Rescue Authority (hereafter called "the Authority"), in addition to appointing members (hereafter called "the normal members") to serve on a Committee, may also appoint, on the nomination of each of the political groups represented on the Authority, County/City Councillors to act as substitute members in the circumstances set out below.
2. With each agenda for which substitution arrangements are in place, Members will receive a blank Substitution Notice from the Secretary to the North Yorkshire Fire and Rescue Authority (hereafter called "the Secretary") . The Notice will list, on the reverse, the names and telephone numbers of the named substitutes who may be appointed to attend the meeting.
3. A normal member of the Authority/Committee shall, if he/she wishes a substitute member to attend the meeting of the Authority/that Committee in his/her place, make the necessary arrangements with the first available member named in the list of substitute members relating to the political group of which he/she is a member. The normal member shall either give, or shall arrange for the nominated substitute member, or any other member of his/her political group, to give the Secretary notice of the substitution before the commencement of the meeting, either in written or in oral form.
4. The substitute member named in the substitution notice shall be the substitute member whose name appears first in the list of substitute members for the political group of which the normal member is a member, whose appointment as substitute members of the Authority/relevant Committee has been approved by the relevant constituent Council/the Authority. If, however, that substitute member cannot attend the meeting in question or will be attending in substitution for another member, then the second-named substitute member for that group may be named in the notice, and if he/she cannot attend or has already arranged to attend in substitution for another member, the third substitute member may be named etc.
5. The effect of a valid substitution notice, whether written or oral, shall be that the normal member shall cease to be a member of the Authority/that Committee for the duration of that meeting (and for the duration of any

adjournment of it) and that the substitute member shall be a full member of the Authority/that Committee for the same period.

6. A valid substitution notice, whether written or oral, once given in respect of a meeting of the Authority/a Committee, may not be revoked in respect of such meeting, or any adjournment of it.
7. The Secretary shall give notice of Authority/Committee meetings in the usual way to all normal members of the Committee and to all named substitute members. On receipt of a valid substitution notice naming a substitute member, he shall, in writing, inform that substitute member of the receipt of that notice and confirm that he/she is required to attend the meeting, save that, if the Secretary receives a verbal substitution notice, he shall give the substitute member verbal notice of the substitution and the requirement to attend the meeting.
8. These arrangements shall apply in respect of any Sub-Committees as they apply to Committees, except that the named substitute members shall be appointed by the Committee which appoints the Sub-Committee.

MEMBER FORUMS, INFORMAL WORKING GROUPS AND MEMBER CHAMPIONS

1. Member Forums:

Background

A Member Forum model was adopted in November 2007. It involves identifying key topics, as part of an annual review, which lend themselves well to becoming Member Champion themes. In this way, Members can add value to the process by sharing their experience and reading of local politics, barriers and gateways to implementation, as well as taking ownership for progressing some of those issues along with officers.

Detailed working arrangements are determined according to the wishes of the Members on each forum, typically a mixture of email/letter correspondence and meetings, as required. There may, on occasions, be a clash of diary dates for meetings etc but it was acknowledged at the outset that not all Members of a particular Forum will be available at all meetings.

The Member Forums are listed below, together with the names of the Members and Lead Officer on each Forum:-

WORKSTREAM	MEMBERS
<p>Integrated Risk Management Plan: The York Review</p> <p>Lead Officer: Area Manager Owen Hayward</p>	<p>City Councillor Keith Aspden City Councillor Barbara Boyce County Councillor Neville Huxtable City Councillor Ken King County Councillor Caroline Seymour City Councillor Chris Steward</p>
<p>Integrated Risk Management Plan: Retained Duty System</p> <p>Lead Officer: Area Manager Owen Hayward</p>	<p>County Councillor Philip Barrett County Councillor Bernard Bateman MBE County Councillor John Fort BEM County Councillor Michael Heseltine County Councillor Neville Huxtable County Councillor John Marshall County Councillor Caroline Seymour City Councillor Chris Steward</p>

2. **Informal Working Groups:**

Informal Working Group to Appraise the Chief Fire Officer

Membership is Authority Chairman and Vice-Chairman, who shall take soundings from leading Members of the other political Groups.

(Resolutions 6(b) – 24 June 2009
and 149(c) – 22 June 2011)

3. **Member Champions:**

The Authority has appointed the following Member Champions:-

- Risk Assessment – Chairman of Audit and Performance Review Committee.
(Resolution 6(c) – 24 June 2009
and 149(d) – 22 June 2011)
- Equality and Diversity – County Councillor Caroline Seymour.
(Resolution 6(c) - 24 June 2009
and 149(d) – 22 June 2011)

4. **Lead Member:**

The Authority has appointed the following Lead Member:-

- Health and Safety – County Councillor Bernard Bateman MBE.
(Resolution 46(b) – 9 December 2009
and 149(d) – 22 June 2011)

OUTSIDE BODIES - REPRESENTATION

Representatives appointed to serve until the date of the Authority meeting in June 2012

- Local Government Yorkshire and Humber – Chairman of the Authority.
Substitute: Vice-Chairman of the Authority.
- Local Government Yorkshire and Humber Employers' Committee – Chairman of the Authority. Substitute: Vice-Chairman of the Authority.
- Local Government Group's:-
 - Fire Services Commission* - Chairman

** The Liberal Democrat Group on the LGG nominated City Councillor Keith Aspden for appointment to one of its 'top up' seats on the Fire Services Commission. NYFRA, on 7 September 2011, resolved "That, subject to City Councillor Keith Aspden being offered and accepting a Liberal Democrat 'top up' seat on the LGA's Fire Services Commission, the appointment be endorsed by this Authority and consequently City Councillor Keith Aspden be authorised to claim travelling expenses, from the Authority, in respect of attendance at meetings of the Commission".*

- Urban Commission - City Councillor Chris Steward
- County Councillor John Fort BEM
- Rural Commission - County Councillor Caroline Seymour
- County Councillor Michael Heseltine
- General Assembly - County Councillor John Fort BEM
- County Councillor Caroline Seymour
- County Councillor Stephen Shaw
- City Councillor Keith Aspden
- Craven Crime and Disorder Reduction Partnership - County Councillor Philip Barrett
- Hambleton and Richmondshire Crime and Disorder Reduction Partnership - County Councillor Caroline Seymour
- Harrogate District Crime and Disorder Reduction Partnership - County Councillor J W Marshall
- Substitute: vacant
- Ryedale Local Strategic Partnership Board - County Councillor Stephen Shaw
- Substitute: vacant

- Yorkshire and Humberside Fire Control Ltd Board of Directors –
 - Members:- County Councillor John Fort BEM
City Councillor Ken King
 - Named Substitutes:-
 - Named Substitutes for County Councillor John Fort BEM:-
 - (i) County Councillor Caroline Seymour
 - (ii) County Councillor Andrew Backhouse
 - Named Substitutes for City Councillor Ken King:-
 - (i) City Councillor Keith Aspden
 - (ii) Vacancy

Note: North Yorkshire Fire and Rescue Authority agreed, on 9 February 2011:- “That the decision of the Board of the Yorkshire and Humberside Fire and Rescue Control Centre Company, as set out at paragraph 8.1 of the report and duplicated below, be agreed:-

...

- *That the company Secretary and company Finance Officer be jointly delegated the RCCD’s delegated authority regarding company affairs.*
- *The company be wound up and that the company Secretary write to Member FRAs requesting their written consent to close the company on a voluntary solvent basis in accordance with the Members Agreement.*
- *The company apply to be voluntarily struck off after 6 months of non-trading and that the company Secretary and company Finance Officer put in hand all necessary documentation, and report to a final Board of Directors meeting.*

DATES OF AUTHORITY AND COMMITTEE MEETINGS AND MEMBERS' SEMINARS

(as at 3 October 2011)

Venues: All the following will be held at Easingwold, unless stated to the contrary.

Authority:-

- Wednesday 7 December 2011 at 10.30 am (Annual Meeting)
- Wednesday 8 February 2012 at 11.00 am (Precept-setting Meeting)
- Wednesday 20 June 2012 at 11.00 am
- Wednesday 26 September 2012 at 11.00 am
- Wednesday 12 December 2012 at 11.00 am (Annual Meeting)
- Wednesday 13 February 2013 at 11.00 am (Precept-setting Meeting)

Members' Seminars (not open to the public):-

- Thursday 24 November 2011 at 1pm and concluding at 3.30 pm
- Wednesday 8 February 2012 at 9.30 am and concluding at 10.30 am
- Friday 8 June 2012 at 10.00 am and concluding at 12.30 pm
- Wednesday 20 June 2012 at 9.30 am and concluding at 10.30 am
- Wednesday 26 September 2012 at 9.30 am and concluding at 10.30 am
- **CANCELLED** Wednesday 26 September 2012 at 1.00 pm **CANCELLED**
- Friday 30 November 2012 at 10.00 am and concluding at 12.30 pm
- Wednesday 12 December 2012 at 9.30 am and concluding at 10.30 am
- Wednesday 13 February 2013 at 9.30 am and concluding at 10.30 am

Audit and Performance Review Committee:-

- Monday 5 December 2011 at 10.30 am
- Monday 23 April 2012 at 10.30 am
- Monday 18 June 2012 at 10.30 am
- Monday 24 September 2012 at 10.30 am
- Monday 3 December 2012 at 10.30 am

Standards Committee:-

- Friday 28 October 2011 at 10.30 am
- A date in January 2012, to be agreed
- A date in July 2012, to be agreed

Steering Group (not open to the public):-

- Thursday 6 October 2011 at 10.30 am
- Thursday 24 November 2011 at 10.30 am
- Friday 27 January 2012 at 10.30 am
- Friday 30 March 2012 at 10.30 am
- Friday 8 June 2012 at 1.30 pm
- Wednesday 12 September 2012 at 10.30 am
- Friday 2 November 2012 at 10.30 am
- Friday 30 November 2012 at 1.30 pm

Appeals Committee) meetings arranged when necessary
Appointments Committee)

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

MEMBERS' CODE OF CONDUCT

PREAMBLE

THE GENERAL PRINCIPLES OF CONDUCT

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgment

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

Respect for Others

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

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do, to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should always act in a way that secures or preserves public confidence.

THE CODE OF CONDUCT

PART 1

GENERAL PROVISIONS

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
 - (2) You should read this Code together with the general principles prescribed by the Secretary of State (annexed to this Code).
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) In this Code:

“meeting” means any meeting of—

(a) the authority;

[(b) Paragraph 1(4)(b) does not apply to the Authority and has not been adopted.]

(c) any of the authority’s committees, sub-committees, joint committees, or joint sub-committees;

“member” includes a co-opted member and an appointed member.

- (5) In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the

parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority:
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General Obligations

3. (1) You must treat others with respect.
- (2) You must not:
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) 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; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
 - (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
4. You must not:
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You:
- (a) 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; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
- [(c) Paragraph 6(c) does not apply to the Authority and has not been adopted.]*
7. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2

INTERESTS

Personal Interests

- 8. (1) You have a personal interest in any business of your authority where either:
 - (a) it relates to or is likely to affect:
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company

of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—

(i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or

(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

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

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of Personal Interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

[(6) Paragraph 9(6) does not apply to the Authority and has not been adopted.]

[(7) Paragraph 9(7) does not apply to the Authority and has not been adopted.]

Prejudicial Interest Generally

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business:
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of:
 - [(i) Paragraph 10(2)(c)(i) does not apply to the Authority and has not been adopted.]*
 - [(ii) Paragraph 10(2)(c)(ii) does not apply to the Authority and has not been adopted.]*
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;

- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

***[Prejudicial interests arising in relation to
Overview and Scrutiny Committees]***

[11. Paragraph 11 does not apply to the Authority and has not been adopted.]

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

[(b) Paragraph 12(1)(b) does not apply to the Authority and has not been adopted.]

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3

REGISTRATION OF MEMBERS' INTERESTS

Registration of Members' Interests

13. (1) Subject to paragraph 14, you must, within 28 days of:

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

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive Information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

MEMBERS' CODE OF CONDUCT

PROTOCOL FOR MEMBERS' GUIDANCE

This Protocol has been developed by the Standards Committee and approved by the North Yorkshire Fire and Rescue Authority (NYFRA). It aims to provide guidance to Members in relation to observance of the Members' Code of Conduct. This Protocol will be developed by the Standards Committee as experience is gained with the Code of Conduct.

Interpretation and Scope

1. Paragraphs 2(1) and 2(5) of the Code of Conduct may appear ambiguous. Paragraph 2(1)(b) says that Members must observe the NYFRA's Code of Conduct whenever they act, claim to act, or give the impression they are acting as a representative of the NYFRA. Paragraph 2(5)(a) says that when Members act as a representative of the NYFRA "on another relevant authority" they must observe the Code of Conduct of the body on which they serve. The NYFRA takes the view that this means that where Members serve on another authority which has its own Code of Conduct under the Local Government Act 2000 (for example a County, Unitary, District or Parish Council, the Police Authority or a National Park Authority) Members should, when transacting the business of that other authority, observe the Code of Conduct of that other authority. The NYFRA believes that the Member is not, at the same time, bound by the Code of Conduct of NYFRA.
2. The Code applies to a "member" of an authority (paragraph 1(1)), which includes "a co-opted member and an appointed member" (paragraph 1(4)). The Standards Board has clarified in correspondence that this means voting co-opted Members, as prescribed by section 49(7) LGA 2000. The inclusion of the expression "appointed member" is not designed to bring non-voting co-optees within the remit of the Code (although authorities may choose to do so, should they so wish), but:

The reference to "appointed" is a clarification in relation to joint committees, joint sub-committees and area committees. In other words, whilst a member may be a member of one authority, it clarifies (or at least it attempts to) that the member is bound, not just in relation to meetings of their authority, but also in relation to joint committees they have been "appointed" to sit on.

Although originally anticipated, the position has not been formally clarified in the supporting Guidance from the Standards Board. Unless any further guidance is given, Members should follow the above interpretation.

3. The Code generally applies to Members when they are acting in their official capacity. Once the Local Government and Public Involvement in Health Bill is in force, however, the Code will also apply to Members' private conduct which relates to intimidation, disrepute or using/attempting to use their position improperly to confer an advantage/disadvantage and which results in a

criminal conviction. This includes a criminal offence committed before the Member took office but conviction after that date.

4. Paragraph 1(4) of the Code defines the word “meeting” to mean meetings of the NYFRA and any Committee or Sub-Committee of the NYFRA. Members should also regard any meetings of the Steering Group, any Review Team, Forum, Working Group or Panel on which Members serve as a “meeting”. Members should therefore observe the provisions of the Code (for example in relation to the declaration of interests) at Steering Group, Review Team, Forum, Working Group and Panel meetings.

General Obligations

5. Paragraph 3(2)(a) of the Code of Conduct contains an obligation on Members not to do anything to cause the NYFRA to breach any equality laws. This legislation prohibits discrimination on the grounds of sex, race, disability, religion or belief, sexual orientation and age. Further guidance on specific types of discrimination is found in the Standards Board’s Guidance.
6. Members must not bully any person (paragraph 3(2)(b) of the Code). Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom Members have some actual or perceived influence. Bullying attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health. It is important that Members challenge and raise issues in the correct way and proper forum. However, if criticism is a personal attack or offensive, it is unlikely to be acceptable behaviour.

Declarations of Interests

7. Members are required by the Code to specify both the existence and nature of any personal interest they may have. This does not mean merely saying, “I have a personal interest” but, for example, saying, “I have a personal interest in this matter as I am a Member of X authority . . .”.
8. Paragraph 8(1)(b) of the Code refers to a “relevant person” to a Member, which includes a member of their family and any person with whom they have a close association. These terms are not defined in the Code, but clarification is given in the Standards Board’s Guidance:

A member of your family should be given a very wide meaning. It includes a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners of any of these people.

A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be

prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.

It is a matter for Members to decide whether a person is “relevant” and, in making that judgment, Members should consider how a reasonable member of the public, knowing the facts, would react to the Member’s participation in the business in question.

Registration of Interests

9. Members should keep their entry in the Register of Members’ Interests under review and notify the Monitoring Officer of any changes in writing within 28 days.
10. Where the information relating to any interest is sensitive, with the Monitoring Officer’s agreement Members need not include that information when registering that interest or a change to it.
11. However, if that information no longer remains sensitive, then Members must notify the Monitoring Officer to that effect, requesting that the information be added to the Register, within 28 days of the change in circumstances. Further advice is contained in the Standards Board’s Guidance.

Registration of Gifts and Hospitality

12. Members must register, in the Register of Members’ Interests, a gift or hospitality received, where the estimated value is at least £25. If in doubt as to the value, Members are advised to register the gift or hospitality in accordance with openness and accountability principles.
13. Members are advised to register sequential gifts which cumulatively reach a threshold of £25 per quarter (but which do not individually reach the threshold value of £25), in accordance with the Standards Board’s Guidance.
14. There is no need to register gifts and hospitality offered but declined under the Code of Conduct. It is good practice to let the Monitoring Officer know about these gifts and hospitality though. The Standards Board has also clarified in its Guidance that:

You do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you should always register a gift or hospitality if it could be perceived as something given to you because of your position or if your authority requires you to.

The Code of Conduct must be read in conjunction with the statutory General Principles of Conduct and the supporting Guidance issued by the Standards Board.

Observance of the Code of Conduct is the responsibility of each individual Member. However, where Members are in doubt as to what action they should take, advice should be sought from the Standards Committee or the Monitoring Officer.

27 June 2007

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

Guidance to Members seeking a Dispensation from the Standards Committee

1.0 Introduction

1.1 Under paragraph 10 of the Code of Conduct for Members, and in accordance with the supporting statutory Guidance, a Member with a personal interest in any business of the Authority also has a prejudicial interest if *all* the following conditions are met:

- a) the business is not exempt;
- b) the business affects the Member's financial position (or a regulatory matter in relation to them) or that of any person or body through whom the Member has a personal interest; and
- c) the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgment of the public interest.

1.2 Under paragraph 12 of the Code, a Member with a prejudicial interest in certain business must withdraw from the room or chamber where a meeting is being held either after making representations (where appropriate and if s/he wishes to do so) or, in any other case, whenever it becomes apparent that the business is being considered at that meeting **UNLESS** s/he has obtained a dispensation from the Standards Committee.

2.0 Scope

2.1 Circumstances where a dispensation may be granted

2.1.1 Under Section 81 of the Local Government Act 2000 and the Standards Committee (Further Provisions) (England) Regulations 2009, the Standards Committee has power to grant a dispensation to a Member with a prejudicial interest in a matter, in certain circumstances (see below).

2.1.2 Any dispensation granted will allow the Member to fully participate in the matter, including speaking and voting upon it. Dispensations may also be granted for speaking only, as well as for speaking and voting. However, the Authority's current Code of Conduct relaxed the provisions for restricting Members with a prejudicial interest from speaking, provided the public were also able to speak at that meeting. Therefore, the need to request a dispensation to speak only is likely now to be limited to circumstances where the public do not have the right to speak.

2.1.3 The law prescribes that the Standards Committee may grant a dispensation in the following circumstances:

- (a) where the transaction of business of the Authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because—
 - (i) the number of Members of the Authority prohibited from voting on the business of the Authority at a meeting exceeds 50% of those Members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or
 - (ii) the number of Members prohibited from voting on the business of the Authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting;

The Standards Committee must ignore any dispensations that have already been given to others at the meeting to decide whether either of these criteria apply.

- (b) the Member has submitted to the Standards Committee a written request for a dispensation, explaining why it is desirable; and
- (c) the Standards Committee concludes, having regard to the above, the content of the application in (b) and any other relevant circumstances of the case, that it is appropriate to grant the dispensation.

2.2 **Criteria to be considered in respect of dispensation requests**

- 2.2.1 The Standards Committee will need to balance the public interest in preventing Members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of Members of the Authority (Standards Board Guidance May 2007).
- 2.2.2 For dispensation requests under paragraph 2.1.3 (a) (ii), the Committee will also need to balance the prejudicial interest of the Member seeking the dispensation to vote on an item of business, against the potential effect on the outcome of the vote if the Member is unable to do so.
- 2.2.3 Other criteria to be considered in respect of dispensation requests are set out below.
- 2.2.4 Is the nature of the Member's interest such that allowing them to participate would not damage public confidence in the conduct of the authority's business?
 - a) it is unlikely that it would be appropriate to grant a dispensation to a Member who has a prejudicial interest arising as a result of an effect on their personal financial position or on that of a relative. The adverse public perception of the personal benefit to the Member would probably outweigh any public interest in maintaining the political balance of the committee making the decision. This is especially where an authority has

well-established processes for Members on committees to be substituted by Members from the same political party.

- b) However, the prejudicial interest could arise from the financial effect the decision might have on a public body of which they are a member. In such cases, it is possible that any public interest in maintaining the political balance of the committee making the decision might be given greater prominence.

2.2.5 Is the interest common to the Member and a significant proportion of the general public?

- a) For example, the Member might be a pensioner who is considering an item of business about giving access to a local public facility at reduced rates for pensioners. Some cautious Members might regard this as a possible prejudicial interest. However, as a significant proportion of the population in the area are also likely to be pensioners, it might be appropriate to grant a dispensation in these circumstances.

2.2.6 Is the participation of the Member in the business that the interest relates to justified by the Member's particular role or expertise?

- a) For instance, a Member might represent the Authority on another public body (eg a police authority) and have particular expertise in the work of that body. Therefore it may be appropriate for that Member to be allowed to address the decision-making body, even where there is no right for the public to do so. This would mean that the body would have the benefit of the Member's expertise before making a decision which would benefit it financially.

2.3 **Restrictions on the granting of a dispensation**

2.3.1 A dispensation cannot be granted, in respect of participation in business, for more than four years.

3.0 **Guidance to Members Requesting a Dispensation**

3.1 If a Member believes s/he has a personal interest in a matter which is also prejudicial s/he cannot take part and vote without a dispensation.

3.1.1 If either of paragraphs 2.1.3 (a) (i) or (ii) applies then a Member may wish to consider applying for a dispensation from the Standards Committee. In those circumstances it would be advisable to discuss the proposed application with either the Monitoring Officer or any of her team.

3.2 Requests for a dispensation should be made individually, using the form attached as Appendix 1, which is available from the Monitoring Officer or the Secretary to the Authority. If the Member does not make an application the Standards Committee cannot consider a dispensation to that Member. This is so even if several other Members are affected by the same issue. Should each such Member wish to receive a dispensation then they must each submit an application on their own behalf using the form.

4.0 **Completing the Application Form**

4.1 The Standards Committee must be satisfied that there is a reason for a dispensation ie that the number of Members prohibited from voting exceeds 50% of those entitled to vote or will upset the political balance of that meeting so as to prejudice the outcome of voting if a dispensation is not granted. They must also be satisfied that a Member has made an application in accordance with the Regulations. The Committee will then consider the content of the application and all the other circumstances of the case. In order for the Committee to properly consider these issues the Member should provide the following information:

- Details of the personal interest of the Member; if it involves the membership of another body, Members should outline the purpose of the body and its relationship, if any, with the Fire Authority;
- Details of the decision or decisions in respect of which the Member will have a prejudicial interest;
- If appropriate, the date(s) of the meeting(s) and the item number of any particular decision due for consideration;
- The name of the relevant Officer who usually advises Members about the matter under consideration;
- Members should indicate the length and scope of the dispensation being sought: a dispensation cannot be longer than four years and it can be limited to a particular decision or apply to a number of decisions relating to the same issue;
- Finally, the Member will need to indicate why he or she considers that a dispensation should be given.

5.0 **Submitting the Application**

5.1 Once completed, the form should be sent to the Monitoring Officer.

5.2 The Secretary to the Authority will then arrange for the Standards Committee to consider the application at its next meeting or, if the matter is urgent and will not wait until then, at a specially convened meeting of the Standards Committee.

5.3 The Member will be notified by the Secretary to the Authority of the date upon which the Standards Committee will consider the request.

6.0 **Consideration of the Dispensation Request by the Standards Committee**

6.1 At the appointed meeting, the completed application form will be considered by the Standards Committee, along with any other relevant information, in deciding whether or not to grant a dispensation to the Member.

6.2 The Standards Committee may seek information from the relevant Officer and may request the attendance of the Member to assist in understanding the nature of the relevant interest.

6.3 Once the Standards Committee has decided whether or not to grant a dispensation, the Monitoring Officer shall inform the Member as to the outcome of his/her application.

7.0 Recording a Dispensation

7.1 If the Standards Committee decides to grant a dispensation to the Member, then the Monitoring Officer will record, in writing, its existence, duration and nature.

7.2 The Monitoring Officer will ensure that a copy of the record is kept with the relevant Member's entry in the Register of Members' Interests.

8.0 Monitoring Dispensations

8.1 The Standards Committee will monitor the use made of dispensations granted by it.

9.0 Acting under a Dispensation

9.1 When acting under a dispensation granted to them by the Standards Committee, Members must at all times act, and appear to act, in the Authority's best interests.

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

Request to the Standards Committee for a Dispensation

Name of Member seeking dispensation:

In respect of which meeting(s)?
(include dates, where possible)

In respect of what business? (If applicable, include full details of the agenda item or other matter)

Name of the Relevant Officer: *(Please indicate the name of the officer who usually presents reports on the matter for which a dispensation is sought).*

Desired length of dispensation:
.....days/weeks/months/years
(Please note the maximum length of a dispensation is four years)

Ground(s) for application: *(Please tick the relevant box)*

- (a) more than 50% of the Members entitled to vote affected:
- (b) the number of Members affected will upset the political balance of that meeting so as to prejudice the outcome of voting

Details of your prejudicial interest:

Please set out full details of your personal interest in the business concerned and why you believe that interest to be prejudicial. Please continue on a separate sheet if necessary:

Reasons for seeking a dispensation:

Please set out full reasons why it is desirable for the Standards Committee to grant you a dispensation in respect of the above prejudicial interest. Please continue on a separate sheet if necessary:

PLEASE REMEMBER THAT WHEN ACTING UNDER A DISPENSATION, MEMBERS MUST AT ALL TIMES ACT, AND APPEAR TO ACT, IN THE AUTHORITY'S BEST INTERESTS.

Signed:
TO: **CAROLE DUNN**, Monitoring Officer

Dated:

DISPENSATIONS GRANTED BY THE STANDARDS COMMITTEE

Dispensations have been granted to the following County Councillors, for the period ending on the date of the County Council elections in 2013, to enable them to speak, vote and be included within the quorum at meetings of the Authority where issues relating to the award of contracts between the Authority and North Yorkshire County Council are considered:-

Andrew Backhouse (granted 29 January 2010)
Philip Barrett (granted 29 January 2010)
Bernard Bateman MBE (granted 30 July 2010)
John Blackie (granted 30 July 2010)
David Blades (granted 30 July 2010)
Bill Chatt (granted 29 October 2010)
M-A de Courcey-Bayley (granted 29 October 2010)
John Fort, BEM (granted 29 January 2010)
Michael Heseltine (granted 29 January 2010)
Bill Hoults (granted 30 July 2010)
Neville Huxtable (granted 29 January 2010)
David Jeffels (granted 30 July 2010)
J W Marshall (granted 29 January 2010)
Chris Metcalfe (granted 29 January 2010)
Chris Pearson (granted 29 January 2010)
Caroline Seymour (granted 29 January 2010)
Stephen Shaw (granted 29 October 2010)

Dispensations have been granted to the following City Councillors, for the period ending on the date of the City of York Council Annual Meeting in 2012, to enable them to speak, vote and be included within the quorum at meetings of the Authority, where issues relating to the award of contracts between the Authority and the City of York Council are considered:-

Keith Aspden (granted 15 July 2011)
Ken King (granted 15 July 2011)
Ann Reid (granted 15 July 2011)
Chris Steward (granted 15 July 2011)

PROTOCOL FOR FIRE AUTHORITY MEMBER VISITS TO OPERATIONAL WORKPLACES

Introduction

In cognisance of the need to maintain a safe and healthy workplace and in order to ensure that maximum benefit may be achieved through any such visits in accordance with the Authority's established principles and expectations, the following protocol has been produced following input from the Authority's Monitoring Officer and should be viewed as a framework and is provided to support occasions when Members are either requested to, or wish to attend Fire Authority workplaces.

Any such request from NYFRS staff to Members should set out the date, time, duration and purpose of visit. The Chief Fire Officer should be informed in order that responsibility for the visit may be delegated to an appropriate manager who will ensure the health, safety and welfare of the Member during their visit.

Protocol

- It would be helpful if notification of a request from staff for a Member visit to a particular workplace were passed to the Chief Fire Officer (CFO) to ensure appropriate arrangements may be made which are complementary to both Members availability and local business continuity.
- Members who wish to visit a workplace of their own volition, should normally notify the CFO of the intention in order that appropriate arrangements may be made as in the previous point.
- Any preparatory information which may be required in order to assist in the discussion should be identified wherever possible in order that this may be collated for Members prior to the visit.
- Members may wish to ensure that an independent record is kept of such meetings, by officer attendance or the use of a recording device.
- Issues which require further attention by senior management should be raised by Members directly with the CFO to ensure an appropriate response is provided.
- Members should not visit workplaces unannounced as this may compromise personal safety. On arrival at any workplace, Members should be met by a member of staff or announce their arrival to a member of staff who will ensure Members are escorted throughout the duration of their visit.
- In all instances the visitors must sign in and out of the workplace. The NYFRA visitor's policy must be complied with along with any local procedures in support of health and safety requirements.
- Members should be aware that any opinion expressed may be interpreted as representing the views of the Authority as a whole rather than a personal view.

(Approved by the Authority on 18 December 2006)

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North Yorkshire Fire and Rescue Authority

Protocol for Member/Officer Relations

1. INTRODUCTION AND PRINCIPLES

Principles

The underlying principles of this Protocol are:

- to guide Members and Officers of the Authority in their relations with one another, thereby:-
 - promoting greater clarity and certainty of current practice through impartial advice to Members from Officers protected against allegations of bias/undue influence; and
- to support the Authority's governance and ethical frameworks, ensuring transparent and accountable democracy through high standards of personal conduct.

Introduction

- (a) The purpose of this Protocol is to guide Members and Officers of the Authority in their relations with one another in such a way as to ensure the smooth running of the Authority.
- (b) Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
- (c) This Protocol is to a large extent a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
- (d) It also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of these Codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- (e) This Protocol should be read in conjunction with the Members' and Employees' Codes of Conduct, the Authority's Members' Handbook and any guidance issued by the Standards Committee and/or Monitoring Officer.

2. **General Points**

- (a) Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are accountable to the public and serve only so long as their term of office lasts. Officers are responsible to the Authority. Their job is to give advice to Members and the Authority, and to carry out the Authority's work under the direction and control of the Authority, its committees and sub-committees.
- (b) At the heart of this Protocol, is the importance of mutual respect. Member/Officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should always be courteous and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
- (c) A Member should not raise matters relating to the conduct or capability of an Officer in a manner that is incompatible with the objectives of this Protocol. This is a long-standing tradition in public service. An Officer has no means of responding to such criticisms in public. If a Member feels s/he has not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer, and fails to resolve it through direct discussion with the Officer, s/he should raise the matter with the respective individual's manager, who will then look into the facts and report back to the Member. If the Member continues to feel concern, then s/he should report the facts to the senior Officer who heads the section concerned, or if, after doing so, is still dissatisfied, should raise the issue with the Chief Fire Officer/Chief Executive who will look into the matter afresh. Any action taken against an Officer in respect of a complaint will be in accordance with the provisions of the Authority's Disciplinary Rules and Procedures.
- (d) An Officer should not raise with a Member matters relating to the conduct or capability of another Officer or to the internal management of a section in a manner which is incompatible with the overall objectives of this Protocol. This does not, however, prevent an Officer raising a concern with a Member under the Authority's Confidential Reporting Procedure ("Whistleblowing").
- (e) Where an Officer feels that s/he has not been properly treated with respect and courtesy by a Member, s/he should raise the matter with his/her Senior Officer or the Chief Fire Officer/Chief Executive Officer as appropriate, especially if they do not feel able to discuss it directly with the Member concerned. In these circumstances the Senior Officer or Chief Fire Officer/Chief Executive Officer will take appropriate action either by approaching the individual Member and/or group leader or by referring the matter to the Monitoring Officer in the context of the Standards Committee considering the complaint.

3. **The Relationship: Officer Support to Members: General Points**

- (a) Officers are responsible for day-to-day managerial and operational decisions within the Authority and will provide support to all Members in their several areas.
- (b) All statutory officers (eg the Chief Fire Officer/Chief Executive Officer, the Monitoring Officer and the Treasurer) have specific roles which are addressed in the Authority's Members' Handbook. Their roles need to be understood and respected by all Members.
- (c) The following key principles reflect the way in which Officers generally relate to Members: all Officers are employed by, and accountable to the Authority as a whole; support from Officers is needed for all the Authority's functions including the Standards Committee and other committees, and individual Members representing their authorities and communities on the Authority; day-to-day managerial and operational decisions should remain the responsibility of the Chief Fire Officer/Chief Executive Officer and other Officers.
- (d) On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It should be recognised that it is the Officer, rather than the Member or Members, who takes the action and it is the Officer who is accountable for it.
- (e) Finally, it should be remembered that Officers within a section are accountable to their Senior Officer and Director, and that whilst Officers should always seek to assist a Member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their senior Officer(s).

Personal and Business Relationships

- (f) It is clearly important that there should be a close working relationship between Members and the Officers who support and/or interact with them, in order to effectively undertake the Authority's work. This can, inevitably, lead to a degree of familiarity.
- (g) Close personal and/or business relationships between individual Members and Officer can be damaging to mutual respect and both parties should be careful to avoid:
 - i. bringing into question the Officer's ability to deal impartially with other Members and other party groups;
 - ii. creating any general impression of unfairness or bias;
 - iii. passing confidential information to anyone who should not have access to it (see section 6 later);
 - iv. in any other way allowing their relationship or connection to affect their actions, decisions or the performance of their duties generally.

- (h) Members and Officers should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare a personal interest.
- (i) It would usually be inappropriate for a Member to have special responsibilities in an area of activity in which someone with whom s/he has a close personal or business relationship is a senior Officer. If this situation arises, the Member should take appropriate action to avoid a potential conflict of interest.

4. **Officer Advice to Party Groups and Individual Members**

- (a) It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the Authority as a whole and not any political group, combination of groups or any individual Member of the Authority.
- (b) There is now statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Authority business in advance of such matters being considered by the relevant Authority decision making body. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups or to assist individual Members but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
- (c) The assistance provided by senior Officers can take many forms ranging from a briefing meeting prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is offered to all political groups and individual Members.
- (d) Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
 - (i) attendance by Senior Officers at meetings of political groups is voluntary and must be specifically authorised by the Chief Fire Officer/Chief Executive Officer.
 - (ii) Officer assistance must not extend beyond providing information and advice in relation to matters of Authority business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not present at meetings or parts of meetings, when matters of party business are to be discussed;
 - (iii) Party group meetings, whilst they form part of the preliminaries to Authority decision making, are not empowered to make decisions on behalf of the Authority. Conclusions reached at such meetings do not therefore rank as Authority decisions and it is essential that they are not interpreted or acted upon as such; and

- (iv) Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Authority business, this cannot act as a substitute for providing all necessary information and advice to the relevant Authority decision making body when the matter in question is considered.
- (e) Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the Authority. Such persons are not bound by the Authority's Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality). Officers would not be able to provide the same level of information and advice as they would to a Member only meeting.
- (f) Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group and the Officer is requested not to pass the information to other groups, then the Officer will not do so. However, Members should be aware that this would not prevent Officers from disclosing such information to other Officers of the Authority so far as that is necessary to performing their duties.
- (g) Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Fire Officer/Chief Executive Officer who will decide how best to proceed.

5. Use of the Authority's Resources

- (a) The Code of Conduct states that a Member must, when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements and ensure that such resources are not used improperly for political purposes (including party political purposes).

6. Members' Access to Information and Documents

- (a) Members are free to approach any Authority section to obtain such information, explanation and advice (about that section's functions) as they may reasonably need in order to assist them in discharging their role as Members of the Authority. This can range from a request for general information about some aspect of a section's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the appropriate Director concerned, who may, in his/her discretion, delegate the request to such other officer(s) as s/he may deem appropriate.
- (b) As regards the legal rights of Members to inspect Authority documents, these are covered partly by statute and partly by common law.

- (c) Members have a statutory right to inspect any Authority document which contains material relating to any business which is to be transacted by the Authority. This right applies irrespective of whether the Member is a Member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as a confidential (Orange) item on the agenda for a meeting. The items in question are, for example, those which contain exempt information relating to employees, occupiers of Authority property, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- (d) The common law rights of Members remain intact, are much broader and are based on the principle that any Member has a prima facie right to inspect Authority documents so far as his/her access to the document is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Authority. This principle is commonly referred to as the 'need to know' principle.
- (e) The exercise of this common law right depends therefore, upon an individual Member being able to demonstrate that s/he has the necessary 'need to know'. In this respect a Member has no right to 'a roving commission' to go and examine documents of the Authority. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'. This question must initially be determined by the particular Senior Officer whose section holds the document in question (with advice from the Monitoring Officer).
- (f) In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee) a Member's 'need to know' will normally be presumed. In other circumstances (e.g., a Member wishing to inspect documents which contain personal information about third parties) the Member will normally be expected to justify the request in specific terms. In some circumstances duties of confidentiality to external bodies e.g. the Courts or imposed by statute may override the common law right.
- (g) Whilst the term 'Authority document' is very broad and includes for example, any document produced with Authority resources, it is accepted by convention that a Member of one party group will not have a 'need to know' and therefore, a right to inspect, a document which forms part of the internal workings of another party group.
- (h) Further and more detailed advice regarding Members' rights to inspect Authority documents may be obtained from the Monitoring Officer.
- (i) Finally, any Authority information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a Member of the Authority. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in paragraph 4 of the Code of Conduct:

A Member must not:

- (i) disclose information given to him/her in confidence by anyone or information acquired which him/her believes he/she believes, or ought reasonably to be aware, except where:
 - (i.1.1) s/he has the consent of a person authorised to give it, or
 - (i.1.2) s/he is required by law to disclose it; or
 - (i.1.3) the disclosure is made to a third party for the purpose of obtaining professional advice and the third party agrees not to disclose the information to any other person; or
 - (i.1.4) the disclosure is reasonable and in the public interest and it is made in good faith and in compliance with the reasonable requirements of the Authority. In this case, and if in doubt, it is advisable to seek the advice of the Monitoring Officer before making any disclosure to ensure it will fall within the exceptions.
- (ii) prevent another person from gaining access to information to which that person is entitled by law'.

Additional provisions about confidential information are contained in the Authority's Conventions, published in the Members' Handbook.

7. Correspondence

- (a) Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
- (b) Official letters on behalf of the Authority should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It will, however, be appropriate in certain circumstances (e.g., representations to a Government Minister) for a letter to appear in the name of a Member. Letters which, for example, create legal obligations or give instructions on behalf of the Authority should never be sent out in the name of a Member.

8. Publicity and Press Releases

- (a) Public authorities are accountable to their electorate and local people. Accountability requires local understanding. This will be promoted by the Authority, explaining its objectives and policies to the electors. In recent years, authorities have increasingly used publicity to keep the public informed and to encourage public participation. Every authority needs to tell the public about the services it provides. Increasingly, authorities see this task as an essential part of providing services. Good, effective publicity aimed to improve public awareness of the

Authority's activities is, in the words of the Government, to be welcomed.

- (b) Publicity is, however, a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential, therefore, to ensure that public authority decisions on publicity are properly made in accordance with clear principles of good practice. The Government has issued a Code of Recommended Practice on Local Authority Publicity (applicable to the Authority). The purpose of the Code is to set out such principles. The Code affects the conventions that should apply to all publicity at public expense and which traditionally have applied in both central and local government. The Code is issued under the provisions of the Local Government Act 1986 as amended by the Local Government Act 1988 which provides for the Secretary of State to issue Codes of Recommended Practice as regards the content, style, distribution and cost of local authority publicity, and such other matters as s/he thinks appropriate. That section requires that all local authorities shall have regard to the provisions of any such Code in coming to any decision on publicity. All Members are specifically bound to observe the publicity Code by the Code of Conduct.

Additional provisions about press releases are contained in the Authority's Conventions, published in the Members' Handbook.

9. Involvement of Members

- (a) It is essential that Members should be fully informed about matters on which they may be required to make decisions or which affect their area.
- (b) It is the duty of each Senior Officer to ensure that all relevant staff are aware of the need to keep Members informed and that the timing of such information allows Members to contribute to those decisions.
- (c) Similarly, whenever the Authority undertakes any form of consultative exercise on a local issue, Members should be notified at the outset of the exercise. More generally, Officers should consider whether other policy or briefing papers or other topics should be discussed with relevant Members.
- (d) Whenever the Authority undertakes any form of consultative exercise in a particular locality, Members should be notified at the outset of the exercise.

10. Redress

- (a) If a Member considers that she/he has not been treated properly, and in accordance with this Protocol by an Officer she/he should first try to resolve the matter through direct discussion with the Officer.
- (b) The Member may raise it with the appropriate Director if she/he fails to resolve the matter through such discussion. A Member may raise the issue with the Chief Fire Officer/Chief Executive Officer if it remains

unresolved. Where appropriate disciplinary action may be taken against an Officer.

- (c) Similarly, if an Officer feels that she/he has not been treated properly, and in accordance with this Protocol, by a Member and she/he feels unable to resolve the matter directly with the Member concerned the Officer should raise the issue with the appropriate Director. In such circumstances the Senior Officer will take such action as is appropriate, if necessary, by approaching the party Group Leader or the Monitoring Officer. The Senior Officer will inform the Chief Fire Officer/Chief Executive Officer if the Party Group Leader becomes involved, and in other cases, where appropriate. Where appropriate the Monitoring Officer will advise the Member concerned about the provisions of the Code of Conduct so far as they relate to this Protocol.

11. Arbitration

When necessary, the Monitoring Officer will arbitrate on the interpretation of this Protocol following consultation with the Chairman of the Standards Committee and the Chief Fire Officer/Chief Executive Officer.

10 February 2010

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THE NORTH YORKSHIRE FIRE SERVICES (COMBINATION SCHEME) ORDER 1995 – EXTRACTS FROM

Statutory Instrument 1995 No 3133 - came into force on 5 December 1995

Note: This Order made a scheme which combined the areas of the City of York Council and North Yorkshire County Council into a combined fire area. The scheme, amongst other things, established a Fire Authority for the combined area and provided for the appointment and terms of office of its Members and for meetings of the Authority.

SCHEDULE

THE NORTH YORKSHIRE FIRE SERVICES COMBINATION SCHEME

PART II

GENERAL

The Combined Area

3. The areas of the following councils, namely the council of the District of York and North Yorkshire County Council shall be combined and shall become the combined area.

Combined Fire Authority

4. (1) There shall be constituted as the fire authority for the combined area an authority to be known as the North Yorkshire Fire and Rescue Authority.
(2) The Authority shall be constituted in accordance with the provisions of Part III.

PART III

CONSTITUTION OF COMBINED FIRE AUTHORITY

11. (1) The Authority shall consist of not more than 25 members save that, where the minimum number of members of the Authority resulting from the operation of paragraph 12 would be greater than 25, the Authority shall consist of that number of members.
(2) Each member of the Authority shall be appointed by a constituent authority from its own members in accordance with this Part.
12. Each constituent authority shall, so far as is practicable, appoint such number of representatives to be members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other constituent authorities' areas.

13. A member of the Authority shall come into office on the date of his appointment and shall, subject to paragraphs 14 to 16, hold office for such period or periods as shall be determined by the constituent authority which appoints him.
14. A member of the Authority may resign his membership by giving notice in writing to that effect to the officer of the Authority whose function it is to receive such notice.
15.
 - (1) A member of the Authority who ceases to be a member of the council which appointed him shall cease to be a member of the Authority.
 - (2) A person shall be disqualified from being a member of the Authority if he holds any paid office or employment (other than the office of chairman or vice-chairman), appointments to which are or may be made or confirmed by the Authority, by any committee or sub-committee of the Authority, or by a joint committee or board on which the Authority are represented.
16.
 - (1) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority before the expiry of his period of office, the council which appointed him shall appoint a representative to replace him, who shall come into office on the date of his appointment and, unless he resigns, becomes disqualified or otherwise ceases to be a member of the Authority, shall hold office for the remainder of the period for which his predecessor would have held office had he not resigned, become disqualified or otherwise ceased to be a member of the Authority.
 - (2) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his term of office, the council which appointed him shall not be required to appoint a representative to replace him for the remainder of such term unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 11.
17.
 - (1) The Authority shall elect a chairman, and may elect a vice-chairman, from among its members.
 - (2) The Chairman and, if a vice-chairman is elected, the vice-chairman, shall, subject to paragraphs 13 to 16, hold office for a period of one year from the date of their election.
 - (3) Sub-paragraph (2) above shall not prevent a person who holds or has held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.
 - (4) On a casual vacancy occurring in the office of chairman or, if a vice-chairman has been elected, the vice-chairman, the Authority shall elect from its members a person to replace the chairman, and may so elect a person to replace the vice-chairman, as the case may be.

- (5) The election to replace the chairman under sub-paragraph (4) above shall take place not later than the next following ordinary meeting of the Authority.
- 18. The first meeting of the Authority shall be held ...
- 19. At a meeting of the Authority the quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine, including at least one representative from each constituent authority.

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STANDING ORDERS FOR THE REGULATION OF THE BUSINESS OF THE NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

INDEX

Standing Order

15	Adjournment of debate
7	Agenda items
11	Alteration or withdrawal of motion or amendment
10	Amendments to motions
17	Appointments by the Authority
21	Canvassing of and recommendation by Members
2	Chairman of the meeting
28	Chairman and Vice-Chairman of Committees and Sub-Committees
16	Closure
12	Conduct of Members
24	Custody of seal
19	General disturbance
20	Interests in contracts and other matters
31	Interpretation of Standing Orders
26	Meetings of Committees and Sub-Committees
1	Meetings of the Authority
4	Minutes of the Authority
9	Motions affecting persons employed by the Authority
8	Motions and amendments generally
14	Next business, etc
13	Points of order and explanations
27	Proceedings of Committees and Sub-Committees
6	Public - Questions and statements from members of the
5	Questions by Members
3	Quorum
23	Record of attendances
22	Relatives of Members or employees
25	Sealing of documents
30	Suspension of Standing Orders
29	Variation and revocation of Standing Orders
18	Voting

STANDING ORDER 1

Meetings of the Authority

- (1) The Authority shall hold an annual meeting between the first day of December and the last day of February each year. The first item of business on the agenda for the annual meeting shall be the appointment of Chairman for the ensuing year.
- (2) In addition to the annual meeting of the Authority and any meetings convened by the Chairman or by Members of the Authority, meetings for the transaction of general business shall be held on such days and at such times and in such places as may be determined by the Authority at its annual meeting provided that any such details may be varied at a subsequent meeting.
- (3) The Chairman of the Authority may cause a special meeting of the Authority to be called at any time.
- (4) A special meeting of the Authority shall be called on the request of at least one quarter of the whole number of members of the Authority by notice in writing and signed by them and given to the Secretary and specifying the business for which the meeting is to be called.
- (5) In these Standing Orders "ordinary meetings" means a meeting described in paragraph (1) or (2) above other than a meeting convened by the Chairman or by Members of the Authority. The term "year" means the period from 1 December in one calendar year to 30 November in the next following year.

STANDING ORDER 2

Chairman of the Meeting

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

STANDING ORDER 3

Quorum

- (1) The quorum for meetings of the Authority shall be one third of the whole number of Members or such greater number as the Authority shall determine, including at least one representative of each constituent authority.
- (2) If during any meeting of the Authority the Chairman 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 Chairman at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Authority or to any earlier special meeting, if called, and that business is specified in the notice.

STANDING ORDER 4

Minutes of the Authority

- (1) At a meeting of the Authority at which minutes of a previous meeting are submitted for approval as a correct record, the Chairman shall move that those minutes be so approved.
- (2) 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.
- (3) If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

STANDING ORDER 5

Questions by Members

- (1) Subject to Standing Order 5(3), at a meeting of the Authority a Member may ask the Chairman of the Authority any question relating to the business of the Authority.
- (2) At ordinary meetings of a Committee, any Member of the Authority who is present may ask the Chairman of that Committee any question on any matter in relation to which that Committee has delegated or referred functions.
- (3) The text of any question shall be submitted in writing to the Secretary 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).
- (4) The Chairman of the meeting may allow the asking of a question which has not been submitted as required by paragraph (3) above, if he/she considers that it relates to urgent business. The text of any such question shall, if possible, be delivered to the Secretary not later than 10.00 am on the working day immediately before the meeting at which the question is to be asked.
- (5) 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/herself to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of the original question. In paragraphs (6)-(9) of this Standing Order, the word "question" shall include a supplementary question.
- (6) Every question shall be put and answered without discussion.
- (7) No resolution shall be moved with reference to any question or reply to a question.
- (8) If the Chairman of a meeting is of the opinion that the question is out of order, or of a personal character, or in the interests of the Authority it is undesirable, he/she shall so inform the Member and shall not allow the question to be put.

- (9) Questions asked in pursuance of the above paragraphs of this Standing Order shall be recorded in the minutes of the meeting, and the Secretary shall supply the questioner with a copy of the replies thereto within seven working days after the meeting.

STANDING ORDER 6

Questions and Statements by the Public

- (1) Members of the public are able to attend and speak (by asking questions or making statements) at meetings of the full Authority, the Authority's Audit and Performance Review Committee and its Standards Committee, in accordance with this Standing Order.
- (2) Questions will be asked (or statements made) in the order notice of them was received, except that the Chairman may group together similar questions or statements.
- (3) A question may only be asked (or statement made) if notice has been given by delivering it in writing or by electronic mail to the Secretary to the Authority no later than midday three working days before the day of the meeting. Each question must give the name of the questioner and must name the Member of the Authority to whom it is to be put. Each statement must give the name of the person by whom it is to be made.
- (4) At any one meeting no person may submit more than one question or statement and no more than one such question may be asked or statement made on behalf of one organisation.
- (5) The Secretary to the Authority may reject a question or statement if it:
- (a) is not about a matter for which the Authority has responsibility or which affects the Authority's area;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a question which has been put at a meeting of the Authority, its Audit and Performance Review Committee or Standards Committee in the past six months; or
 - (d) requires the disclosure of confidential or exempt information.
- (6) The Secretary to the Authority will enter each question and statement in a book open to public inspection and will immediately send a copy of any question to the Member to whom it is to be put. Rejected questions or statements will include reasons for rejection. Copies of all questions and statements will be circulated to all Members and will be made available to the public attending the meeting.

- (7) At the meeting in question:
- (a) the Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with;
 - (b) the Chairman will invite the person to make their statement. If they are unable to be present they may ask the Chairman to make the statement on their behalf. The Chairman has discretion whether or not to do so;
 - (c) no person asking a question or making a statement may speak for more than three minutes, with the exception of a representative of a recognised trade union who may speak for up to ten minutes at the Chairman's discretion. The total time allowed at any meeting for questions and statements by the public shall be half an hour. These timescales may be extended in the discretion of the Chairman;
- (8) A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in paragraph (5) above.
- (9) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put or because the required notice was not given, will be dealt with by a written answer within two weeks of the date of the meeting.
- (10) Unless the Chairman decides otherwise, no discussion will take place on any question or statement, but any Member may move that a matter raised by a question or statement be deferred to the next meeting or referred to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion. No other decision may be taken in relation to any question or statement.

STANDING ORDER 7

Agenda Items

With the agreement of the Chairman, any Member of the Fire Authority may require the agenda for any given meeting to include an item on any particular issue. Except in urgent circumstances, on which the decision of the Chairman shall be final, no decision shall be taken in respect of such an agenda item until the Authority has first received a written report from the relevant officer. Where insufficient notice is given of such an agenda item to enable the relevant officer to prepare a report, the matter shall stand deferred without debate to the next meeting of the Authority, except in urgent circumstances.

STANDING ORDER 8

Motions and Amendments Generally

- (1) A motion or amendment shall not be discussed unless it has been proposed and seconded, and it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.
- (2) A Member may not propose or second a motion or amendment on which he/she is disqualified from voting.

STANDING ORDER 9

Motions Affecting Persons Employed by the Authority

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

STANDING ORDER 10

Amendments to Motions

- (1) An amendment shall be relevant to the motion and shall be either:-
 - (a) to refer a subject of debate to a Committee for consideration or re-consideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others;
 - (d) to insert or add words;but such omission, insertion or addition of words shall not only have the effect of negating a motion before the Authority.
- (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.
- (3) Every amendment shall be relevant to the motion to which it is moved.
- (4) Any number of amendments may be moved, but when an amendment to an original motion has been moved and seconded no second or subsequent amendment shall be moved until the first amendment has been disposed of.

STANDING ORDER 11

Alterations or Withdrawal of Motion or Amendment

- (1) A proposer of a motion may, with the concurrence of the seconder and the consent of the Authority, 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 Chairman be reduced into writing and handed to him/her before the consent of the Authority to the alteration is sought.
- (2) A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Authority, withdraw the motion or amendment which he/she has proposed, and no Member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.
- (3) The giving or refusal of the consent of the Authority to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

STANDING ORDER 12

Conduct of Members

- (1) A Member shall direct his/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.
- (2) If any Member in the opinion of the Chairman signified to the Authority, misconducts himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, or by tedious repetition or unbecoming language, the Chairman 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.
- (3) If the Member named continues such misconduct after a motion under Standing Order 12(2) has been carried, the Chairman 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 Authority for such period as he/she in his/her discretion shall consider expedient.

STANDING ORDER 13

Points of Order and Explanations

- (1) A Member may rise 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 Standing Order or statutory provision, and the Member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- (2) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

STANDING ORDER 14

Next Business, etc

- (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 Chairman considers that the matter has been insufficiently discussed, move "that the Authority proceed to the next business" or, if there is no other business to be transacted, "that the Authority adjourn".
- (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.
- (3) On the seconding of the motion, the Chairman 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 Authority.
- (4) If the motion is carried, the original motion shall be treated as withdrawn.

STANDING ORDER 15

Adjournment of Debate

- (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.
- (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 Authority.
- (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.

- (4) On the resumption after adjournment of an interrupted debate, the Authority shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Standing Orders.

STANDING ORDER 16

Closure

- (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 Standing Orders referred to as "the closure").
- (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 immediately to the vote unless it appears to the Chairman that the proposition to which it is sought to apply the closure has not been sufficiently discussed.
- (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 of reply.

STANDING ORDER 17

Appointments by the Authority

This Standing Order shall apply to every appointment to be made by the Authority, except those which legislation requires, or the Authority decides, to appoint on the basis of nominations from political groups.

- (1) To fill a single vacancy - Where more than two persons are nominated and the first voting does not produce an absolute majority of votes in favour of any one of them, the name of the person having the least number of votes shall be removed from the list and a further vote must take place, and so on until a voting produces an absolute majority of those voting in favour of one of the persons. The appointment of that person shall then be proposed by motion.
- (2) To fill two or more vacancies - Where there is more than one vacancy and the number of persons nominated exceeds the number of positions to be filled, the following procedure shall be adopted:-
 - (a) each Member may vote for any number of persons, not exceeding the number of vacancies to be filled, by signing and delivering to the person presiding at the meeting a notice of the names of the person for whom he/she votes;
 - (b) the person presiding at the meeting shall announce the number of votes cast for each nominee;
 - (c) the name of the person having the least number of votes shall be removed from the list and each of the Members who voted for that person will be asked by the Chairman, individually by name, whether

they wish to transfer that vote to one of the remaining nominees. The process will be repeated until the number of nominees remaining is the same as the number of vacancies. The appointment of those persons will then be proposed by motion.

- (3) The procedures contained in this Standing Order shall, so far as possible, be followed when appointments (including the appointments of Officers) are made by a Committee or Sub-Committee.

STANDING ORDER 18

Voting

- (1) Every proposition shall, unless otherwise required by these Standing Orders or Statute, be determined by show of hands or, at the discretion of the Chairman, by voices.
- (2) In taking the votes on any proposition, those Members only shall be entitled to vote who are present in the room where the proposition is put from the Chair.
- (3) After a proposition is put from the Chair but before the vote is taken, any four Members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present gave his vote for or against the proposition or abstained from voting.

STANDING ORDER 19

General Disturbance

- (1) If a Member of the public interrupts the proceedings at any meeting the Chairman shall warn him/her. If he/she continues the interruption the Chairman shall order his/her removal from the room. In case of general disturbance in any part of the room open to the public the Chairman shall order that part to be cleared.
- (2) If, in the opinion of the Chairman, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him/her, may without the question being put suspend the meeting for a period not exceeding 60 minutes.

STANDING ORDER 20

Members' Interests

Members must at all times observe the Members' Code of Conduct adopted by North Yorkshire Fire and Rescue Authority. Whilst observance of the Code is the individual responsibility of each Member, advice may be sought from the Monitoring Officer or the Director of Corporate Services as to the requirements of the Code.

STANDING ORDER 21

Canvassing of and Recommendation by Members

- (1) Canvassing of Members of the Authority, or any Committee or Sub-Committee of the Authority, directly or indirectly for any appointment under the Authority or as a Fire Officer or Firefighter, shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Standing Order shall be included in any form of application.
- (2) A Member of the Authority shall not solicit for any person any appointment under the Authority or as a Fire Officer or Firefighter, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority or the Chief Fire Officer with an application for appointment.

STANDING ORDER 22

Relatives of Members or Employees

- (1) A candidate for any appointment under the Authority who knows that he/she is related to any Member or employee of the Authority shall disclose that relationship in his/her application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal without notice.
- (2) Every Member and senior officer of the Authority shall disclose to the Secretary any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Authority.
- (3) The purport of this Standing Order shall be included in any form of application.
- (4) For the purpose of this Standing Order "senior officer" means any officer so designated by the Authority, and persons shall be deemed to be related if they are husband and wife, or if either of them or the spouse of either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

STANDING ORDER 23

Record of Attendances

Every Member attending a meeting of the Authority, or of any of its Committees or Sub-Committees of which he/she is a Member, shall sign his/her name in the attendance book or sheet provided for that purpose.

STANDING ORDER 24

Custody of Seal

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

STANDING ORDER 25

Sealing of Documents

- (1) The common seal of the Authority shall not be affixed to any document unless the sealing has been authorised either by a resolution of the Authority or of a Committee or Sub-Committee, or by an officer, to which the Authority has delegated its powers in this behalf, but a resolution of the Authority (or of a Committee or Sub-Committee where that Committee or Sub-Committee has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial or address, the making of any contract, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the authorisation.
- (2) The seal shall be attested by the Legal Adviser or other person duly authorised in writing by him/her and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be authenticated by the person who has attested the seal.

STANDING ORDER 26

Meetings of Committees and Sub-Committees

- (1) The Chairman of a Committee or Sub-Committee or the Chairman of the Authority may cause a special meeting of the Committee or Sub-Committee to be called at any time.
- (2) A special meeting of a Committee or Sub-Committee shall be called on the request of at least one quarter of the whole number of Members of the Committee or Sub-Committee by notice in writing signed by them and given to the Secretary and specifying the business for which the meeting is to be called.

STANDING ORDER 27

Proceedings of Committees and Sub-Committees

- (1) The membership of all Committees and Sub-Committees shall include at least one representative of each constituent authority.
- (2) The quorum of every Committee and Sub-Committee shall be one third of the whole number of the Committee or Sub-Committee or such greater number as the Authority shall determine provided that in no case shall a quorum of a

Committee or Sub-Committee be less than three Members.

- (3) If it is not possible for any Authority Member from a constituent Council to be present at a meeting of a Committee or Sub-Committee, any Authority Member from that Council may request that particular business is not considered at that meeting. Such requests must be made to the Secretary to the Authority by no later than midday on the working day prior to the meeting. Where such a request is received, the business will not be considered until a Member from that constituent Council can be present.
- (4) Any Authority Member may attend as an observer at meetings of Committees and Sub-Committees (except those Committees and Sub-Committees which the Authority may from time to time determine for the purposes of this Standing Order) to which he/she has not been appointed as Member, including meetings or items of business from which the public has been excluded. If given permission by the Chairman of the meeting, a Member attending as an observer may speak (but not vote) on any matter.
- (5) Subject to the provision of Section 100 of the Local Government Act 1972, all Committee and Sub-Committee reports and all documents marked as "confidential", "exempt" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Authority's business.
- (6) No act of a Sub-Committee shall have effect until approved by the appointing Committee except to the extent that the Committee has itself power to act without the approval of the Authority and the power so to act has been conferred upon the Sub-Committee.
- (7) In addition to those Standing Orders which expressly relate to Committees or Sub-Committees, Standing Orders 4, 6 to 20 inclusive and 30 shall apply with any necessary modification to Committees and Sub-Committees.
- (8) The Standing Orders of this Authority shall not apply to the Regional Management Board, which is a joint committee of this Authority. The Regional Management Board will agree its own Standing Orders. Amendments to those Standing Orders will not require compliance with Standing Order 29 of this Authority.

STANDING ORDER 28

Chairman and Vice-Chairman of Committees and Sub-Committees

- (1) The Chairman and Vice-Chairman of a Committee, or of any Sub-Committee which the Authority may from time to time determine for the purposes of this Standing Order, shall be appointed by the Authority in accordance with this Standing Order and may be removed by the Authority or may resign. If the Authority so decide, the appointment of the Chairman and Vice-Chairman of a Committee or Sub-Committee may be left for that body itself to decide.
- (2) The appointment of the Chairman and Vice-Chairman of a Committee or Sub-Committee shall be conducted in the same way as an appointment is required to be made by the Authority under Standing Order 17.

- (3) Subject to paragraph (1) of this Standing Order, the Chairman and Vice-Chairman of a Committee or Sub-Committee appointed by the Authority shall hold office until the next annual meeting of the Authority after his/her appointment or, if appointed by a Committee or Sub-Committee, until the first meeting of that Committee or Sub-Committee after the next annual meeting of the Authority.
- (4) If the Chairman and Vice-Chairman of a Committee or Sub-Committee is absent from a meeting of the Committee or Sub-Committee, the Members present shall choose one of their number who is a Member of the Authority to preside over the meeting, subject to paragraph (5) of this Standing Order.
- (5) If the Chairman (or, if the Chairman is absent, the Vice-Chairman) of a Committee or Sub-Committee arrives at a meeting of the Committee or Sub-Committee, after the time for which the meeting has been summoned, he/she shall preside over the meeting, notwithstanding the appointment of any Chairman for the meeting by virtue of Standing Order 28(4).

STANDING ORDER 29

Variation and Revocation of Standing Orders

Any motion to add to, vary or revoke these Standing Orders unless appearing in full on the agenda for the meeting shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority. Any decision to add to, vary or revoke Standing Orders shall take effect when specified in the resolution or immediately in default of a time and date being specified.

STANDING ORDER 30

Suspension of Standing Orders

- (1) Subject to paragraph (2) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend any of the preceding Standing Orders shall not be moved unless there shall be present at least one-half of the whole number of the Members of the Authority.

STANDING ORDER 31

Interpretation of Standing Orders

The ruling of the Chairman as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority, shall be final and shall not be challenged at any meeting of the Authority, any Committee or Sub-Committee.

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

CONVENTIONS

1 Steering Group

Political guidance outside of the Authority or its Committees shall be sought from the Steering Group, which, for the time being, shall comprise the Leaders of the Conservative, Liberal Democrat, Labour and Independent Groups on the Authority. For the purpose of these Conventions, the Chair and Vice-Chair shall be deemed as being the Leaders of the Groups they represent.

Steering Group has power to co-opt other Members of the North Yorkshire Fire and Rescue Authority to serve on Steering Group for such period as a particular strategic project is considered regularly at Steering Group meetings. Each Co-opted Member is entitled to receive the Special Responsibility Allowance payable to Steering Group Members for such period as he/she is co-opted onto Steering Group.

2. Substitute Members

Each Steering Group Member is entitled to appoint another Member of North Yorkshire Fire and Rescue Authority to attend and speak at any Steering Group meeting which the normal Steering Group Member is unable to attend. Substitutes attending Steering Group meetings are not entitled to receive a Special Responsibility Allowance, although travel expenses may be claimed.

3 Chair and Vice-Chair

The Chair and Vice-Chair will have no executive or consultative powers other than that provided for by either legislation, Standing Orders or these conventions.

4 Briefing Meetings

Each Member of the Steering Group shall be entitled to a full briefing by the Authority's officers prior to all meetings of the Authority. Wherever possible, this shall be achieved by way of a joint briefing meeting as part of the normal schedule of Steering Group meetings.

5 Preparation and Arrangements for CFA Meetings

Preparations and arrangements for meetings of the Authority shall comply with the codes of practice outlined in Appendices 1 (a) and (b) to these Conventions.

6 Inter-Authority Liaison

For all meetings of the Steering Group, agenda and notes shall be sent to all Members of the Authority. For all meetings of the Authority itself, material sent to Members shall be sent to relevant officers of both constituent authorities at the same time as it is sent to Members. Officers of the

constituent authorities may attend meetings of the Steering Group if invited to do so by the Group.

Officers of the Authority shall be responsive to any request from Members or Officers of each constituent authority for information and should make every effort to meet with each constituent authority if requested to do so.

Papers for meetings of the Authority shall be despatched at least 6 working days before the meeting.

7 Confidential Information

If Members require that advice or factual information given to them by Officers be treated confidentially, this request should be respected and neither the fact that the Members have asked for advice or information, nor the advice or information given, shall be relayed to another Member or Members.

The fact that a Member has asked for and received advice or factual information in confidence shall not override the duty of Officers to provide the same advice/factual information to the Chairman, Vice-Chairman, Members of the Steering Group or other Members, if that advice or information is relevant to the exercise of their functions as Chairman, Vice-Chairman, Steering Group members or Members of the Authority.

All letters sent to Members shall bear on their face an indication as to which other Members (if any) have been sent copies.

Officers shall not be required to divulge confidential or sensitive information to members of constituent authorities who are not members of the Authority unless such information has already been made available to all members of the Authority.

Additional provisions about Members' rights of access to information are contained in the Authority's Protocol for Member/Officer Relations, published in the Members' Handbook.

8 Press Releases

The Chief Fire Officer shall have the power to issue press releases concerning the work of the Authority or the service, provided that the Steering Group is consulted over matters which are contentious or politically sensitive.

Copies of all press releases issued should be sent to the Steering Group Members for information. Copies of all politically contentious or sensitive press releases, on which the Steering Group has been previously consulted, shall be sent to all Members of the Authority.

As part of the briefing prior to all meetings of the Authority, consideration be given by the Steering Group to issuing press releases concerning any matter on the agenda.

Additional provisions about publicity and press releases are contained in the Authority's Protocol for Member/Officer Relations, published in the Members' Handbook.

9 Petitions

The Chairman shall receive petitions, if any, on behalf of the Authority prior to every meeting to which the petition relates. The receipt of every such petition and the terms of it shall be reported to the Authority.

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APPENDIX 1(a)

PREPARATIONS AND ARRANGEMENTS FOR CFA MEETINGS

1. Key Objectives
 - 1.1 To ensure that the agenda and all reports for CFA meetings can be sent out six working days before the meeting, as required by the Authority.
 - 1.2 To ensure that the Steering Group is adequately briefed on issues before the agenda and papers are despatched.
 - 1.3 To ensure that officers of the CFA, including the Chief Fire Officer, the Secretary/Legal Adviser and Treasurer, have an opportunity to consider and comment on issues, and on draft reports, prior to the Steering Group briefing.
2. CFA/Committee Meetings
 - 2.1 The CFA will have four ordinary meetings per annum which shall normally be held on Wednesday afternoons. These should be agreed with the Steering Group well in advance: by mid October the Secretary should have arranged dates for the following calendar year. These will then be formally adopted at the annual CFA meeting in December, in accordance with Standing Orders.
 - 2.2 Special meetings of the CFA may need to be organised from time to time to consider particular issues: the principles in this paper and in Appendix 1(b) with regard to the preparation of draft reports and briefing of Members and officers will be followed in relation to special meetings so far as the timescale permits.
 - 2.3 The Audit and Performance Review Committee shall normally meet five times per year. The Standards Committee shall normally meet 3 times per year. Officers will seek to ensure adequate consultation with Members on issues to be raised at meetings of the CFA's Committees but it is recognized that some Committees, by their very nature, will only meet on an ad hoc basis.
3. Briefing Meetings
 - 3.1 At the same time as dates for CFA meetings are arranged, the Secretary will arrange dates for briefing meetings for the Steering Group. These meetings will be held not less than eight working days before meetings of the CFA.
 - 3.2 Draft reports, where they are available, will be sent by the Secretary to relevant officers and to the Steering Group at least four days prior to the briefing meeting.

APPENDIX 1(b)

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

Arrangements for the Preparation of Reports

The arrangements for the preparation of reports and briefing of elected Members are outlined at Appendix 1(a). Briefly, the requirements are as follows:-

Steering Group briefing – not less than two working days before the dispatch of the agenda.

At least 4 days prior to the Steering Group briefing, Members will be send a copy of the draft Agenda for the meeting of the Authority together with as many draft reports as are available.

Additional items of business for CFA should only be allowed if the Steering Group agree.

Furthermore, the Secretary is authorised to withdraw from the agenda any item that has not undergone the above Overview and Scrutiny.

There may be a need for briefings by Constituency authority officers of their Members which are recognised as a legitimate part of the political process. Therefore,

Where necessary, it will be an accepted principle that representatives on the Authority of each constituent Authority will have the right collectively to be briefed by officer representatives of each constituent Authority prior to meetings of the Fire Authority itself, if they so wish or if either constituent authority consider it appropriate.

FINANCIAL REGULATIONS

	Page
1 Introduction	96
2 Definitions	96
3 Powers and Duties of the Authority	96
4 General Considerations	97
5 Revenue Budget	99
Setting a Budget	
Expenditure against the Revenue Budget	
Monitoring of the Revenue Budget	
Virement	
Outturn	
6 Four Year Financial Forecast	101
7 Capital Programme	102
Approving a Capital Programme	
Monitoring of the Capital Programme	
Outturn	
8 Disposal of Buildings and Material Assets	103
9 Pay and Pensions	103
10 Income	104
11 Petty Cash	104
12 Inventories and Stores	104
13 Banking	105
14 Treasury Management	105
15 Voluntary Funds	106
16 Insurance	107
17 Audit	107
18 Partnerships	108
19 Revision of Financial Regulations	109

1. INTRODUCTION

- 1.1 These Financial Regulations are a part of the overall control framework within which the North Yorkshire Fire and Rescue Authority operates. They aim to facilitate service delivery by setting out best practice for the administration of financial matters throughout the Authority, ensuring high quality financial information and thereby supporting effective decision making. They are kept under review to ensure that they remain relevant to the day to day activities of the Authority.
- 1.2 These Financial Regulations have been approved by the Authority with the intention of enabling the delegation of financial responsibility to the lowest appropriate level of management within the Authority. They set out the working arrangements by which the Authority gives effect to its statutory financial responsibilities.
- 1.3 Although staff in Financial Services primarily provide support to the Treasurer, they are also there to provide assistance to any officer regarding financial management, administration or budgetary control issues.
- 1.4 The statutory responsibility for the creation and maintenance of the financial control framework rests with the Treasurer. The Treasurer will also monitor the adherence to these Financial Regulations.

2. DEFINITIONS

- 2.1 In these Financial Regulations, unless the context otherwise requires

“Authority” means the North Yorkshire Fire and Rescue Authority

“Chair” means the Chair of the Authority

"Steering Group" means the Steering Group of the Authority

“Monitoring Officer” means the officer designated to carry out the functions of Monitoring Officer under the Local Government and Housing Act 1989

“Treasurer” means the person designated by the Authority for the purposes of Section 112 of the Local government Finance Act 1988. Currently this is the Director of Corporate Services.

“Directors” includes Chief Fire Officer / Chief Executive

“Officer” means any other employee of the Authority

“Person” shall include a Company however constituted

3. POWERS AND DUTIES OF THE AUTHORITY

- 3.1 Any power or duty of the Authority in relation to these Financial Regulations may be exercised by a Committee or Sub-Committee to which the Authority has delegated its powers.

- 3.2 Each section of the Regulations is prefaced by an Introduction which is not part of the Regulations themselves.

4. GENERAL

Regulations

- 4.1 These Financial Regulations are made by the Authority and are subject to the relevant provisions of the Local Government Act 1972, the Local Government Finance Act 1988, the Local Government and Housing Act 1989 and the Local Government Act 2003, together with any amendments or additions thereto.
- 4.2 These Financial Regulations apply to all activities of the Authority.
- 4.3 Where appropriate, reports to the Authority, or any of its Committees or Sub Committees, must contain a financial statement or appraisal setting out the full financial implications arising from any proposals contained within the report. The financial statement or appraisal must be agreed with the Treasurer in advance of the report being distributed to Members of the Authority.

Responsibilities

- 4.4 The Treasurer will, for the purposes of Section 112 and 114 of the Local Government Finance Act 1988, be responsible for the proper administration of the Authority's financial affairs and the submission of reports to the Authority on the discharge of that responsibility.
- 4.5 The Treasurer has a statutory responsibility for ensuring that adequate systems and procedures exist to account for all income due and expenditure payments made on behalf of the Authority and that controls operate to protect the Authority's assets from loss, waste, fraud or other impropriety.
- 4.6 In addition to these Regulations the Treasurer may discharge that responsibility in part by the issue and maintenance of Financial Instructions with which all officers of the Authority, together with any person employed by an organisation contracted to the Authority, shall comply.
- 4.7 The Treasurer shall be responsible for the production and certification of the Statement of Final Accounts in accordance with the Accounts and Audit regulations 2003. The Treasurer shall also be responsible for all arrangements relating to the external audit of the Accounts in accordance with those regulations. This responsibility also extends to financial information contained within any statutory plan issued by the Authority.
- 4.8 The nature and format of all accounting procedures and financial records shall be determined by the Treasurer.
- 4.9 All accountancy systems and related financial procedures and records shall be in a form agreed with the Treasurer. The Treasurer shall be consulted at an early stage and his/her approval obtained regarding any proposed changes to these systems or procedures. This will include any proposals for

the performance of any financial tasks covered by these Regulations by any person other than an officer of the Authority.

- 4.10 The Treasurer shall be responsible for monitoring adherence to these Regulations
- 4.11 The Treasurer shall, in compliance with section 114 of the Local Government Finance Act 1988, report to the Authority if the Authority, a Committee of the Authority, any Member or Officer of the Authority or a joint Committee on which the Authority is represented:-
- i) has made or is about to make a decision which involves or would involve the Authority incurring expenditure which is unlawful;
 - ii) has taken or is about to take a course of action which, if pursued to its conclusion would be unlawful and likely to cause a loss or deficiency on the part of the Authority or
 - iii) is about to enter an item of account, the entry of which is unlawful
- 4.12 The Treasurer shall also make report if it appears that the expenditure proposed by the Authority is likely to exceed the resources available to it to meet the expenditure.
- 4.13 Where a report is made under regulations 4.11 and 4.12 above, the Treasurer shall send a copy of it to the External Auditor and each Member of the Authority.
- 4.14 All Directors, Section Heads and Budget Holders are individually responsible for the proper financial management of all resources allocated to them and for the identification of income arising from activities within their operational areas.
- 4.15 Each Budget Holder shall be responsible for the observance of these Financial Regulations and any related Financial Instructions within their service area.
- 4.16 All Directors, Section Heads and Budget Holders shall ensure that staff comply with the requirements contained in these Financial Regulations and be responsible for the training of staff under their supervision to enable them to comply with these Regulations.
- 4.17 It is a requirement of these Financial Regulations that all suspected irregularities are reported to the Director of Corporate Services.
- 4.18 Failure to comply with these Regulations, and any related Financial Instructions, may lead to disciplinary action being taken against individual employees.
- 4.19 Any such failure will be reported to the Audit and Performance Review Committee as part of the Authority's Corporate Governance arrangements.
- 4.20 Where appropriate, breaches will be dealt with under the terms of the Authority's Anti Fraud and Corruption Policy.
- 4.21 The Authority's Disciplinary Procedures will be used where the outcome of any Audit Investigation conducted as part of that policy indicates improper behaviour.

- 4.22 Where impropriety is discovered and there is evidence that a criminal offence could have or has occurred, under the terms of the Policy the Police may be contacted.

5. REVENUE BUDGET

Introduction

The Revenue Budget is an estimate of the annual income and expenditure requirements of the Authority and thereby sets out the financial implications of the Authority's current policies. Once approved by the Authority it gives powers to incur expenditure and also provides a basis on which the financial performance of the Authority can be monitored.

Regulations

5.1 Setting a Budget

- 5.1.1 The Treasurer, in consultation with all Officer, Directors and Budget Holders, shall prepare a draft Revenue Budget for the next financial year for submission to the Authority.
- 5.1.2 The Treasurer shall specify the format of the Revenue Budget and the timing of reports relating thereto, subject to any overriding requirements of the Authority.
- 5.1.3 Any draft Revenue Budget(s) presented to the Authority shall include any variations to existing budgets and policies together with any implications for future financial years.
- 5.1.4 The Treasurer is responsible for submitting any reports regarding the Revenue Budget to the Authority that will enable it to comply with its statutory responsibility to issue Precepts on the City of York Council and 7 District Councils within North Yorkshire. Once the Precepts have been determined by the Authority it shall be the responsibility of the Treasurer to notify the contributing authorities.
- 5.1.5 Once the Revenue Budget for a given financial year has been approved by the Authority the Treasurer shall define budgetary control policy and ensure it is enforced including identifying responsible Budget Holders and the limits of their budgetary authority.

5.2 Expenditure against the Revenue Budget

- 5.2.1 Expenditure may be incurred within the Revenue Budget approved by the Authority in pursuance of the aims for which the Budget has been established, subject to any overriding requirements of the Authority. Expenditure can only be committed against authorized budgets and in accordance with the policies for which the budget was established
- 5.2.2 If any proposed change in policy is likely to affect the Budget, a report to the Authority shall be prepared setting out clearly the full financial implications of the proposals.

5.3 Monitoring of the Revenue Budget

- 5.3.1 Throughout the financial year each Budget Holder shall monitor income and expenditure against those specific budgets for which they are responsible.
- 5.3.2 Where an officer orders goods or services which are to be charged against the budget(s) managed by another officer they will be required to gain the consent of that other officer before committing any expenditure against that budget.
- 5.3.3 The Treasurer shall provide financial advice to assist Directors, Section Heads and Budget Holders to fulfil their responsibilities.
- 5.3.4 Budget Holders shall supply the Treasurer with sufficient information, as and when required, to enable accurate budget profiling and/or financial projections to be undertaken.
- 5.3.5 Any variations to the approved budget, and a forecast for the full financial year, will be included in Budget monitoring reports that shall be submitted by the Treasurer to each regular meeting of the Authority and Steering Group.
- 5.3.6 If expenditure in excess of the approved Budget is incurred due to an emergency, this expenditure must be reported to the Treasurer as soon as practicable and to the Authority as soon as possible thereafter.

5.4 Virement

Introduction

Virement is the transfer of budget provision between individually defined budget headings. It is a necessary facility to assist the effective management of budgets.

Regulations

- 5.4.1 The Treasurer shall ensure that virement is undertaken as necessary to maintain the accuracy of the regular budget monitoring process.
- 5.4.2 Any single virement for expenditure not exceeding £20,000 may be actioned with the agreement of the appropriate Budget Holders. Budget Holders are to notify the Treasurer that such virements have taken place. Thereafter the Treasurer will be responsible for ensuring that notified virements are reflected in the financial ledger as soon as practicable.
- 5.4.3 Any single virement for expenditure exceeding £20,000 shall be subject to approval by the Treasurer and reported to the Authority as part of the Budget Monitoring process.
- 5.4.4 Notwithstanding Regulations 5.4.2 and 5.4.3 above there shall be no virement to/from Staff Budgets and Non Staff Budgets. Any virements between Staff Budgets will be covered by the arrangements for Vacancy Management applying at any one time.
- 5.4.5 Notwithstanding Regulations 5.4.2 and 5.4.3 above there shall be no virement from the budget for 'Pensions and related costs'.

- 5.4.6 The Treasurer may approve any virement where the additional expenditure is directly related to, and fully offset by, fees, income or other contributions from another authority or separate organisation.
- 5.4.7 The Treasurer has the right to refer any virement to the Authority.
- 5.4.8 The approval of the Authority shall be required if the proposed virement includes one or more of the following -
- (a) a change in policy
 - (b) an addition to recurring commitments in future financial years
 - (c) if required by the Treasurer
 - (d) subject to the delegated authority of the Chief Fire Officer/Chief Executive, is greater than £100,000.
- 5.4.9 The approval of the Authority will be required for any virement proposed between the Revenue Budget and the Capital Programme.

5.5 Outturn

- 5.5.1 The Treasurer shall report to the Authority on the outturn of income and expenditure as soon as practicable after the end of the financial year.
- 5.5.2 The Treasurer shall be responsible for the completion and submission of any revenue claim forms to the relevant organisation and, if necessary, the External Auditor, in accordance with any guidelines applicable to the claim in question.
- 5.5.3 The Treasurer shall be responsible for the preparation of the Statement of Final Accounts and all arrangements relating to the audit, inspection and publication thereof in accordance with all relevant statutory requirements and/or professional standards or guidelines.

6. FOUR YEAR FINANCIAL FORECAST

Introduction

In order for the Authority to be able to plan the development of its services and determine priorities for the allocation of resources between those services it needs to undertake medium-term financial planning. It does this by preparing a four year Financial Forecast, in addition to the annual budget, for incorporation into the Authority's Corporate Plan. Taken together, the Forecast and the Budget provide for a five year planning period.

Regulations

- 6.1 The Treasurer shall, in consultation with Directors, Section Heads and Budget Holders, prepare a four year Financial Forecast for submission to the Authority.
- 6.2 The preparation of the Forecast will be conducted in line with the Authority's approved Resource Allocation Framework, Financial Management Strategy and Financial Control framework.

- 6.3 The Treasurer shall determine the format of the Forecast and the timing of reports relating thereto, subject to any overriding requirements of the Authority.
- 6.4 The Forecast shall include the financial effects of all known commitments together with any proposals for changes to the level of existing services, or for developing new services.
- 6.5 The Forecast shall cover the implications of both revenue and capital expenditure, and their interaction, for that period.

7. CAPITAL PROGRAMME

Introduction

Capital expenditure is an important element in the development of the Authority's services since it represents a major investment in new and improved assets. These Regulations provide a framework for the preparation and appraisal of schemes proposed for inclusion in the Capital Programme and to allow the overall management of the Capital Programme within defined resource parameters.

Regulations

7.1 Approving a Capital Programme

- 7.1.1 The Treasurer, in consultation with the Steering Group, shall prepare a draft Capital Programme, for submission annually to the Authority.
- 7.1.2 The Treasurer shall determine the format of the Capital Programme and the timing of reports relating thereto, subject to any overriding requirements of the Authority.
- 7.1.3 The Capital Programme shall identify, as a minimum, any expenditure on individual schemes over a five year period together with a statement on the level of current contractual commitments.
- 7.1.4 Project appraisals, in a format determined by the Treasurer, shall be prepared for all proposed schemes and shall be submitted to the Steering Group for consideration before the inclusion of any scheme in the Capital Programme.
- 7.1.5 Project appraisals will be conducted in line with the Authority's approved Resource Allocation Framework. If a project involves building works, the project appraisal must be prepared in consultation with the Authority's Technical Services Manager.
- 7.1.6 Subject to any overriding requirements of the Authority, the project appraisals for those schemes in the Capital Programme that will start in subsequent financial years shall be updated and resubmitted for approval by the Authority prior to the start of the next financial year.
- 7.1.7 The further approval of the Authority is required if:
 - (a) any increase/decrease in the Authority's previously approved Capital expenditure limit for that year is necessary as a result of either

- (i) the cost variation on an individual scheme exceeding the sum contained in the approved Programme by more than 10% or £30,000 (whichever is the lesser);
 - (ii) the inclusion or deletion of any scheme
- (b) the committed expenditure in later years of the Authority's Capital Programme is increased for either of the reasons listed under (a) of this Regulation
- (c) a scheme requires expenditure to be committed well in advance of the year in which the actual costs will be incurred.
- (d) the Treasurer determines it is appropriate
- (e) in accordance with Regulation 5.4.9 there is a proposed virement between the Revenue Budget and the Capital Programme.

7.1.8 Once the Capital Programme has been approved by the Authority, the Treasurer shall define budgetary control policy and ensure it is enforced including identifying responsible Budget Holders for each scheme and the limits of their budgetary authority.

7.2 Monitoring of the Capital Programme

7.2.1 The Treasurer shall monitor expenditure on a scheme by scheme basis throughout the year against the approved Capital Programme.

7.2.2 The Treasurer shall report to the Authority on actual expenditure against the approved Capital Programme to each regular meeting of the Authority and Steering Group.

7.3 Outturn

7.3.1 The Treasurer shall report to the Authority on the outturn of expenditure on individual schemes within the Capital Programme as soon as practicable after the end of the financial year.

7.3.2 The Treasurer shall be responsible for the completion and submission of any capital claim forms to the relevant organisation and, if necessary, the External Auditor, in accordance with any guidelines applicable to the claim in question.

7.3.3 To the extent that details of capital expenditure form part of the final accounts of the Authority, the terms of Regulation 5.5.3 shall also apply to capital.

8. DISPOSAL OF BUILDINGS AND MATERIAL ASSETS

8.1 The procedures defined in Section 8 of the Contract Regulations should apply to the disposal of any assets of the service.

9. PAY AND PENSIONS

9.1 The Treasurer shall make arrangements for the payment of all officers and pensioners of the Authority.

- 9.2 The Chief Fire Officer/ Chief Executive shall be responsible for the certification of all amounts properly payable for pay and pensions in accordance with the arrangements approved by the Treasurer.
- 9.3 The Treasurer shall be authorised to implement national or local pay awards forthwith, subject to the cost of such awards being reported to the Authority. The Authority will, where necessary, consider authorising additional budget provision subject to the terms of Regulations 5.4.4 and 5.4.5.

10. INCOME

- 10.1 The Treasurer will set policy for Income handling. This policy will determine the management arrangements for all monies, including Grants, due to the Authority.
- 10.2 All money received on behalf of the Authority shall, as soon as practicable, be either banked for the credit of the Authority's account or deposited with the Treasurer. Income may not be used to directly offset payments due.
- 10.3 Fees and charges within the control of the Authority shall be subject to review at least annually by the Treasurer in consultation with Budget Holders except as provided in any specific agreements between the Authority and third parties.
- 10.4 Proposals to write off individual debts shall be agreed by the Treasurer up to a limit of £10,000, or by the Authority in excess of that amount.

11. PETTY CASH

Introduction

To assist designated officers to purchase minor expenses the Treasurer may grant petty cash advances.

Regulations

- 11.1 The Treasurer may make cash advances to designated officers to meet minor expenses, subject to any conditions deemed necessary.
- 11.2 All petty cash advances in excess of £300 shall have an Imprest Bank Account.
- 11.3 Petty Cash purchases must not exceed £50 per item and will be supported where possible by authenticated receipts.
- 11.4 No income received, other than reimbursement of approved expenditure, may be paid into a petty cash imprest account.

12. INVENTORIES AND STORES

- 12.1 The Chief Fire Officer/ Chief Executive shall maintain a written inventory of all items of moveable property used in the Service which belong to the Authority and whose individual cost or value exceeds £100.

- 12.2 The Chief Fire Officer/ Chief Executive shall be responsible for the custody of all stores and financial documents related thereto.
- 12.3 The Chief Fire Officer/ Chief Executive may, with the approval of the Treasurer arrange for the disposal of unrequired stock or inventory items, up to a limit of estimated value of £5,000 in each case. Above that figure, disposals shall require Authority approval. (See Regulation 9)
- 12.4 The Chief Fire Officer/ Chief Executive and Treasurer shall be authorised jointly to write off stock and inventory deficiencies up to a limit of £5,000. Above that figure, Authority approval shall be required.

13. BANKING

- 13.1 All arrangements for the operation and supervision of the Authority's bank account(s) shall be made by the Treasurer.
- 13.2 All bank accounts shall stand in the name of North Yorkshire Fire and Rescue Authority.
- 13.3 No bank account shall be opened until a memorandum of authorisation is jointly signed and agreed by the Chief Fire Officer/ Chief Executive and the Treasurer. The memorandum shall justify the purpose of the account and identify the name of the bank and its head office. This memorandum must then be retained on an appropriate file by the Treasurer together with copies of the application to the bank.
- 13.4 There shall be safe and efficient arrangements for the control of access to blank cheques and the preparation, signing and despatch of cheques. There will also be a monthly reconciliation of cash books with bank statements.
- 13.5 All cheques on the Authority's bank account shall be signed either manually or in facsimile by the Treasurer, or by an officer nominated by him.
- 13.6 A current Bank Mandate shall be maintained

14. TREASURY MANAGEMENT

- 14.1 The Authority adopts the key recommendation of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code) 2001 as described in Section 4 of that Code.
- 14.2 Accordingly, the Authority will create and maintain, as the cornerstones for effective treasury management
- (a) a treasury management policy statement (TMPS) stating the policies and objects of its treasury management activities
 - (b) suitable treasury management practices (TMPs) setting out the manner in which the Authority will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

- 14.3 The Authority delegates responsibility for the implementation, monitoring, execution and administration of treasury management decisions to the Treasurer who will act in accordance with the Authority's TMPS, associated TMPs as well as CIPFA's Standard of Professional Practice on Treasury Management.
- 14.4 The Authority will receive reports on the treasury management policies, practices and activities including as a minimum, an annual strategy and plan in advance of the year, and an annual report after its close, in the form prescribed in the TMPs.
- 14.5 All money in the possession of the Authority shall be under the control of the officer designated for the purposes of Section 112 of the Local Government Finance Act 1988 (ie the Treasurer).
- 14.6 The Treasurer shall periodically review the Treasury Management Policy Statement and associated documentation and report to the Authority on any necessary changes.
- 14.7 The Treasurer shall be responsible for the arrangements whereby the financial contributions payable by the District Councils and City of York Council together with all properly due grants, income and donations are received by the Authority.
- 14.8 Notwithstanding the other Regulations relating to Treasury Management, the specific named posts shown below shall carry out the following responsibilities:

Monitoring Officer

- ensure compliance by the Treasurer with the terms of the Treasury Management Policy Statement and that that Statement complies with the law and/or any relevant Code of Practice.
- satisfy himself/herself that any proposal to vary Treasury Policy or practice complies with the law and/or any relevant Code of Practice.
- advise the Treasurer where such advice is sought.

15. VOLUNTARY FUNDS

Introduction

A voluntary fund is any fund which, although not officially owned by the Authority, is controlled or administered solely, or in part, by an officer by reason of his or her employment with the Authority.

Regulations

- 15.1 The Treasurer shall be informed of the purpose and nature of all voluntary funds maintained by officers in the course of their duties with the Authority.
- 15.2 Formal accounts shall be prepared and shall be audited annually by a competent, independent person and shall be submitted with an audit report to the appropriate body within 6 months of the accounting year end.

- 15.3 A copy of the accounts and audit report shall be supplied to the Treasurer immediately after the meeting of the body. The Treasurer shall be entitled to verify that the reports have been made and to carry out such checks on the accounts as he/she considers appropriate.
- 15.4 Voluntary Funds shall be operated in accordance with any Financial Instructions issued by the Treasurer.

16. INSURANCE

- 16.1 The Treasurer shall effect all insurance cover on behalf of the Authority.
- 16.2 The relevant Principal Officer or Section Head shall promptly notify the Treasurer of:
- (i) any event which may result in a claim against the Authority and/or its insurers;
 - (ii) the terms of any indemnity which the Authority is required to give;
 - (iii) any new risks which might require to be insured, together with changed circumstances affecting existing risks.

17. AUDIT

Introduction

The Accounts and Audit Regulations 2003, issued under the provisions of the Local Government Finance Act 1988, apply to the Authority. Under the terms of these Regulations the Authority has specified the Director of Corporate Services as Treasurer and the Responsible Finance Officer to maintain continuous, adequate and effective internal audit of the Authority's accounts. The following Regulations provide the framework for this statutory duty to be discharged.

Regulations

- 17.1 The Treasurer is responsible for the implementation and maintenance of all internal control procedures relating to financial systems. All Directors, Section Heads and Budget Holders are jointly responsible for securing the economic, effective and efficient use of resources.
- 17.2 The Treasurer shall maintain an adequate and effective internal audit of the activities of the Authority. In addition the Authority delegates responsibility for the implementation, monitoring, execution and administration of its Anti Fraud and Corruption and Whistleblowing policies to the Treasurer who will act in accordance with those policies.
- 17.3 The Treasurer shall be notified immediately of all financial irregularities or suspected irregularities, or any circumstances which may suggest the possibility of irregularities in the exercise of any of the Authority's functions. Such communications may be oral initially but must be confirmed promptly in writing.

- 17.4 The Treasurer or his/her representative, shall have authority to enter at all times on any premises or land used by the Authority and to have access to all correspondence, documents, books or other records of any officer of the Authority and relevant in anyway to the activities of the Authority.
- 17.5 The Treasurer shall be entitled to require such explanation as he/she considers necessary to establish the correctness of any matter under examination. The Treasurer shall have the authority to require any officer of the Authority to produce cash, stores, or other Authority property under his/her control for inspection.
- 17.6 The Treasurer shall have regard to any relevant professional guidelines and any audit standards issued by the Auditing Practices Board of the Consultative Committee of Accountancy Bodies (or equivalent successor body).
- 17.7 The Treasurer shall determine the scope of any internal enquiries or investigations, subject to consultation with the Legal Adviser to the Authority and the Chief Fire Officer/ Chief Executive.
- 17.8 The Treasurer and the Legal Adviser to the Authority, in consultation with the Chief Fire Officer/ Chief Executive shall decide whether any matter under investigation should be referred for police investigation and take recovery action as appropriate on such matters.
- 17.9 The Treasurer or his/her representative, shall at all times preserve the confidentiality of information received in discharging tasks under this section of the Financial Regulations.

18. PARTNERSHIPS

Introduction

The aim of the Authority in its approach to Partnerships is to create safer communities by supporting mutually beneficial activities. The Authority will support Partnerships with direct funding where specific activities can be directly linked to the Authority's own Vision and Corporate Objectives.

Regulations

- 18.1 The Authority will create and maintain
- i) a Partnership Engagement Policy Statement setting out the Authority's policies and objectives;
 - ii) suitable Partnership engagement practices setting out the manner in which the Authority will seek to achieve those policies and objectives and prescribing how it will manage and control those activities;

The Authority delegates the responsibility for the monitoring and evaluation of its Partnership arrangements to the Director of Corporate Services.

The Director of Corporate Services shall

- i) maintain a register of all contracts/agreements entered into with partners;
- ii) report annually to the Authority with an evaluation of its Partnerships.

To allow the Director of Corporate Service to discharge his/her responsibilities under these Regulations, the Treasurer shall

- i) advise on necessary controls that will ensure that resources are used effectively;
- ii) advise on any financial or funding elements of the partnership or project;
- iii) ensure that the accounting arrangements are satisfactory;

To allow the Director of Corporate Service to discharge his/her responsibilities under these Regulations, Principal Officers shall

- i) notify the Director of Corporate Services of any proposal to enter into any Partnership arrangement/agreement;
- ii) ensure that before entering into any partnership arrangement/agreement, a risk assessment has been carried out in line with the Authority's Risk Management Policy;
- iii) ensure that all agreements/arrangements are properly documented;
- iv) ensure that any agreements/arrangements do not impact adversely on services provided by or to the Authority.

19. REVISION OF FINANCIAL REGULATIONS

- 19.1 These Regulations can only be altered by the agreement of the Authority, or as a result of changes in statutory arrangements.

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CONTRACT REGULATIONS

INDEX	PAGE
1 General Regulations	112
2 Exceptions to Procurement Procedures	112
3 Quotation Procedures	113
4 Tender Procedures	113
5 Contract Procedures	115
6 Leasing Contracts	115
7 Joint procurement	116
8 Disposal of Buildings and Material Assets	116
9 Revision of Contract Regulations	116

These Regulations set out the arrangements under which Directors, Section Heads and Budget Holders will procure goods and services.

1. General Regulations

1.1 Goods and services may only be procured if there is approved budgetary provision to cover the costs.

1.2 The Chief Fire Officer shall be responsible for

- the procurement of all goods and services;
- ensuring that goods and services ordered are received and are of the correct quality;
- the certification of invoices in accordance with arrangements approved by the Treasurer. The Treasurer will arrange the payment of all invoices which are certified duly payable by the Authority.

1.3 With the exception of the items referred to in Regulation 2 the following procedures shall be adhered to for the procurement of all goods and services:-

- (i) for all items between £10,000 and £50,000 written price quotations shall be obtained (see Regulations 3.3 to 3.4 for detailed procedures.)
- (ii) all items exceeding £50,000 shall be obtained by tender (see Regulation 4 for detailed procedures).
- (iii) for all items up to £10,000 an official order signed by the Chief Fire Officer, or an officer approved by the Chief Fire Officer, shall be issued.
- (iv) for all items exceeding £10,000 a written contract with the supplier must be entered into (see Regulation 5 for detailed procedures)

1.4 The financial limits and procedures specified in these Regulations for the procurement of goods and services shall also apply to the disposal of any assets of the service. (See Regulation 8).

2. Exceptions to Procurement Procedures

2.1 In the following circumstances quotations or tenders will NOT be required, provided value for money is obtained;

- (i) purchases through the Yorkshire Purchasing Organisation;
- (ii) purchases through HMSO;
- (iii) purchases through a Government contract, or contract of another Local Authority which has been negotiated in accordance with that organisation's own Standing Orders and is available to this Authority;
- (iv) purchases at public auction;

- (v) purchases of goods or services of a special nature which can only be obtained from one supplier;
- (vi) if the Chief Fire Officer after consultation with the Chairman (or Vice-Chairman in his/her absence), considers that the work is of an emergency nature required to preserve the Authority's assets or to enable the Service to be maintained. In such circumstances the action taken will be reported to the Authority.

2.2 For the following items an order will NOT be issued;

- (i) public utility services, rents and rates;
- (ii) petty cash purchases which must not exceed £50 per purchase;
- (iii) any other items agreed by the Treasurer

3. Quotation Procedures

- 3.1 For those items for which quotations are required (see Regulation 1.3(i)) a minimum of three written quotations should be obtained. Every invitation to quote should state that no quotation will be accepted except in a sealed envelope bearing the word "quotation" followed by the subject to which it relates.
- 3.2 The quotations shall be opened at the same time by two officers authorised by the Chief Fire Officer who shall maintain a permanent record of the quotations received.
- 3.3 If the lowest quotation for expenditure, (or the highest quotation for income), is not recommended for acceptance, the Chief Fire Officer shall report this to the Chairman of the Authority and to the Secretary prior to awarding the work.
- 3.4 No quotation shall be accepted unless three persons have submitted quotations or the agreement of the Chief Fire Officer, after consultation with the Chairman, is first obtained.

4. Tender Procedures

- 4.1 For those items for which tenders are required (see Regulation 1.3 (ii)) a Notice shall be given in at least one newspaper circulating in the Authority's area or in technical journals circulating among such persons as undertake such contracts (and in the European Journal if required by European legislation), setting out brief details of the contract into which the Authority wishes to enter and inviting persons to apply for permission to tender within a minimum of 14 days after the date specified.
- 4.2 After the expiry of the period specified in the Public Notice, invitations to tender shall be sent to -
 - (i) not less than 4 persons who applied to tender selected by the Chief Fire Officer after consultation with the Steering Group of the Authority

- or (ii) where fewer than four persons applied, or are considered suitable, those persons whom the Chief Fire Officer, after consultation with the Steering Group of the Authority, considers suitable
- 4.3 Where the Chief Fire Officer and the Treasurer agree that it is inadvisable or inexpedient to advertise, tenders may be invited from not less than three persons capable of fulfilling the contract, subject to such action being reported to the Authority (see also Regulation 4.11).
- 4.4 Where invitation to tender is required, every notice of such invitation shall state that no tender will be received except in a sealed envelope which shall bear the word "Tender", followed by the subject to which it relates, but shall not bear any identification of the tenderer. Such envelopes shall remain in the custody of the Secretary until the stated time for opening.
- 4.5 Tenders shall be opened at one time by a Member of the Authority in the presence of the Secretary or an officer designated by him/her, who shall maintain a record of such tenders.
- 4.6 No tender other than the lowest in price (or the highest for income) shall be accepted until the Authority has considered a report from the Chief Fire Officer outlining why the lowest price (or highest for income) should not be accepted. Express note that the tender accepted was not the lowest (or the highest for income) shall be recorded in the minutes of the Authority.
- 4.7 No tender shall be accepted unless three persons have tendered for the contract or the agreement of the Chief Fire Officer, after consultation with the Chairman, is first obtained.
- 4.8 Any tenders not received on time shall be returned to the tenderer by the Secretary unless he/she is satisfied there is adequate evidence of posting in time for delivery by the due date in the normal course of post delivery and the other tenders have not been opened. Notwithstanding the provisions of Regulation 4.4 the tender may be opened to ascertain the name and address of the tenderer but no details of the tender shall be disclosed.
- 4.9 Persons tendering may only submit a revised offer when invited to do so following post-tender negotiation. Such post tender negotiation may only happen when permitted by law and where the Chief Fire Officer, after consultation with the Treasurer, considers added financial or other benefits may be obtained. The post tender negotiation shall only be conducted by a team of officers approved by the Chief Fire Officer, the Legal Adviser and the Treasurer.
- 4.10 Authority approval shall be required where the preferred tender price exceeds the original budget provision by 10% or £10,000 whichever is the greater.
- 4.11 Except in the case of schemes included in the Capital Programme, where the Chief Fire Officer and the Treasurer agree that:-
- (i) market conditions make genuine competition impossible, or
 - (ii) the proposed contractor is on site, there is financial benefit in negotiating an extension for further work and subject to the cost of the further work

not exceeding 10% of the value of the original work or £3,000 whichever is the greater; or

(iii) demonstrable benefits in service or value for money are likely to be obtainable; or

(iv) the expenditure is to be reimbursed by a third party,

then a single tender may be sought for works, supplies or services, subject to such action being reported to the Authority.

4.12 For schemes included in the Capital Programme, the thresholds are 10% or £30,000 whichever is the lesser.

5. Contract Procedures

5.1 For all items over £10,000 a contract in writing is required. Such a contract should be signed on behalf of the Authority by a Principal Officer or his/her designated representative and shall include details regarding:

(i) the work to be done;

(ii) the price to be paid, with a statement of discounts or other deductions;

(iii) the period within which the contract is to be performed;

(iv) liquidated damages on contracts which exceed £50,000 for all building works to be paid by the contractor where they fail to complete the contract on time;

(v) a performance bond must be required for every contract exceeding £1,000,000 except where the Chief Fire Officer considers it unnecessary, after consultation with the Treasurer;

(vii) recompense where the contractor fails to deliver goods or services specified in the contract for the Authority to make good the default or replace the purchase from another contractor and recover the cost from the contractor;

(viii) insurance cover to the limit specified by the Treasurer for public liability purposes.

5.2 Every contract, and the procedure for letting it shall comply with relevant European Legislation

6. Leasing Contracts

6.1 Notwithstanding the requirements of Regulations 1 to 5 the Treasurer shall undertake the negotiation of terms for, and authorise the leasing of, any assets where the sole purpose of the designated lease is to finance the transaction.

7. Joint Procurement

- 7.1 In some circumstances it may be appropriate for the Authority to purchase services under a joint arrangement with another local authority. In these circumstances the approval of the Authority shall be required and the Chief Fire Officer and Treasurer satisfied that the procurement arrangements that the partner authority is adopting are no less rigorous than those of this Authority.

8. Disposal of Buildings and Material Assets

- 8.1 All disposals of buildings and material assets shall be agreed by the Authority. For this purpose a "material asset" should be defined as any single asset that, at the time of its proposed disposal, has an estimated disposal value exceeding £5,000.
- 8.2 The procedures defined in Section 8 of the Regulations for the procurement of goods and services should apply to the disposal of any assets of the service. (Regulation 1.4 specifically refers).
- 8.3 No quotations or tenders for other than the highest price shall be accepted without reference to the Chairman of the Authority and to the Secretary to the Authority.

9. Revision of Contract Regulations

- 9.1 These Regulations can only be altered by the agreement of the Authority, or as a result of changes in statutory arrangements.

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

MEMBERS' ALLOWANCES SCHEME

In exercise of the powers conferred by the Local Authorities (Members' Allowances)(England) Regulations 2003, the North Yorkshire Fire and Rescue Authority has made the following scheme for the payment of allowances.

1. This scheme may be cited as the North Yorkshire Fire and Rescue Authority Members' Allowances Scheme, and shall have effect from 1 May 2003.

2. In this scheme

“co-optee” means a person who is not a councillor or a member of the Authority, but who is a member of a Committee of the Authority;

“member” means a member of the North Yorkshire Fire and Rescue Authority who is a councillor appointed to serve on the Authority by either the North Yorkshire County Council or the City of York Council;

“Regulation” means a Regulation within the Local Authorities (Members' Allowances)(England) Regulations 2003;

“substitute member” means a member of either North Yorkshire County Council or the City of York Council appointed by either of those Councils to serve as a substitute member on the North Yorkshire Fire and Rescue Authority;

“year” means the 12 months ending with 31 March.

Basic Allowance

3. Subject to paragraphs 9 and 10, for each year, a basic allowance of £3,762.42 shall be paid to each member (*this amount effective from 1.4.09*).

Special Responsibility Allowances

4. Subject to paragraphs 5, 9 and 10, for each year, a special responsibility allowance shall be paid to those members who hold the special responsibilities in relation to the Authority as are specified in column A of Table 1. The amount of such allowance shall be the amount specified against that special responsibility in column B of Table 1. (*These amounts are effective from 1.4.09.*)

TABLE 1

Column A	Column B
Chairman of the Authority	£3,293.07
Steering Group Member who is not the Chairman of the Authority	£2,540.32
Audit and Performance Review Committee Chairman	£1,129.03

5. No Member shall be entitled to more than one Special Responsibility Allowance.

Co-optees' Allowance

6. Subject to paragraphs 9 and 10, for each year, a co-optee is entitled to claim payment of the co-optees' allowance of £940.80 (*this amount effective from 1.4.09*).

Travelling and Subsistence Allowance

7. (a) Subject to paragraph 10, a member, co-optee or substitute member is entitled to claim an allowance in respect of travelling and subsistence undertaken in connection with or relating to the duties specified in Table 2.

Table 2

Attendance at a meeting of:- <ul style="list-style-type: none">• the Authority;• any Committee of the Authority;• any Best Value Review Team or other internal Working Group to which the Authority makes appointments, provided that it is a meeting to which members of at least two political groups have been invited;• any other body to which the Authority makes appointments or nominations, or of any Committee or Sub-Committee of such a body.
Attendance at training courses and seminars authorised by the Authority.
Attendance at ceremonies organised by the Chief Fire Officer at the Authority's premises, provided that it is a ceremony to which members of at least two political groups have been invited.
Attendance at any other meeting, the holding of which is authorised by the Authority, or a Committee of the Authority, provided that it is a meeting to which members of at least two political groups have been invited.
The carrying out of any other duty approved by the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Authority of any of its Committees.

- (b) The amount of entitlement by way of travelling and subsistence allowance is specified in Appendix 1.

Elections to Forego Allowances

8. A person may, by notice in writing given to the Chief Fire Officer, elect to forego his/her entitlement or any part of his/her entitlement to an allowance under this scheme.

Part-year Entitlements

9. (a) The provisions of this paragraph shall have effect to regulate the entitlements of a person to basic, special responsibility and co-optees' allowances where, in the course of a year, that person becomes, or ceases to be, a member or co-optee, or accepts or relinquishes a

special responsibility in respect of which a special responsibility allowance is payable.

- (b) Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of the proportion of basic allowance for a year that is equivalent to the proportion of a year of the number of days during which his/her term of office as member subsists.
- (c) Where a member who receives a special responsibility allowance does not have the special responsibilities in question throughout a year, that member's entitlement to special responsibility allowance shall be such proportion of that allowance for a year as is equivalent to the proportion of a year of the number of days of that year during which that member has such special responsibilities.
- (d) Where the appointment of a co-optee begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of the proportion of basic allowance for a year that is equivalent to the proportion of a year of the number of days during which his/her appointment subsists.

Members Who are Suspended or Partially Suspended

- 10. (a) Where a member is suspended or partially suspended from his/her responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of the following allowances payable to him/her in respect of the period for which he/she is suspended or partially suspended shall be withheld by the Authority for that period of suspension or partial suspension:-
 - Basic allowance
 - Special responsibility allowance
 - Travelling and subsistence allowance
 - Co-optees' allowance
- (b) The Authority shall have the ability to require repayment of any allowance (or part thereof) already paid in respect of any period during which the Member concerned is or becomes suspended or partially suspended under Part III of the Local Government Act 2000, ceases to be a Member of the Authority, or is in any other way not entitled to receive the allowance in respect of that period.

Claims and Payments

- 11. (a) A member wishing to claim travelling and subsistence allowances must submit a claim for any such allowances within 6 months from the date on which his/her entitlement arises. –
- (b) Payments shall be made:-

- In respect of basic, special responsibility and co-optees' allowances, in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month.
- In respect of travelling and subsistence allowances, on the last working day of each month in respect of claims received up to the day 14 days before that date.

Amendment or Revocation of this Scheme

12. (a) This scheme may be amended at any time but may only be revoked with effect from the beginning of a year. Any amendment or revocation and subsequent publicity thereof shall be made in accordance with Part 3 of the Regulations.
- (b) Where an amendment is made which affects an allowance payable for the year in which the amendment is made, the entitlement to such allowance shall apply with effect from the beginning of the year in which the amendment is made.

Annual Adjustment to Allowance Levels

13. (a) An annual adjustment shall be made to the allowances set out in this scheme by reference, from 1 April 2010, to the annual pay settlement for Non-Uniformed Staff. Where the only change made to the scheme in any year is that effected by such annual adjustment in accordance with that index, the scheme shall not be deemed to have been amended.
- (b) The annual pay settlement for Non-Uniformed Staff shall not be relied on for longer than a period of four years before the Authority re-considers the application of that index to this scheme.

Records of Allowances

14. The Chief Fire Officer shall maintain a record of the payments made in accordance with this scheme and shall make it available for inspection and provide copies in accordance with Regulation 15(2).

Publicity

15. (a) The Chief Fire Officer shall publish, in accordance with Regulation 15(3) and as soon as reasonably practicable after the end of each year, the total sum paid by it in the year under this scheme to each recipient in respect of the various allowances.
- (b) The Chief Officer shall publish, in accordance with Regulation 16, a notice after the making or amendment of this scheme and as soon as possible after the expiration of twelve months after the previous publication of such a notice, irrespective of whether the scheme has been amended during that twelve month period.

APPENDIX 1

TRAVELLING AND SUBSISTENCE ALLOWANCES

PAYABLE FROM 1 APRIL 2009

The travel and subsistence allowances are based on the prevailing rates for non uniformed officers. (Approved by the Authority on 19.02.07).

Revised Car Allowances for Uniformed Personnel, APT&C Personnel and Members

NATIONAL JOINT COUNCIL FOR LOCAL AUTHORITY FIRE AND RESCUE SERVICES

**EXTRACTS FROM
CIRCULAR NJC/05/09**

ALLOWANCES WITH EFFECT FROM 1 APRIL 2009

	<u>451 – 999</u>	<u>1000 –</u>	<u>1200 cc and</u>
Casual Users	cc	1199 cc	over
Per mile up to 8500 miles	42.9p	47.7p	60.1p
Per mile over 8500 miles	11.7p	12.2p	14.2p

SUBSISTENCE RATES

**CURRENT
RATE**

Breakfast	£6.45
Lunch	£8.91
Tea	£3.50
Evening Meal	£11.02

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

SCHEME OF DELEGATION TO OFFICERS

1.0 PREAMBLE

This Scheme of Delegation is made under Section 101 of the Local Government Act 1972 and other enabling powers as are referred to in the Scheme with the object of avoiding the North Yorkshire Fire and Rescue Authority and its Committees being encumbered with an undue measure of routine business. The Authority, therefore, has delegated to the Officers the powers set out in the Scheme.

2.0 GENERAL CONDITIONS OF DELEGATION AND DEFINITIONS

2.1 Any references to consultation with the Steering Group shall be construed as meaning the Members from time to time appointed by the Authority to the Steering Group.

2.2 Even if an Officer has a delegated power, it shall be the duty of that Officer:-

- (a) before exercising any power, to consult the Steering Group where this is specifically required by the Scheme and also in other instances where he/she considers it prudent to do so;
- (b) to refer a matter for decision by the Authority or appropriate Committee whenever he/she considers it prudent to do so.

2.3 For the purpose of this Scheme, any reference to any enactment shall be deemed to include a reference to any statute incorporated therewith or any statutory instrument, Order in Council, Byelaws or other Order made thereunder and any enactment repealing, amending or extending the provisions thereof. Any reference to the Authority shall, where the sense allows, be deemed to include references to a Committee.

2.4 Officers shall report action taken by them under the terms of the Scheme to the Audit and Performance Review Committee.

2.5 The operation of the Scheme shall be kept under review by the Secretary and its provisions amended from time to time by the Authority, subject to consultation with appropriate Committees in the case of matters specifically related to their powers. Financial limits contained in the Scheme shall be revised annually by the Treasurer having regard to price fluctuations.

3.0 CHIEF FIRE OFFICER

In exercising any of the following powers, the Chief Fire Officer shall act in accordance with the general conditions of this Scheme as outlined in paragraph 2 and, in particular, with the Authority's Standing Orders, financial regulations, policies and budgetary provisions and shall seek the Authority's guidance on any matter of political sensitivity or controversy.

GENERAL

- 3.1 To exercise any power of the Authority, except the powers of the Authority to determine all policy related matters and any powers delegated to any Committee of the Authority or to other Officers.
- 3.2 After consultation with the Steering Group of the Authority, to determine any matter which the Chief Fire Officer considers to be of such urgency that it is not practical to refer the matter to the Authority for determination.
- 3.3 In cases of emergency, to take any decision that could be taken by the Authority or any Committee of the Authority and report back such decisions at the earliest opportunity.

4.0 LEGAL ADVISER TO THE AUTHORITY

In exercising any of the following powers, the Legal Adviser shall act in accordance with the general conditions of this Scheme as outlined in Section 2 and, in particular, to the Authority's Standing Orders, financial regulations, policies and budgetary provisions and shall seek the guidance of the Authority on any matter of political sensitivity or controversy. He/she shall also be required to consult with the Chief Fire Officer in all instances.

- 4.1 To institute and prosecute on behalf of the Authority proceedings in respect of any of the provisions of the following enactments:-

Fire Precautions Act 1971
Fire and Rescue Services Act 2004

- 4.2 To institute on behalf of the Authority such proceedings or take such other steps as he/she may consider necessary to secure the payment of any debt, to recover possession of any land or to enforce the performance of any obligation due to the Authority and to take such steps as he/she may consider necessary to enforce any Judgement or order obtained in any such proceedings after consultation with the Steering Group of the Authority.
- 4.3 After consultation with the Steering Group of the Authority to institute and prosecute on behalf of the Authority proceedings in respect of any offence against any legislation (including bye-laws) which the Authority is authorised to enforce in any case where the authority to institute and prosecute such proceedings is not conferred on any other Officer.
- 4.4 To enter a defence to any claim brought against the Authority.
- 4.5 To sign an indemnity where required to enable the Authority to exercise any of its functions provided that, where the giving of an indemnity could have significant financial implications not covered by one of the Authority's insurance policies, such indemnity shall be signed only with the approval of the Authority or the responsible Committee.
- 4.6 To make all necessary determinations and take all necessary steps in connection with any application to the Authority to exercise the right to buy under the Housing Act 1980, as amended, including determining whether the right to buy exists in any particular case, and the taking of necessary steps in

connection with mortgage and shared ownership applications. (Action taken to be reported to the Authority)

- 4.7 To vacate all mortgages or charges held by the Authority upon being satisfied that all capital monies, interest and costs (if any) have been discharged.
- 4.8 To execute and issue all legal documents necessary to implement decisions made by the Authority or its Committees or Officers in pursuance of delegated powers, except where a Committee has authorised another Officer to take such action or the Legal Adviser has authorised him/her to do so.
- 4.9 To authorise any person to appear on behalf of the Authority in any Court, Tribunal or Inquiry on any matter relating to the business of the Authority.
- 4.10 To determine whether or not the criteria under the Local Government and Housing Act 1989 (as amended) apply to a particular post and, hence, whether or not a post is to be included in the list of restricted posts.

5.0 MONITORING OFFICER TO THE AUTHORITY

- 5.1 To arrange temporary appointments of other authorities' standards committees' Independent Members to the Standards Committee, in consultation with the Chairman of the Committee.

6.0 TREASURER

In exercising any of the following powers, the Treasurer shall act in accordance with the general conditions of this Scheme as outlined in Section 2 and, in particular, with the Authority's Standing Orders, financial regulations, policies and budgetary provisions and shall seek the guidance of the Authority on any matter of political sensitivity or controversy. He/she shall also be required to consult with the Chief Fire Officer in all instances.

For powers delegated to the Treasurer, see the Authority's Financial Regulations.

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

OFFICERS OF THE AUTHORITY – CONTACT DETAILS

CHIEF FIRE OFFICER/CHIEF EXECUTIVE –

Nigel Hutchinson
Fire and Rescue Service Headquarters
Thurston Road
Northallerton
DL6 2ND
Telephone: 01609 788500
Fax: 01609 776271
Email: Nigel.Hutchinson@northyorksfire.gov.uk

DEPUTY CHIEF FIRE OFFICER/DIRECTOR OF SUPPORT SERVICES –

Chris Anderson
Details as above except:-
Email: Chris.Anderson@northyorksfire.gov.uk

ASSISTANT CHIEF FIRE OFFICER/DIRECTOR OF COMMUNITY SAFETY –

Andy Trowsdale
Details as above except:-
Email: Andy.Trowsdale@northyorksfire.gov.uk

DIRECTOR OF FINANCE AND SERVICE DEVELOPMENT/TREASURER (ALSO SECTION 151 OFFICER) -

Ian Young
Director of Corporate Services
Fire and Rescue Service Headquarters
Details as above except:-
Telephone: 01609 788505
Email: Ian.Young@northyorksfire.gov.uk

LEGAL ADVISER, MONITORING OFFICER AND SECRETARY TO THE AUTHORITY -

Carole Dunn
Assistant Chief Executive (Legal and Democratic Services)
North Yorkshire County Council
County Hall
Northallerton
DL7 8AD
Telephone: 01609 532173
Fax: 01609 780447
Email: carole.dunn@northyorks.gov.uk

ASSISTANT RESPONSIBLE FOR PROVIDING COMMITTEE SERVICES FOR MEETINGS OF THE AUTHORITY – Ruth Gladstone

Details as for Carole Dunn except:-
Telephone: 01609 532555
Fax: 01609 780447
Email: ruth.gladstone@northyorks.gov.uk

EASINGWOLD TRAINING CENTRE TELEPHONE NUMBER - 01347 825550