

## Constitution 2022

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## **INTRODUCTION**

This is the Constitution of Cheshire Fire Authority, which:

- Explains the Authority's decision-making arrangements;
- Sets out the responsibilities of elected Members and Officers; and
- Contains details of rules and controls.

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## SECTION 1 – CHESHIRE FIRE AUTHORITY

- 1.1 The Cheshire Fire Service (Combination Scheme) Order 1997 (the Scheme) established Cheshire Fire Authority (the Authority) for the combined area then covered by Cheshire County Council, Halton Borough Council and Warrington Borough Council. Upon local government reorganisation in 2009 the Authority's combined area became that covered by the borough councils of Cheshire East, Cheshire West and Chester, Halton and Warrington (the Constituent Authorities). At that time it was agreed that there should be 23 Councillors appointed to the Fire Authority.
- 1.2 The Scheme restricts the number of Members that may sit on the Authority (to a maximum of 25). It also requires each of the Constituent Authorities to 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 Constituent Authority areas. In other words the seats are allocated in proportion taking into account the electoral numbers in each of the Constituent Authority areas. The allocation is checked each year.
- 1.3 There are currently 23 elected Members of the Authority. At present the appointments are made in the following proportions:
- |   |   |
|---|---|
| Cheshire East Borough Council             | 9 |
| Cheshire West and Chester Borough Council | 7 |
| Halton Borough Council                    | 3 |
| Warrington Borough Council                | 4 |
- 1.4 The Authority operates a committee system rather than an executive/ cabinet model. The Authority itself makes all the key decisions. It appoints the following main committees: Performance and Overview; Governance and Constitution; and Estates and Property. Seats on these main committees are allocated in political proportion.
- 1.5 A copy of the Cheshire Fire Services (Combination Scheme) Order 1997 is attached as Annex 1 to this section.

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STATUTORY INSTRUMENTS

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**1997 No. 2697**

**FIRE SERVICES**

**The Cheshire Fire Services (Combination Scheme) Order 1997**

*Made* - - - - *8th November 1997*

*Coming into force* - - *9th November 1997*

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

And whereas notice of the general nature of the scheme has been given in accordance with section 6(2) of the Fire Services Act 1947(1)(“the 1947 Act”);

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

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

Now, therefore, in exercise of the powers conferred upon him by sections 6, 8 and 10 of the 1947 Act, and section 7(2) of the Fire Services Act 1959(3), the Secretary of State hereby makes the following Order:

**Citation**

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

**Combination Scheme**

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

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(1) 1947 c. 41. Sections 6 and 10 of the 1947 Act were amended respectively by paragraphs 1 and 2 of Schedule 3 to the Local Government Act 1992 (c. 19). For the purposes of making the scheme set out in the Schedule to this Order, sections 5(2) and 10 of the 1947 Act have effect as indicated in article 5 of the Cheshire (Boroughs of Halton and Warrington) (Structural Change) Order 1996 (S.I.1996/1863).

(2) 1946 c. 36.

(3) 1959 c. 44.

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8th November 1997

*George Howarth*  
Parliamentary Under-Secretary of State, Home  
Office



## SCHEDULE

### THE CHESHIRE FIRE SERVICES COMBINATION SCHEME

#### PART I

##### CITATION, COMMENCEMENT AND INTERPRETATION

###### **Citation and commencement**

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

###### **Interpretation**

2. In this scheme any reference to a paragraph or a Part is a reference to a paragraph or a Part of this scheme, and—
  - “the Authority” means the fire authority constituted for the combined area by virtue of paragraph 4;
  - “the combined area” means the fire authority area comprising the areas referred to in paragraph 3;
  - “the combined fire service fund” means the combined fire service fund established by virtue of paragraph 6;
  - “constituent authority” means a council referred to in paragraph 3; and
  - “the fire brigade” means, unless otherwise indicated, the fire brigade established for the combined area by virtue of paragraph 5.

#### PART II

##### GENERAL

###### **The combined area**

3. The areas of the following councils, namely the councils of the boroughs of Halton and Warrington and Cheshire 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 Cheshire Fire Authority.
- (2) The Authority shall be constituted in accordance with the provisions of Part III.

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(4) S.I. 1997/2697.

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### **Fire brigade for combined area**

5. (1) There shall be established a fire brigade for the combined area which shall be known as the Cheshire Fire Brigade, or by such other name as the Authority may determine.

(2) The first chief officer of the fire brigade shall be D.T. Davis Esq.

(3) The Authority shall submit an establishment scheme for their area to the Secretary of State in accordance with section 7 of the Fire Services Act 1959(5).

### **Financial provisions etc.**

6. (1) The expenses of the Authority shall be paid out of a combined fire service fund constituted and administered in accordance with the provisions of Part IV.

(2) Contributions shall be paid into the combined fire service fund by constituent authorities in accordance with the said provisions.

7. The Authority shall appoint a treasurer of the combined fire service fund.

### **Officers and employees**

8. The provisions of Part V shall have effect with respect to officers and employees of the Authority.

9. The Authority may appoint such other officers and employees as they think necessary for the efficient discharge of their functions.

10. The Authority may make arrangements with any constituent authority for the use by the Authority of the services of officers and employees of the constituent authority and for the making of contracts and payments on behalf of the Authority by the constituent authority.

## **PART III**

### **CONSTITUTION OF COMBINED FIRE 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.

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(5) 1959 c. 44.

**15.** (1) A member of the Authority who ceases to be a member of the council which appointed him shall cease to be a member of the Authority.

(2) A person shall be disqualified from being a member of the Authority if he holds any paid office or employment (other than the office of chairman or vice-chairman), appointments to which are or may be made or confirmed by the Authority, by any committee or sub-committee of the Authority, or by a joint committee or board on which the Authority are represented.

**16.** (1) Subject to sub-paragraph (2), if a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority before the expiry of his period of office, the council which appointed him shall appoint a representative to replace him, who shall come into office on the date of his appointment and, unless he resigns, becomes disqualified or otherwise ceases to be a member of the Authority, shall hold office for the remainder of the period for which his predecessor would have held office had he not resigned, become disqualified or otherwise ceased to be a member of the Authority.

(2) If a member of the Authority resigns, becomes disqualified or otherwise ceases to be a member of the Authority within six months before the end of his period of office, the council which appointed him shall not be required to appoint a representative to replace him for the remainder of such period unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 11.

**17.** (1) The Authority shall elect a chairman, and may elect a vice-chairman, from among its members.

(2) The chairman and the vice-chairman, if elected, shall, subject to paragraphs 13 to 16, hold office for such period not exceeding one year as the Authority shall determine.

(3) Sub-paragraph (2) shall not prevent a person who holds or has held office as chairman or vice-chairman, as the case may be, from being elected or re-elected to either of those offices.

(4) On a casual vacancy occurring in the office of chairman or vice-chairman, the Authority shall elect from its members a person to replace the chairman, and may so elect a person to replace the vice-chairman, as the case may be.

(5) The election to replace the chairman under sub-paragraph (4) shall take place not later than the next following ordinary meeting of the Authority.

**18.** The first meeting of the Authority shall be held as soon as it is practicable to do so and shall be convened by the Chief Executive of Cheshire County Council, and subsequent meetings shall be convened in such a manner as the Authority shall determine.

**19.** At a meeting of the Authority the quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine, including at least one representative from each constituent authority.

**20.** (1) The following provisions of the Local Government Act 1972<sup>(6)</sup>, namely sections 82(1), 94 to 98, 101 to 106, 99 and Part VI of Schedule 12 shall, subject to sub-paragraph (2), apply to the Authority and its members as if references in those provisions to a principal council or to a local authority, other than references to a parish council, were references to the Authority.

(2) Section 101(6) of the Local Government Act 1972 shall have effect, by virtue of sub-paragraph (1), as if for the words “levying, or issuing a precept for, a rate” there were substituted the words “assessing or varying the contributions to be paid into the combined fire service fund by the constituent authorities”.

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(6) 1972 c. 70.

## PART IV

### COMBINED FIRE SERVICE FUND

21. (1) Each constituent authority shall, in respect of each financial year, pay into the combined fire service fund, in accordance with the provisions of this paragraph, a contribution equal to its appropriate proportion of the net expenses of the Authority in respect of that year.

(2) The Authority shall, before 31st December in any year, submit to each constituent authority an estimate of its net expenses for the next financial year, and shall subsequently, before 15th February, give notice to each constituent authority of the amount of the contribution to be paid by that authority under this paragraph in the next financial year.

(3) Subject to sub-paragraphs (4) and (5), each constituent authority shall, at such intervals as are agreed between it and the Authority, make an interim payment into the combined fire service fund of such an amount as is so agreed on account of the said contribution.

(4) Subject to sub-paragraph (5), if a constituent authority and the Authority fail to agree, or subsequently disagree, as to the intervals at which payments should be made under sub-paragraph (3) or as to the amounts of such payments, each payment shall, until the end of the financial year or subsequent agreement between the two authorities, whichever is sooner—

(a) be made on the first working day of each month, and

(b) be of such an amount as would, if added to payments of an equal amount made on the first working day of each remaining month of the financial year, equal the outstanding balance of the contribution to be paid by the constituent authority under this paragraph.

(5) Notwithstanding the provisions of sub-paragraphs (3) and (4) any payments made under those sub-paragraphs shall be made at such times, and shall be of such amounts, as are at all times sufficient to enable the financial obligations of the Authority to be met.

(6) The Authority may, after consultation with each constituent authority, revise the estimate referred to in sub-paragraph (2) at any time before the end of the financial year to which that estimate relates and shall, as soon as is practicable, give notice in writing to each constituent authority of the revised amount of the contribution to be paid by that authority under this paragraph.

(7) Where a constituent authority receives notice under sub-paragraph (6) the interim payments payable thereafter under sub-paragraph (3) or (4) shall, subject to sub-paragraph (5), be so increased or reduced as to adjust to the difference.

(8) If the Authority makes arrangements with any constituent authority under paragraph 10 for the making of payments on behalf of the Authority by that constituent authority, the interim payments to be made by that constituent authority under this paragraph shall, subject to sub-paragraph (5), take into account payments made by that constituent authority on behalf of the Authority.

(9) For the purposes of this paragraph the net expenses of the Authority, in respect of any financial year, shall be the amount of its expenditure in respect of that year less all income which is credited to the combined fire service fund in respect of that year, other than contributions paid or payable under sub-paragraph (1), but may, for the purposes of preparing the estimate referred to in sub-paragraph (2) and if the Authority so resolve, include such amount or amounts as the Authority consider appropriate with a view to minimising any upward revision of an estimate under sub-paragraph (6).

(10) In this paragraph—

“appropriate proportion” means the proportion of the total amount of the constituent authorities' council tax base which is represented by the council tax base of the constituent authority in question;

“council tax base” means the council tax base for the year calculated by the Secretary of State for the Environment for Revenue Support Grant purposes in accordance with the local government finance report for that year made under section 78A of the Local Government Finance Act 1988(7);

“financial year” means the period of twelve months beginning on 1st April; and

“working day” means a day other than a Saturday or a Sunday, Good Friday, Christmas Day or a day which is, or is to be observed as, a bank holiday, or a holiday under the Banking and Financial Dealings Act 1971(8) in England and Wales.

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

## PART V

### OFFICERS AND EMPLOYEES OF THE AUTHORITY

**23.** There shall be transferred—

- (a) to the fire brigade members of the fire brigade maintained by Cheshire County Council, and
- (b) to employment by the Authority persons employed by that council wholly or mainly for the purposes of the fire brigade maintained by that council.

**24.** The following provisions of the Local Government Act 1972, namely sections 114, 115, 116, 117(1), (2) and (3), 118 and 119, shall apply to the officers and employees of the Authority as if references in those provisions to a local authority, other than references to a parish council, were references to the Authority.

## PART VI

### PROPERTY, RIGHTS AND LIABILITIES

**25.** There shall be transferred from Cheshire County Council to the Authority any property which is held by that council solely in connection with the provision of fire services, and rights and liabilities held or incurred by that council in respect of—

- (a) any contract of employment with a person transferred in accordance with paragraph 23;
- (b) the Firemen’s Pension Scheme as set out in Schedule 2 to the Firemen’s Pension Scheme Order 1992(9); and
- (c) any contract for the provision of services or the delivery of goods solely in connection with the provision of fire services.

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(7) 1988 c. 41. Section 78A was inserted by the Local Government Finance Act 1992 (c. 14), section 104 and Schedule 10, paragraph 10.

(8) 1971 c. 80.

(9) S.I. 1992/129.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

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

## SECTION 2 – KEY DOCUMENTS

### INTRODUCTION

This section includes a short explanation about key documents produced by the Fire Authority.

#### 2.1 Integrated Risk Management Plan (IRMP)

The Fire and Rescue National Framework for England (**the Framework**) issued in July 2012 by the Department for Communities and Local Government sets out the requirements for the preparation of an IRMP.

The following paragraphs are taken from the Framework:

- 1.3 *Each fire and rescue authority must produce an integrated risk management plan that identifies and assesses all foreseeable fire and rescue related risks that could affect its community, including those of a cross-border, multi-authority and/or national nature. The plan must have regard to the Community Risk Registers produced by Local Resilience Forums and any other local risk analyses as appropriate.*
- 1.10 *Each fire and rescue authority Integrated Risk Management Plan must:*
- *Demonstrate how prevention, protection and response activities will best be used to mitigate the impact of risk on communities, through authorities working either individually or collectively, in a cost effective way.*
  - *Set out its management strategy and risk based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005 in accordance with the principles of better regulation set out in the Statutory Code of Compliance for regulators, and the Enforcement Concordat.*
- 1.11 *Fire and rescue authorities must make provision to respond to incidents such as fires, road traffic accidents and emergencies within their area and in other areas in line with their mutual aid agreements, and reflect this in their Integrated Risk Management Plans.*
- 2.3 *Each fire and rescue authority Integrated Risk Management Plan must:*
- *Be easily accessible and publicly available*

## SECTION 2 – KEY DOCUMENTS

- *Reflect effective consultation throughout its development and at all review stages with the community, its workforce and representative bodies, and partners*
- *Cover at least a three year time span and be reviewed and revised as often as it is necessary to ensure that fire and rescue authorities are able to deliver the requirements set out in this Framework*
- *Reflect up to date risk analyses and the evaluation of service delivery outcomes*

3.2 *Fire and rescue authorities must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their Integrated Risk Management Plan and the requirements included in this Framework...*

### **2.2 Five Year Strategy – ‘Planning for a Safer Cheshire’**

To provide the strategic direction for the Authority, a five year strategy is produced. This outlines the organisation’s vision, mission and objectives and the approach it will take in addressing the issues it faces in the medium term.

### **2.3 Medium Term Financial Plan (MTFP)**

The MTFP covers a rolling period of four years and maps out financial predictions and assumptions to assist in the annual budget setting process and in ensuring longer term liabilities are provided for. The MTFP aligns with the approach set out in the four year strategy and underpin the annual IRMP action plans.

### **2.4 Annual Statement of Assurance (a requirement of the Framework)**

The Authority is required to provide assurance on financial, governance and operational matters and show it has had due regard to the requirements of its IRMP and those included in the Framework. To provide this assurance the Authority must publish an Annual Statement of Assurance. This will not be a single document.

### **2.5 Business Continuity Plan (a requirement of the Framework)**

It is a requirement of the Framework that the Authority must have effective Business Continuity arrangements in place in accordance with the duties set out in the Civil Contingencies Act 2004 and in order to meet the full range of service delivery risks that the Authority faces.



## **SECTION 2 – KEY DOCUMENTS**

### **2.6 Annual Report**

The Annual Report is produced to provide residents and external partners with a summary of the Authority's financial accounts together with details of Service performance and is made widely accessible.

### **2.7 Annual Financial Statement**

The Authority has a statutory requirement to complete and approve a set of fully audited financial statements annually by the end of each July.

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## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **INTRODUCTION**

This section sets out the responsibilities of the Members’ Decision-Making Bodies. It sets out the responsibilities of the Fire Authority and lists the matters that it has delegated.

The table on the next page summarises the structure of the Members’ Decision-Making Bodies providing key information and outlining requirements associated with each of the Bodies.

## SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

### TABLE OF KEY INFORMATION AND REQUIREMENTS

| BODY  | NUMBER OF ELECTED MEMBERS | APPOINTMENT  | QUORUM   | OTHER REQUIREMENTS  |   |   |  | NO OF MEETINGS |
|---|---------------------------|--|--|---|---|---|--|----------------|
| FIRE AUTHORITY                                  | 23                        | By Constituent Authorities allocated seats in ratio of electors in each of the areas covered by Fire Authority. Constituent Authorities appoint in political proportion. | One third and All Constituent Authorities must be represented. | Police and Crime Commissioner attends as non-elected, non-voting member.      |   |   |  | 6              |
| PERFORMANCE AND OVERVIEW COMMITTEE              | 8                         | By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee  | Any three elected Members.                                     | One independent non-elected member attends in advisory capacity.              |   | Independent non-elected members to agree which one sits on this Committee. If agreement can't be reached the Fire Authority will decide.                              | Act as Closure of Accounts Committee.  | 4              |
| GOVERNANCE AND CONSTITUTION COMMITTEE           | 7                         | By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.   | Any three elected Members.                                     | Two independent non-elected members attend in advisory capacity.              |   | An independent audit committee member and four elected members appointed from the membership of the Governance and Constitution Committee sit on the Audit Committee. | Complaints about Members' conduct will involve an independent person that is not a member of this committee. | 4              |
| AUDIT COMMITTEE                                 | 4                         | By the Governance and Constitution Committee in political proportion. Appoints Chair of Committee.   | Any three Members.   | One Independent Audit Committee Member attend in a co-opted capacity.         | Members from Audit Committee required to undertake mandatory audit training.                      |   |  | 4              |
| BRIGADE MANAGERS' PAY AND PERFORMANCE COMMITTEE | 7                         | By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.   | Any three elected Members.                                     |   |   |   |  | 3              |
| STAFFING COMMITTEE                              | 7                         | No appointments required.  | Any three elected Members.                                     |   | Members from Brigade Managers' Pay and Performance Committee act as this committee.               |   |  | 2              |
| ESTATES AND PROPERTY COMMITTEE                  | 7                         | By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.   | Any three elected Members.                                     | One independent non-elected member attends in advisory capacity.              | To include, wherever possible, Lead Members and the Procurement and Environment Member Champions. | Independent non-elected members to agree which one sits on this Committee. If agreement can't be reached the Fire Authority will decide.                              |  | Ad Hoc         |
| JOINT CONSULTATIVE COMMITTEE                    | 4                         | By Fire Authority. Appoints in political proportion. Appoints Chair and Deputy Chair of Committee.   | Any three elected Members.                                     | Union Officials attend. Up to 3 FBU, 1 from FOA, 1 from Unison, as necessary. |   |   |  | Ad Hoc         |

**SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

**TABLE OF KEY INFORMATION AND REQUIREMENTS**

|   |               |                           |                                       |  |  |  |  |               |
|---|---------------|---------------------------|---------------------------------------|--|--|--|--|---------------|
| <p><b>BUSINESS<br/>CONTINUITY<br/>COMMITTEE</b></p> | <p>Varies</p> | <p>By virtue of role.</p> | <p>Any three elected<br/>Members.</p> |  | <p>Chair, Deputy Chair,<br/>Group Spokespersons,<br/>Lead Members.</p> |  |  | <p>Ad Hoc</p> |
|---|---------------|---------------------------|---------------------------------------|--|--|--|--|---------------|

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES OF THE FIRE AUTHORITY**

- 3.1 Makes all Member decisions that are not delegated to other Member Decision-Making Bodies.
- 3.2 Makes key decisions, including but not limited to:
  - Approval of the budget (including capital and revenue proposals)
  - Setting the precept
  - Approval of the annual accounts
  - Approval of the Annual Statement of Assurance
- 3.3 Approves key/significant plans (and considers associated documentation, e.g. annual reports).
- 3.4 Approves key/significant strategies (and considers associated documentation, e.g. annual reports).
- 3.5 Approves key/significant policies (and considers associated documentation, e.g. annual reports).
- 3.6 Establishes and determines the responsibilities, and composition of, and appointments to all Members’ Decision-Making Bodies and determines Member Roles and makes appointments to all outside bodies.
- 3.7 Adopts the Members’ Codes of Conduct.
- 3.8 Approves the Members’ Allowances Scheme.
- 3.9 Considers and determines any matters referred to it by any of the Members’ decision-making bodies.
- 3.10 Receives key external reports and determines appropriate actions e.g. Operational Assessment and HMICFRS.
- 3.11 Appoints the Chief Fire Officer and Chief Executive.
- 3.12 Approves the creation of any new post with a salary package in excess of £100,000 such decisions involving a vote at a meeting of the Fire Authority.
- 3.13 Agrees overall Scheme of Delegation.
- 3.14 Agrees any transfer of functions and/or powers and/or major changes to service delivery (including the establishment of a trading company etc.).
- 3.15 Settles responses to key consultations.
- 3.16 Agrees to buy or sell land and/or buildings.
- 3.17 Agrees to enter into key and/or long-term contractual commitments.
- 3.18 Approves statutory statements e.g. Annual Pay Policy Statement.

### **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

- 3.19 Approves annual report.
- 3.20 Considers External Auditor’s Annual Report.
- 3.21 Approves the Constitution and any amendments to it.
- 3.22 Acts as duty holder for matters relating to health and safety.
- 3.23 Takes the leading role in respect of risk management (with the support of the Audit Committee).

**IF IN DOUBT TREAT THE MATTER AS ‘KEY/SIGNIFICANT’ AND REPORT THE MATTER TO THE FIRE AUTHORITY.**

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES PERFORMANCE AND OVERVIEW COMMITTEE**

The Performance and Overview Committee:

- 3.24 Assists the Authority in the development, review and monitoring of plans (e.g. Integrated Risk Management Plan), strategies and policies (e.g. Health and Safety Management Policy, receiving the Annual Health and Safety report), making recommendations and offering advice, as appropriate.
- 3.25 Monitors performance (financial and non-financial) with a view to securing efficiency, effectiveness and value for money, making recommendations and offering advice, as appropriate.
- 3.26 Reviews the implementation of decisions by the Authority, making recommendations and offering advice, as appropriate.
- 3.27 Monitors delivery of the Authority’s programmes and projects, making recommendations and offering advice, as appropriate.
- 3.28 Monitors arrangements with third parties, e.g. partners and contractors, making recommendations and offering advice, as appropriate.
- 3.29 Refers matters to the Authority for consideration/determination when it believes that matters should be brought to its/their attention.
- 3.30 In order to fulfil these responsibilities the Committee may establish task and finish groups if specific issues require in-depth examination.
- 3.31 The Committee may request officers and/or Members to attend a meeting to provide information and answer questions about a matter that is before the Committee.



## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES OF GOVERNANCE AND CONSTITUTION COMMITTEE**

The Governance and Constitution Committee:

- 3.32 Discharges the requirements of Chapter 7 of Localism Act 2011.
- 3.33 Assists the Fire Authority in the promotion and maintenance of high standards.
- 3.34 Recommends the Members’ Code of Conduct to the Fire Authority (and updates/amendments).
- 3.35 Secures applications for the role of Independent Person and make recommendations to the Fire Authority.
- 3.36 Manages the relationship with the Independent Persons.
- 3.37 Considers requests for dispensation and grant them (where appropriate).
- 3.38 Ensures delivery of training for Members on standards issues.
- 3.39 Issues advice to Members on standards issues.
- 3.40 Approves the format of the register of Members’ interests and monitor completion.
- 3.41 Agrees arrangements for investigation and decision-making in relation to allegations of breaches of the Members’ code of conduct.
- 3.42 Monitors Member attendance and recommend action to the Fire Authority.
- 3.43 Arranges for the review of Members’ allowances and recommend to the Fire Authority.
- 3.44 Secures appropriate corporate governance arrangements (with the assistance of Audit Committee) and monitor them.
- 3.45 Monitors compliments and complaints (including ombudsman matters).
- 3.46 Reviews Fire Authority’s constitution and make recommendations to Fire Authority.
- 3.47 Provides support to the Monitoring Officer and Section 151 Officer (Local Government Act 1972).
- 3.48 Considers and act upon developments related to standards in its broadest sense.
- 3.49 Agrees any indemnity afforded to Members and/or officers.
- 3.50 Settles the terms of any Member/officer protocol.
- 3.51 Monitors the effectiveness of Member/officer relationships.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

- 3.52 Considers matters referred by Performance and Overview Committee.
- 3.53 Determines the Authority’s approach to the transparency agenda and monitor compliance with information-related legislative requirements.

### **RESPONSIBILITIES OF MEMBERS’ CODE OF CONDUCT SUB-COMMITTEE**

#### **MEMBERSHIP**

- 3.54 The Sub-Committee will consist of three Members drawn from the Governance and Constitution Committee.
- 3.55 It will fulfil the role(s) identified in the Fire Authority’s Procedure for Dealing with Complaints about a Breach of the Members’ Code of Conduct.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES OF ESTATES AND PROPERTY COMMITTEE**

- 3.56 To ensure that the Fire Authority’s property management arrangements are appropriate, providing guidance to officers as necessary.
- 3.57 To provide guidance to officers and the Fire Authority in relation to property transactions.
- 3.58 To provide guidance to officers and the Fire Authority in relation to the sharing of its sites/premises with third parties.
- 3.59 To assist in the co-ordination of and agreeing the prioritisation of property-related projects/programmes.
- 3.60 To assist in the co-ordination of and agreeing the prioritisation of environmental projects/programmes and supporting officers and the Fire Authority in the delivery of matters that further the Authority’s Environmental Strategy.
- 3.61 To engage in key procurement issues as necessary.
- 3.62 To oversee the arrangements for Safety Central.

### **RESPONSIBILITIES OF JOINT CONSULTATIVE COMMITTEE (JCC)**

- 3.63 To apply due consideration to an issue when there has been a failure to agree, with a view to determining an outcome.

### **RESPONSIBILITIES OF BRIGADE MANAGERS’ PAY & PERFORMANCE COMMITTEE**

- 3.64 To determine and undertake the appointment process for the posts of Chief Fire Officer and Chief Executive, Deputy Chief Fire Officer and Assistant Chief Fire Officer.
- 3.65 To appraise the Chief Fire Officer and Chief Executive.
- 3.66 To determine the remuneration of the Chief Fire Officer and Chief Executive.
- 3.67 To appoint to the roles of Deputy Chief Fire Officer and Assistant Chief Fire Officer.
- 3.68 To review the appraisal of the Deputy Chief Fire Officer and Assistant Chief Fire Officer.
- 3.69 To determine (in accordance with the relevant policies and procedures) HR/IR matters concerning/affecting the Chief Fire Officer and Chief Executive, Deputy Chief Fire Officer and Assistant Chief Fire Officer.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES OF STAFFING COMMITTEE**

- 3.70 To appoint Area Managers and roles of equivalent standing.
- 3.71 To determine HR/IR matters (not delegated to officers or handled by JCC).
- 3.72 To determine pension matters.
- 3.73 To oversee key staff engagement and staff-related transformation activities.
- 3.74 To oversee discipline, grievance, employment claims etc.
- 3.75 To oversee relationships with representative bodies.
- 3.76 To approve the re-engagement of staff who have been retired or made redundant (excluding on call).
- 3.77 To approve policies concerned with human resources, industrial relations and pensions.

### **RESPONSIBILITIES OF BUSINESS CONTINUITY COMMITTEE**

#### **MEMBERSHIP**

- 3.78 The committee comprises of the Chair, Deputy Chair, Group Spokesperson(s) and Lead Member(s).

#### **RESPONSIBILITIES**

- 3.79 To introduce, monitor and review contingency planning arrangements in the event of disruptions to the delivery of the service.
- 3.80 To provide guidance on issues arising in relation to business continuity events.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **RESPONSIBILITIES OF AUDIT COMMITTEE**

#### **PURPOSE**

3.81 To provide an independent high-level focus on the adequacy of governance, risk and control arrangements.

#### **RESPONSIBILITIES**

3.82 The core functions of the audit committee are to provide oversight of a range of core governance and accountability arrangements, responses to the recommendation of assurance providers and helping to ensure robust arrangements are maintained. The specific responsibilities include:

3.83 Maintenance of governance, risk and control arrangements

- Support a comprehensive understanding of governance across the organisation and among all those charged with governance, fulfilling the principles of good governance.
- Consider the effectiveness of the authority’s risk management arrangements. It should understand the risk profile of the organisation and seek assurances that active arrangements are in place on risk-related issues, for both the body and its collaborative arrangements.
- Monitor the effectiveness of the system of internal control, including arrangements for financial management, ensuring value for money, supporting standards and ethics and managing the authority’s exposure to the risks of fraud and corruption.

3.84 Financial and governance reporting

- Be satisfied that the authority’s accountability statements, including the annual governance statement, properly reflect the risk environment, and any actions required to improve it, and demonstrate how governance supports the achievement of the authority’s objectives.
- Support the maintenance of effective arrangements for financial reporting and review the statutory statements of account and any reports that accompany them.

3.85 Establishing appropriate and effective arrangements for audit and assurance

- Consider the arrangements in place to secure adequate assurance across the body’s full range of operations and collaborations with other

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

entities.

- In relation to the authority’s internal audit functions:
  - i. Oversee its independence, objectivity, performance and conformance to professional standards
  - ii. Support effective arrangements for internal audit
  - iii. Promote the effective use of internal audit within the assurance framework.
- Consider the opinion, reports and recommendations of external audit and inspection agencies and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit.
- Contribute to the operation of efficient and effective external audit arrangements, supporting the independence of auditors and promoting audit quality.
- Support effective relationships between all providers of assurance, audits and inspections, and the organisation, encouraging openness to challenge, review and accountability.

### **MEMBERSHIP**

3.86 Four elected Members drawn from the membership of the Governance and Constitution Committee and appointed in political proportion. One co-opted Independent Audit Committee Member.

3.87 The Chair of the Audit Committee will be one of the four elected Members. NB – Substitutes are not allowed.

### **QUORUM**

3.88 Three of the five members of the Committee must be in attendance for the meeting to be quorate.

### **ATTENDEES**

3.89 In addition to the Audit Committee members, the individuals fulfilling the following roles will normally be expected to attend each meeting of the Audit Committee:

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

- Chief Fire Officer and Chief Executive, or Deputy Chief Fire Officer, or Assistant Chief Fire Officer
- Treasurer/Section 151 Officer and/or Head of Finance (or similar role(s))
- Monitoring Officer
- Internal Audit representative
- External Audit representative
- Officer responsible for risk management

3.90 Other officers can be required to attend upon request from the Committee.

### **TRAINING**

3.91 All members of the Audit Committee are expected to undertake training. The Treasurer/Section 151 Officer will, in consultation with the External Auditor and Internal Auditor, prepare a training plan which will be approved by the Audit Committee. The Treasurer/Section 151 Officer will secure delivery of the training plan.

### **MEETING FREQUENCY AND OUTPUT**

3.92 The Audit Committee must meet regularly and in any event no less than four times a year. The timing of meetings will be coordinated taking into account various reporting requirements.

3.93 The Audit Committee must prepare an annual report which will include an evaluation of its impact.

### **MEMBER TRAINING AND DEVELOPMENT GROUP**

#### **MEMBERSHIP**

3.94 The group comprises of 4 Members and 1 independent (non-elected) member and appointments are made by the Fire Authority.

#### **RESPONSIBILITIES**

3.95 To advise on the development, monitoring and evaluation of a Member Training and Development Programme to ensure that Members’ training needs are being met.

3.96 To develop, monitor and review the Member Development Strategy and ensure that the Member Development Programme is developed in line with the strategy and to meet individual Member development needs.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### **PHOENIX BOXING CLUB BOARD**

#### **MEMBERSHIP**

3.97 The Governance Board includes two elected Members (drawn from Warrington Members) to represent Cheshire Fire Authority and the appointments are made by the Fire Authority.

#### **RESPONSIBILITIES**

3.98 The main role of the Governance Board is to make decisions regarding the facilities and to promote and support the club.

3.99 The Board will hold at least two general meetings a year.

### **HEALTHY HEART RUNCORN TRAINING GYM BOARD**

#### **MEMBERSHIP**

3.100 The Governance Board includes one elected Member (drawn from Halton Members) to represent Cheshire Fire Authority and the appointment is made by the Fire Authority.

#### **RESPONSIBILITIES**

3.101 The main role of the Governance Board is to make decisions regarding the facilities and to promote and support the club.

### **UNITARY PERFORMANCE MANAGEMENT GROUPS**

#### **MEMBERSHIP**

3.102 The Unitary Performance Area Groups are the performance delivery groups in each of the Unitary Performance Areas and are chaired by the local Unitary Performance Manager, and attended by the local Members for that area.

3.103 The Unitary Performance Groups are able to engage with constituents about key issues affecting their area in circumstances where normal consultation processes and performance reporting are deemed insufficient.

#### **FUNCTIONS**

3.104 The group is multi functional and is responsible for the effective delivery of the Service IRMP objectives in that Unitary Performance Area.

3.105 The boundary of each group’s responsibilities coincides with the political and administrative boundaries of the Unitary Area in which it meets.



## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

- 3.106 The meetings are an opportunity for local Members to scrutinise local officers on Service Performance and highlight issues of concern raised by the local community.
- 3.107 The Authority has provided a budget for each area to support Service and joint initiatives and is aimed at allowing the Unitary Performance Groups to address local safety concerns and issues. The decisions are made at local level within an agreed financial framework. These arrangements allow the Authority to provide opportunities for the democratic engagement where councillors can meet their constituents face to face and place councillors at the heart of well supported area and neighbourhood structures. It will also allow a greater degree of interaction for councillors and the public and closer scrutiny of Service activities.

### **PENSION BOARD – FIREFIGHTERS’ PENSION SCHEMES** **TERMS OF REFERENCE AND ASSOCIATED RULES**

#### **RESPONSIBILITIES**

3.108 The Pension Board will assist the Scheme Manager (the Fire Authority) to:

- (a) Secure compliance with:-
  - (i) The Firefighters’ Pension Scheme (England) Regulations 2014 – which create the Firefighters’ Pension Scheme 2015 (the 2015 Scheme)
  - (ii) Any other legislation relating to the governance and administration of the 2015 Scheme and any connected scheme, and
  - (iii) Any requirements imposed by the Pensions Regulator in relation to the 2015 Scheme and any connected scheme; and
- (b) Ensure the effective and efficient governance and administration of the 2015 Scheme and any connected scheme.

#### **MEMBERSHIP OF THE BOARD**

3.109 Pension Member representatives

- (i) Two pension member representatives shall be appointed to the Board.
- (ii) Pension member representatives shall be members of the scheme administered by Cheshire Fire Authority.
- (iii) Pension member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

### 3.110 Employer representatives

- (iv) Two employer representatives shall be appointed to the Board.
- (v) One Member of the Fire Authority will be appointed to act as an employer representative together with an officer of the Authority.
- (vi) Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

### **APPOINTMENT OF CHAIR**

3.111 The Fire Authority Member appointed to the Board as an employer representative will act as Chair to the Board.

3.112 If the Chair is unable to attend a meeting of the Board the other employer representative will act as chair at that meeting.

3.113 The Chair of the Board shall:

- (i) ensure the Board fulfils it’s responsibilities as set out in these Terms of Reference
- (ii) ensure that meetings are productive and effective and that opportunity is given for the views of all Board members to be expressed and considered and
- (iii) Seek to reach consensus and ensure that decisions are properly put to a vote when consensus cannot be reached.

### **CONFLICTS OF INTEREST**

3.114 All members of the Board must declare to Cheshire Fire Authority on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.

3.115 On appointments to the Board and following any subsequent declaration of potential conflict Cheshire Fire Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of Cheshire Fire Authority and the requirements of the Pensions Regulators Codes of Practice on conflict of interest for Board members.

### **CAPACITY (INCLUDING TRAINING)**

3.116 Board members must have the capacity to devote sufficient time and energy to this role. In particular Board members shall attend and participate in training.

### **BOARD ADMINISTRATION**

## **SECTION 3 – MEMBERS’ DECISION-MAKING BODIES**

3.117 Meetings will be arranged by the Democratic Services team, who will issue agendas and supporting papers at least seven working days in advance of meetings. The Democratic Services team will ensure the availability of all Board members before setting a date for a Board meeting.

3.118 The Democratic Services team will also be responsible for taking minutes of the meetings.

### **TERM OF OFFICE**

3.119 Members of the Board will be appointed initially for a four year term of office which may be extended for a further four year term subject to re-nomination and re-selection.

3.120 Board membership may be terminated prior to the end of the term of office due to:

- (i) A member representative appointed on the basis of their membership of the scheme no longer being a member of the scheme or an employee of Cheshire Fire Authority.
- (ii) An employer representative no longer holding office or employment with, or being a Member of, Cheshire Fire Authority.
- (iii) The representative no longer being able to demonstrate their capacity to attend and prepare for meetings or to participate in required training.

### **MEETINGS**

3.121 The Board is expected to meet four times per year.

3.122 The Chair of the Board may call additional meetings.

### **QUORUM**

3.123 A meeting is only quorate when at least three Board members are present.

### **VOTING**

3.124 Each member of the Board will have one vote.

3.125 Where an equal number of votes are cast the Chair (or in his or her absence the chair of the meeting) will have a casting vote.

## SECTION 3 – MEMBERS’ DECISION-MAKING BODIES

### List of Plans, Strategies and Policies associated with Members’ Decision Making Bodies

|                                |   |
|--------------------------------|---|
| <b>Fire Authority</b>          |   |
| <b>Key Plans</b>               | Integrated Risk Management Plan             |
|                                | Medium Term Financial Plan                  |
|                                | Crisis Management Plan                      |
|                                |   |
| <b>Key Strategies:</b>         | Five Year Strategy                          |
|                                | Member Development Strategy (and Programme) |
|                                | Treasury Management Strategy                |
|                                | People Strategy                             |
|                                |   |
| <b>Key Policies:</b>           | Heritage Policy                             |
|                                | Unwanted Fire Signals Policy                |
|                                |   |
| <b>Significant Plans:</b>      |   |
|                                |   |
| <b>Significant Strategies:</b> | Asset Management Strategy                   |
|                                | Children and Young People Strategy          |
|                                | CFP Business Liaison Strategy               |
|                                | Consultation and Engagement Strategy        |
|                                | Corporate Communications Strategy           |
|                                | Corporate Equalities and Inclusion Strategy |
|                                | Risk Management Strategy                    |
|                                |   |
| <b>Significant Policies:</b>   | Adult Safeguarding Policy                   |
|                                | Health and Safety Management Policy         |
|                                | ICT and Information Security Policy         |
|                                | Partnership Policy                          |
|                                | Pay and Recognition Policy                  |
|                                | Pension Abatement and Re-employment Policy  |
|                                | Re-organisation and Redeployment Policy     |
|                                | Retirement Policy                           |
|                                | Sprinkler Policy                            |
|                                | Pay Policy Statement                        |

## SECTION 4 – PROCEDURAL MATTERS

### PROCEDURAL MATTERS

This section includes the following points:

| <u>General Procedural Matters</u>                                | <u>Paragraph No</u> |
|--|---------------------|
| Interpretation of Procedure Rules                                | 4.1                 |
| Press and Public   | 4.2 – 4.3           |
| Election of the Chair and Deputy Chair to the Fire Authority     | 4.4 – 4.7           |
| Appointment of Other Chairs and Deputy Chairs                    | 4.8                 |
| Arrangements for Meetings  | 4.9 – 4.12          |
| Political Group Leaders/Spokespersons                            | 4.13                |
| Appointments to Members' Decision Making Bodies                  | 4.14 – 4.17         |
| Record of Attendance   | 4.18 – 4.19         |
| Meeting is not quorate   | 4.20                |
| Agendas and Papers   | 4.21                |
| Urgent Business  | 4.22                |
| <br>   |                     |
| <u>Before Meeting - Procedural Matters</u>                       |                     |
| Substitute Members   | 4.23 – 4.25         |
| Rights of Constituent Authority Members                          | 4.26                |
| <br>   |                     |
| <u>Conduct of Meeting – Procedural Matters</u>                   |                     |
| Appointing a Member to Preside Over a Meeting                    | 4.27                |
| Rights of Constituent Authority Members                          | 4.28                |
| Suspension of Procedural Matters                                 | 4.29                |
| Variation and Revocation of Procedural Matters                   | 4.30                |
| Order of Business at Fire Authority Meetings                     | 4.31 – 4.32         |
| Rules of Debate  | 4.33                |
| Notices of Motion  | 4.34 – 4.42         |
| Voting   | 4.43 – 4.46         |
| Questions and Petitions by Members of the Public                 | 4.47 – 4.58         |
| Disorderly Conduct of Members                                    | 4.59 – 4.61         |
| Disturbance by Members of the Public                             | 4.62 – 4.63         |
| Protocol on Reporting at Meetings                                | 4.64 – 4.80         |
| <br>   |                     |
| <u>Post Meeting – Procedural Matters</u>                         |                     |
| Publication of Minutes   | 4.81                |
| Submission of Minutes to the Fire Authority                      | 4.82 – 4.85         |
| <br>   |                     |
| <u>Specific Procedural Matters</u>                               |                     |
| Rescinding a Decision  | 4.86                |
| Urgent Business to be determined between Fire Authority Meetings | 4.87 – 4.89         |

## SECTION 4 – PROCEDURAL MATTERS

### GENERAL PROCEDURAL MATTERS

#### Interpretation of Procedure Rules

- 4.1 The Chair (of the Member Decision-Making Body) will provide a ruling as to the construction or application of any of these Procedure Rules, affecting the proceedings of the Member Decision-Making Body (after consulting with the Monitoring Officer).

#### Press and Public

- 4.2 All meetings of the Fire Authority, Performance and Overview, Governance and Constitution, Estates and Property and Brigade Managers' Pay and Performance committees will be open to the press and public. However, the press and public may be excluded by resolution from a part of the meeting when items of a confidential nature or containing exempt information as defined in Part VA Access to Meetings and Documents in Certain Authorities, Committees and Sub-Committees and Schedule 12A to the Local Government Act 1972 are to be considered.
- 4.3 For the avoidance of doubt Councillors who are not Members of a particular Member Decision-Making Body do not have an automatic right to remain in a meeting of a Member Decision-Making Body once a resolution has been passed excluding the press and public from the meeting. Such a Councillor would only be entitled to remain in the meeting if they had been able to establish a "need to know" to the Chair of the relevant Member Decision-Making Body.

**NB1:** The Authority has adopted a protocol on reporting at meetings (see 4.64 onwards later in this section).

**NB2:** The existing description of 'exempt information' appears in Annex 1 to this section.

#### Election of Chair and Deputy Chair to the Fire Authority

- 4.4 The Elections will take place at the meeting of the Fire Authority in June each year.
- 4.5 The Chair is elected first. The Monitoring Officer will ask for nominations and then conduct an Election if there is more than one person nominated.
- 4.6 The Election shall be conducted by secret ballot. Each person entitled to vote will receive a ballot paper which will be returned to the Monitoring Officer marked or un-marked. Where no person receives more than one half of the votes cast then the person receiving the least number of votes will be withdrawn. Further ballots will be held until one person receives more than one half of the votes cast.
- 4.7 The Deputy Chair is then elected following the same process for the Chair. The Chair does not have a casting vote where there is an equality of votes.

## **SECTION 4 – PROCEDURAL MATTERS**

**NB:** The Monitoring Officer cannot accept a nomination for the position of Deputy Chair if the nominee is from the same constituent authority as the Chair.

### **Appointment of Other Chairs and Deputy Chairs**

- 4.8 The Chair and Deputy Chair of the other Member decision-making bodies will be appointed at the meeting of the Fire Authority in June each year. These appointments will be made by agreement or through an election process similar to that described in the section entitled 'Election of Chair', except they will be concluded by a show of hands.

### **Arrangements for Meetings**

#### 4.9 Programme

The Fire Authority will agree an annual programme of meetings taking into account as far as possible the meeting arrangements of the constituent authorities.

#### 4.10 Venue

The majority of committee meetings will take place at Sadler Road, Winsford unless other arrangements are agreed by Members.

#### 4.11 Additional Meetings

Additional meetings may be called at the discretion of the Chair, who will take into account, as far as possible, the meeting arrangements of the constituent authorities and ensure that Members are provided with details of the reason(s) for the additional meeting.

Seven or more Members of the Authority may request, in writing, for the Chair to call an additional meeting. The request should state the specific reason(s) for the meeting and be signed by each of the Members submitting the request. Once received the Chair should arrange for the meeting to be called within 15 days of receipt of the request. If agreement on the request cannot be reached the matter should be referred to the Monitoring Officer for determination.

#### 4.12 Postponement/Cancellation

The Chair does have discretion to postpone or cancel meetings. Any alternative meeting date should take into account, as far as possible, the meeting arrangements of the constituent authorities. The Chair should only postpone or cancel a meeting with good reason(s) and will ensure that Members are notified of the reason(s).

## **SECTION 4 – PROCEDURAL MATTERS**

### **Political Group Leaders/Spokespersons**

- 4.13 Members of the Fire Authority are entitled to form a political group and appoint a Leader/Group Spokesperson and shall notify the Monitoring Officer.

### **Appointments to Members' Decision-Making Bodies**

- 4.14 The Monitoring Officer notifies the Leaders of the political groups about the allocation of seats to all bodies within the Authority's structure.
- 4.15 The Leaders shall notify the Monitoring Officer of the individuals from their respective political groups that they wish to be appointed to all of the decision-making bodies within the Authority's structure.
- 4.16 Appointments take place at the meeting of the Fire Authority in June each year.
- 4.17 The Leaders may change their appointments at any time on giving written notice to the Monitoring Officer.

### **Record of Attendance**

- 4.18 Members attending a meeting must sign their name on the attendance sheet.
- 4.19 Attendance at meetings is monitored and reported from time to time.

### **Meeting Not Quorate**

- 4.20 Where those in attendance do not fulfil the quorum requirements which are detailed elsewhere in this Constitution the Chair has discretion to adjourn the meeting for a period to allow other Members to arrive. If, after a period, to be determined by the Chair, there remain insufficient Members of the Members decision-making body, the Chair will adjourn the meeting to another date. The new date will take into account, as far as possible, the meeting arrangements of the constituent authorities and all relevant Members will be notified as soon as possible.

### **Agenda and Papers**

- 4.21 Members of the decision-making body will be invited to meetings by agenda sent by post and/or left at their place of residence and/or emailed at least 5 clear working days before the meeting to which it refers.

### **Urgent Business**

- 4.22 No matter shall be considered at a meeting of the Authority if it is not specified in the agenda for the meeting unless the Chair rules (after receiving advice from the Monitoring Officer) that in their opinion the item should be considered as a matter of urgency and specifies the reason(s) why it is urgent. The ruling, including the reason(s) for urgency, must be recorded in the minutes of the meeting.



## **SECTION 4 – PROCEDURAL MATTERS**

### **BEFORE MEETING - PROCEDURAL MATTERS**

#### **Substitute Members**

- 4.23 From time to time appointed Members of committees or sub-committees may be unable to attend a meeting.
- 4.24 The Fire Authority allows a political group to provide a substitute Member who is entitled to receive all papers as if he/she were an Appointed Member and who is able to attend the meeting and take part in the meeting as if he/she was an Appointed Member.
- 4.25 If a Political Group wishes to provide a Substitute Member it must ensure that notification is received by the Monitoring Officer before the start of the meeting that the substitute Member is due to attend.
- NB<sup>1</sup>.** If the Appointed Member and Substitute Member attend the meeting, the Substitute Member must stand down.
- NB<sup>2</sup>.** If a Substitute Member attends a meeting this shall be stated orally at the start of the meeting and noted in the minutes.

#### **Rights of Constituent Authority Members**

- 4.26 An elected Member of a Constituent Authority, who is not a Member on the Fire Authority may, with the permission of the Chair, (or in his/her absence the Deputy Chair) address the Authority where a matter under consideration has a particular significance for his/her electoral division or ward. Questions should be submitted in accordance with the requirements in the Conduct of Meetings – Procedural Matters section.

### **CONDUCT OF MEETING - PROCEDURAL MATTERS**

#### **Appointing a Member to Preside Over a Meeting**

- 4.27 In the absence of the Chair (and Deputy Chair, if one is appointed) the Authority or other Members' Decision-Making Body will elect someone to preside over the meeting from amongst the Committee Members present. Any power or duty invested in the Chair in relation to the conduct of a meeting will be exercised by the person appointed to preside over the meeting.

#### **Rights of Constituent Authority Members**

- 4.28 An elected Member of a Constituent Authority, who attends a meeting of the Fire Authority, shall address the Authority for no more than five minutes unless the consent of the Chair is given to continue.

## **SECTION 4 – PROCEDURAL MATTERS**

### **Suspension of Procedural Matters**

#### **4.29 Motion Required**

Subject to paragraph 4.30 below, any of the Procedural Matters may be suspended so far as regards any business at the meeting of the Members' Decision-Making Body where its suspension is approved by the majority of Members.

### **Variation and Revocation of Procedural Matters**

4.30 Any motion to vary, add to or revoke these Procedural Matters shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Authority. Any changes are to take effect from the end of the meeting at which they are agreed unless the Authority determines otherwise at the time.

### **Order of Business at Fire Authority Meetings**

4.31 The order of business at at meetings of the Authority shall be as follows:

- (a) at the Annual meeting, to appoint the Chair and a Deputy Chair for the ensuing year;
- (b) to appoint a Chair for the meeting if the Chair and Deputy Chair of the Authority are absent;
- (c) to deal with any business required by law or those Procedural Matters to be dealt with before any other items;
- (d) to receive any Chair's announcements;
- (e) to agree the Minutes of the previous meeting as a correct record so that the Chair of the meeting can sign them;
- (f) to deal with questions and petitions submitted by Members of the Public in accordance with the requirements in the Conduct of Meetings - Procedural Matters section;
- (g) deal with any other business which by law needs to be considered;
- (h) to deal with any outstanding business from the previous meeting;
- (i) to consider recommendations/advice and/or decisions from the Performance and Overview Committee, Governance and Constitution Committee or other working groups or Officers;
- (j) to consider motions in accordance with the requirements in the Conduct of Meetings – Procedural Matters section; and
- (k) to deal with any other business on the Agenda and any urgent business.

4.32 The order of business at a meeting of the Fire Authority other than for items (a), (b), (c) and (d) may be varied either at the Chair's discretion.

## SECTION 4 – PROCEDURAL MATTERS

### Rules of Debate

4.33 The rules of debate which apply to proceedings of the Fire Authority meetings, and all other appropriate meetings within the political structure, are as follows:

(a) **Motions and Amendments**

No motion or amendment shall be discussed unless it has been proposed and seconded. The motion or amendment shall be put in writing and handed to the Chair before it is further discussed or put to the meeting. This requirement does not apply to motions submitted in accordance with the requirement in the Conduct of Meetings - Procedural Matters section.

(b) **Secunder's Speech**

When seconding a motion or amendment a Member may advise the Chair that he/she will reserve his/her right to speak until a later period in the debate.

(c) **Only One Member to Speak at a Time**

When speaking at an Authority meeting, and other meetings, a Member shall address the Chair. If two or more Members wish to speak, they shall indicate this by raising their arm, the Chair will call on one to speak and the other(s) will then be called in turn. While a Member is speaking the other Members will remain silent, unless rising on a point of order or in personal explanation.

(d) **Content and Length of Speeches**

A Member will confine his/her speech to the question under discussion, a personal explanation or a point of order. With the exception of speeches by the Chair of the Authority no speech will exceed four minutes, except by consent of the Chair or the Authority.

(e) **When a Member may speak again**

At an Authority meeting a Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

1. to speak once on an amendment moved by another Member;
2. if the motion has been amended since he/she last spoke, to move a further amendment;
3. if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
4. in exercise of a right of reply;
5. on a point of order;
6. by way of personal explanation;
7. with the Chair's approval.

## SECTION 4 – PROCEDURAL MATTERS

(f) **Amendments to Motions**

An amendment shall be relevant to the original motion and shall be either:

1. to leave out words;
2. to leave out words and insert or add others;
3. to insert or add words;

but such omission, insertion or addition of words shall not have the effect of a direct negative to the original motion.

(g) **Number of Amendments**

Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of although the Chair may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

(h) **Status of Amendments**

If an amendment is lost, another amendment may be moved on the original motion. If an amendment is 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.

(i) **Alterations to Motions or Amendments**

A Member may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. In both cases, the consent of the Authority is required. There should be no discussion on whether consent should or should not be given.

(j) **Withdrawal of Motion**

A motion or amendment may be withdrawn by the mover provided the seconder and the Authority, without discussion agree. Once the mover has asked for permission to withdraw, there should be no further discussion unless the Authority refuses to agree to the request.

(k) **Right of Reply**

The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

## SECTION 4 – PROCEDURAL MATTERS

(l) **Motions which may be moved during a debate**

When a motion is under debate no other motion shall be moved except the following:

1. to amend the motion;
2. to adjourn the meeting;
3. to adjourn the debate;
4. to proceed to the next business;
5. to suspend a Procedural Matter or Procedural Matters;
6. that the question be now put;
7. that a Member be not further heard;
8. by the Chair, that a Member shall leave the meeting;
9. a motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public;

(m) **Closure Motions**

A Member may move, without comment, at the conclusion of a speech of another Member, "That the Authority proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Authority do now adjourn". When one of these Motions has been seconded the Chair shall proceed as follows:

1. **on a motion to proceed to the next business** - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply under paragraph (k) above of this Standing Order, and then put to the vote the motion to proceed to the next business;
2. **on a motion that the question be now put** - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote;
3. **on a motion to adjourn the debate or the meeting** — if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

(n) **Points of Order**

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 Procedural Matter or statutory provision and the Member shall specify the Procedural Matter or statutory provision and the way in which he/she considers it has been breached. 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 current debate.

## SECTION 4 – PROCEDURAL MATTERS

- (o) **Ruling of Chair on a Point of Order/Personal Explanation**  
The ruling of the Chair of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- (p) **Respect for the Chair**  
At the Authority meetings whenever the Chair rises during a debate a Member if standing shall resume his/her seat and the Authority shall be silent.

### **Notices of Motion**

- 4.34 A Notice of Motion, except those as follows which can be moved without notice, must relate to some matter for which the Cheshire Fire Authority has a responsibility or which affects the Authority.

These motions which can be moved without notice as referred to above are:

- appointment of a Chair of a meeting at which the motion is made
  - motions relating to the accuracy of the Minutes
  - an item of business in the summons should have precedence
  - appointment of a committee, panel or group of Members occasioned by an item mentioned in the agenda
  - adoption of recommendations of subordinate bodies
  - that consent be given to withdraw a motion or amendment
  - receipt of reports of officers and any consequential resolutions
  - extending the time limit for speeches
  - authorising the sealing of documents
  - giving the consent of the Authority when its consent is required by these Procedural Matters.
- 4.35 Other than those referred to above any motion submitted under this Procedural Matter, shall be given in writing by Notice and shall be signed and dated by the Member or Members submitting it.
- 4.36 The notice must be delivered to the Monitoring Officer of the Authority (by hand, post, fax or e mail) to arrive no later than twelve clear working days before the meeting of the Authority.
- 4.37 On receipt of the notice the Monitoring Officer will record the date and time it is received, will number it in the order it is received and will enter it in a book which shall be open to inspection by every Member of the Authority.
- 4.38 The Monitoring Officer will set out in the Agenda for the meeting all valid notices of motions, submitted in the order in which they are received unless the Member or Members have given notice in writing before the Agenda is issued that it has been withdrawn.
- 4.39 If a motion set out in the Agenda is not moved either by the Member or Members who gave Notice of it or by some other Member then it will, unless the Authority agrees otherwise be treated as withdrawn. It cannot be moved subsequently without a new Notice being submitted.

## **SECTION 4 – PROCEDURAL MATTERS**

- 4.40 The order of speeches will be as follows once it has been moved and seconded:
- a) the mover of the motion
  - b) the seconder (unless he/she reserves his/her right to speak)
  - c) other Members
  - d) the seconder (if he/she has reserved his/her right to speak and has not done so)
  - e) the mover of motion to exercise his/her right of reply.
- 4.41 Where a motion is moved and seconded at one meeting and then considered at a subsequent meeting, the mover can either speak to the motion when it is moved or reserve his/her right to speak at the subsequent meeting. He/she cannot speak to the motion on both occasions except to exercise his/her right of reply.
- 4.42 The mover of the motion has the right of reply to any amendment on the motion. The mover of the amendment does not have any right of reply.

### **Voting**

- 4.43 Voting at meetings of Member Decision-Making Bodies shall be by a show of hands (except in relation to the appointment of Chair and Deputy Chair of the Fire Authority).
- 4.44 Before a vote is taken a Member of the Authority, with the support of two other Members, may request that the voting on any motion or amendment shall be recorded to show how each Member present and voting, cast their vote or whether he/she abstained. A recorded vote cannot be requested if the vote has already been taken by a show of hands. The Minutes will show how each person voted, or abstained.
- 4.45 Before a vote is taken a Member of the Authority may request that the Minutes of the meeting shall show the number of votes cast for and against a motion or amendment and the number of abstentions. The Monitoring Officer will record the details in the Minutes.
- 4.46 Before a vote is taken a Member of the Authority may request that the Minutes of the meeting shall show how he/she voted individually on any motion or amendment. The Monitoring Officer will record the detail in the Minutes.

### **Questions and Petitions by Members of the Public**

- 4.47 A member of the public from within the area covered by the Fire Authority may ask the Chair of the Authority a question about any issue which falls within the powers and duties of the Authority.
- 4.48 The question must be submitted to the Monitoring Officer of the Authority in writing and lodged at his/her office at least five clear working days before the meeting takes place. The questioner must sign and date the question.
- 4.49 The Chair, in consultation with the Monitoring Officer, will decide on the

## **SECTION 4 – PROCEDURAL MATTERS**

procedure to be followed in putting questions at the meeting.

- 4.50 It is a matter for the Chair as to how he/she will respond and he/she may decide to do so in writing.
- 4.51 Once the Chair has replied, the questioner may ask one supplementary question which must relate to the answer given by the Chair to the original question.
- 4.52 The Chair may refuse to respond to a question or a supplementary question if in his/her opinion it is unduly lengthy, expressed in terms inappropriate for consideration at the meeting or is not related in the case of a supplementary question to his/her previous answer.
- 4.53 There will be no discussion on any matters raised by the question (including any matters raised by the supplementary question) but the Authority may agree, by resolution, that an appropriate item be placed on the agenda for its next meeting.
- 4.54 Question time at any Authority meeting will not exceed 15 minutes unless, at the Chair's discretion or by resolution of the Authority, it is agreed to extend the period.
- 4.55 Petitions may be presented at meetings of the Authority. The Monitoring Officer must be notified in writing at least five clear working days before the meeting that a Petition is to be presented.
- 4.56 Petitions must be accompanied by a form and comply with the Authority's Petitions Protocol. If the Promoter of a Petition does not attend the Fire Authority meeting the Monitoring Officer will provide Members with details of the Petition.
- 4.57 Petitions will not normally be discussed at the meeting which they are presented / brought to the attention of Members unless there is a report on the Agenda about the issue raised in the Petition. Members may ask for an item to be placed on the Agenda for the next meeting.
- 4.58 Where there is more than one petition they will be presented in the order in which notification is received.

### **Disorderly Conduct by Members**

- 4.59 If the Chair of an Authority meeting is of the opinion that any Member is misconducting himself/herself by persistently disregarding the ruling of the Chair or is behaving irregularly, improperly or aggressively, or by wilfully obstructing the business of the meeting, the Chair or any other Member may move "That the Member (named) be not further heard". The motion if seconded shall be put and decided without discussion.
- 4.60 If the Member continues the misconduct after a motion has been carried under paragraph 4.34 above the Chair may either move "That the Member (named)



## **SECTION 4 – PROCEDURAL MATTERS**

shall leave the meeting” or he/she may adjourn the meeting for such period as he/she considers expedient. A motion to exclude the Member, if seconded, shall be put and decided without discussion.

- 4.61 Where a Member is excluded under paragraph 4.59 from a meeting he/she is not entitled to vote during his/her period of absence.

### **Disturbance by Members of the Public**

- 4.62 If a Member of the public interrupts the proceedings of any meeting, the Chair shall warn him/her. If the person continues to interrupt the meeting the Chair shall order his/her removal from the meeting room.

- 4.63 Where a general disturbance occurs in any part of the meeting room the Chair may order that that part of the room be cleared. If the Chair considers it necessary he/she may adjourn the meeting for such period as he/she considers appropriate.

## **PROTOCOL ON REPORTING AT MEETINGS**

### **Introduction**

- 4.64 Cheshire Fire Authority is committed to openness and transparency in how it conducts its business. This Protocol sets out its approach to certain types of reporting at its decision-making meetings. It outlines some basic principles and practical points aimed at balancing the requirements of both those wishing to report the meeting and those attending and taking part.

### **Reporting**

- 4.65 The Local Government Act 1972 provides that individuals may carry out reporting at meetings of local government bodies. This Protocol is primarily concerned with reporting that involves filming, photographing, and/or audio-recording of meetings.

### **Before the meeting**

- 4.66 There is no requirement to obtain permission or to make a prior arrangement to attend a meeting for the purpose of reporting upon it. However, if you are intending to film, photograph and/or audio-record, it would be helpful to contact Democratic Services (see contacts below) to ensure that suitable arrangements can be made to accommodate you.
- 4.67 There will be a designated position in the meeting room for you to see and hear the meeting and to allow you to film, photograph and/or audio-record it. You will normally have access to a seat and desk (although this may depend on how much space is available).
- 4.68 The Chair of the meeting will be informed if the reporting includes filming, photographing and/or audio-recording. Those attending the meeting who are not Members or officers will be made aware that they have the right to object to

## **SECTION 4 – PROCEDURAL MATTERS**

being filmed, photographed and/or audio-recorded by you.

- 4.69 You must not start filming, photographing and/or audio-recording until the Chair opens the meeting.

### **During the Meeting**

- 4.70 The Chair will announce at the beginning of the meeting that the meeting is being filmed, photographed and/or audio-recorded. He or she will then ask attendees whether they agree to be filmed, photographed and/or audio-recorded to allow them to register a personal objection. If anyone has a personal objection then the Chair can temporarily suspend filming, photographing and/or audio-recording to allow attendees to have their say.

Note: this does not apply to Members and officers.

- 4.71 If the Chair considers that the filming, photographing and/or audio-recording is disrupting the meeting he/she can instruct you to stop doing so. Therefore, it is worth noting that your equipment should not be noisy or otherwise distracting (e.g. flash and spotlights can be problematic).
- 4.72 You will not normally be allowed to give a live commentary on proceedings as this is highly likely to be disruptive.
- 4.73 If you refuse to stop filming, photographing and/or audio-recording when requested to do so, the Chair may ask you to leave the meeting. If you refuse to do so then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. There are provisions in the Authority's Constitution that allow this.
- 4.74 When the meeting is officially closed by the Chair you must stop filming, photographing and/or audio-recording.

### **Exclusion from Meetings**

- 4.75 The majority of the Authority's decision-making take place in meetings open to the public and press. You may only be excluded from a meeting when issues are being considered that involve confidential or exempt information (as defined in Section 100 of the Local Government Act 1972).
- 4.76 Even if you are excluded you will know the nature of the business to be dealt with while you are excluded from the meeting and the decision will be made known after the meeting.
- 4.77 No filming, photographing and/or audio-recording is permitted during any exclusion. All equipment for filming, photographing and/or audio-recording must be removed from the meeting room.

### **Interpretation of this Protocol**

- 4.78 Any decision taken by the Chair on the interpretation of this protocol before, or at the meeting in question is final.

## **SECTION 4 – PROCEDURAL MATTERS**

### **Authority Audio Recording**

- 4.79 The Authority will make an audio-recording of all Member meetings that are held in public.
- 4.80 Meeting agendas will carry a statement about this Protocol.

Contact: Democratic Services, Cheshire Fire and Rescue Service  
Clemonds Hey, Winsford, Cheshire, CW7 2UA  
Tel: 01606 868804  
E-mail: [DemocraticServices@cheshirefire.gov.uk](mailto:DemocraticServices@cheshirefire.gov.uk)

## **POST MEETING - PROCEDURAL MATTERS**

### **Publication of Minutes**

- 4.81 **Minutes of the Authority – Open for Inspection**
- 4.82 The Minutes of the previous Fire Authority meeting will be submitted to its next meeting for confirmation as an accurate record of the proceedings.
- 4.83 The Chair will ask the Authority to confirm them as an accurate record and that he/she should sign them as such. Once the Minutes have been confirmed, with or without amendment, the Chair will sign them.
- 4.84 Any discussion about the Minutes must relate solely to their accuracy and/or sufficiency.
- 4.85 The Authority will also receive for information the Minutes of Performance and Overview Committee and Governance and Constitution Committee meetings and other bodies within the political structure.

## **SPECIFIC PROCEDURAL MATTERS**

### **Rescinding a Decision**

- 4.86 At a meeting of the Fire Authority, no motion or amendment shall be moved to rescind any resolution of the Authority which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period; provided that such a motion may be moved if:
- (a) It is recommended by the Performance and Overview Committee or Governance and Constitution Committee; or
  - (b) notice of such a motion has been given and signed by at least three Members.

**NB:** A motion to rescind may not normally be pursued if the decision has been actioned and it would not be in the interest of the Authority to rescind the decision.

## **SECTION 4 – PROCEDURAL MATTERS**

### **Urgent Business to be determined between Fire Authority Meetings**

- 4.87 Where an item of business should be dealt with by Members that cannot await the next meeting of the Authority, it may be determined by the Chief Fire Officer and Chief Executive, Monitoring Officer, and Treasurer.
- a) The Chief Fire Officer and Chief Executive and/or the Monitoring Officer and/or the Treasurer will summarise advice required by Members in a form entitled 'Urgent Business to be Decided Between Fire Authority Meetings'. This should aim to provide sufficient information upon which Members are able to form a judgement and make a decision and may involve the production of the same level of detail as a report to the Fire Authority.
  - b) The form will then be submitted to the Chair (or the Deputy Chair in the Chair's absence) and the spokespersons of all other political groups represented on the Authority (with copies to the Deputy Chair for information).
- 4.88 Action may only be taken with the support of the Chair (or Deputy Chair in the Chair's absence) and/or the majority of the other spokespersons.
- 4.89 A report on the action taken will be made to the next meeting of the Authority. The report shall include the names of the Members consulted and their response. The Monitoring Officer may also notify Members at the time that the decision is made.

## **SECTION 4 – PROCEDURAL MATTERS**

### **ANNEX 1 TO SECTION 4 – GENERAL PROCEDURAL MATTERS**

#### **LOCAL GOVERNMENT ACT 1972 - ACCESS TO INFORMATION**

Descriptions of exempt information under the new Schedule 12A are:

1. Information relating to an individual;
2. Information which is likely to reveal the identity of an individual;
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information);
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority;
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;
6. Information which reveals that the Authority proposes to – (a) give under any enactment, a notice under which requirements are imposed on a person, (b) or make an Order or direction under any enactment;
7. Information relating to any action taken, or to be taken, in connection with the prevention, investigation or prosecution of crime.

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## **SECTION 5 – OUTSIDE BODIES**

### **5.1 NORTH WEST FIRE FORUM**

#### Role

5.1.1 This Forum oversees a number of collaborative workstreams being undertaken by the five Fire and Rescue Services in the North West. Meetings are scheduled to take place four times a year.

#### Appointment(s)

5.1.2 The Chair and Deputy Chair of the Authority together with the Leader of the main opposition group are appointed annually to sit on the Forum.

#### Delegated powers

5.1.3 The Authority has not delegated any powers to the Members appointed to this Forum.

### **5.2 NW FIRE CONTROL LIMITED – BOARD OF DIRECTORS**

#### Role

5.2.1 This Company is jointly owned by the Authority and Cumbria County Council, Greater Manchester Fire and Rescue Authority and Lancashire Combined Fire Authority.

5.2.2 It is responsible for the provision of call handling and mobilising services to the Authorities.

5.2.3 It has a Board of Directors and each Authority is able to appoint two of its Members to the Board.

#### Appointment(s)

5.2.4 The Chair of the Authority and one other Member are appointed as Directors and sit on the Board.

#### Delegated powers

5.2.5 The Authority has not delegated any powers to the Members appointed to this Board. However, the Company is a separate legal entity and the Members appointed to the Board have responsibilities to the Company.

### **5.3 LOCAL GOVERNMENT ASSOCIATION FIRE COMMISSION**

#### Role

5.3.1 The Fire Commission provides a focus for the needs and concerns of fire authorities. All Fire and Rescue Services in full or corporate membership of the Association have the right to nominate a

## **SECTION 5 – OUTSIDE BODIES**

representative to this forum. At Cheshire this is usually the Chair of the Authority. Additional Members from Fire Authorities are appointed as necessary by the political group to ensure political balance. The Commission meets quarterly and is an opportunity for Members to network and share information and ideas. The Commission is subject to the Constitution and Standing Orders of the Local Government Association.

### Appointment(s)

5.3.2 The Fire Authority appoints one Member (usually the Chair) to sit on the Commission.

### Delegated powers

5.3.3 The Authority has not delegated any powers to the Member appointed to the Commission.

## **5.4 SAFER CHESHIRE EAST PARTNERSHIP**

### Role

5.4.1 The Partnership's key priorities will include crime prevention, anti-social behaviour, preventing offending, Road Safety and domestic abuse.

### Appointment(s)

5.4.2 The Fire Authority is represented by a Senior Officer and a (Cheshire East) Fire Authority Member is also appointed by the Fire Authority.

### Delegated powers

5.4.3 The Authority has not delegated any powers to the Member appointed to this Partnership.

## **5.5 SUB REGIONAL LEADERS BOARD**

### Role

5.5.1 The Board provides strategic direction and focus on sub regional matters for any sub regional commissions, working groups, sub committees or project steering groups, or task and finish groups established to develop and implement sub regional strategy. The Board comprises of elected Leaders of Cheshire East Council, Cheshire West and Chester Council and Warrington Borough Council, the Police and Crime Commissioner for Cheshire, Chair of the Cheshire Fire Authority, the Chair of Cheshire and Warrington Local Enterprise Partnership and the Chair of the Cheshire, Warrington & Wirral PCT Cluster. In addition the Leader of Halton Borough Council has membership of the Board in an Associate Capacity.



## **SECTION 5 – OUTSIDE BODIES**

### Appointment(s)

5.5.2 The Fire Authority is represented by the Chair on this board.

### Delegated powers

5.5.3 The Authority has not delegated any powers to the Member appointed to the Board.

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## **SECTION 6 – MEMBERS’ ROLES**

### **GENERAL ROLE**

6.1 Collectively, elected Members shape the future of the Fire Authority and determine its priorities. Whilst it is acknowledged that Members have a duty to represent their constituents and are members of their constituent authorities their overriding duty as Fire Authority Members is to act in the interests of the Authority as a whole.

Members will:

6.2 Be advocates for the Fire Authority in the respective communities they serve and act as a channel of communication to the community on Fire Authority strategies, objectives, policies, services and procedures.

6.3 Represent the views of their respective communities, wherever possible, in the Fire Authority’s decision-making processes by liaising with other Members, Officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported.

6.4 Engage fully in Fire Authority business and meetings including meetings of any committee, board, task group or external organisation that they may be appointed to serve on from time to time. This includes a requirement to fully engage in any preparatory or follow up work or tasks such as undertaking training and site visits or participating in any study, research, review or scrutiny exercises.

6.5 Proactively and continually identify, seek out and participate in opportunities for personal development.

6.6 Make effective use of modern electronic communication including email, the internet and intranet, to aid efficient communication with officers, other Members and the community.

6.7 Provide support and encouragement to new Members.

## **SECTION 6 – MEMBERS’ ROLES**

### **SPECIFIC ROLES**

#### **Chair of the Fire Authority and Deputy Chair in the Chair’s Absence**

- 6.8 Acting as the Civic Head of the Authority, performing an ‘ambassadorial’ role on behalf of the Authority;
- 6.9 Acting as political Leader of the Authority;
- 6.10 Leading the development and maintenance of the Authority’s vision, objectives and values;
- 6.11 Participating in the North West Fire Forum;
- 6.12 Participating in regional and national political networks;
- 6.13 Enhancing links between the Authority and other public bodies and forging formal partnership working arrangements;
- 6.14 Encouraging links with the business community;
- 6.15 Chairing Authority meetings;
- 6.16 Co-ordinating the appraisal of the Chief Fire Officer and Chief Executive;
- 6.17 Ensuring a good political/professional interface particularly between the Chair, the Deputy Chair and the Chief Fire Officer and Chief Executive; and
- 6.18 Ensuring good governance in relation to the Authority’s activities and abiding by legal and procedural requirements.

#### **Chairs of other Members’ Decision-Making Bodies**

- 6.19 To help co-ordinate the work of the decision-making body.
- 6.20 To be a focal point of knowledge, leadership and advice to Members of the decision-making body.
- 6.21 To provide competent and effective management of meetings to facilitate inclusivity, participation and clear decision-making.
- 6.22 To ensure that Members are able to take part in decision-making and that this is carried out with the benefit of adequate advice from officers.
- 6.23 To liaise with other Chairs of Members’ decision-making bodies where necessary.
- 6.24 To report to other Members and/or Members’ decision-making bodies.

## **SECTION 6 – MEMBERS’ ROLES**

### **Lead Members (each constituent Authority)**

#### Roles and responsibilities

6.25 The role of Lead Member is:

- i] To represent the views of the Fire Authority at their constituent Authorities, taking the lead and co-ordinating activities in their constituent area in relation to Fire Authority business, where necessary.
- ii] To sit on the Business Continuity Committee
- iii] To fulfil the role of Business Continuity Member (Business Continuity Lead)

6.26 It is likely that the Chair and Deputy Chair will fulfill the role of Lead Member for their constituent Authorities. Should the Chair and/or Deputy Chair indicate a wish to act as Lead Member, they should automatically take this role without the need for appointment by Members of the Constituent Authority which appointed them to the Authority.

6.27 It should be noted that those Groups spokespersons that are not represented through the appointment of the Chair and Deputy Chair sit on the Business Continuity Committee and also act as Business Continuity Members (Business Continuity Leads) with the Chair and Deputy Chair.

#### Appointment

6.28 The appointment of a Lead Member is the responsibility of the members of the constituent Authority required to appoint a Lead member. If those Members are unable to decide or there is an equality of votes for candidates, the decision will then fall to be made by the Fire Authority. The Chair and Deputy Chair of the Authority assume the role of Lead Member for their constituent authorities.

### **Member Champions**

6.29 The Structure allocates a number of Member champion roles. These roles make the best use of a Member’s experience and interest, whether gained in their constituent authority, working life or through a personal hobby.

6.30 It is expected that prior to the Authority meeting in June, Members will put themselves forward for these roles within their political groups, which will be subject to voting in the usual manner if they are not agreed.

## **SECTION 6 – MEMBERS’ ROLES**

- 6.31 There is no constitutional requirement for Member Champions to be drawn from the largest group on the Authority, or to be drawn from any particular committee.
- 6.32 The role of Member Champions is to speak up, during Member meetings, on key issues relating to the position. In the consideration of reports and during debate, the Chair may look to the relevant Member Champion to speak or give an opinion to inform the wider Authority on matters relating to that Member Champion’s area of expertise.
- 6.33 The Member Champion will also be expected to serve as a key contact for Officers, when dealing with a relevant matter. This is particularly relevant for the purposes of consultation responses to government and policy development. Member Champions may be asked to attend key meetings and conferences arranged by external bodies. It is the responsibility of Member Champions to feedback any key messages from such events, to the wider Membership of the Authority, at meetings.
- 6.34 In some cases, Member Champions will be expected to Chair or sit on key Officer meetings. As with external meetings, it will be the role of Member Champions to ensure key messages are relayed back to the wider Authority and to provide a Member opinion on relevant matters of policy.

### **Independent Members**

- 6.35 The independent members are not members of the Fire Authority. They are unelected and have an advisory role. They will be appointed following advertisement and interview and will normally hold a term of office.
- 6.36 Currently there are two independent members. They both sit on Governance and Constitution Committee and one sits on Performance and Overview Committee and Member Training and Development Group.

### **Police and Crime Commissioner for Cheshire**

- 6.37 Cheshire Fire Authority (CFA) and the Police and Crime Commissioner for Cheshire (Cheshire PCC) are working more closely.
- 6.38 CFA grants the following rights to the Cheshire PCC:
- (a) to be provided with papers for CFA meetings (including those to be considered in private session unless a conflict of interest exists); and
  - (b) to be briefed appropriately before CFA meetings: and

## **SECTION 6 – MEMBERS’ ROLES**

- (c) to attend CFA meetings (and remain during items considered in private session); and
- (d) to speak at CFA meetings.

6.39 The CFA expects the Cheshire PCC to:

- (a) Exercise these rights reasonably; and
- (b) Declare any conflict of interest at the appropriate time and withdraw as necessary.

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## SECTION 7 – PROTOCOLS

### **GIFTS AND HOSPITALITY GUIDANCE**

#### **Purpose**

To ensure that the integrity of Members and employees is not called into question by the acceptance of the offer of gifts or hospitality in the performance of their duties where to do compromises their impartiality or where the public would perceive this to be the case.

The guidance that follows is to ensure that Members and employees are aware of their obligations to declare offers of gifts and hospitality and to seek approval to accept them where necessary.

If in doubt, consult the Monitoring Officer: Andrew Leadbetter. [andrew.leadbetter@cheshirefire.gov.uk](mailto:andrew.leadbetter@cheshirefire.gov.uk) Tel: 01606 868456

#### **Scope**

This policy applies to all Members (including non elected Independent Members) and employees.

#### **Reporting to the Monitoring Officer**

This must be done within 28 days of the offer and by completion of an online form (copy attached) to be emailed to the Monitoring Officer

#### **Register of Gifts and Hospitality**

Information from the online form will be entered on the Register of Gifts and Hospitality and published on the CFRS website and maintained and reviewed on a quarterly basis by the Monitoring Officer.

NB: All gifts and hospitality over the value of £50 must be declared and entered on the register.

## SECTION 7 – PROTOCOLS

### Bribery Act 2010

The offer of a gift or of hospitality in return for the award of a benefit, such as the award of a contract, will constitute a criminal offence under the Bribery Act 2010. It is also a criminal offence to request, agree to receive or accept a bribe.

### Breach of the guidance

Where a breach is reported this will be investigated as a misconduct matter either under the Investigation of Complaints Procedure for Members or the disciplinary procedure for employees. Where a criminal offence is suspected this will be reported to the police.

| Type of gift or hospitality   | Value        | Accept or decline | Report to Monitoring Officer | Approval of Monitoring Officer | Enter on Register |
|---|--------------|-------------------|------------------------------|--------------------------------|-------------------|
| <b>Gifts and hospitality which can be accepted without approval</b><br><br>Hospitality and gifts distributed at courses and conferences <ul style="list-style-type: none"><li>• Modest working lunch</li><li>• Token gifts /promotional items such as pens and calendars</li><li>• Prizes and souvenirs</li></ul> | Low in value | Can accept        | No                           | No                             | No                |
| <b>Gifts and hospitality which must be reported to, and/or approved by the Monitoring Officer</b>   | Below £50    | Can accept        | Yes                          | No                             | No                |

**SECTION 7 – PROTOCOLS**

| Type of gift or hospitality  | Value     | Accept or decline | Report to Monitoring Officer | Approval of Monitoring Officer | Enter on Register |
|--|-----------|-------------------|------------------------------|--------------------------------|-------------------|
| Invitation to a conference or trade event where a general invitation has been issued to other fire services or local authorities<br><br>NB: This does not apply to training events and courses   | Over £50  | Can accept        | Yes                          | Yes                            | Yes               |
| Attendance at an official function to represent the Service/Authority or share information<br><br><br><br><br><br><br><br><br><br><br>NB: This only applies to functions organised by external providers, not events arranged by the Service such as awards ceremonies or Prince's Trust events. | Below £50 | Can accept        | Yes                          | No                             | No                |
| Social, cultural or sporting event organised by one of our partners and which is for Service related purposes for example tickets to the Cheshire Show or a Warrington Wolves match.   | Over £50  | Can accept        | Yes                          | Yes                            | Yes               |
| Social, cultural or sporting event organised by one of our partners and which is for Service related purposes for example tickets to the Cheshire Show or a Warrington Wolves match.   | Below £50 | Yes               | Yes                          | Yes                            | No                |

**SECTION 7 – PROTOCOLS**

| Type of gift or hospitality  | Value     | Accept or decline                                 | Report to Monitoring Officer | Approval of Monitoring Officer | Enter on Register |
|--|-----------|---|------------------------------|--------------------------------|-------------------|
|  | Over £50  | Yes   | Yes                          | Yes                            | Yes               |
| Where to decline would cause offence or damage the working relationship with the giver.  | Below £50 | May accept on behalf of CFRS or donate to charity | Yes                          | Yes                            | No                |
|  | Over £50  | As above  | Yes                          | Yes                            | Yes               |
| <p><b>Gifts and hospitality which cannot be accepted</b></p> <p>Any kind of offer from an organisation providing a service or supplying goods to CFRS or seeking to do so, or an organisation receiving a service from CFRS.</p> | Any value | Decline   | Yes                          | N/A                            | Yes               |

## SECTION 7 – PROTOCOLS

| Type of gift or hospitality   | Value     | Accept or decline | Report to Monitoring Officer | Approval of Monitoring Officer | Enter on Register |
|---|-----------|-------------------|------------------------------|--------------------------------|-------------------|
| Cash  | Any value | Decline           | Yes                          | N/A                            | Yes               |
| Personal gift or offer of hospitality   | Any value | Decline           | Yes                          | N/A                            | Yes               |
| Gifts or hospitality offered to family or friends   | Any value | Decline           | Yes                          | N/A                            | Yes               |
| Travel or accommodation   | Any value | Decline           | Yes                          | N/A                            | Yes               |
| Tickets to a social, cultural or sporting event which has not been organised by one of our partners and which is not for Service related purposes for example tickets to a Liverpool football match or the RHS flower show. | Any value | Decline           | Yes                          | N/A                            | Yes               |
| Expensive meals   | Over £50  | Decline           | Yes                          | N/A                            | Yes               |

## **SECTION 7 – PROTOCOLS**

### **PROTOCOL ON MEMBER AND OFFICER RELATIONS**

*“Every Local Authority should have its own written statement or protocol governing relations between Members and Officers” (Third report of the Committee on Standards in Public Life, the Nolan Committee)*

#### **Introduction**

- 7.1 The relationship between the Elected Members and the Officers of the Fire Authority has always been and continues to be one of the main organisational strengths. However, the Authority accepts it is required to have a formal protocol which covers the relationship between Elected Members and Officers. This protocol is prepared to meet those requirements but against a background of a good working partnership which is well established widely accepted and benefits everyone who serves or is employed in the Authority. It will provide a safeguard to help ensure that current good practice continues.
- 7.2 The Fire Authority recognises that a strong, constructive and trusting relationship between Members and Officers is essential to the effective and efficient working of the organisation. Members and Officers should work in partnership in developing the policies of the Authority and in ensuring the delivery of services to the people of Cheshire, Warrington and Halton.
- 7.3 This protocol takes into account the respective and different roles of Members and Officers and does not seek to change or influence these roles. The intention is to build on the good relationship which already exists.
- 7.4 It is accepted that from time to time issues do arise which need to be addressed from both sides. This protocol will be used as appropriate to help in addressing any such matters.
- 7.5 It is recognised that the Authority is a corporate entity but that in terms of its political structure there is an administration and opposition dimension which involves both Members and Officers operating in a politically sensitive climate. Officers have an obligation to serve the Authority as a corporate body.
- 7.6 This protocol forms a key part of the Authority’s approach to corporate governance and its commitment to uphold standards of conduct in public life. The Authority supports also the wider aims of protecting and enhancing the integrity and reputation of public services and the highest standards of personal conduct.

#### **Operation of this protocol**

- 7.7 This protocol will be applied having regard to the requirements of the Members’ Code of Conduct and the Officers’ Code of Conduct, as set out in the Authority’s Constitution, and relevant Authority policies,

## **SECTION 7 – PROTOCOLS**

procedures and processes. Members and Officers must at all times observe this protocol.

- 7.8 Where there is a conflict or discrepancy between this protocol and those codes and policies referred to in paragraph 7.25 above, then those codes and policies shall have precedence. Account will also be taken of any conventions in the case of conflict or discrepancy.
- 7.9 This protocol does not affect or interfere with any rights of or protection which a person may have in law.

### **Responsibility for the protocol**

- 7.10 The Chief Fire Officer and Chief Executive is responsible for the operation of this protocol and will ensure that it is reviewed from time to time.
- 7.11 He or she will rule on the interpretation and / or the application of the protocol in matters of dispute and such rulings will be final. Where such a matter is relevant to or involves the Chief Fire Officer and Chief Executive then the Monitoring Officer shall be the appropriate Officer under this paragraph.
- 7.12 The Fire Authority is responsible for approving any amendments or additions to the protocol following consultation with Member and Officer representatives and the Governance and Constitution Committee where appropriate.

### **Member and Officer Roles**

- 7.13 This protocol recognises that Members are elected and Officers are appointed to serve the people of the districts of Cheshire East, Cheshire West and Chester, Halton and Warrington and that their roles are distinct.
- 7.14 The Members are accountable to the electorate who determine the people they wish to represent them on various unitary authorities. These four Authorities then nominate Elected Members to sit on the Fire Authority.
- 7.15 Officers are accountable to the people of the districts of Cheshire East, Cheshire West and Chester, Warrington and Halton through the full Fire Authority.
- 7.16 Councillors are mainly responsible for:
- The political direction and leadership of the Authority.
  - The determination of policies, plans and strategies and deciding matters to give effect to or implement those policies, plans and strategies, particularly in service delivery terms.

## SECTION 7 – PROTOCOLS

- Performing the Authority's regulatory functions.
  - Monitoring and reviewing, primarily through the Policy Committee and the Performance and Overview Committee functions, the Authority's performance in implementing its plans and strategies and in delivering its services.
  - Participation in partnership working.
  - Representing the Authority on national, regional and local bodies and organisations.
  - Representing the views of their communities and individual constituents in respect of the work of the Fire Authority.
- 7.17 Members should not involve themselves in the day to day management of the Authority's services as the responsibility rests with the Chief Fire Officer and Chief Executive and Senior Managers and there are clearly defined lines of accountability to Members. However, applying this part of the protocol, it has to be recognised that Members do have specific responsibilities under the Authority's Performance and Overview Committee function as set out in paragraphs 7.54 to 7.58 of this document.
- 7.18 Under the Authority's Constitution some Members have additional responsibility at Member level, for example being Chair of a committee, panel, or as lead, or champion Member for a specific area of the Service. The holding of these offices will involve a different relationship with certain Officers in areas where the Member has a particular role and responsibility. Also, the relationships will be more complex and expectations will be different from other Members.
- 7.19 It is important that Members of the Authority:
- Respect the impartiality of Officers and do not undermine their role in carrying out their duties.
  - Do not ask Officers to undertake work or to act in a way which seeks to support or benefit a particular political party or gives rise to the officer being criticised for operating in a party political manner.
  - Do not ask Officers to exceed their authority where that authority is given to them in law, by the Authority or by their managers.
- 7.20 This protocol recognises the role of opposition groups in the Fire Authority acting individually or jointly, and that relationships will be again different and complex. Members in opposition have the same rights and obligations in their relationships with Officers and should be treated equally. Where opposition groups, individually or collectively, appoint their Members to perform shadow or spokesperson roles, then



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the requirement of paragraph 7.36 will apply.

- 7.21 It is however envisaged that all Members will work co operatively to ensure that the Fire Authority meets its statutory obligations and provides an effective and efficient Fire and Rescue Service to the people of Cheshire.
- 7.22 The primary role of Officers is to advise, inform and support all Members and to implement the lawfully agreed policies of the Fire Authority.
- 7.23 In performing this role, Officers will act professionally, impartially and with political neutrality. Whilst Officers will report a Member's view on an issue, the Officer should not be influenced or pressured to make comments or recommendations which are contrary to his or her professional judgement or views.
- 7.24 The Chief Fire Officer and Chief Executive, the Monitoring Officer and the Treasurer (Section 151 Officer) have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Fire Authority. Where an Officer is discharging his or her responsibilities under any statutory office, a Member or Members shall not:-
- Interfere with or obstruct the Officer in exercising those responsibilities.
  - Victimise any Officer who is discharging or has discharged his or her responsibilities of the statutory office.
- 7.25 Both Members and Officers will, regardless of their role, always act in accordance with the Core Values of the Fire Authority, which are attached to this Protocol.

### **Member/Officer Obligations and Expectations**

- 7.26 Members will require and expect Officers:-
- To be committed to the Authority as a whole and not to any political group or individual.
  - To work in partnership with Members in an impartial and professional manner.
  - To understand and support the respective roles of Members and the associated workloads and pressures.
  - To implement decisions of the Fire Authority and its subordinate committees which are lawful, have been properly approved in accordance with the law and the Authority's Constitution and formally recorded.

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- To respond to enquiries and complaints in accordance with the Fire Authority's standards.
- To provide professional advice, which is not influenced by political views or preferences, and which does not comprise the political neutrality of Officers.
- To provide information as agreed on matters that can reasonably be considered appropriate and relevant to their needs, taking into account the Members' individual responsibilities and position and the requirements on Members' access to documents and information, subject to specific exclusions, e.g. personal interests and confidentiality.
- To be aware of and sensitive to the internal and external political environment.
- To act with honesty, respect, dignity and courtesy at all times.
- To provide support and learning and development opportunities for Members to help them in performing their various roles.
- To act with integrity and appropriate confidentiality.
- Not to raise issues of a personal nature outside agreed procedures.
- Not to use their relationship with Members to advance their personal interests or to influence decisions improperly.
- To comply at all times with the Officer Code of Conduct and such other policies or procedures approved by the Fire Authority.
- To support the role of Councillors with any policy or procedure agreed by the Fire Authority.
- Not to support Members in any role other than that of a Fire Authority Member and not to undertake any actions which are not compatible with this Protocol.

### 7.27 Officers can expect Councillors:-

- To act within the policies, practices, processes and conventions established by the Fire Authority.
- To work constructively in partnership with Officers, acknowledging their separate and distinct roles and responsibilities.
- To understand and support the respective roles and

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responsibilities of Officers and their associated workloads, pressures and reporting lines.

- To give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision and issues based on advice.
- To treat them fairly and with respect, dignity and courtesy.
- To act with integrity, to give support and to recognise appropriate confidentiality.
- To recognise that Officers work to the instructions of their senior officers and not to individual Members.
- Not to subject them to intimidation, harassment or put them under pressure. Councillors will have regard to the seniority of Officers in determining what are reasonable requests, having regard to the relationship between with Councillor and officer and the potential vulnerability of Officers, particularly at junior levels.
- Not to request them to exercise discretion which involves acting outside the Fire Authority's policies and procedures.
- Not to authorise, initiate or certify any financial transactions or enter into any contract, agreement or undertaking on behalf of the Fire Authority, or in their role as Member of the Fire Authority without proper and lawful authority.
- Not to use their position or relationship with Officers to advance their personal interest or those of others, or to influence decisions improperly.
- To comply at all times with the Members Code of Conduct, the law, the Constitution and such other Policies, Procedures, Protocols and Conventions agreed by the Fire Authority.

### **Behaviour Limitations**

7.28 The different roles of Members and Officers require particular limitations upon behaviour. Both Members and Officers need to ensure that their working relationship is appropriate to their respective role and that they do not act in any way which would lead to their behaviour being questioned. It is not possible to provide a list of circumstances where behavioural issues might be of concern. The main examples below help to illustrate the point.

- A close personal relationship between a Member and an Officer can confuse their separate roles and influence the proper discharge of the Authority's functions, not least in

## **SECTION 7 – PROTOCOLS**

creating a perception that a Councillor or Officer may be securing advantageous treatment.

- The need to maintain the separation of roles means that there are limits to those matters on which a Member may seek the advice of an Officer, both in relation to personal matters and party political issues.
- Relationships with a particular individual or party group should not be such as to create public suspicion that an employee favours one Councillor or group above the others.

### **Political Groups**

7.29 It is in the interests of the Authority to support to some degree the effective operation of all its political groups and not one particular group. The operation of Political Groups may, however, pose particular issues for officers in terms of their impartiality.

7.30 A political group may request the Chief Fire Officer and Chief Executive or a senior manager to prepare a written report on a matter or matters relating to the Authority for consideration by the Group.

7.31 An Officer report to a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. Such reports will not cover any political implications on the matter or any opinion. Such reports will not include any recommendations.

7.32 The release of such reports to other political groups shall be dealt with in accordance with any conventions in existence at the time.

7.33 A political group may request the Chief Fire Officer and Chief Executive or a senior manager to attend a meeting of the group to advise on particular matter relating to the Authority. The Chief Fire Officer and Chief Executive or senior manager may arrange for the attendance of the representative on his or her behalf, or may decline to attend or send a representative where he or she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.

7.34 Officer advice at a meeting of a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. The advice will not cover any political implications of any matter or any opinion.

7.35 All Officers will respect the confidentiality of any matter which they hear in the course of attending any political group meeting or in respect of any requests for advice and the giving of that advice.

### **Attendance of Officers at Performance and Overview Committee**

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- 7.36 It is accepted that in carrying out its role, the Performance and Overview Committee may require an Officer to attend to answer questions or to discuss issues. In requiring an Officer to attend, the Committee will consider the seniority of the Officer it would be appropriate to invite. There is a presumption against inviting Officers outside the senior Officers range to attend in this capacity. Requests for Officer attendance shall also have regard to workloads of Officers.
- 7.37 Where an officer attends such a meeting his or her contributions should be confined to matters of fact and explanation. However, an Officer may be asked to explain and justify advice which he or she has given prior to a decision having been made, including decisions taken by him or her using their delegated powers.
- 7.38 Officers should not be drawn into discussions of a political nature which would be inconsistent with the political neutrality requirement, nor should any questioning of an officer be reasonably interpreted as constituting harassment.
- 7.39 In Performance and Overview proceedings the capability or competence of Officers must not be questioned. The distinction needs to be drawn between reviewing the policies, performance and decisions of the Authority and its services and the appraisal of officers' individual performance. The latter is not a function of the Performance and Overview Committee.
- 7.40 In applying this part of the Protocol, account will be taken of any guidance agreed by Performance and Overview Committee provided that guidance is consistent with the principles of this Protocol.

### **Breaches of the Protocol**

- 7.41 Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Brigade Manager. Where the Officer concerned is a Brigade Manager, the matter should be raised with the Chief Fire Officer and Chief Executive. Where the employee concerned is the Chief Fire Officer and Chief Executive, the matter should be raised with the Monitoring Officer.
- 7.42 On the Member's side, where the relationship between Councillors and Officers breaks down or becomes strained, every effort will be made to resolve matters informally, through conciliation by an appropriate senior manager or Councillors. Officers will also have recourse to the Grievance Procedure or to the Authority's Monitoring Officer as appropriate, in certain circumstances. In the event of a Grievance or Complaint being upheld, the matter will be referred to the Chief Fire Officer who, having advised the Chair of the Authority and the other appropriate party spokespersons, will decide on the course of action to be taken, following consultation with the Governance and Constitution Committee if appropriate.

## **SECTION 7 – PROTOCOLS**

- 7.43 Breaches of the Protocol by a Member may result in a complaint to the Governance and Constitution Committee and in the case of Officers may lead to disciplinary action.

## **SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT**

### **1. INTRODUCTION**

This Code of Conduct is based on the Local Government Association's Model Councillor Code of Conduct 2020. It contains statements made by a Member of the Fire Authority that is subject to this Code of Conduct. It was adopted by Cheshire Fire Authority on 8<sup>th</sup> December 2021.

Guidance about Member conduct can be found in the LGA's Model Councillor Code of Conduct 2020 and in separate, more detailed, Guidance issued by the LGA. Amongst other things the guidance explains when the Code of Conduct applies.

The Fire Authority has a co-opted member (the Independent Audit Committee Member) and an independent non-elected member who has an advisory role and is not co-opted. The co-opted member is subject to this Code. The independent non-elected member is expected to act within the spirit of this Code.

### **2. DEFINITIONS**

For the purpose of this Code of Conduct:

- 1) References to "councillor" means a member or co-opted member of the Fire Authority.

Note: The Fire Authority does not have any co-opted members. However, it does have an independent non-elected member. That member has no right to vote, but is expected to act within the spirit of this Code of Conduct.

- 2) References to "local authority" or "council" means Cheshire Fire Authority and/or Cheshire Fire and Rescue Service.

### **3. STATEMENTS MADE BY FIRE AUTHORITY MEMBERS**

#### **General Principles of Conduct**

I am aware of the Seven Principles of Public Life (which can be found at Appendix A to this Code of Conduct) which I will uphold. I make the following statements concerned with General Principles of Conduct that are built upon the Seven Principles:

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and

- I lead by example and act in a way that secures public confidence in the role of councillor

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Standards of Conduct**

#### **1. *Respect***

As a councillor:

- 1.1 I treat other councillors and members of the public with respect.
- 1.2 I treat local authority employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

#### **2. *Bullying, harassment and discrimination***

As a councillor:

- 2.1 I do not bully any person.
- 2.2 I do not harass any person.
- 2.3 I promote equalities and do not discriminate unlawfully against any person.

#### **3. *Impartially of officers of the council***

As a councillor:

- 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

#### **4. *Confidentiality and access to information***

As a councillor:

- 4.1 I do not disclose information:
  - a) given to me in confidence by anyone
  - b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless



- i. I have received the consent of a person authorised to give it;
- ii. I am required by law to do so;
- iii. The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
- iv. the disclosure is:
  1. reasonable and in the public interest; and
  2. made in good faith and in compliance with the reasonable requirements of the local authority; and
  3. I have consulted the Monitoring Officer prior to its release.

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

**5. *Disrepute***

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

**6. *Use of position***

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

**7. *Use of local authority resources and facilities***

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a) act in accordance with the local authority's requirements; and
- b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.

**8. *Complying with the Code of Conduct***

As a councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

- 8.2 I cooperate with any Code of Conduct investigation and/or determination.
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration or any investigation or proceedings.
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

9. **Interests**

As a councillor:

- 9.1 I register and disclose my interests.

10. **Gifts and Hospitality**

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

## **Appendix A – The Seven Principles of Public Life**

The Principles are:

### *Selflessness*

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

### *Integrity*

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

### *Objectivity*

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

### *Accountability*

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

### *Openness*

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

### *Honesty*

Holders of public office should be truthful.

### *Leadership*

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

## **Appendix B – Registering and Declaration of Interests**

This Appendix tells me about my obligations in relation to the registering and declaration of interests.

I understand that a failure to register or disclose a Disclosable Pecuniary Interest is a criminal offence under the Localism Act 2011.

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” means an interest of yourself, or your partner if you are aware of your partner’s interest, within the descriptions set out in Table 1 below.

“Partner” means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept-up-to-date and within 28 days of becoming aware of any new interest, or any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in case of Disclosable Pecuniary Interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a Disclosable pecuniary interest.

## Disclosure of Other Registerable Interests

5. Where a matter arises at a meeting which ***directly relates*** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and is not a Disclosable Pecuniary Interest set out in table 1) or a financial interest or wellbeing of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
7. Where a matter arises at a meeting which affects –
  - a. Your own financial interest or wellbeing;
  - b. A financial interest or wellbeing of a relative or close associate; or
  - c. A financial interest or wellbeing of a body included under Other Registerable Interests as set out in Table 2

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

8. Where a matter (referred to in paragraph 7 above) affects the financial interest or wellbeing:
  - a. To a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. A reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

**Table 1 – Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

| <b>Subject</b>   | <b>Description</b>  |
|--|---|
| EMPLOYMENT,<br>OFFICE, TRADE,<br>PROFESSION OR<br>VOCATION | Any employment, office, trade, profession or vocation carried on for profit or gain.  |
| SPONSORSHIP  | Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.  |
| CONTRACTS  | Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council<br>—<br>(a) under which goods or services are to be provided or works are to be executed; and<br>(b) which has not been fully discharged. |
| LAND AND<br>PROPERTY                                       | Any beneficial interest in land which is within the area of the council.<br>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.  |
| LICENCES   | Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.   |
| CORPORATE<br>TENANCIES                                     | Any tenancy where (to the councillor's knowledge)—<br>(a) the landlord is the council; and<br>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.   |
| SECURITIES   | Any beneficial interest in securities* of a body where—<br>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and<br>(b) either—   |

|  |  |
|--|--|
|  | <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br/> (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were.</p> |
|--|--|

\* 'director' includes a member of the committee of management or an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2 – Other Registerable Interests**

|   |
|---|
| <p>You must register as an Other Registerable Interest:</p> <ul style="list-style-type: none"> <li>a) Any unpaid directorships</li> <li>b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority</li> <li>c) Any body <ul style="list-style-type: none"> <li>i. Exercising functions of a public nature</li> <li>ii. Directed to charitable purposes or</li> <li>iii. One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</li> </ul> <p style="margin-left: 40px;">of which you are a member or in a position of general control or management</p> </li> </ul> |
|---|

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## **SECTION 9 – MEMBERS’ ALLOWANCE SCHEME**

### **Introduction**

- 9.1 Local authorities are required to introduce a scheme dealing with Member remuneration complying with the provisions contained in the Local Authorities (Members Allowances) (England) Regulations 2003 (and amendments thereto).
- 9.2 Local authorities must establish and maintain an Independent Remuneration Panel to make recommendations on their schemes. Whilst the Regulations do not require a fire authority to have its own Independent Remuneration Panel, it must have regard to the recommendations made by Panels of the local authorities that appoint its Members (i.e. the constituent authorities).
- 9.3 The amounts payable under the Regulations are for individual authorities to decide, taking into account local circumstances, ways of working and the make up of individual decision making arrangements.
- 9.4 Authorities determine the amount of each allowance within the scheme on an annual basis.
- 9.4 The Regulations enable authorities to make provision for the annual adjustment of allowances by reference to an index which may apply for no longer than four years. Cheshire Fire Authority undertakes a review of the scheme every four years with the assistance of a member of an Independent Remuneration Panel operated by a constituent authority.
- 9.5 Schemes must include a Basic Allowance payable to all Members of the Authority and payment of Special Responsibility Allowances. Travel and subsistence are discretionary. The current Scheme of Members’ Allowances is attached as **Appendix 1**.

### **BASIC AND SPECIAL RESPONSIBILITY ALLOWANCES**

- 9.6 Each Member is paid a basic allowance which is the same for each Member. The allowance recognises the time commitment of all Members including attending meetings and working within their locality.
- 9.7. A special responsibility allowance is payable to those Members who have significant responsibilities e.g. the Chair and Deputy Chair of the Authority.

### **TRAVEL AND SUBSISTENCE**

- 9.8. The Authority has made provision in its scheme for reimbursing Members for the cost of travel and subsistence in performing their duties. The allowances can only be claimed in respect of meetings and duties as prescribed in the Scheme.

### **FURTHER DETAILS**

- 9.9. Further information on the Scheme can be obtained from the Governance and Corporate Planning Manager, Fire Service HQ, Winsford, Cheshire.

## **Members' Allowance Scheme 2022-23**

### **Basic Allowance**

- 1 Each Member of the Fire Authority shall receive a sum of **£4,566.95** (2022/23) per annum in the form of a Basic Allowance from 1<sup>st</sup> April 2022. Payment of this Allowance shall be monthly in arrears.

### **Special Responsibility Allowance**

- 2 The following roles shall attract the amounts specified as Special Responsibility Allowances:

| <b>Office</b>  | <b>2022/23<br/>Entitlement<br/>£</b> |
|--|--------------------------------------|
| <b>Chair of the CFA</b>  | <b>15,024.41</b>                     |
| <b>Deputy Chair of the CFA</b>   | <b>7,513.36</b>                      |
| <b>Chair of Performance and Overview Committee</b>   | <b>3,005.34</b>                      |
| <b>Chair of Governance and Constitution Committee</b>  | <b>1,733.85</b>                      |
| <b>Chair of Estates and Property Committee</b>   | <b>1,733.85</b>                      |
| <b>Business Continuity Leads (Group Spokespersons and Lead Members – Constituent Authorities)</b>                          | <b>1,155.90</b>                      |
| <b>Member Champions<br/>(includes Chair of Member Training &amp; Development Group; and Risk Management Board Members)</b> | <b>577.94</b>                        |

- 3 Only one SRA shall be paid to an individual Member. Where a Member holds two or more positions which attract an SRA only the highest amount will be paid. This excludes regional appointments.

### **Regional Appointments**

- 4 Members appointed to the North West Fire Forum will receive a payment of **£35** per meeting attended.

### **Independent (non-elected) members**

- 5 Independent (non-elected) members will receive an annual allowance of **£1,337.87**.

### **Independent Audit Committee member**

- 6 Independent Audit Committee member will receive an annual allowance of **£1,312.50**.

## **Independent Persons**

- 7 Independent Persons will receive a payment of **£35** per meeting attended and re-imbusement of expenses incurred (travel/subsistence).

## **Travel, Subsistence and Other Allowances**

### **(a) Travel**

- 8 Members may claim travel expenses for mileage to and from meetings/ events associated with the Fire Authority at the prevailing HMRC rate (currently 45p per mile).

### **(b) Subsistence**

- 9 As a general rule lunch and other refreshments for meetings held at Fire Service HQ and other Service establishments are provided free of charge and, therefore, no claim for any allowance or reimbursement can be made. This may also include meals/refreshments provided at conferences/ seminars/meetings free of charge at other non Service venues.

- 10 For meetings where refreshments are not provided and Members are required to pay for meals, the actual expenditure will be reimbursed up to a maximum rate. At present these rates are as follows:-

|                 |     |
|-----------------|-----|
| Breakfast       | £7  |
| Lunch           | £9  |
| Dinner          | £15 |
| Dinner (London) | £20 |

If it is unavoidable and Members need to book their own accommodation the following rates are the maximum that will be paid:

|                |      |
|----------------|------|
| Hotel          | £100 |
| Hotel (London) | £120 |

### **(c) Dependants' Carers' Allowance**

- 11 A Dependants' Carers' allowance is payable to Members where actual costs are incurred for the care of dependent relatives whilst discharging their approved duties for the Fire Authority.

The Dependants' Carers' Allowance will be paid up to a maximum of £3000 per annum and in reimbursement of incurred expenditure upon submission of receipts.

## **Annual Increase**

- 12 The Basic and Special Responsibility Allowances in this scheme shall be increased by the same percentage increase as the NJC pay award for Local Government employees (Green Book).

The increases shall apply from the same date as the pay increases take effect and will be backdated, if necessary.

This index shall apply for four years (up to 31<sup>st</sup> March 2025) unless the Scheme is amended.

### **CHESHIRE FIRE AUTHORITY: LIST OF APPROVED DUTIES**

- Attendance at meetings of the Fire Authority, Committees, Sub-Committees, Special Committees, Panels, Boards, Forums and Working/Task Groups
- Authorised briefings for Committees/Sub-Committees including all meetings which are called by officers e.g. Members Planning Days and pre-meeting briefings
- All approved conferences and seminars
- Regional Bodies - North West Fire Forum, NW Fire Control Ltd Board of Directors and associated working groups
- National Bodies – LGA Fire Commission and associated working groups
- Member Learning and Development Events (including induction and attendance at cluster exercises)

In addition to the above, the Chair or his nominee, attend other functions on behalf of the Fire Authority and in these circumstances these are regarded as approved duties for the purpose of the Members' Allowance Scheme.

## SECTION 10 – FINANCIAL REGULATIONS

### FINANCIAL REGULATIONS

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## **SECTION 10 – FINANCIAL REGULATIONS**

### **Purpose**

- 10.1 The Financial Regulations (the Regulations) set out in this document define the roles and responsibilities of the officers and Members of Cheshire Fire Authority (the Authority) in relation to financial matters.
- 10.2 The basic principle which underpins these regulations is that responsibility is delegated to an appropriate officer, within systems which the Authority, the Chief Fire Officer and Chief Executive, the Treasurer (who is the Section 151 Officer) and the Head of Finance feel are suitably controlled. Internal Audit and other reports help them form their judgement on the adequacy of control mechanisms.
- 10.3 Managers must provide effective induction and training to enable staff to understand these Regulations and deal appropriately with financial matters.
- 10.4 There may be circumstances where an officer feels unable to comply with the Regulations. Before the officer proceeds with an action which does not comply with the Regulations, they must seek guidance from the Head of Finance. Member approval may be required.
- 10.5 The Regulations will be reviewed by the Chief Fire Officer and Chief Executive, the Treasurer and the Head of Finance annually and by Members at least every three years. Minor changes will be made to these Regulations to reflect new risk or changing circumstances with the agreement of the Chief Fire Officer and Chief Executive, the Treasurer and the Head of Finance.

### **Roles and Responsibilities**

- 10.6 The respective roles and responsibilities, in relation to financial matters, of the Authority, the Chief Fire Officer and Chief Executive, the Treasurer, the Head of Finance, the Monitoring Officer, Directors and Heads of Departments are contained in the table which forms Appendix 1.
- 10.7 Members approve the revenue budget, the council tax precept, the annual capital programme and the statutory accounts, and receive quarterly reports on the Authority's budgetary position.
- 10.8 The Treasurer and the Head of Finance regularly report financial matters to the Authority's Service Leadership Team, (SLT), which is chaired by the Chief Fire Officer and Chief Executive, and which meets every month.

## **SECTION 10 – FINANCIAL REGULATIONS**

### **Revenue Budgets**

#### **Approval of the revenue budget**

10.9 The revenue budget and council tax precept are approved by the Authority in February each year for the following financial year.

#### **Virement of revenue budgets**

10.10 Virement is the transfer of budget in order to prevent overspends or to accommodate changes in activity.

10.11 If, in the opinion of the Chief Fire Officer and Chief Executive, the Treasurer and the Head of Finance any virement would result in a significant change to Authority policy it must be approved by the Authority.

10.12 Any virement of more than £50k must be approved by the Authority.

10.13 Any virement of less than £50k must be approved by the Chief Fire Officer and Chief Executive.

#### **Dealing with overspending of revenue budgets**

10.14 All Heads of Department must regularly scrutinise their budgets and seek to avoid overspends wherever possible. A quarterly budget monitoring report is presented to the Performance and Overview Committee.

10.15 Where a revenue overspend is projected, the Head of Department will make every effort to offset the overspend from within their departmental budget. If this is not possible, then SLT will make every effort to offset the overspend from within the Service budget.

10.16 The treatment of any year end overspends and underspends will be determined by the Authority.

### **Reserves**

10.17 The Chief Fire Officer and Chief Executive, the Treasurer and the Head of Finance will advise the Authority on prudent levels of reserves.

10.18 The Authority holds two categories of reserves as set out by the Code of Practice on Local Authority Accounting:

- Usable - these are available to meet future expenditure demands. They consist of the General Fund and earmarked reserves.

## SECTION 10 – FINANCIAL REGULATIONS

- Unusable – these are prescribed in accounting regulations and do not impact directly upon the Medium Term Financial Plan, budget, or precept setting decisions.

10.19 The Authority will hold usable reserves for the following three main purposes:

- As a contingency to cushion the impact of unexpected events or emergencies (the General Fund)
- As a means of meeting known or predicted liabilities (earmarked reserves)
- As a means of smoothing expenditure as part of the Medium Term Financial Plan (earmarked reserves).

10.20 The need for any new reserve and the movement on existing reserves will be reported to Performance and Overview Committee as part of the regular quarterly reporting process.

10.21 For each reserve the Authority will set out:

- The purpose of the reserve;
- How and when the reserve can be used;
- A process and timescale for review of the reserve to ensure its continuing relevance and adequacy.

10.22 The Treasurer will provide the Authority with an annual statement on the adequacy of reserves at the meeting at which the annual budget is approved.

### **Capital**

10.23 Capital expenditure will be identified as such during the budget building process, and if additional expenditure is approved during the year. The capital programme will be approved annually by the Authority. In order to qualify as capital, expenditure must satisfy the following criteria:

- Be in excess of £10k
- Create an asset which has benefits which last for more than one year
- Comply with guidance in the appropriate CIPFA code

10.24 Progress on the capital programme will be reported quarterly to the Performance and Overview Committee. The impact of any estimated overspends on the funding of the programme will be considered and every effort will be made to accommodate the impact within the existing funding package. If the overall impact cannot be accommodated, then the Chief Fire Officer and Chief Executive and Treasurer jointly may approve an increase in funding of up to £50k. For funding above this level, approval must be sought from the Authority.



## **SECTION 10 – FINANCIAL REGULATIONS**

10.25 Income which is the result of the disposal of an asset and which is greater than £10k will be considered as a capital receipt. All other income will be treated as revenue. Paragraph 10.40 deals with the procedure for disposing of assets.

## **SECTION 10 – FINANCIAL REGULATIONS**

### **Assets**

#### **Land and Buildings**

- 10.26 Proposals for the acquisition or sale of land or buildings must be fully appraised and may only be approved by the Authority. Proposals to enter into a lease with a term of 5 years or more will also require Authority approval.
- 10.27 Sales of land and/or buildings and the surrender of a lease with a term of five years or more will require Authority approval.

#### **Management of assets**

- 10.28 The Head of Estates will maintain an Asset Management Strategy.
- 10.29 Any manager who has responsibility for managing and/or operating Authority assets will make proper arrangements to ensure that assets are held securely and are properly maintained.
- 10.30 Assets may only be used in accordance with relevant service policy, and any procedures relating to the use of assets must be followed.
- 10.31 Managers with responsibility for managing assets must ensure that where necessary assets have the appropriate licence and are covered by insurance.
- 10.32 All assets (as defined within the Asset Management Strategy) must be included on an inventory, in a form determined by the Service Leadership Team.

#### **Stock**

- 10.33 Stock is defined as a supply of items which are constantly required.
- 10.34 The Authority maintains a central stores, and, wherever possible, all stock should be held in the stores.
- 10.35 Where small amounts of stock are held locally they will be subject to procedures agreed by the Head of Service Delivery and the Head of Finance.
- 10.36 Stock checks will be carried out wherever stock is held in a form determined by the Head of Service Delivery and the Head of Finance, in accordance with timescales agreed by them.

## **SECTION 10 – FINANCIAL REGULATIONS**

### **Write off of assets**

- 10.37 Assets, including stock, up to the value of £5k may only be written off with the approval of the Head of Finance.
- 10.38 Assets, including stock, with a value between £5k and £10k may only be written off with the approval of the Chief Fire Officer and Chief Executive and the Treasurer.
- 10.39 Assets, including stock, with a value greater than £10k may only be written off with the approval of the Performance and Overview Committee.

### **Disposal of Assets**

- 10.40 The disposal of assets other than land and buildings (see paragraph 10.27 above) will be in accordance with procedures agreed by the Treasurer and the Head of Finance.

### **Procuring Goods and Services**

#### **Ordering goods and services**

- 10.41 Only goods and services relating to official Authority business may be procured.
- 10.42 The Scheme of Financial Delegation will include authorised limits for individual officers in relation to the ordering of goods and services.
- 10.43 Heads of Departments must ensure that adequate separation of duties operates in all areas of procurement and purchasing. Guidance on this may be sought from the Head of Finance.
- 10.44 Official orders must be raised for all goods and services except for rent, business rates, Council Tax, public utility services and petty cash purchases, except with the prior agreement of the Head of Procurement and the Head of Finance.
- 10.45 Orders must be made using the official Authority procurement system as determined by the Head of Procurement and the Head of Finance.
- 10.46 Oral orders may only be made in cases of urgency and with the prior approval of the Head of Procurement and the Head of Finance; all such oral orders must be confirmed by hard copy, but care must be taken not to create duplicate orders.

## SECTION 10 – FINANCIAL REGULATIONS

### Quotations and tenders

#### General Requirements

- 10.47 Wherever possible, procuring goods or services should involve some form of competition.
- 10.48 There is an expectation that Value for Money will be achieved, which might involve consideration of quality and service as well as cost.
- 10.49 There must be sufficient appropriately approved budget to cover the cost of the goods and/or services being procured.
- 10.50 There must be some documentation, which must be retained. In most circumstances, correspondence by email exchange is sufficient.
- 10.51 No procurement exercise or purchase of any goods or services should be undertaken if there is a risk that a family member, friend or acquaintance, or any associated business/company etc. of the officer involved will quote or bid. In those circumstances the officer should ensure that someone else deals with the matter.

#### Procurement Approach

- 10.52 The value of the procurement determines the approach to procurement (but see also para 10.56). The table below outlines the basic requirements. In all cases a suitable record of the process followed and contractual arrangement must be kept. In some cases there is a requirement to publish the information.

|  |
|--|
| <b>Up to £5,000</b>  |
| Ideally, three verbal quotes should be secured, and/or research should be carried out to ensure the price is appropriate, for example on the internet, or by checking with other FRSs etc. Strategic Procurement will not normally need to be involved |
| <b>£5,000 up to £10,000</b>  |
| Written quotes must be obtained (generally email exchanges will suffice). Strategic Procurement may need to be involved.   |
| <b>£10,000 and above</b>   |
| Strategic Procurement must be involved.  |

## **SECTION 10 – FINANCIAL REGULATIONS**

### **Strategic Procurement**

10.53 Strategic Procurement must be involved in the following circumstances.

- When the value of the goods or services (over the lifetime of the agreement) is greater than £10,000
- When procuring something that is business-critical, to ensure that any bespoke contract provisions to protect the Service as far as possible are included.
- When procuring something that is complex, as there might be a need to involve other departments, for example IT, and for bespoke contract provisions to be drafted.
- When procuring something that involves a higher than normal level of risk (for example the goods are unproven, or the service provider has no experience).
- When procuring something that is unusual/novel, as there might be a need for bespoke contract provisions to be drafted.
- When procuring something that is of a recurring nature, as there might be a benefit if the contractual arrangement allows regular purchases to be made.
- When procuring something that is expected to be in existence/in operation for a length of time, as there might be a need to consider guarantee/warranty requirements and/or how performance will be measured/monitored.
- When being asked to enter into a contract based upon someone else's terms and conditions.

**If in doubt, Strategic Procurement must be contacted for advice.**

### **Exclusions from these Requirements**

10.54 In the circumstances below it may be possible to procure goods or services without following the requirements described above. Permission must be obtained in line with paragraph 10.55.

- Procuring something that must be compatible with an existing asset/service.
- Procuring something that is required in a genuine emergency.
- Procuring something that is genuinely unique.
- Procuring something from the only supplier able to provide the service.
- Procuring something when a bespoke arrangement has been put in place, e.g. a term contract or call-off contract.

10.55 Permission must be sought via Strategic Procurement. Decisions about exclusions are taken by the Service's Monitoring Officer and Treasurer who will receive advice from the Head of Strategic Procurement (or nominated deputy). If the Monitoring Officer is unavailable, the Chief Fire Officer will take the decision, and/or if the Treasurer is unavailable, the Head of Finance will take the decision.

## **SECTION 10 – FINANCIAL REGULATIONS**

### **Framework Contracts**

- 10.56 There are a significant number of procurements that lead to the creation of framework contracts. These are contracts that are available to a number of buyers and often the Service is included and can benefit from them. The contracts are run by the government, local authorities, fire and rescue services and other emergency services.
- 10.57 Framework contracts are often set up with comprehensive terms and conditions. They often allow purchases to be made from a kind of catalogue using an order form. Using them can cut down on the amount of work required to purchase something and wherever possible they should be considered. Strategic Procurement will provide advice about available framework contracts and the necessary process that needs to be followed.

### **Payments to creditors**

- 10.58 The Head of Finance is responsible for the payment of creditors.
- 10.59 Heads of Departments must ensure that adequate separation of duties operates in respect of creditor payments. Guidance on this may be sought from the Head of Finance
- 10.60 The workflow for approving payment will be in accordance with systems approved by the Head of Finance.

### **Imprest accounts**

- 10.61 Imprest accounts are sums made available in the form of bank current accounts and petty cash from which officers may make purchases of less than £50.
- 10.62 All expenditure paid through imprest accounts must be supported by receipts, except with the prior approval of the Head of Finance, and records must be maintained in a form agreed by the Head of Finance.
- 10.63 Imprest accounts are Authority funds and must only be used for official business.
- 10.64 Imprest accounts may only be opened with the approval of the Head of Finance.
- 10.65 Each imprest account will have a nominated holder.

## **SECTION 10 – FINANCIAL REGULATIONS**

- 10.66 All imprest accounts must be reconciled monthly and certified by the imprest account holder.
- 10.67 Imprest accounts will be for minor items of expenditure only, and no salaries, wages, allowances or mileage expenses may be paid out of imprest accounts.
- 10.68 No income may be paid into imprest accounts.
- 10.69 Claims for reimbursement of imprest accounts must be completed in accordance with guidelines and in a form agreed by the Head of Finance.

### **Payroll and pensions**

- 10.70 The Head of People and Development is responsible for instructing the payroll and pension contractors and for providing accurate and timely information to enable the contractors to pay salaries, wages, mileage, other expenses and pensions. They will ensure that the amounts deducted from employees' salaries are paid to the appropriate body within agreed timescales.
- 10.71 The Head of People and Development will determine the format in which information is transmitted to the payroll and pension contractors.
- 10.72 The Head of People and Development is responsible for ensuring that all information transmitted to the payroll and pension contractors is suitably authorised and reconciled.

### **Cash and bank**

- 10.73 The Authority will appoint bankers and approve the terms under which banking services are delivered.
- 10.74 All bank accounts will include "Cheshire Fire Authority" in the title.
- 10.75 No arrangement of any kind with any banking service may be made without the approval of the Treasurer and Head of Finance.
- 10.76 All payments or transfers from any Authority bank account will be approved by an appropriate officer in accordance with the Financial Scheme of Delegation.
- 10.77 All income will be received, stored, banked and accounted for in accordance with procedures approved by the Treasurer and Head of Finance.
- 10.78 Cash kept at any Authority premises will be held securely, and the amount held must not exceed limits agreed by the Treasurer and Head of Finance.

## **SECTION 10 – FINANCIAL REGULATIONS**

### **Income collection**

- 10.79 Any officer of the Authority who is arranging for receipt of payment for any Authority service must inform the Finance Team, in a form to be agreed by the Head of Finance, to ensure that all income is properly recognised and collected.
- 10.80 Only official receipts will be issued.
- 10.81 Cash will be stored separate from any personal monies and be banked as soon as reasonably possible.
- 10.82 No payment for any purpose may be made out of income received.

### **Debtors**

- 10.83 The Head of Finance will maintain a debtor's policy, and every effort should be made to collect income due in line with this policy. Where this proves not to be possible, debts up to £5k may be written off with the approval of the Head of Finance, those between £5 and £10k with the approval of the Chief Fire Officer and Chief Executive and Treasurer and those above £10k with the approval of the Fire Authority.

### **Insurance**

- 10.84 The Authority will have in place protection policies commensurate with risk, as agreed by the Chief Fire Officer and Chief Executive.
- 10.85 Any excesses on policies will be agreed by the Chief Fire Officer and Chief Executive and the Treasurer.

### **Third Party Funds**

- 10.86 Third Party Funds are funds controlled by Fire Authority staff but which belong to other organisations.
- 10.87 In general, the Authority should seek not to hold Third Party Funds due to the obligations and resourcing implications they bring.
- 10.88 The approval of the Chief Fire Officer and Chief Executive and the Treasurer must be obtained before the Authority assumes any responsibility for Third Party Funds.
- 10.89 The Treasurer will make suitable banking arrangements for Third Party Funds.
- 10.90 Officers managing Third Party Funds must keep records in a format agreed by the Treasurer and Head of Finance.



## **SECTION 10 – FINANCIAL REGULATIONS**

### **Internal Audit**

- 10.91 The Chief Fire Officer and Chief Executive must ensure that an independent internal audit service operates within the Authority, carrying out audits in accordance with a risk based programme.
- 10.92 Internal audit will have full access to all premises, assets and records and Authority staff will provide internal audit with all information, explanations and records which they require.

### **Fraud and irregularity**

- 10.93 If any officer has suspicion that there has been any fraud or irregularity of any sort, including bribery, within the Authority, they must inform their line manager immediately (or grandparent line manager if necessary). If they do not feel able to do this, the Authority's Code of Conduct includes a Whistle Blowing Policy, which they may utilise.
- 10.94 The Chief Fire Officer and Chief Executive and the Treasurer must be informed immediately of any allegation of fraud or irregularity.
- 10.95 Senior officers are required to be familiar with the Anti-Fraud and Bribery Policies. They should make other staff aware of the existence of the policies and who to contact if they have concerns relating to fraud or irregularity.

### **Joint arrangements and partnerships**

- 10.96 Formal joint arrangements and partnerships of any kind must (at the very least) be approved by the Chief Fire Officer and Chief Executive, Monitoring Officer and Treasurer, and will be the subject of a business case.
- 10.97 Significant joint arrangements and partnerships must be approved by the Fire Authority. In determining what is and is not significant, consideration must be given to risks attached to the joint arrangement or partnership, for example the period of commitment and any reputational risk.
- 10.98 In all cases, it is the responsibility of the Chief Fire Officer and Chief Executive, Monitoring Officer and Treasurer to ensure that any arrangement is subject to appropriate levels of governance and stewardship.

## **SECTION 10 – FINANCIAL REGULATIONS**

### **Donations, grants to other bodies, and contributions**

10.99 Any donation, grant to another body or contribution must be approved by the Chief Fire Officer and Chief Executive, Monitoring Officer and Treasurer.

10.100 If any donation, grant or contribution exceeds £20k it must be approved by the Authority.

### **Sponsorship**

10.101 Sponsorship is defined as the voluntary provision or donation of funds, goods or services to the Authority by an external body.

10.102 All offers of sponsorship must be considered in the context of the integrity of the Service, and must not involve, or imply, any warranty or guarantee of a sponsor's products or reputation.

10.103 All offers of sponsorship must be considered by the Chief Fire Officer and Chief Executive, Monitoring Officer and Treasurer. They may wish to refer any offer to the Authority if they feel the nature of the sponsorship warrants it, and must do so where the offer is judged to exceed £20,000.

### **Risk Management**

10.104 The Chief Fire Officer and Chief Executive will ensure that a suitable process is in place for the management of risk in the Authority.

The attached Appendix outlines the responsibilities contained in these regulations in tabular form.

**SECTION 10 – FINANCIAL REGULATIONS**

| APPENDIX 1  |  |                                      |     |         |         |         |    |      |     |
|---|--|--------------------------------------|-----|---------|---------|---------|----|------|-----|
| Responsibility Matrix   |  |                                      |     |         |         |         |    |      |     |
| Activity  |  | FA                                   | P&O | CFO     | T       | HOF     | MO | HOPD | HOD |
|   |  | <b>Strategic activity</b>            |     |         |         |         |    |      |     |
| Approve the Financial regulations   |  | x                                    |     |         |         |         |    |      |     |
| Make strategic financial decisions  |  | x                                    |     |         |         |         |    |      |     |
| Prepare the Medium Term Financial Plan (MTFP) and Integrated Risk Management Plan (IRMP)  |  |                                      |     | x(IRMP) | x(MTFP) | x(MTFP) |    |      |     |
| Approve the MTFP and IRMP   |  | x                                    |     |         |         |         |    |      |     |
|   |  | <b>Revenue and Capital Budgeting</b> |     |         |         |         |    |      |     |
| Ensure that any Revenue or Capital budget bids considered significant by the HOF are fully costed and completed using the Authority's Business Case template                    |  |                                      |     |         |         |         |    |      | x   |
| Prepare the draft Revenue Budget and Capital Programme(Budget) and calculate the draft Council Tax precept  |  |                                      |     |         | x       | x       |    |      |     |
| Report on the robustness of the estimates used in the budget, and the adequacy of the Authority's reserves for which the budget provides as part of the budget approval process |  |                                      |     |         | x       | x       |    |      |     |
| Monitor and review the Authority's Reserves Policy  |  |                                      |     |         | x       | x       |    |      |     |
| Approve the Revenue Budget, Capital Programme and Council Tax Precept   |  | x                                    |     |         |         |         |    |      |     |

## SECTION 10 – FINANCIAL REGULATIONS

| Activity   | FA | P&O | CFO | T | HOF | MO | HOPD | HOD |
|--|----|-----|-----|---|-----|----|------|-----|
| Consider any additional items of expenditure which would lead to new or significant variation in policy.   | x  |     |     |   |     |    |      |     |
| <b>Delegation of and management of revenue and capital budgets</b>   |    |     |     |   |     |    |      |     |
| Maintain a scheme of Financial Delegation which includes limits to individual officers' approval, and ensures that all revenue and capital budgets are allocated to a HOD. Budget delegation below HOD will be at HOD discretion, but the HOD will retain responsibility for the budget. |    |     | x   | x | x   |    |      |     |
| Ensure appropriate delegation of budget management takes place, and ensure budget managers have regular reports to help them effectively manage budgets.   |    |     |     | x | x   |    |      |     |
| Plan to spend budgets in accordance with the Authority's objectives and effectively control the spending within budget.  |    |     |     |   |     |    |      | x   |
| Provide timely and accurate financial monitoring information   |    |     |     |   | x   |    |      |     |
| Regularly monitor budgets and consider how to deal with any variances  |    |     |     |   |     |    |      | x   |
| Report financial performance to Members at least quarterly   |    |     |     | x | x   |    |      |     |
| Consider performance against the budget and capital programme regularly  |    | x   |     |   |     |    |      |     |
|  |    |     |     |   |     |    |      |     |

## SECTION 10 – FINANCIAL REGULATIONS

| Activity   | FA | P&O | CFO | T | HOF | MO | HOPD | HOD |
|--|----|-----|-----|---|-----|----|------|-----|
| <b>Statutory Accounts</b>  |    |     |     |   |     |    |      |     |
| Prepare the statutory accounts of the Authority (including certifying the draft accounts by the end of the June following the year end)                        |    |     |     | x | x   |    |      |     |
| Approve the statutory accounts by the end of September following the year end  | x  |     |     |   |     |    |      |     |
| <b>Treasury Management</b>   |    |     |     |   |     |    |      |     |
| Appoint the Authority's bankers  | x  |     |     |   |     |    |      |     |
| Ensure that adequate Treasury Management practices are in place, including arranging any necessary loans or investments in accordance with Cash Flow forecasts |    |     |     | x | x   |    |      |     |
| Prepare and manage the annual Treasury Management Strategy including approval of and monitoring of Prudential Indicators                                       |    |     |     | x | x   |    |      |     |
| Approve the annual Treasury Management Strategy  | x  |     |     |   |     |    |      |     |
| <b>Financial management and control</b>  |    |     |     |   |     |    |      |     |
| Ensure that SLT consider all appropriate financial matters.  |    |     | x   | x |     |    |      |     |
| Offer advice on all financial matters  |    |     |     | x | x   |    |      |     |
| Ensure the provision of financial services including the payment of invoices, financial information, imprest accounts, and the collection of income            |    |     |     | x | x   |    |      |     |
| Ensure the provision a payroll and pensions service  |    |     |     |   |     |    | x    |     |
| Ensure suitable financial and control systems are in place, including financial procedures   |    |     | x   | x | x   |    |      |     |

**SECTION 10 – FINANCIAL REGULATIONS**

| <b>Activity</b>  | <b>FA</b> | <b>P&amp;O</b> | <b>CFO</b> | <b>T</b> | <b>HOF</b> | <b>MO</b> | <b>HOPD</b> | <b>HOD</b> |
|--|-----------|----------------|------------|----------|------------|-----------|-------------|------------|
| Ensure assets are properly managed   |           |                | x          | x        | x          |           |             |            |
| Ensure procurement procedures are in place and followed  |           |                | x          | x        | x          |           |             |            |
| Ensure that all financial transactions pass through the Authority's financial system.  |           |                |            |          |            |           |             | x          |
| If requested, provide the Chief Fire Officer and Chief Executive, Head of Finance, and External or Internal Auditor with access to any document or record under their control. |           |                |            |          |            |           |             | x          |
| Ensure that all officers who are responsible for any financial activity receive appropriate induction and training   |           |                |            | x        | x          |           |             | x          |
| Ensure that that Joint Arrangements and partnerships are properly managed.   |           |                | x          | x        |            | x         |             |            |
| Approve offers of sponsorship and refer to FA if necessary   |           |                | x          | x        |            | x         |             |            |
| Ensure a suitable Risk Management process is in place  |           |                | x          |          |            |           |             |            |
| Ensure that the Authority has appropriate Insurance arrangements in place.   |           |                | x          |          |            |           |             |            |
|  |           |                |            |          |            |           |             |            |
|  |           |                |            |          |            |           |             |            |
|  |           |                |            |          |            |           |             |            |

## SECTION 10 – FINANCIAL REGULATIONS

| Activity  | FA | P&O | CFO             | T | HOF | MO | HOPD | HOD |
|---|----|-----|-----------------|---|-----|----|------|-----|
| <b>Statutory functions</b>  |    |     |                 |   |     |    |      |     |
| Ensure that the Authority meets its statutory and regulatory requirements (which includes the Accounts and Audit regulations; the Local Authority Accounting Code of Practice; the Code of Practice for Treasury Management; and the Internal Audit Code of Practice) | x  |     | x<br>(advisory) |   |     |    |      |     |
| Fulfil the responsibilities of a Chief Finance Officer under Section 151 of the Local Government Act 1972, and act as Treasurer to the Authority  |    |     |                 | x |     |    |      |     |
| Fulfil the duties of a Chief Finance Officer under Section 114 of the Local Government Act 1988   |    |     |                 | x |     |    |      |     |
| Appoint a deputy Section 151 Officer  |    |     | x               | x |     |    |      |     |
| Maintain an effective internal audit function   |    |     | x               |   |     |    |      |     |

|            |      |  |
|------------|------|--|
| <b>KEY</b> | FA   | Fire Authority                         |
|            | P&O  | Performance and Overview Committee     |
|            | CFO  | Chief Fire Officer and Chief Executive |
|            | T    | Treasurer (Section 151 Officer)        |
|            | HOF  | Head of Finance                        |
|            | MO   | Monitoring Officer                     |
|            | HOPD | Head of People and Development         |
|            | HOD  | Head of Department                     |

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## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **Introduction**

- 11.1 This Scheme of Delegation (the Scheme) sets out the powers of officers.
- 11.2 The powers of officers are given to them (delegated) by Cheshire Fire Authority (the Authority). The delegation of powers takes place by virtue of Members approving the Scheme. Section 101 of the Local Government Act 1972 grants the power to delegate.

### **General Principles**

- 11.3 Officers must not take decisions which are the responsibility of the Authority, any of its decision-making bodies, or an individual Member.
- 11.4 Officers will normally be expected to exercise the powers delegated to them but may on occasion choose not to do so. They are at liberty to refer a matter to another officer and/or Members of the Authority.
- 11.5 Officers must use their powers in such a way that is consistent with the policies and procedures of the Authority.
- 11.6 Officers must ensure that in using their powers they do not break the law, and take note of any relevant guidance, codes of practice etc.
- 11.7 Officers must use their powers in a way that is consistent with the Authority's available budget (generally, as well as that which is specifically allocated for management by the officer) and its financial regulations.
- 11.8 Officers must consider whether it is necessary to consult with officers and/or Members prior to exercising their powers. If they do consult they must have regard to any views expressed/advice given.
- 11.9 Officers are able to delegate a power to another officer provided that:
- The delegation is to an officer at an appropriate level and with appropriate experience;
  - If it is possible to further delegate it is properly described;
  - The delegation is recorded;
  - Details of the delegation are given to the Director of Governance and Commissioning.
- 11.10 Officers exercising their powers must consider whether other officers and/or Members require notification of actions/decisions etc.
- 11.11 Officers with delegated powers must review the delegations available to them regularly.

NB For the purpose of the above Principles, 'Officers' means those roles that are described in the Scheme.

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **Specific Delegations/Responsibilities**

#### **CHIEF FIRE OFFICER AND CHIEF EXECUTIVE**

11.12 The Chief Fire Officer and Chief Executive is the Head of Paid Service. The Chief Fire Officer and Chief Executive is responsible to the Fire Authority for:

- a) Leading and directing the strategic management of the Authority;
- b) Ensuring the effective pursuit and achievement of the Authority's objectives;
- c) Ensuring the Authority's activities are carried out with maximum effectiveness and efficiency;
- d) Ensuring the efficient and effective discharge of the decision-making and scrutiny functions of the Authority;
- e) Monitoring and reviewing the Authority's management arrangements;
- f) Influencing the direction of local, regional and national policy in support of the vision, aims and objectives of the Authority;
- g) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising recall to duty, where appropriate;
- h) Authorising surveillance activity in accordance with the Authority's policy;
- j) Making or arranging for appointments to all posts where a decision by Members is not required;
- k) Liaison with other Services and Chiefs;
- l) Jointly with the Director of Governance and Commissioning, the Treasurer and the Head of Finance to prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority;
- m) Authorising officers to exercise the powers under the Fire and Rescue Services Act 2004 (Sections 44, 45 and 46);
- n) To appoint inspectors by virtue of Article 26(1) The Regulatory Reform (Fire Safety) Order 2005 (the Order) to exercise the powers contained in Article 27 of the Order and to authorise the inspectors to serve alterations notices (Articles 29 of the Order), enforcement notices (Article 30 of the Order) and prohibition notices (Article 31 of the Order)

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

Inspectors will also be appointed to exercise the powers under:

- i. Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (Regulations 5, 6, 7 & 8)
- ii. Health and Safety (Signs and Signals) Regulations 1996 (Section 7(b))
- iii. Construction Design and Management Regulations 2015 (Regulations 30, 31, 32 & 36)
- iv. Licensing Act 2003 (Sections 59, 96 and 179)

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **DEPUTY CHIEF FIRE OFFICER**

- 11.13 The Deputy Chief Fire Officer is responsible to the Fire Authority for:
- a) Providing strategic leadership to shape and direct service provision;
  - b) Managing the overall co-ordination of the activities of the Service and optimising the use of resources;
  - c) Leading and managing the Departments within his/her area of responsibility;
  - d) Leading on all aspects of organisational performance;
  - e) Ensuring the alignment of service activity with the Home Office Inspectorate requirements;
  - f) Authorising surveillance activity in accordance with the Authority's policy;
  - g) The safeguarding of children, young people and vulnerable young adults as well as the safeguarding of vulnerable adults (including the preparation and maintenance of appropriate policies and procedures);
  - h) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising recall to duty, where appropriate;
  - i) Managing budgets in accordance with Financial Regulations;
  - j) Deputising for the Chief Fire Officer and Chief Executive, as necessary.

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **ASSISTANT CHIEF FIRE OFFICER**

11.14 The Assistant Chief Fire Officer is responsible to the Fire Authority for:

- a) Providing strategic leadership to shape and direct service provision;
- b) Managing the overall co-ordination of the activities of the Service and optimising the use of resources;
- c) Leading and managing the Departments within his/her area of responsibility;
- d) Authorising surveillance activity in accordance with the Authority's policy;
- e) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising recall to duty, where appropriate;
- f) Managing budgets in accordance with Financial Regulations;
- g) Deputising for the Chief Fire Officer and Chief Executive and Deputy Chief Fire Officer, as necessary.

The Chief Fire Officer and Chief Executive, Deputy Chief Fire Officer and Assistant Chief Fire Officer are collectively referred to as Principal Officers or Brigade Managers in some documents.

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **DIRECTORS**

#### **Governance and Commissioning**

- 11.15 The Director of Governance and Commissioning is the Monitoring Officer, responsible for the duties imposed by Section 5 of the Local Government and Housing Act 1989.
- 11.16 The Director of Governance and Commissioning is responsible for:
- a) Defending/settling actions against the Authority (actual or threatened) (up to £25,000);
  - b) Taking action on behalf of the Authority;
  - c) Arranging for the proper administration of Member meetings;
  - d) Securing appropriate decision-making arrangements;
  - e) Signing documents/contracts on behalf of the Authority;
  - f) Arranging an appropriate standards regime and dealing with standards issues relating to Members of the Authority;
  - g) Ensuring the actions/activities of the Authority are lawful;
  - h) Supporting work on the promotion of good governance;
  - i) Managing an effective procurement function and processes;
  - j) Act as Senior Information Risk Owner and managing information requirements e.g. Freedom of Information, Data Protection etc.;
  - k) Acting as panel member in consideration and determination of applications for voluntary redundancy;
  - l) Leading upon, developing, implementing and reviewing the Service's environment-related policies and procedures;
  - m) Monitoring and maintenance of the relationship with NW Fire Control Limited and the service that it provides (including engagement with the other authorities);
  - n) Arranging and managing the Service's insurance arrangements;
  - o) Arranging and managing the Service's internal audit function;
  - p) Ensuring that appropriate corporate governance arrangements are in place and managed effectively;

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

- q) Effect arrangements to deal with risk identification and management;
- r) Jointly with the Chief Fire Officer and Chief Executive, the Treasurer and Head of Finance to prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority;
- s) Jointly with the Treasurer to: secure and maintain systems to manage the budget; issue a precept; and report, as necessary, on financial matters to the Fire Authority;
- t) Engaging with and managing the relationship with Cheshire Constabulary for the provision of the joint services and other collaborative opportunities.

### **Transformation**

11.17 The Director of Transformation is responsible for:

- a) Leading, developing, implementing and reviewing strategies, policies and procedures relating to human resources and workforce transformation;
- b) Ensuring that individual and organisational development needs are established and met as far as reasonably practicable;
- c) Securing and managing payroll, pension and occupational health requirements;
- d) Maintaining a suitable policy and effective procedures intended to secure appropriate checks on potential (and current) employees and volunteers (e.g. DBS);
- e) Fulfilling the role of lead officer for dignity at work issues;
- f) Managing and chairing the JCNP and leading on trade union relations;
- g) Acting as panel member in consideration and determination of applications for voluntary redundancy;
- h) Fulfilling the role of Scheme Manager responsible for the management and administration of the firefighters' pension schemes;
- i) Leading upon, developing, implementing and reviewing the Service's equality policies and procedures.

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **AREA MANAGERS**

#### **Prevention and Protection**

11.18 The Area Manager for Prevention and Protection is responsible for:

- a) Act as the strategic advisor to Principal Officers and the Authority on all matters relating to the Fire Safety order with responsibility for ensuring the Authority fulfils its statutory duty in this regard;
- b) Authorising the signing of any notices under the legislation relating to fire safety;
- c) Authorisation of safeguarding referrals as Duty Area Manager;
- d) Authorisation of payments for items purchased during emergencies such as refreshments when acting as Duty Area Manager;
- e) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising when acting as the Duty Area Manager or as a response to recall to duty, where appropriate.
- f) Procuring and finalising data sharing arrangements.
- g) Overseeing and managing the Service's safeguarding arrangements
- h) Lead in supporting the Community Safety Partnership across the sub-region and liaise with national government on related matters;
- i) Ensuring the effective management of the Service's volunteering strategy;
- j) Developing and delivering on key external referral programmes for the Service.

#### **Operational Policy and Assurance**

11.19 The Area Manager for Operational Policy and Assurance is responsible for:

- a) To ensure the effective performance and integration of functions which form part of the department so as to provide the best overall support to Service Delivery and other departments;
- b) Authorisation of the Operational Policy and Assurance business continuity plans;
- c) Authorisation of safeguarding referrals as Duty Area Manager;



## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

- d) Authorisation of payments for items purchased during emergencies such as refreshments when acting as Duty Area Manager;
- e) Securing and managing resilience arrangements, e.g. agreements under Sections 13 or 16 of the Fire and Rescue Services Act 2004;
- f) Leading upon, developing, implementing and reviewing health and safety policies and procedures;
- g) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising when acting as the Duty Area Manager or as a response to recall to duty, where appropriate;
- h) Co-ordination of business continuity arrangements for the Service.

### **Service Delivery**

11.20 The Area Manager for Service Delivery is responsible for:

- a) Management of the Operational Establishment including the transfer and promotion of station based personnel up to Watch Manager including extensions and terminations of temporary promotion;
- b) Appeals linked to the compulsory transfer of staff;
- c) Flexibility of crewing levels to exhaust annual leave;
- d) Payment of CPD and appeal decisions;
- e) Authorisation of the deployment of Targeted Response Vehicles and associated overtime payments;
- f) Authorisation of the Service Delivery business continuity plans;
- g) Authorisation of safeguarding referrals as Duty Area Manager;
- h) Authorisation of payments for items purchased during emergencies such as refreshments;
- i) Providing guidance in relation to proposals involving expenditure of more than £500 from UPG budgets;
- j) Authorising involvement of staff and funds to assist in partner initiatives at a local level within the unitary areas;
- k) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising when acting as the DAM or as a response to recall to duty, where appropriate.

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **HEADS OF DEPARTMENT**

#### **Treasurer (Section 151 Officer)**

11.21 The Treasurer is the Section 151 Officer (Local Government Act 1972) and has responsibilities under Section 151 and Section 114 of the Local Government Finance Act 1988.

11.22 The Treasurer is responsible for:

- a) Carrying out the powers and duties contained in the Authority's Financial Regulations;
- b) Providing high quality, professional support services;
- c) Jointly with the Head of Finance ensuring effective control of budgets;
- d) Ensuring that the Financial Regulations, including procurement rules, are adequate, regularly monitored and adhered to;
- e) Jointly with the Head of Finance negotiating and managing treasury management activities;
- f) Jointly with the Head of Finance prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority, calculating the draft Council Tax precept, monitoring and reviewing the Authority's Reserves Policy and maintaining a scheme of Financial Delegation;
- g) Ensuring there are appropriate arrangements for the production and publication of the Annual Statement of accounts including liaising with the external auditor and certifying the draft accounts;
- h) Arranging for the necessary precepts to be raised with the constituent authorities;
- i) Acting as panel member in consideration and determination of applications for voluntary redundancy;
- j) Jointly with the Chief Fire Officer and Chief Executive and Director of Governance and Commissioning, approving offers of sponsorship.

#### **Head of Finance**

11.23 The Head of Finance is responsible for:

- a) Carrying out the powers and duties contained in the Authority's Financial Regulations;

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

- b) Providing high quality, professional support services;
- c) Providing timely and accurate financial monitoring information and reporting financial performance to Members;
- d) Jointly with the Treasurer ensuring effective control of budgets;
- e) Jointly with the Treasurer negotiating and manage treasury management activities;
- f) Jointly with the Treasurer prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority, calculating the draft Council Tax precept, monitoring and reviewing the Authority's Reserves Policy and maintaining a scheme of Financial Delegation;
- g) The preparation of the draft Annual Statement of Accounts and draft Annual Governance Statement.
- h) Acts as Deputy S151 Officer.

### **Communications**

11.23 The Head of Communications is responsible for:

- a) Developing and co-ordinating the Service's internal and external communications to ensure full and effective consultation with service users, employees, external agencies and the community (ensuring that the Authority's statutory consultations are carried out to deadline and in line with legal requirements and Authority principles);
- b) Promoting knowledge and understanding of the Service and its services and objectives, to both internal and external stakeholders, through the use of appropriate and effective communications and marketing techniques;
- c) Approving, before publication, all public and media statements on behalf of the Service;
- d) Maintaining an effective approach to communication using the Service's website and social media channels;
- e) Managing and securing responses to consultations from third parties.

### **GROUP MANAGERS**

11.24 Group Managers are responsible for:

- a) Managing work activities within a functional area, identifying and developing proposals for improvement and planning for their implementation;

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

- b) Undertaking quality assurance by audit and assessment of performance against station and functional plans and ensuring the alignment of service activity with the Service's IRMP;
- c) Identifying, allocating controlling and evaluating the use of resources to support corporate objectives and implementing organisational strategies;
- d) Managing the performance of teams and individual employees through performance management processes to ensure that organisational aims and objectives are achieved;
- e) Delivering performance within the Performance Scrutiny Group and be responsible for its operation and link to performance; and
- f) In an operational context, manage and lead operational incidents as Incident Manager by devising, implementing and monitoring plans, managing resources and conducting de-briefings to ensure their effective resolution.

### **STATION MANAGERS**

11.25 Station Managers are responsible for:

- a) Formulating Station Plans and supervising the station planning process by allocating work activities, implementing and evaluating work plans to ensure that service delivery needs are continually met;
- b) Managing and developing the Station Management Team and providing appropriate support, guidance and coaching in order that organisational aims and objectives are achieved;
- c) Identifying by assessment risk critical needs in line with the role map of Watch Managers and developing employees to ensure they are equipped with the necessary skills, knowledge and experience to fulfill their roles;
- d) Fostering positive relationships within the community through pro-active networking;
- e) Gathering and analysing local intelligence on community risks;
- f) Investigating performance and conduct related issues and any grievances raised;
- g) In an operational context, manage and lead operational incidents as Incident Manager by devising, implementing and monitoring plans, managing resources and conducting de-briefings to ensure their effective resolution.

## SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)

### General Requirements

ALL AREA MANAGERS and HEADS OF DEPARTMENT are responsible for the following:

#### General Responsibilities

|   |
|---|
| Leading and managing the functions that the Area Manager or Head of Department is responsible for   |
| Making returns/reporting etc., as necessary, to satisfy Governmental and/or statutory and/or regulatory requirements that apply in relation to their areas of responsibility. |

#### Financial Responsibilities

|   |
|---|
| Agreeing and managing revenue and capital budgets |
| Procurement of goods and services                 |
| Processing of income and pursuance of debts       |

In accordance with Financial Regulations and any internal guidance produced by the Head of Finance and/or the Director of Governance and Commissioning (e.g. approval limits set in Agresso and maintenance of imprest accounts).

#### Human Resourcing Responsibilities

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|--|
| Ongoing assessment of staffing requirements of department (and sections within it)         |
| Management of staff  |
| Specific assessment of staffing need whenever a post is due to/has become vacant           |
| Filling of all vacancies   |
| Notification to Director of Transformation in relation to staff (appointment, grading etc) |
| Authorisation for overtime, expense claims etc   |
| Completion of relevant documentation for redundancy/early retirement                       |
| Engagement at an appropriate level in disciplinary and other staff-related processes       |

In accordance with policies and procedures produced by the Director of Transformation and/or the Head of Finance.

## SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)

Asset-Related Responsibilities - this includes physical assets and also information (however stored)

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| Maintaining adequate assets to deliver the service |
| Safeguarding and maintenance of assets             |
| Disposal of assets                                 |

In accordance with policies and procedures.

### Risk Management Responsibilities

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| Reviewing and updating risk profiles and securing suitable arrangements to manage risks   |
| Logging new risks and ensuring that mitigating actions are identified and allocated appropriately                                     |
| Handling claims (potential/actual) so as to protect (not prejudice) the Authority's position and its access to insurance arrangements |

### Performance Management Responsibilities

|  |
|--|
| Engaging appropriately in corporate performance management processes |
| Reporting on performance in a meaningful, timely and balanced way    |