

Mid & West Wales Fire & Rescue Authority



The Constitution

April 2010

The Constitution of the Mid and West Wales Fire Authority

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Introduction & Summary Overview

The purpose of this Constitution is to set out in clear language how the Fire Authority works and how it makes its decisions.

Background

Under the provisions of the Local Government (Wales) Act 1994, and with effect from 1st April 1996, the Mid & West Wales (Combination Scheme) Order 1995 established the provision of a Combined Fire Authority covering the new County areas of Carmarthenshire, Ceredigion, Neath & Port Talbot, Pembrokeshire, Powys and Swansea.

The Authority has a statutory obligation under the Fire & Rescue Services Act 2004, as amended, to maintain a Fire & Rescue Service capable of dealing effectively with calls for assistance in the case of fire and other emergencies

Who decides?

The Authority comprises of a maximum 25 members appointed by the Constituent Authorities from amongst their own membership having regard both to the relative numbers of electors in the individual constituent authorities' areas and also to the requirement of political proportionality across the combined area. They take all major decisions in the full Authority meeting; or in an Authority committee. The party or political grouping having the greatest overall number of seats on the Authority will also have proportionally more seats on all committees with the seats on committees generally being in the same proportion as the political composition of the whole Authority.

The Authority's role

Mid & West Wales Fire and Rescue Service is committed to protecting people, property and the environment from fire and other emergency events as well as providing other humanitarian services. We will achieve this by involving and informing the community and working in partnership with others to engender the safer communities' ethos, and to provide a value for money service for those who live, work, or visit, Mid & West Wales.

The Authority's role is to deliver proactive and reactive fire and rescue services to the people of Mid and West Wales (comprising the unitary authorities of Carmarthenshire, Ceredigion, City and County of Swansea, Neath – Port Talbot, Pembrokeshire and Powys) in an open, transparent and cost-effective way; acting in the best interests of Mid and West Wales and its citizens as a whole. This sometimes means that the 'greater good' is more important than individual or particular group interests, but this is what democratic local government is all about. Taking those decisions, after listening to the community, unitary authorities and interested parties is the role of the County Councillors acting collectively as 'Mid and West Wales Fire and Rescue Authority'.

How is the Authority organised to carry out its role?

In response to the modernisation agenda at a national level, the devolution of Fire responsibility to the Welsh Assembly Government; and to ensure effective service delivery at a local level, the Authority has reviewed its organisation and management structure at Principal Officer level whilst retaining a County Command structure.

Similarly, the democratic structure of the Authority has been reviewed to ensure that it reflects the requirements of a modern day Fire & Rescue Service where overview and scrutiny, member engagement, risk management and overall governance arrangements form a key element of the performance management framework.

PART 1

Article 1 - The Constitution

1 The Authority is committed to exercising its powers, duties and responsibilities:

- Lawfully
- fairly and equitably
- openly and transparently
- in keeping with the interests and aspirations of the community as a whole, taking account of local interests as appropriate
- in line with the Constitution.

1.2 The Constitution

This document, with all its appendices, is the Constitution of the Mid and West Wales Fire and Rescue Authority.

1.3 Purpose of the Constitution

The purpose of the Constitution is to set out in a single place, and in clear language, how the Authority works and how it makes decisions.

The Constitution provides the Authority with an operational framework to do its job.

The Authority consults its stakeholders in a variety of ways to identify areas of most importance to users, measure satisfaction, to identify areas for improvements and to measure such improvement, and it reflects the results of those consultations in its corporate aims, which are:

1. To be more than an emergency service
2. To be trusted and respected by our customers
3. To save lives and protect communities
4. To manage within budget
5. To allocate resources to priorities
6. To identify and implement efficiency savings
7. To identify Alternative funding and resources
8. To manage people
9. Risk reduction planning
10. Partnership working
11. Effective and empowered people

These aims are reviewed each year as part of the Wales Programme for Improvement (WPI) process and amended to take account of change. By working with the constituent authorities, partners and the community, the Authority's aim is to reflect community aspirations and to deliver high-quality, cost efficient, value-for-money services that are sensitive to community needs.

By setting out in this Constitution how the Authority works it is intended to:

- encourage individuals and all sectors in the community to take an interest in, and participate in, decision-making

- enable Councillors to represent their constituencies, constituents and constituent authorities more effectively
- enable the Authority to work in partnership with all sectors of the community, whether as individuals or in a representative capacity
- make its decision-making process clear, effective, open and accountable
- separate out responsibilities in a clear and unambiguous way, to ensure that those taking decisions are clearly identifiable and that the reasons for their decisions are given
- ensure that decisions can be reviewed or scrutinised.

The Authority will always take account of these clear intentions in its decision-making, and the constitutional and managerial framework is intended to be consistent with the Government White Paper 'Our Fire and Rescue Service'.

2 Interpretation and Review of the Constitution

The Authority will regularly monitor and evaluate the operation of the Constitution. The primary responsibility for doing this on the Authority's behalf lies with both the Member Development Working Group and the Standards Committee advised by the Monitoring Officer.

Article 2 - Members of the Authority

2.1 Composition and Eligibility

Composition - The Authority has a maximum of 25 elected members, appointed by the Constituent Authorities from amongst their own membership having regard both to the relative numbers of electors in the individual constituent authorities' areas and also to the requirement of political proportionality across the combined area.

2.2 Members of the Fire Authority - Role descriptions and functions of all Members

As a nominated elected member of the Mid and West Wales Fire and Rescue Authority, each Member is expected to adhere to the following:

a) Role Descriptions

In accordance with the Welsh Local Government (WLGA) recommended Framework for Member Role Descriptions and Person Specifications for Fire Authorities all members must conform with the relevant role descriptions that are appropriate to them:

- **Member Role Description**
- **Chair & Vice Chair Role Description**
- **Chair & Vice Chair Person Specification**
- **Committee Member Role Description**

b) Key Tasks

1. Representing the Fire and Rescue Authority in the community.
2. Representing and promoting the interests of the community.
3. Acting as the prime link between the Fire and Rescue Authority and both the County Councils and the local community by providing information to and feedback from, the County Councils and community.
4. Attending and participating in Fire and Rescue Authority meetings; supporting the Fire and Rescue Authority's key role of delivering services to the community; and providing strong local governance. This will focus the attention of elected members on the following matters:
 - participating in developing and agreeing the Authority's budget and strategic policies, and in particular establishing the Authority's Strategic Plan.
 - making appointments to committees and to outside bodies, as the Constitution provides.
5. Undertaking membership, as required, of the Authority's Resources, People & Organisational Development; Performance Review and Audit Committees.
6. Undertaking membership of outside bodies as appointed by the Fire and Rescue Authority.

c) Rights and Duties

(i) All Councillors have rights of access to such documents, information, and Authority land and buildings as are necessary for them to perform their functions properly, in line with the spirit and intent of the Constitution.

(ii) Councillors have a responsibility to act at all times within the context set out under the role descriptions that are relevant to them. In particular, they will not make public any information which is confidential or exempt, without the Fire and Rescue Authority's consent, or divulge information they were given in confidence to anyone other than a Councillor or Officer entitled to know it.

For these purposes, 'confidential' and 'exempt' information is defined in the Access to Information rules in Part 3 of this Constitution.

2.3 Conduct

At all times, Members will observe the Members' Code of Conduct and the protocol on member/officer relations set out in [Part 4](#) of this Constitution.

2.4 Allowances

Any allowances Members will be entitled to receive will be in line with the Members' Allowances Scheme set out in [Part 5](#) of this Constitution.

Article 3 - Citizens and the Authority

3.1 Citizens' Rights

Citizens have the following rights:

Access to information and participation as explained in more detail in the Access to Information rules in Part 3 of this Constitution;

(a) **Information** - citizens have the right to:

(i) attend meetings of the Authority and its Committees, except during items where confidential or exempt information is likely to be disclosed (in which case the meeting is held in private).

(ii) see reports and background papers, and any records of decisions made by the Authority and its Committees.

(iii) inspect the Authority's accounts and make their views known to the External Auditor.

(b) **Participation and consultation**

Participation - Citizens have the right to participate in Authority and committee meetings, but they must ensure that any matters they wish to raise are brought to the Clerk to the Fire Authority's attention at least 3 clear working days before the date of the meeting. Such participation will be limited to 3 minutes per individual item and no more than 10 minutes in total.

Consultation - Citizens can expect to be consulted on significant issues, on either a local or Authority wide basis, depending on the nature of the matter and its relative effect on the community.

The Authority has well-developed arrangements for consultation for key areas of its activities. Specific arrangements will be established by the Authority to consult all stakeholders on the Strategic Plan.

(c) **Complaints**

Citizens have the right to complain to:

(i) the Authority, under its complaints scheme

(ii) the Public Services Ombudsman for Wales if, after using the Authority's own complaints scheme, the citizen still remains dissatisfied with the Authority's response

(iii) the Public Services Ombudsman for Wales, concerning any alleged breach of the Members Code of Conduct.

3.2 Citizens' Responsibilities

Citizens are expected to conduct themselves in a reasonable manner, in line with normally accepted standards in society, when they deal with Councillors or Officers and, in particular, when they attend any meetings of the Authority or its Committees. The principles behind this expectation are:

- due respect for the rights and opinions of others
- non-confrontational behaviour
- respect at all times for the decisions on conduct and procedure in the meeting, from the person chairing that meeting
- a willingness to listen, as well as an expectation of being listened to, in a way which is both constructive and supportive

Article 4 - The Role of the Authority

4.1 Functions reserved to the Authority

Only the Authority will exercise the following functions:

- (a) Adopting and changing the Constitution
- (b) Approving the budget, and issuing the levy
- (c) Approving the Strategic Plan
- (d) Agreeing and adopting the following plans and strategies ('policy framework'):
 - Performance and Improvement Business Plan
 - The Corporate Strategy
 - Revenue Budget and Capital Programme
 - People Strategy
 - Treasury Management Strategy
 - Asset Management Plan
- (e) Agreeing or amending the terms of reference for Committees, deciding on their composition, and making appointments to them
- (f) Appointing representatives to outside bodies
- (g) Appointment of the Chief Fire Officer, the Deputy Chief Fire Officer, Assistant Chief Fire Officers and Directors
- (h) Making, amending, revoking, re-enacting or adopting bylaws; and promoting or opposing the making of local legislation or personal Bills
- (i) Approving the Authority's Annual Statement of Accounts
- (j) All other matters which, by law, must be reserved to the Authority
- (k) Power to make Standing Orders
- (l) Power to make Standing Orders as to contracts
- (m) Duty to make arrangements for proper administration of financial affairs etc.
- (n) Power to appoint Authority officers for particular purposes (appointment of "proper officers")
- (o) Duty to designate officer as the monitoring officer/treasurer
- (p) The Authority will also:
 - receive reports from the Head of Paid Service, the Section 151 Officer (the Treasurer) and the Monitoring Officer, on such matters as these officers consider should be brought before the Authority

- consider and agree reports as appropriate from the Standards Committee
- receive such other reports as may be appropriate in accordance with the Authority Standing Orders.

4.2 Authority meetings

There are three types of Authority meetings:

- (a) The Annual Meeting
- (b) Ordinary meetings
- (c) Extraordinary meetings.

These meetings will be conducted in line with the Authority's Standing Orders in Part 3 of this Constitution.

Article 5 - Chairing the Fire and Rescue Authority

5.1 Electing the Chair and Vice Chair of the Fire and Rescue Authority

The Chair and Vice Chair of the Fire and Rescue Authority will be elected by the members at the Annual Meeting.

5.2 The Chair of the Fire and Rescue Authority, and in his or her absence the Vice Chair, will have the following roles and functions:

Chairing the Fire and Rescue Authority Meeting - The Chair will preside over Authority meetings and ensure that they are conducted in line with the Standing Orders of the Authority (as set out in the Rules of Procedure in Part 3 of this Constitution).

Additional responsibilities:

- i. to ensure that the Authority meeting is a forum for debating matters of concern to the local community, and the place at which members - especially those who do not chair committees - are able to hold those chairing Committees to account
- ii. to promote public involvement in the Authority's activities
- iii. to represent the Authority at appropriate civic and ceremonial functions
- iv. to uphold the Constitution
- v. to serve as a Member of the Wales Fire Services Forum (with the Vice-Chair of the Authority and Chief Fire Officer).

Article 6 - Resources Committee

6.1 The Authority has decided to appoint a Resources Committee, which will undertake the financial, procurement, property and information / communication technology functions. Representation on this committee will bear the same proportionality as the political composition of the whole Authority

6.2 The role of the Resources Committee is:

- i. To consider the budget requirement of the Combined Fire and Rescue Authority and to make recommendations thereon.
- ii. To subsequently consider the detailed budget of the Combined Fire and Rescue Authority, along with the observations of the constituent authorities, and to make recommendations thereon to the full Authority.
- iii. To consider the financial aspects of all matters and projects specifically referred to the Committee, to monitor income and expenditure during the year and to report on such monitoring.
- iv. To consider all issues relating to Land and Property management.
- v. To consider all issues relating to Procurement Management
- vi. To consider and to submit to the Authority: Financial Regulations for the Control and Management of the Authority's finances and any amendments thereto.
- vii. To consider and to make recommendations in relation to all capital expenditure and the revenue consequences arising therefrom and methods of financing.
- viii. To exercise, on behalf of the Authority, its powers in relation to the following:
 - Routine financial matters and, in particular, the authorisation of payments not otherwise dealt with;
 - The management of all funds and investments and the supervision of banking arrangements;
 - Supervision of raising loans;
 - Audit of the Authority's accounts and the consideration of both Internal and External Audit Reports;
 - Insurances and Risk Management;
 - Cases of financial irregularity;
 - Any other matters specifically referred to the Committee by the Authority.

Article 7 – Performance, Review & Audit Committee

7.1 The Authority has decided to appoint a Performance Review and Audit Committee as a means of demonstrating the Authority's commitment to efficient and effective deployment of public resources and the attainment of performance targets. Representation on this committee bears the same proportionality as the political composition of the whole Authority.

7.2 The role of the Performance Review and Audit Committee is fourfold:

- i. Audit (both internal & external)
- ii Performance Management
- iii WPI
- iv Risk Management

7.3 General role

- i. Within its scope, the Performance Review and Audit Committee will assist the Authority in policy development issues relating to overall strategy, policy and co-ordination, and performance across all of the Authority's functions; and the direction and use of resources

7.4 Specific functions

7.4.1 Audit Activity

- To commission work from internal and external audit and approve the respective annual plans and associated fees;
- To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Authority's corporate governance arrangements;
- To consider summaries of specific internal audit reports as requested;
- To consider reports dealing with the management and performance of the providers of internal audit services;
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale;
- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance;
- To consider specific reports as agreed with the external auditor
- To comment on the scope and depth of external audit work and to ensure it gives value for money;
- To liaise with Wales Audit Office over the appointment of the Authority's external auditor;
- To monitor Authority policies on "Raising Concerns at Work" and the anti-fraud and anti-corruption strategy;
- To approve and oversee the production of the Authority's Statement on Internal Control;
- To approve the Authority's annual Statement of Accounts and authorise the Chair to sign and date them;

- To consider the Authority's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice;
- To consider the Authority's compliance with its own and other published standards and controls;
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

7.4.2 Performance Management

- To develop and oversee the development of an appropriate performance monitoring framework;
- To establish performance review systems and targets and ensure that they are implemented and monitored for use by the Authority;
- To promote a focus on performance targets and the validation of the underpinning data;
- To advise on the setting of relevant performance indicators and targets in annual plans and corporate strategies;
- To develop the Authority's scrutiny role in looking at areas of performance in need of improvement;
- To ensure delivery of the Authority's Risk Reduction Planning targets and results;
- To receive all external reports on the performance of the Authority, consider and recommend to the Authority action plans relating to these reports and to monitor progress against approved action plans.

7.4.3 Wales Programme For Improvement

- Scrutinise the performance and improvement plan;
- Scrutinise the Operational Assurance Self Assessment;
- Receive and consider periodic reports from the Member Risk Reduction Planning group;
- Scrutinise and recommend approval to the Authority of the joint risk assessment / improvement plan.

7.4.4 Business Risk

- Monitor the effective development and operation of risk management and corporate governance in the Authority;
- Advise on the strategic processes for risk, control and governance;
- Review any significant changes to the Business Risk Register.

Article 8 – People & Organisational Development Committee

8.1 The Authority has established a People & Organisational Development Committee, which will consider matters relating to the workforce in areas of employment, learning and development and stakeholder engagement. Representation on this Committee will follow the same proportionality as the political composition of the whole Authority.

8.2 The role of the People & Organisational Development Committee is

- To consider reports from the Chief Fire Officer and nominated officers on matters relating to Local and National Conditions of Service, as appropriate, for all employees of the Combined Fire and Rescue Authority and to make determinations thereon.
- To make arrangements to undertake consultations with the representative bodies on strategic matters and to arbitrate upon disputes, as appropriate. This will usually take place by convening meetings of the Joint Consultative Committee, whose terms of reference are attached as Appendix 1.
- To monitor the implementation of the Service's Equal Opportunities Policy and to receive reports thereon from the Chief Fire Officer and nominated officers.
- To consider reports from the Chief Fire Officer and nominated officers upon the operation of the Service's Sickness and Unauthorised Absence Monitoring Policy.
- To consider reports from the Chief Fire Officer and nominated officers relating to National and Local recruitment campaigns.
- To consider reports from the Chief Fire Officer and nominated officers on learning and development and workforce planning activities.
- To consider reports from the Chief Fire Officer and nominated officers on the Service's Health & Safety/Risk Management Strategy.
- To consider all matters relating to the implementation and management of the Authority's Welsh Language Policy
- To consider all issues in relation to Member Development and Training and the Wales Charter for Member Support and Development, including receiving reports from the Modernisation Working Group whose terms of reference are attached as Appendix 2.
- Any other matters specifically referred to the Committee by the Authority.

8.3 The Authority has established a Joint Consultative Committee, the purpose of which is to act as a forum for the communication of information and ideas between Authority Members, Officers and representatives of all employee sectors, whose terms of reference are attached at Appendix 1.

Joint Consultative Committee – Terms of Reference

1. PURPOSE

- 1.1. To act as a forum for the communication of information and ideas between Authority Members, Officers and representatives of all employee sectors.
- 1.2. To enable Authority Members, Officers and representatives of all employee sectors to seek opinions and ideas which can be taken into account in the decision making process where it is practical to do so.
- 1.3. To act as a Resolution Body.
- 1.4. To provide an opportunity for the clarification of policies and procedures and provide a framework of ensuring common standards are applied.
- 1.5. To give employees an opportunity through their representatives, to express their views on proposals which may affect them.

2. POWERS

- 2.1. The Consultative Committee will act as an advisory body and conclusions at its meetings will normally be reached by general agreement.
- 2.2. The Chair has discretionary power to ask for a vote on any subject under discussion which if he/she feels that progress will be made by such exceptional action.
- 2.3. Recommendations arising from the Committee will be forwarded to the Authority's People and Organisational Development Committee for decision.

3. ORGANISATION OF THE COMMITTEE

3.1. The committee should consist of 16 members made up as follows:-

Chair and Vice Chair together with 2 further members of the People and Organisational Development Committee.

3 Principal Officers at the discretion of the Chief Fire Officer.

Corporate Head of People and Organisational Development.

5 FBU Representatives.

1 Unison representative.

1 GMB representative.

1 RFU representative.

3.2. The Authority Members, Officers and representatives of all categories of staff and staff side representatives may each appoint deputies up to a number equal to their members of the Joint Consultative Committee. A deputy when attending the Joint Consultative Committee will have the same rights as the representatives they are replacing.

3.3. With the agreement of both the Chair and Vice Chair of the Joint Consultative Committee, individuals may be co-opted onto the Committee if they feel that a specialist opinion is needed, e.g. Head of Finance, Head of ICT, etc. A co-opted member shall not have the power to vote and their attendance may be limited to specific topics at the direction of the Chair and Vice Chair.

3.4. The Chair and Vice Chair shall be appointed by the Joint Consultative Committee at the first meeting in every municipal year and shall hold office until the first meeting in the following year. Both the office of the Chair as well as that of the Vice Chair shall alternate annually between Authority Members and Officers on the one hand and representatives of the staff on the other hand. If the Chair appointed is an Authority Member or Officer, the Vice Chair shall be appointed from the Staff Side and vice versa. The Chair of a meeting shall not have a casting vote.

3.5. The quorum for the meeting will be 5 members, which must compromise at least two from either side.

4. FREQUENCY OF MEETINGS

- 4.1. The Joint Consultative Committee shall meet at least twice a year to consider issues involving different employee sectors, but will also meet on an ad-hoc basis upon the request of either the Authority or Staff Side. Such meetings should normally take place no less than 14 days prior to the next available People and Organisational Development Committee meeting.
- 4.2. If necessary and subject to the approval of both the Chair and Vice Chair of the Joint Consultative Committee an additional meeting may be called to discuss urgent matters or to report any decisions made on urgent matters. In extraordinary circumstances an information bulletin may be sent to all Joint Consultative Committee members.

5. SECRETARIAL ARRANGEMENTS

- 5.1. The agenda for each meeting will be drawn up by the Corporate Head of People and Organisational Development and/or Clerk to the Authority from items submitted to him/her by Joint Consultative Committee members. Each item will include a brief description in the agenda and will be supported by relevant information where appropriate. Matters for discussion will be limited to those specified on the agenda and the agenda will be circulated not less than 5 working days before a meeting.
- 5.2. Minutes will be taken by the Service's Committee Secretariat and draft minutes will be circulated to the Joint Consultative Committee's Chair and Vice Chair for comments/observations prior to distribution on the Business Information System (BIS).

6. SUBJECTS SUITABLE FOR DISCUSSION BY JOINT CONSULTATIVE COMMITTEE

- 6.1. It is not intended that this Consultative Body should become a means of by-passing the Service's existing procedures (e.g. departmental meetings, grievance procedure). Any matter which can be adequately dealt with by a Departmental Manager, HR Representative or any other appropriate person should not appear on the Joint Consultative Committee agenda.

Article 9 – Appointments Committee

9.1 The Authority has decided to constitute an Appointments Committee for the interview and appointment of its Principal Officers, excluding that of the post of Chief Fire Officer. (The Principal Officers are the Deputy Chief Fire Officer, Assistant Chief Fire Officers, Directors and the Clerk / Monitoring Officer).

9.2. The Committee will consist of 10 members and representation on the Committee will bear the same proportionality as the overall political composition of the whole Authority. Specific post holders appointed to the Committee are the Chair of the Authority, Vice Chair of the Authority, the Chairs of Performance Review and Audit, People and Organisational Development and Resources Committees, Leader of the Labour Group together with 4 other members to maintain political proportionality. (Dependent on the political affiliation of the specifically appointed Chairs on to the Committee, there may be a need from time to time to review the composition of the Committee to maintain political proportionality.)

9.3 The Committee shall from its membership set up a Shortlisting Panel, consisting of 5 Members, for the specific purpose of shortlisting potential candidates for subsequent interview by the Committee. The panel shall be politically balanced and consist of the Chair of the Authority, the Chairs of Performance Review and Audit, People and Organisational Development and Resources Committees together with the Leader of the Labour Group

9.4 In accordance with the Authority's Standing Orders, the quorum shall be one-third of the total members appointed to serve both on the Committee and the Panel, provided that in no case shall the quorum be less than three members.

9.5 Substitution shall be permitted in respect of both the Committee and the Panel.

Article 10 - The Standards Committee

9.1 Standards Committee

The Authority has set up a Standards Committee to oversee, maintain and strengthen high standards of conduct in public office.

The Standards Committee also has a range of functions relating to procedures.

9.2 Composition

The Standards Committee will be composed of three Authority Members and four independent people who are not Members or Officers of the Authority, one of whom should chair the committee. Representation on this committee is not required to bear the same proportionality as the political composition of the whole Council (Section 53(10) Local Government Act 2000).

9.3 Role and function

The Standards Committee will have the following roles and functions:

- i. Promoting and maintaining high standards of conduct by Councillors
- ii. Assisting to observe the Members' Code of Conduct
- iii. Advising the Authority on adopting or revising the Members' Code of Conduct or other Authority internal procedures relating to Members, including Standing Orders and any other procedures regulating the conduct of meetings
- iv. Monitoring the operation of the Members' Code of Conduct
- v. Advising, training or arranging to train Councillors on matters relating to the Members' Code of Conduct
- vi. Granting dispensations to Councillors from requirements relating to interests set out in the Members' Code of Conduct
- vii. Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred to that officer by the Public Services Ombudsman
- viii. Considering Public Services Ombudsman matters
- ix. Overseeing the Authority's 'whistle-blowing' policy
- x. Supervising the register of Members' interests required under section 81(1) of the Local Government Act 2000
- xi. Overseeing the protocol on relations between members and officers
- xii. Overseeing the Authority's procedures for investigating and responding to complaints

Article 11 - Officers

10.1 Appointment

The Authority shall make the appointment of the Chief Fire Officer, the Deputy Chief Fire Officer, Assistant Chief Fire Officers and Directors. These Authority appointments will be made in line with the Authority Standing Orders, set out in Part 3 of this Constitution. Appointment of all staff below Director level is the responsibility of Chief Fire Officer, who may delegate this to nominated officers.

10.2 Management arrangements

- a. The Authority may engage such staff as it considers necessary to carry out its functions.
- b. Chief Officers - the Authority's management structure at Chief Officer level is set out in the table below. A more detailed explanation of responsibilities is set out in Part 2.

1. Post	2. Function and areas of responsibility
Chief Fire Officer /	<ul style="list-style-type: none"> ▪ Overall corporate management

Head of Paid Service	<ul style="list-style-type: none"> and operational responsibility. ▪ Overall management responsibility for all officers and services. ▪ Strategic and corporate policies ▪ Professional Advisor to the Authority ▪ Line management for Corporate Communications and Member Support
Deputy Chief Fire Officer/ Director of Development	<ul style="list-style-type: none"> ▪ People & Organisational Development ▪ Strategic Planning and Performance ▪ Deputising for the Chief Fire Officer
Assistant Chief Officer/Director of Resources	<ul style="list-style-type: none"> ▪ Finance ▪ Procurement ▪ Information Technology & Communications ▪ Estates
Assistant Chief Fire Officer/Director of Risk	<ul style="list-style-type: none"> ▪ Risk Management ▪ Civil Contingencies and Resilience ▪ Community Risk Reduction
Assistant Chief Fire Officer/Director of Delivery	<ul style="list-style-type: none"> ▪ The six County Commands ▪ Service Control ▪ Transport

(c) Head of Paid Service, Monitoring Officer and Director of Resources - the Authority has designated the following posts as shown:

Post	Designation
Chief Fire Officer	Head of Paid Service
Treasurer	Director of Resources
Clerk	Monitoring Officer

Such posts will have the functions described in sections 10.3 - 10.5 below.

(d) Structure - The Head of Paid Service will determine and produce a description of the overall departmental structure of the Authority, showing the management structure and deployment of officers. This is set out in Part 6 of this Constitution.

10.3 Functions of the Head of Paid Service

(a) Implements and co-ordinates policies and Authority functions. It is the Head of Paid Service's duty (under Section 4 of the Local Government and Housing Act 1989) to report to the Authority when he considers it appropriate to do so, about:

- How the performance by the Authority of their different functions is co-ordinated
- The number and grades of staff required by the Authority to perform their functions
- The organisation of the Authority's staff
- The appointment and proper management of the Authority's staff.

(b) Restrictions on functions. The Head of Paid Service cannot be the Monitoring Officer, but may hold the post of Director of Resources if he or she is a qualified accountant.

10.4 Functions of the Monitoring Officer

- a. Maintaining the Constitution. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for members, staff and the public.
- b. Ensuring lawful and fair decision-making. After consulting with the Head of Paid Service and Director of Resources, the Monitoring Officer will report to the full Authority if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will stop the proposal or decision being implemented, until the report has been considered.

This is a statutory duty under Section 5 of the Local Government and Housing Act 1989.

- c. Supporting the Standards Committee. The Monitoring Officer will contribute to promoting and maintaining high standards of conduct by supporting the Standards Committee.
- d. The Monitoring Officer will receive and act on reports made by the Ombudsman, and decisions reached by case tribunals.
- e. Conducting investigations. The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations about them to the Standards Committee.
- f. Providing advice. The Monitoring Officer will advise all Councillors on their scope of powers and Authority to take decisions; deal with maladministration; financial impropriety; probity; and budget and policy framework issues.

- g. Restrictions on posts. The Monitoring Officer cannot be the Director of Resources or the Head of Paid Service.
- h. Corporate Complaints Procedure. The Monitoring Officer will supervise arrangements for the effective administration of the Authority's Corporate Complaints Procedure via the Standards Committee.

10.5 Functions of the Director of Resources

- a. Ensuring lawful and financially prudent decision making. After consulting the Head of Paid Service and the Monitoring Officer, the Director of Resources will report to the Authority and the Authority's external auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure; or is unlawful and is likely to cause a loss or deficiency; or if the Authority is about to enter an item of account unlawfully. This is a statutory duty under Section 6 of the Local Government and Housing Act 1989.
- b. Administration of financial affairs. The Director of Resources will have responsibility for the administration of the Authority's financial affairs. This is a statutory duty under Section 6 of the Local Government and Housing Act 1989.
- c. Providing advice. The Director of Resources will advise Members on their scope of powers and authorities to take decisions; deal with financial impropriety; probity; and budget and policy framework issues.
- d. The Director of Resources will also support and advise Members and Officers in their respective roles.
- e. Give financial information. The Director of Resources will provide financial information to members of the public and the community at large; and to such external agencies, bodies or organisations as appropriate.
- f. Restriction on posts. The Director of Resources cannot be the Monitoring Officer.

10.6 Director of Resources and the Monitoring Officer

The Authority will provide the Director of Resources and the Monitoring Officer with such offices, accommodation and other resources as they need to perform their duties. This is a requirement under Sections 5 and 6 of the Local Government and Housing Act 1989.

10.7 Conduct

Officers will comply with the Officers' Code of Conduct and the protocol on officer/member relations set out in Part 4 of this Constitution.

10.8 Employment

The recruitment, selection and dismissal of officers will comply with the Authority's Standing Orders and adopted policies and procedures relating to

Employment in the Mid & West Wales Fire and Rescue Authority. The appointment function will be in accordance with the delegations set out in Paragraph 10.1 above.

Article 12 - Decision Making

11.1 Responsibility for decision making

The Authority will issue, and keep up to date, a record of what part of the organisation, or which individual, is responsible for particular types of decisions or decisions relating to particular areas or functions. This record is currently as set out in Part 2 of this Constitution.

11.2 Principles of decision making

All Authority decisions will be made in line with the following principles:

- Lawfulness and financial propriety and prudence;
- Proportionality that is, in any decision the action must be proportionate;
- Due consideration and the taking of professional advice from Officers and/or appropriately qualified consultants;
- Due consultation;
- Respect for human rights;
- Presumption in favour of openness;
- Sustainability in line with the Authority's policy;
- Having due regard to appropriate national, strategic, local policy and guidance;
- Clarity of aims and desired outcomes; and
- The ability to explain the options considered and the reasons for decisions.

11.3 Types of decision

a) Decision making by the full Authority in relation to its functions

Decisions relating to the functions listed in Article 4 will be made by the full Authority and not delegated (unless approved by the Authority).

b) Decision making procedures followed by the full Authority

The Authority will follow the Authority Procedure Rules set out in Part 4 of this Constitution when considering any matter.

c) Decision making by Committees or Sub-Committees established by the Authority

Subject to this Article, the Authority, its Committees or Sub-Committees will follow those parts of the Authority Procedure Rules set out in Part 3 of this Constitution which apply to them.

d) Decision Making by Officers

Article 10 and Part 2, Section 2 sets out the scheme of delegated Authority to Officers. Officers have full Authority for operational and managerial decision making and for any necessary action within their authorized remit in accordance with the terms of the Officer Delegation scheme.

e) Decision Making by Authority bodies acting as tribunals

The Authority, a Member or an Officer acting as a tribunal or in a quasi judicial manner or determining considering (other than for purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

f) Access to Information

The Access to Information Procedure Rules set out in Part 3 of this Constitution apply to all decision-making processes as specified in those Rules.

Article 13 - Legal, Finance and Contract Matters

12.1 Financial regulations

The Authority's financial affairs will be conducted in line with the Financial Regulations set out in Part 3 of this Constitution.

12.2 Contract Standing Orders

Every contract made by the Authority will comply with Financial Regulations and Contract Standing Orders set out in Part 3 of this Constitution.

12.3 Legal proceedings

The Chief Fire Officer, after consultation with the Clerk and Director of Resources are authorised to commence, defend, or participate in, any legal proceedings in any case, where necessary, to give effect to decisions of the Authority, or in any case where the Chief Fire Officer, to discharge the Authority's regulatory/statutory powers considers it necessary to protect the Authority's interests.

12.4 Authenticating documents

Where any document is necessary to any legal procedure or proceedings on the Authority's behalf, that document will be signed by the Clerk, or by any other person authorised by the Clerk - unless any enactment states otherwise, or the Authority has given the necessary Authority to some other person.

Any contract, as defined under Contract Standing Orders (Part 3 of this Constitution), entered into on the Authority's behalf in the performance of its function, must be signed by the Clerk, or any other person authorised by the Clerk; or such contracts must be made under the Common Seal of the Authority and witnessed by the Clerk (or any other person specifically authorised to sign on his or her behalf). A schedule of authorised signatories will be maintained by the Clerk.

12.5 The Common Seal of the Authority

The Common Seal of the Authority must be kept, in a safe place, by the Corporate Communications & Member Support Department. A decision made by the Authority, a committee or any part of the Authority, will be sufficient Authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Clerk, should be sealed. The Clerk will witness the affixing of the Common Seal, or some other person authorised by him or her.

12.6 Delegated Authority

The Chief Fire Officer and Service Directors are authorised to act on behalf of the Fire & Rescue Authority relating to any matters within functional portfolios for which the Chief Fire Officer and/or each Director is responsible except those specifically reserved by the Authority or any of its Committees, subject also to the following overriding provisions:

(a) Any action taken by the Chief Fire Officer or a Director under delegated powers shall be in accordance with:

(i) the budget and policy framework

(ii) the Constitution

(b) Where the exercise of a delegated power affects or is likely to affect more than one functional portfolio, consultation shall take place between those Directors whose portfolio are likely to be affected.

Article 14 - Review and Revision of the Constitution

13.1 Duty to monitor and review the Constitution

The Clerk (designated the 'Monitoring Officer') will monitor and review the operation of the Constitution, to ensure that the aims and principles of the Constitution are given full effect. He or she will submit a report to the Member Development Working Group / Standards Committee, detailing any changes he or she considers necessary. The Member Development Working Group / Standards Committee (without prejudice to the responsibility of the Monitoring Officer) will monitor and review such aspects of the Constitution, as it considers appropriate and make any recommendations for change to the full Authority.

13.2 Changes to the Constitution

Approval

Changes to the Constitution will only be approved by the full Authority after the Member Development Working Group / Standards Committee, with the advice of the Monitoring Officer, have considered any proposals.

13.3 Exception to the requirement in 13.2

The following changes to the Constitution may be effected by the Chief Fire Officer or Monitoring Officer, subject to reporting the change to the next appropriate meeting of the appropriate Committee, and then to the full Authority:

- i. Changes to the delegated functions to Officers as allocated by the Chief Fire Officer (Part 2),
- ii. Changes required to give effect to any change in the law or directives issued under legal powers by Government.

Article 15 - Interpreting the Constitution

14.1 Suspending the Constitution

(a) Limit to suspension

The Articles of this Constitution may not be suspended. However, the rules mentioned in (c) below may be suspended by the full Authority, to the extent permitted in those rules and the law.

(b) Procedure to suspend

A motion to suspend any rules will not be moved without notice, unless at least half the total numbers of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved - taking account of the purposes of the Constitution in Article 1 - and must only be for long enough to transact the particular item of business requiring the suspension.

(c) Rules capable of suspension

Rules that may be suspended in line with paragraph 14.1 are specified in the Standing Order Procedures of the Council in Part 3 of this Constitution. (See Standing Order APR 1.31).

14.2 Matters of interpretation

Matters of interpretation, and the Authority Chairman's ruling on the interpretation or application of the Constitution or Authority proceedings, must be applied in line with the Standing Order Procedure of the Authority in Part 3 of this Constitution. (See Standing Order APR 1.32).

14.3 Publication

- a. All copies of the Constitution will be available bilingually.
- b. The Clerk will provide an electronic copy of this Constitution to each Councillor, soon after he or she has provided a declaration of acceptance of office on first being nominated to the Authority.
- c. The Clerk will ensure that copies of the Constitution are available for inspection at the Authority's main administrative offices, and other appropriate locations; and that copies are made available to members of the local press and the public, by publication on the Authority's website.
- d. The Clerk will ensure that a summary of the Constitution is widely available within the area, and is updated as necessary.

PART 2

Responsibility for functions

1. The principles of delegation

1.1 One of the primary purposes of the Constitution is to make it clear where responsibility for particular functions lies, and which person or body (Authority, Committee, or Officer) makes the decision that will result in an action being taken or not taken.

1.2 The hierarchy of decision taking is enshrined within the constitution as follows:

- **The full Authority** - the Authority will exercise the functions reserved in Article 4
- **Resources Committee** - will exercise the functions set out in Article 6
- **Performance, Review & Audit Committee** - will exercise the functions set out in Article 7.
- **People & Organisational Development Committee** - will exercise the functions set out in Article 8
- **Standards Committee** - will exercise the functions set out in Article 9
- **Officers** - will exercise the delegated functions as set out in the Scheme of Delegation in Section 2 below:

2 Scheme of Delegation for Officers

2.1 Introduction

2.1.1 This Scheme of Delegation authorises officers of Mid and West Wales Fire and Rescue Authority (hereinafter referred to as 'the Authority') to exercise the functions of the Authority as set out in this document.

2.1.2 The Scheme is without prejudice to the exercise of the Authority's functions by the Authority and its committees.

2.1.3 An officer may delegate the exercise of all or some of his/her delegated functions to named officers. Such delegation will be subject to the scheme.

The officer must keep a written record of the powers he or she has delegated and of the officer to whom such delegation has been made.

2.1.4 An officer may, instead of exercising a delegated function, refer a matter to the Authority or a committee if considered appropriate in the particular circumstances.

2.1.5 The exercise of any function delegated by the scheme is subject and must be in accordance with the following:-

- a. the policies, practices and procedures of the Authority and its committees; and
- b. Authority Procedure Rules and Financial Procedure Rules set out in Part 3.

- c. The budget of the Authority;
- d. Prior consultation with and involvement of other officers where their responsibilities are affected.
- e. Any other probity requirements consistent with the ethical standards applicable generally within public service.

2.1.6 Before exercising a delegated function, an officer must consider whether the decision to be taken is such as to require reference to/discussion with the Treasurer, the Monitoring Officer and any of the following members of the Authority:

- i. The Chair
- ii. The Vice-Chair
- iii. The Chair and Vice-Chair of the appropriate committee.

2.1.7 Before exercising a delegated function, an officer must similarly consider whether to consult any other officer. If there is a dispute between officers about the exercise of a delegated function, the matter shall be referred to the Clerk for decision.

2.1.8 A reference in the scheme to a statute includes any regulation or order made under it.

2.1.9 A reference in the scheme to a statutory instrument, regulation, or order, rule or circular includes any modification, amendment or re-enactment of it.

2.1.10 Reference to the Chief Fire Officer is reference to the post of Chief Fire Officer / Head of Paid Service.

2.2 Functions delegated to Chief Fire Officer, Treasurer and Clerk severally

2.2.1 To exercise all the functions of the Authority which can lawfully be delegated and which are consistent with the discharge of the officer's responsibilities in accordance with his/her job description and/or principal accountabilities, and the power to take such other action which an officer considers is calculated to facilitate, or is conducive or incidental to, the discharge of those functions. Without prejudice to the generality of this delegation, to exercise the functions set out in other parts of the scheme subject to the qualifications therein.

2.2.2 To exercise the powers of the Authority under the Local Government (Goods & Services) Act 1970 (Sale and purchase of goods/services to/from other public bodies.)

2.2.3 To exercise the functions given by the Authority Procedure Rules and Financial Procedure Rules.

2.2.4 To appoint consultants for work directly associated with the discharge of the Authority's responsibilities .

2.3 Functions delegated to the Chief Fire Officer

2.3.1 To exercise the functions of the Head of Paid Service

2.3.2 Subject to:-

- i. any statutory restrictions and requirements,
- ii. any conditions of service requirements,
- iii. such policies, procedures and practices as may be determined by the Authority from time to time and
- iv. the provisions of paragraph 2.3.3, the power to deal with all matters relating to the appointment (including the method of appointment), suspension, dismissal, relegation, pay, promotion, supervision, compensation, conditions of service, redundancy, recruitment, qualification, training, health, safety, welfare, housing allowances and the provision of vehicles, telephones and any other matters relating to the employment of persons in the paid service of the Service, both uniformed and support staff.

2.3.3 The power in paragraph 2.3.2 shall not include any matter:

- i. relating to the posts of Chief Fire Officer, Deputy and Assistant Chief Fire Officer, Directors and the offices of Treasurer, Clerk and Monitoring Officer;
- ii. arising from a proposal for major restructuring;
- iii. which constitutes a major change in the Authority's or Service's policies, procedures or practices; and
- iv. under the Superannuation Acts relating to the payment and enhancement of pensions.

2.3.4 To exercise the functions of the Authority under the Regulatory Reform (Fire Safety) Order 2005.

2.3.5 In addition to the provisions of Article 2.3.3, the Chief Fire Officer is authorised to institute, defend or settle legal proceedings (either in the name of the Fire Authority or an individual officer of the Authority) at common law or under any enactment, statutory instruments order or bye law conferring functions upon the Authority or in respect of functions undertaken by it and to lodge an appeal in respect of any such proceedings. For the avoidance of doubt this Authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise and counter-notices and notices to quit and to any proceedings which the Chief Fire Officer considers it expedient to take for the promotion or protection of the interests of the inhabitants of the Authority's area.

2.3.6 To settle, subject to discussion with the Clerk and or Treasurer, any claim by or uninsured claim against the Authority up to £5,000.

2.3.7 To authorise the exercise of powers of entry, inspection and survey and the carrying out of emergency works by staff of the Service or contractors acting on behalf of the Authority and/or the Service upon land or buildings.

2.3.8 Jointly with the Treasurer, to agree in the best interests of employees under Regulation H6 of the Local Government Pensions Scheme Regulations 1995 to commute pension payments in cases of exceptional ill-health.

2.3.9 The power to deal with all matters in respect of land or buildings and structures thereon, including sale, purchase, exchange, leasing, mortgaging, charging, granting of options or other dealings, subject to:-

- i. any statutory restrictions and requirements;
- ii. such policies, procedures and practices as may be determined by the Authority from time to time;
- iii. the requirements of financial regulations; and
- iv. the provisions of paragraphs 2.3.10 and 2.3.11.

2.3.10 The power in paragraph 2.3.9 above shall not include any matter:

- i. arising from a proposal for major restructuring or reorganisation;
- ii. which constitutes a major change in the Authority's or Service's policies, procedures or practices;
- iii. any dealing in land or buildings which involves a receipt or payment exceeding £100,000 in aggregate, unless the Authority has given prior approval either specifically or as part of an approved project and the actual transaction value is no more than 15% higher than the estimate on which the approval was based; and
- iv. where the Authority has required the Chief Fire Officer to advise them in advance of a transaction being concluded because of its sensitivity or size.

2.3.11 All agreements, contracts or other documents evidencing or giving effect to transactions in land or buildings, whether approved by the Authority or by the Chief Fire Officer under paragraph 2.3.9 above, shall be signed by the Clerk or such persons as he/she may authorise to sign on his/her behalf.

2.3.12 All land/building disposal shall not be undertaken without prior approval of the Authority or Resources Committee if the proceeds from sale are not consistent with, and in any event no lower than 10% of, a valuation provided by the District Valuer.

2.3.13 Exercise of incidental powers under section 5 of the Fire and Rescue Services Act 2004

2.3.14 In accordance with the Strategic Plan and any policies approved by the Authority under Sections 6 to 12 of the Fire and Rescue Services Act 2004

2.3.15 Making, varying or revoking any arrangements with other persons in accordance with sections 13 to 17 of the Fire and Rescue Services Act 2004

2.3.16 Decisions on charges under Section 19 of the Fire and Rescue Services Act 2004, in accordance with the Authority's policy on charging

2.3.17 Decisions on the exercise of powers at sea or under the sea under Section 20 of the Fire and Rescue Services Act 2004

2.3.18 To the extent not covered elsewhere, decisions on operational deployment of staff, equipment etc and the use of buildings in accordance with the Strategic Plan. This delegation does not include the power to close a fire station unless that is explicitly mentioned in the Plan or has been the subject of a resolution by the Authority.

2.3.19 Agreements in respect of water supply under Part 5 of the Fire and Rescue Services Act 2004

2.3.20 To authorise employees of the Fire and Rescue Authority under Part 6, Sections 44, 45 & 46 of the Fire and Rescue Services Act 2004.

2.4 Functions delegated to Directors

2.4.1 If a function, power or responsibility has not been specifically reserved to the Authority, a committee or the Chief Fire Officer, the Director within whose remit the matter falls is authorised to act.

2.4.2 The Authority and its committees will make decisions on matters of significant policy. Directors have express Authority to take all necessary actions to implement Authority and Committee decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.

2.4.3 Directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.

2.4.4 In relation to all delegated Authority conferred on Directors by this Constitution, the Chief Fire Officer may allocate or re-allocate responsibility for exercising particular powers in the interests of effective corporate management as he or she thinks fit.

2.4.5 Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Fire Officer, or his or her nominee, is authorised to act.

2.4.6 Such delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources and the efficient delivery of services.

2.4.7 Directors and other Line Managers who are so designated within the Service's Discipline, Grievance and Capability Policies shall exercise on behalf of the Chief Fire Officer the functions designated to him/her at Article.

2.3.2, In so far as they relate to the management of individuals within their respective directorates or functions. This shall include all decisions relating to appointments/discipline etc., except in individual cases where the Chief Fire Officer or Directors may decide to reserve such Authority to themselves.

2.5 Functions delegated to the Treasurer

2.5.1 Those powers and functions specified in the Authority's Financial Regulations and Standing Orders for the Regulation of Contracts.

2.5.2 To amend rates of members' travelling and subsistence allowances in line with changes in maximum rates made from time to time by the Welsh Assembly Government.

2.5.3 To settle, subject to discussion with the Chief Fire Officer and/or Clerk, any claim by or uninsured claim against the Authority up to £5,000.

2.6 Functions delegated to the Clerk

2.6.1 To decide the action to be taken in respect of legal proceedings and other matters involving the Authority, to arrange appearance before courts or tribunals in any such proceedings and matters, and to arrange for counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Authority. (This delegation is complementary to the general delegation conferred on the post of Chief Fire Officer in Article 2.3.4).

2.6.2 To enter objections or observations to any proposal affecting the Authority.

2.6.3 To enter into, enforce and terminate agreements and contracts.

2.6.4 To settle, subject to discussion with the Chief Fire Officer and Treasurer, any claim by or uninsured claim against the Authority up to £5,000.

2.6.5 To take any action to implement any decision taken by or on behalf of the Authority including the signature and service of statutory and other notices and any document.

2.6.6 To investigate and where possible resolve complaints against the Authority.

2.6.7 To receive the following:

- (a) Notification of the appointment of a member by a constituent Authority,
- (b) Resignation by a member,
- (c) Notices under the Authority's approved Code of Conduct for Members,
- (d) Notices under the Local Government (Committees and Political Groups) Regulations 1990,
- (e) Declaration by a member to observe the Authority's approved Code of Conduct for Members.

2.6.8 To exercise the functions of Proper Officer in relation to Sections 100A to 100K of the Local Government Act 1972 (supply of agenda papers, exempt information etc).

2.6.9 To sign summonses to attend meetings of the Authority.

2.6.10 To maintain the statutory register of members' interests.

2.6.11 To resolve any issues regarding attendance of members at conferences, courses etc and the payment of members' allowances, after consultation with the Group Leaders, where there is insufficient time to refer the matter to a meeting of the Authority.

PART 3

A AUTHORITY PROCEDURE RULES

GENERAL INTERPRETATION

A In these Authority Procedure Rules

"the Authority" means the Fire and Rescue Authority constituted for the combined area of Mid and West Wales;

"the combined area" means the Fire Authority area comprising the areas of Carmarthenshire County Council, Ceredigion County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council, Powys County Council and City and County of Swansea Council;

"constituent Authority" means a council referred to in the combined area;

"the fire and rescue service" means the Fire and Rescue Service established for the combined area to be known as the Mid and West Wales Fire and Rescue Service;

"the Clerk" means the person appointed by the Authority to act as its Clerk and Monitoring Officer;

"the Treasurer" means the person appointed by the Authority to act as its Treasurer and Financial Adviser;

B The Contract Procedures are underpinned by the Financial Procedure Rules and by Service Standing Orders (Finance) both of which carry the status of an official document of the Authority;

C All committees and sub-committees of the Authority, all Members of the Authority and every officer of the Authority or other person acting on behalf of the Authority shall observe the Authority Procedure Rules and the Financial Procedure Rules.

APR 1 AUTHORITY STANDING ORDERS

APR 1.1 CONSTITUTION OF COMBINED FIRE AUTHORITY

(a) The Authority shall consist of, not more than 25 members in accordance with the Mid & West Wales Fire Services (Combination) Order 1995, appointed by the constituent authorities having regard both to the relative numbers of electors in the individual constituent authorities' areas and also to the requirements of political proportionality across the combined area.

(b) Each Member of the Authority shall be appointed by a constituent Authority from its own Members.

(c) 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.

(d) A Member of the Authority shall come into office on the date of his/her appointment and shall, subject to sub-paragraphs (e) to (g) below, hold office for such period or periods as shall be determined by the constituent Authority which appoints him/her.

(e) A Member of the Authority may resign his/her membership by giving notice in writing to that effect to the Clerk.

(f) (i) A Member of the Authority who ceases to be a Member of the council which appointed him/her shall cease to be a Member of the Authority.

(ii) A person shall be disqualified from being a Member of the Authority if he/she 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 is represented.

(g) (i) If a Member of the Authority resigns, becomes disqualified or otherwise ceases to be a Member of the Authority before the expiry of his/her period of office, the council which appointed him/her shall appoint a representative to replace him/her, who shall come into office on the date of his/her appointment and, unless he/she 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/her predecessor would have held office had he/she not resigned, become disqualified or otherwise ceased to be a Member of the Authority.

(ii) 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/her term of office, the council which appointed him/her shall not be required to appoint a representative to replace him/her for the remainder of such term unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies), the total number of unfilled vacancies in the Membership of the Authority exceeds one-third of the number of Members of the Authority referred to in subparagraph (a) above.

APR 1.2 MEETINGS OF THE AUTHORITY

- (a) The Annual Meeting of the Authority shall be held on the first Wednesday in the month of June and shall be held at Carmarthen.
- (b) Meetings of the Authority, other than the Annual Meeting, shall be held on such other days and in such other places as the Authority may determine.
- (c) Unless in special circumstances the Chairman shall fix some other hour for holding any meeting, all meetings shall be held at 11.00 in the forenoon.
- (d) An extraordinary meeting of the Authority may be called at any time at the request of the Chair or any other five Members addressed, in writing, to the Clerk.

APR 1.3 CHAIRMAN/CHAIRWOMAN OF THE AUTHORITY OR MEETING

- (a) The Authority shall elect a chair, and may elect a vice-chair, from among its Members.
- (b) The chair and, if a vice-chair is elected, the vice-chair, shall, subject to Standing Orders APR 1.1(d) to APR 1.1(g) hold office for a period of one year from the date of their election.
- (c) Sub-paragraph (b) above shall not prevent a person who holds or has held office as chair or vice-chair, as the case may be, from being elected or re-elected to either of those offices.
- (d) On a casual vacancy occurring in the office of chair or, if a vice-chair has been elected, the vice-chair, the Authority shall elect from its Members a person to replace the chair, and may so elect a person to replace the vice-chair, as the case may be.
- (e) The election to replace the chair under sub-paragraph (d) above shall take place not later than the next following ordinary meeting of the Authority.
- (f) If both the chair and vice-chair of the Authority are absent from a meeting of the Authority, another Member of the Authority chosen by the Members of the Authority present shall preside.

APR 1.4 COMMITTEES

- (a) There shall be established on a permanent basis a Resources Committee, a People & Organisational Development Committee, a Standards Committee and a Performance Review and Audit Committee.
- (b) The Authority may by resolution establish other committees or sub-committees from time to time.

(c) The Authority shall, at the Annual Meeting, appoint Members to serve on committees and may at any time vary their Membership subject to any statutory provision in that behalf.

APR 1.5 QUORUM

(a) At a meeting of the Authority the quorum shall be **one-third** of the total number of Members of the Authority.

(b) At a meeting of any Committee (or Sub-Committee, if established) the quorum shall be **one-third** of the total number of Members appointed to serve on that Committee (or Sub-Committee) provided that in no case shall the quorum of a Committee (or Sub-Committee) be less than three Members. Except that in the case of the Standards Committee the quorum shall be:

- (i) At least three members are present, including the chair, and
 - (ii) At least half the members present (including the chair) are independent members
- (As provided by the Standards Committee (Wales) Regulations 2001)

APR 1.6 RECORD OF ATTENDANCE

An attendance sheet or book shall be provided by the Clerk to the Authority at every meeting of the Authority, Committee and Sub-Committee on which each Member present at the meeting shall enter his/her name, and the time of arrival and departure recorded.

APR 1.7 ORDER OF BUSINESS

(a) Except as otherwise provided by sub-paragraph (b) below, the order of business at any meeting of the **Authority** shall be to:

- (i) choose a person to take the chair for that meeting if the Chair and Vice-Chair are absent;
- (ii) receive any declarations of interest from Members;
- (iii) deal with any business having precedence by statute;
- (iv) deal with any Chair's announcements or correspondence;
- (v) confirm the Minutes of the last Meeting of the Authority;
- (vi) dispose of business (if any) remaining from the previous meeting;
- (vii) receive and consider reports or minutes of Committees or Sub Committees;
- (viii) fill vacancies and appoint Members on Committees;
- (ix) receive and consider reports from Officers;
- (x) authorise the sealing of documents not otherwise authorised;

(xi) consider notices of motion in the order in which they have been received;

(xii) other business, if any, specified in the summons.

(b) With the consent of the Chair, the **Authority** may, by Resolution at any meeting, vary the order of business set out in sub-paragraph (a) above and may deal with any items of urgent business brought forward pursuant to Section 100B(4) of the Local Government Act 1972.

(c) Except as otherwise provided by sub-paragraph (d) below, the order of business at any **Committee or Sub-Committee** meeting shall be to:

(i) choose a person to take the chair for that meeting if the Chair and Vice-Chair are absent; (except in the case of the Standards Committee where either the Chair or Vice Chair, in accordance with The Standards Committees (Wales) Regulations 2001, must be present);

(ii) receive any declarations of interest from Members;

(iii) deal with any business having precedence by statute;

(iv) deal with any Chair's announcements or correspondence;

(v) confirm the Minutes of the last Meeting of the Committee;

(vi) dispose of business (if any) remaining from the previous meeting;

(vii) receive and consider reports or minutes of any Sub Committees;

(viii) receive and consider reports from Officers;

(ix) other business, if any, specified in the summons.

(d) With the consent of the Chair, the **Committee or Sub-Committee** may, by Resolution at any meeting, vary the order of business set out in sub-paragraph (c) above and may deal with any items of urgent business brought forward pursuant to Section 100B(4) of the Local Government Act 1972.

APR 1.8 MOTIONS

(a) Notices of Motions

Except as provided by Standing Order APR 1.9, every notice of motion shall be in writing, signed by the Member or Members of the Authority giving the Notice, and delivered, at least ten clear days before the next meeting of the Authority to the office of the Clerk by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every Member of the Authority.

(b) Motions to be set out in Summons

There shall be inserted in the summons for every meeting of the Authority all notices of motion duly given in the order in which they have been received, unless the Member giving such a notice has, when giving it, stated in writing that he/she proposes to move it at some later meeting or has withdrawn it in writing.

(c) Motions not Moved

If a Notice of Motion which is specified in the summons be not moved by a Member who gave notice thereof it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.

(d) Scope of Motion

Every notice of motion shall be relevant to some question over which the Authority has power, or which affects the service in the combined area.

APR 1.9 MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

The following motions may be moved without notice:-

- (a) Appointment of a Chair of the meeting at which the motion is made;
- (b) Motions relating to the accuracy of the minutes of the last meeting of the Authority;
- (c) To change the order of business on the agenda to exclude the public or press in accordance with Access to Information Rules;
- (d) Appointment of an ad hoc Committee or Members thereof, so far as arising from an item mentioned in the summons to the meeting;
- (e) Adoption of reports and recommendations of Committees or of Officers and any consequent resolutions;
- (f) That leave be given to withdraw a motion;
- (g) Amendments to motions;
- (h) Authorising the sealing of documents;
- (i) Extending the time limit for speeches;
- (j) That an item of business specified in the summons shall have precedence;
- (k) Suspending Standing Orders;
- (l) That a Member named under Standing Order APR 1.16 be not further heard or do leave the meeting;
- (m) Giving consent of the Authority where the consent of the Authority is required by these Standing Orders;

(n) Motions arising from correspondence or other items specified in the summons to the meeting;

(o) Procedural motions including motions relating to the method of voting, adjournment, order of business, the putting of the question and procedure to next business.

APR 1.10 MINUTES

(a) The Chair shall put the question: "That the minutes of the previous meeting of the Authority held on (the day in question) be approved as a correct record".

(b) No discussion shall take place upon the minutes, except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chair shall duly sign the minutes.

APR 1.11 RULES OF DEBATE

(a) A motion or amendment, unless notice has been given pursuant to Standing Order APR 1.8, shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order APR 1.8 it shall, if so required by the Chair, be put in writing and handed to the Chair before it is further discussed and put to the meeting.

(b) The mover of an original motion shall have a right to speak for no more than five minutes and also have the right to reply (but for not more than five minutes) at the close of the debate upon such motion, immediately before it is put to the vote, or before the motion, "That the debate be now adjourned" or "That the Authority do now adjourn" is put. If an amendment is proposed, the mover of the original motion shall be entitled to reply at the close of the debate upon the amendment. A Member exercising a right of reply shall confine himself/herself strictly to answering previous observations and shall not introduce any new matter. After every reply to which this Standing Order refers, a decision shall be taken without further discussion. The right of reply shall not extend to the mover of an amendment which, having been carried, has become a substantive motion.

(c) A Member when seconding a motion or amendment may, if he/she then declares an intention to do so, reserve his/her speech until a later period of the debate.

(d) A Member shall signify to the Chair his/her wish to speak. If two or more speakers arise, then the Chair shall call upon one to speak.

(e) Every Member shall be addressed by his/her correct title.

(f) A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order and no speech shall exceed five minutes except by consent of the Authority.

(g) Where it appears to him/her to be for the convenience of the Authority, the Chair, with the consent of the Members concerned, may decide and announce in

advance that he/she will call named Members in a given order or at specified points in the debate.

(h) With the consent of a Member who is speaking, a Member may interpose a brief comment or question designed to clarify or advance debate provided that the Chair shall not allow such exchanges to take place with such frequency that debate gives way to cross-talk.

(i) A Member may rise to a point of order or personal explanation at any time and shall have precedence over other business provided that the point of order shall be very briefly stated to the Chair in the form of a single question concerned solely with the proper conduct of the Authority or the point of personal explanation be brief and confined to some material part of a former speech by a Member at the same meeting which may have been misunderstood.

(NB A point of order shall relate only to the rules of debate or conduct of the meeting).

(j) The ruling of the Chair upon all points of order shall be final and, except by way of Motion after notice, shall not be open to discussion provided that before the Chair shall rule upon any point of order he/she shall, if asked, first give some opportunity to a Member to make a brief representation thereon.

(k) A Member shall not speak more than once on any motion or amendment except in the exercise of the right of reply given to the mover of an original motion by Standing Order APR 1.10 (b) or on a point of order or by way of personal explanation.

(l) A Member who has not previously spoken at that meeting on the question under discussion may at the conclusion of the speech of another Member move without comment "That the question be now put", "That the debate be now adjourned" or "That the Authority do now adjourn" on the seconding of which the Chair, if, in his/her opinion the question before the meeting has been sufficiently discussed, shall, subject to the right of reply given by Standing Order APR 1.10 (b), put that motion to the vote and, if it is carried, the question before the meeting shall be put to the vote, or the subject of debate shall be deemed to have been disposed of for that day, or the meeting shall stand adjourned, as the case may be.

(m) Whenever the Chair rises during a debate all Members, including those speaking, shall be silent.

(n) When a motion is under debate no other motion shall be moved unless to the following effect:

(i) to amend or withdraw the motion;

(ii) to adjourn the meeting;

(iii) to adjourn the debate;

(iv) to proceed to the next business;

- (v) that the question be now put;
- (vi) that a Member be not further heard;
- (vii) under Standing Order APR 1.16 that a Member do leave the meeting;
- (viii) a motion under Section 100A of the Local Government Act 1972, to exclude the public.

APR 1.12 AMENDMENT OF MOTION

(a) An amendment shall be to:

- (i) leave out words;
- (ii) leave out words and insert or add others;
- (iii) insert or add words;
- (iv) refer a subject of debate to a committee for consideration or reconsideration;
- (v) insert words which substantially alter although not completely negate the original recommendation.

(b) Only one amendment may be made and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of, but notice of any number of amendments may be made.

(c) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

APR 1.13 ALTERATION OF MOTION

A Member may with the consent of his/her seconder and of the Authority, signified without discussion, alter a motion which he/she has proposed or of which notice has been given if the alteration is one which could have been moved as an amendment thereto.

APR 1.14 WITHDRAWAL OF MOTION

A motion of amendment may be withdrawn by the mover with the consent of his/her seconder and of the Authority, which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

APR 1.15 RESCISSION OF PRECEDING RESOLUTION

No motion shall be moved:

- (a) to rescind any resolution passed within the preceding six months; or

(b) to the same effect as a motion which has been rejected within the preceding six months;

unless notice thereof is given pursuant to Standing Order APR 1.8.

This Standing Order shall not apply to motions which are moved under Standing Order APR 1.8 by the Chair or other Member of a Committee in pursuance of a report or recommendation of a Committee.

APR 1.16 DISORDERLY CONDUCT

(a) If at a meeting any member of the Authority, in the opinion of the Chair, misconducts him/himself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, it shall be competent for a Member to move "That the Member named be not further heard" or "That the Member named do leave the meeting" and the motion if seconded shall be put and determined without discussion.

(b) If, after a motion under sub-paragraph (a) above has been carried, the misconduct or obstruction is continued and, in the opinion of the Chair, renders the due and orderly dispatch of business impossible, the Chair, in addition to any other powers vested in him/her may, without question, put, adjourn or suspend the sitting of the Authority for such period as he/she in his/her discretion shall consider expedient.

APR 1.17 DISORDERLY CONDUCT OF PUBLIC

If a member of the Public interrupts the proceedings at any meeting, the Chair may, after warning, order his/her removal from the Meeting room. In the case of general disturbance in any part of the room open to the public, the Chair may order that that part shall be cleared.

APR 1.18 VOTING

(a) Every question shall be determined by a show of hands and on the requisition of any Member supported by seven other Members who promptly and together signify their support by rising in their places, the voting on any question shall be recorded in the minutes to show how each Member present and voting gave their vote or abstained as the case may be.

(b) For the avoidance of doubt it is declared that in the case of an equality of votes on any question in the Authority, including voting on appointments, the person presiding at the meeting shall have a casting vote whether or not he/she shall have voted when the question was put.

APR 1.19 VOTING ON APPOINTMENTS

(a) The voting for the selection of a short-list of candidates for, and the appointment of one of such candidates to, any office shall be in writing and by ballot unless the Authority in any particular case or class of cases shall determine that the vote be taken by show of hands.

(b) When more than two persons are interviewed for any office, and of the votes given there is not an overall majority in favour of one person, the names of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until an overall majority of votes is given in favour of one person.

(c) No vote upon an appointment shall be valid unless the person casting his/her vote shall have been present throughout the interviews of all the candidates for that appointment.

NB An overall majority exists when the person with most votes has more votes than the sum of the votes cast for the remaining persons.

APR 2 ACCESS TO INFORMATION PROCEDURE RULES

APR 2.1. SCOPE

These rules apply to all meetings of the Authority, its Standing Committees and all other committees.

APR 2.2 ADDITIONAL RIGHTS TO INFORMATION

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

APR 2.3 RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

APR 2.4 NOTICES OF MEETING

The Authority will give at least five clear working days notice of any meeting by posting details of the meeting at Fire Service H.Q., Carmarthen and on the Authority's web site.

APR 2.5 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Authority will make copies of the agenda and reports open to the public and available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Clerk will make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

APR 2.6 SUPPLY OF COPIES

The Authority will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and if the Clerk thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs or by electronic means.

APR 2.7 ACCESS TO MINUTES ETC AFTER THE MEETING

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

- (a) the minutes of the meeting or record of decisions taken by the Authority, its Committees and all other committees excluding any part of the minutes of

proceedings when the meeting was not open to the public because exempt or confidential information was being considered;

(b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

APR 2.8 BACKGROUND PAPERS

(a) List of background papers

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

(i) disclose any facts or matters on which the report or an important part of the report is based; and

(ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in APR 2.10).

(b) Public inspection of background papers

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

APR 2.9 SUMMARY OF PUBLIC'S RIGHTS

These rules constitute the written summary of the public's rights to attend meetings and to inspect and copy documents as required by Sections 100A - H and schedule 12A of the Local Government Act 1972.

Copies will be kept at and available to the public at Fire Service H.Q., Carmarthen. The information can also be accessed on the Authority's website.

APR 2.10 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

(a) Public and private meetings of the Authority and its Committees

The Authority and its Committees may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with Chapter 11 and these procedure rules.

(b) Confidential information - requirement to exclude the public

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

(c) Exempt information - discretion to exclude public

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

(d) Meaning of confidential information

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

(e) Meaning of exempt information

The 15 categories of exempt information and the conditions relating thereto have been replaced with 7 new categories together with the “application” of the “public interest test”.

Information falling within the scope of paragraphs 12 to 18 of Part of Schedule 12A to the Local Government Act 1972, subject to qualifications and interpretation set out in parts 5 & 6 of the Schedule, a summary of which is set out below:

Category of Exempt Information	Qualification
12. Information relating to a particular individual	Public interest test applies (see below)
13. Information which is likely to reveal the identity of an individual	Public interest test applies (see below)
14. Information relating to the financial or business affairs of any particular person (including the Authority holding that information)	Information falling within paragraph 14 is not exempt information virtue of that paragraph if it is required to be registered under: <ul style="list-style-type: none">• the Companies Act 1985• the Friendly Societies Act 1974• the Friendly Societies Act 1992• the industrial and Provident Societies Acts 1965 to 1978• the Building Societies Act 1986;• the Charities Act 1993 Public interest test applies (see below)
15. Information relating to any consultations or negotiations, or	Public interest test applies (see below)

contemplated consultations or negotiations in connection with any labour relations matter arising between the Authority or a Minister of the Crown and the employees of, or office holders under, the Authority	
16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	(No public interest test)
17. Information that reveals that the Authority proposes: <ul style="list-style-type: none"> • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment 	Public interest test applies (see below)
18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Public interest test applies (see below)
<i>(In relation to a meeting of a Standards Committee, or a sub-committee, which is convened to consider a matter referred under the Provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):</i> 18A – Information which is subject to any obligations of confidentiality 18B – Information which relates to in any way to matters concerning national security 18C – The deliberations of a standards committee or a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it	Public interest test applies (see below)

Public Interest Test

Information which:

- a) falls within any of paragraphs 12 to 15, 17 and 18 above
- b) is not prevented from being exempt by virtue of the qualifications above

Is exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

INTERPRETATION: WALES

1. In Parts 4 & 5 and this Part of the Schedule –

“employee” means person employed under a contract or service;

“financial or business affairs” includes contemplated, as well as past or current, activities;

“labour relations matter” means –

- a) Any of the matters specified in paragraphs (a) to (g) of section 218(i) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
- b) Any dispute about a matter falling within paragraphs (a) above;

And for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the Authority as they apply in relation to employees of the Authority;

“office holder”, in relation to the Authority, means the holder of any paid office appointments to which are or may be made or confirmed by the Authority or by any joint board on which the Authority is represented or by any person who holds any such office or is an employee of the Authority;

“registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

2. Any reference in Parts 4 & 5 and this is Part of the Schedule to “the Authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference –

- a) In the case of a principal council, to any committee or sub-committee or whose functions the committee discharges: and
- b) In the case of a committee, to –
 - I. Any constituent or principal council
 - II. Any other principal council by which appointments are made to the committee of whose functions the committee discharges; and
 - III. Any other committee or sub-committee of a principal council falling within sub-paragraph (I) or (II) above; and
- c) In the case of a sub-committee, to –
 - I. The committee, or any of the committees, of which it is a sub-committee; and

- II. Any principal council which falls within paragraph (b) above in relation to that committee”.

APR 2.11 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Monitoring Officer thinks fit, the Authority may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with APR 2.10 the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

APR 2.12 RECORD OF DECISIONS

(a) The decision record

A written record will be made of every decision made by the Authority and its committees,

This decision record (Minutes of the meeting) will include a statement, for each decision, of:

- the date the decision was made
- the decision made
- the reasons for that decision;
- any personal interest declared;
- any dispensation to speak granted by the Authority's Standards Committee;

(b) Preparing the decision record

- The Clerk or an officer designated by him / her when attending any meeting of the Authority or its Committees, will produce a decision record by way of an Action Note, normally within three working days of the meeting.

APR 2.13 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

(a) Rights of access

All members will be entitled to inspect any document which is in the possession or under the control of the Authority or its committees if any and contains material relating to any business transacted at a meeting of the Authority or its Committees.

(b) Limitation on rights

A member will not be entitled to any part of a document where it would disclose exempt information falling within paragraphs 12 -18 of Part 4 of Schedule 12A of the Local Government Act 1972.

(c) Nature of rights

These rights of a member are additional to any other right he/she may have.

B. FINANCIAL PROCEDURE RULES

FPR 1 FINANCIAL REGULATIONS

FPR 1.1 FUNDING

- (a)** The Authority shall be funded by contributions from each constituent Authority.
- (b)** All expenditure and income of the Authority shall be recorded in a Combined Fire Service Fund constituted and administered in accordance with the provisions of Part IV of the Mid and West Wales Combined Fire Services (Combination Scheme) Order 1995.
- (c)** Each constituent Authority shall, in respect of each financial year, pay into the Combined Fire Service Fund, a contribution equal to its appropriate proportion of the net expenses of the Authority in respect of the year.
- (d)** The Authority shall, before the 31 December in any year, submit to each constituent Authority an estimate of its net expenses for the next financial year and shall subsequently, before the 15 February, give notice of each constituent Authority of the amount of contribution to be paid by that Authority in the next financial year. (Para 21(2) Part IV 1995 No 3229 FIRE SERVICES).
- (e)** Each constituent Authority shall, at such intervals as are agreed between it and the Authority, make interim payments into the Combined Fire Service Fund as is agreed on account of the said contribution. The agreement drawn up in relation to the number of interim payments and amounts should be sufficient to enable the financial obligations of the Authority to be met.
- (f)** If the constituent authorities and the Authority fail to agree or subsequently - disagree as to the intervals at which payment should be made or as to the amounts, each payment shall, until the end of the financial year or subsequent agreement between the two authorities, whichever is sooner:-
- (i)** be made on the first working day of each month; and
- (ii)** 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.
- (g)** If the Authority makes arrangements with any constituent Authority for the making of payments on its behalf, the interim payments to be made by the constituent Authority shall take into account payments by the constituent Authority.

FPR 1.2 STATUTORY RESPONSIBILITIES AND DELEGATION

- (a)** The Authority has a duty to make proper arrangements for the administration of its financial affairs.

(b) The Authority shall appoint a Treasurer of the Combined Fire Service Fund, deemed fit in terms of qualifications and experience, who shall have overall responsibility for the administration of the Combined Fire Service Fund under Section 112 of the Local Government Finance Act 1988.

(c) Some aspects of financial administration may be undertaken by the Chief Fire Officer and his staff, subject to the agreement of the Treasurer. The Chief Fire Officer will formulate and issue Financial Instructions detailing the acceptable administration of these financial issues to be approved by the Treasurer. Any alterations to, additions or deletions from these Instructions require the agreement of the Treasurer.

FPR 1.3 SUPPORT SERVICES

(a) The Authority may make arrangements with any of the constituent authorities for the use by the Authority of the services of officers and employees of any of the constituent authorities. This will include the making of contracts and payments on behalf of the Authority by the constituent Authority.

(b) All accounts and records that relate in any way to the finances of the Authority shall be available to the Treasurer or any officer authorised by the Treasurer for inspection. The Treasurer shall have the Authority to require and receive any explanation or detail he/she deems necessary as to the correctness of matters in question.

(c) The Treasurer has certain statutory duties which may not be delegated. These are: -

(i) Reporting to the Authority any potential unlawful expenditure by members or officers of the Authority or the Fire and Rescue Service.

(ii) Producing a statement of the Authority's Accounts.

(d) Financial Standards will be formulated and issued by the Treasurer to give notices of best practice and minimum standards of control required in financial systems of the Authority and the Fire and Rescue Service.

FPR 1.4 AUDIT

(a) The Treasurer is responsible under the Accounts and Audit Regulations 2003 for maintaining an adequate and effective Audit function. The role of the auditor extends from the accounts to control systems as deemed necessary by the Treasurer.

(b) To ensure proper financial administration the Treasurer's internal auditors shall have access to inspect and audit all financial records of the Authority, to visit any of the Authority's premises and obtain explanations as considered necessary. They may remove records and supporting documentation for examination as required.

(c) The Chief Fire Officer may, if he deems appropriate, commission value for money and systems based audits to assist the efficient administration of the Fire and Rescue

Service. This work is clearly separate and in addition to that referred to in subparagraphs (a) and (b) above.

FPR 1.5 BANKING ARRANGEMENTS

- (a)** The Treasurer is responsible for making arrangements for the banking requirements of the Fire and Rescue Service as approved by the Authority.
- (b)** The Treasurer is empowered to give all necessary notices and instructions to the bank relating to all financial transactions, the opening and closing of accounts, their manner of operation and the question of overdrafts thereon.
- (c)** If the Authority makes arrangements with all or any of the constituent authorities for the use of their banking arrangements then they shall be operated in accordance with instructions issued by the Treasurer.

FPR 1.6 IMPREST ACCOUNTS

- (a)** The Treasurer shall approve and provide such imprest accounts as he/she considers appropriate for the purposes of defraying petty cash and other expenses.
- (b)** Where it is considered appropriate, the Treasurer shall open an account with the Authority's bankers for use by designated imprest holders. These designated officers shall not cause such an account to be overdrawn or allow it to be used inappropriately.
- (c)** Payments shall be limited to minor items of expenditure and shall be supported by documentation to the extent required by the Treasurer.

FPR 1.7 BUDGET PLANNING AND PREPARATION

- (a)** The Chief Fire Officer, in consultation with the Treasurer, shall formulate estimates for the forthcoming year. These estimates shall be submitted to the Authority in the form of a joint report of both Officers.
- (b)** The Treasurer or Clerk shall notify each constituent Authority of their contributions by the 15 February each year.

FPR 1.8 POWER TO INCUR EXPENDITURE WITHIN APPROVED ESTIMATES

The Chief Fire Officer shall have the power, subject to these regulations, to incur expenditure within the budget estimates at out-turn prices as approved by the Authority and, where applicable, the Welsh Assembly Government.

FPR 1.9 ACCOUNTS

- (a)** The Treasurer shall be responsible for ensuring that all accounting entries of the Authority are properly administered and recorded and that safe and efficient arrangements exist for carrying out financial transactions in all areas of the Authority and the Fire and Rescue Service.

(b) These arrangements are to be applied by all officers of the Authority and the Service and are to be kept up to date.

(c) The Treasurer shall be responsible for the preparation of statutory and other accounts and shall undertake procedures for the public inspection of the accounts.

FPR 1.10 MONITORING

The Chief Fire Officer is responsible for ensuring that the actual level of expenditure/income is maintained throughout the year and that the Authority's budget is not exceeded. Quarterly expenditure/income reports shall be submitted to the Authority by the Treasurer and the Chief Fire Officer. These reports will also be forwarded to each constituent Authority.

FPR 1.11 VIREMENT

The Chief Fire Officer, in consultation with the Treasurer, may approve virement of expenditure within the budget of the Authority, subject to such virement being in line with the Authority's and the constituent authorities' stated policies.

Approval of the Treasurer is required to virement of individual sums in excess of £50,000.

FPR 1.12 SUPPLEMENTARY ESTIMATES

The approval of the Authority and the constituent authorities is required for supplementary estimates after consideration of a report from the Treasurer and the Chief Fire Officer.

FPR 1.13 CAPITAL BUDGET

(a) Capital bids for the ensuing financial years shall be prepared by the Chief Fire Officer, in consultation with the Treasurer, for submission to the Authority. Such bids shall include an initial assessment of the revenue consequences of the proposed capital expenditure and the constituent authorities shall be notified accordingly. The Prudential Indicators and Minimum Revenue Provision Policy will be presented to and approved by the Authority with the capital budget.

(b) Details of the capital approvals received from the Welsh Assembly Government shall be promptly reported to the Treasurer, to the Authority and to the constituent authorities.

(c) In the event of supplementary capital approvals being made available by the Welsh Assembly Government subsequent to the formal budget notification process, such approvals shall be reported to the Treasurer, to the Authority and to the constituent authorities.

(d) Quarterly reports on the current year's expenditure position shall be made to the Authority by the Treasurer and the Chief Fire Officer. These reports shall then be forwarded to the constituent authorities.

FPR 1.14 ORDERS FOR GOODS, WORK AND SERVICE

The Treasurer shall approve the form of order for issue regarding all work, goods and services. Such orders shall be authorised by delegated officers approved by the Chief Fire Officer. These officers will thoroughly satisfy themselves prior to placing an order that the Authority and funds exist for the expenditure from within the budget and that the order represents value for money and, where appropriate that the 's Standing Orders have been complied with.

FPR 1.15 PAYMENTS OF ACCOUNTS

(a) The Treasurer shall approve all systems to be operated by all administering authorities on behalf of the Authority so as to be satisfied that proper systems of control are in place.

(b) Prior to the payment of any invoices, the Chief Fire Officer or his delegated officers will ensure that the account is properly payable by the Authority.

FPR 1.16 SALARIES AND PENSIONS

(a) The Chief Fire Officer shall, subject to the approval of and compliance with any special requirements of the Treasurer, be authorised to agree arrangements to pay all salaries, superannuation benefits, compensation and other emoluments properly payable by the Authority.

(b) All records and documents shall be maintained in a form approved by the Treasurer and shall be certified by or on behalf of the Chief Fire Officer.

(c) All appointments, resignations, dismissals, suspensions, secondments and transfers shall be specially authorised by the Chief Fire Officer, the appropriate service Director or officers delegated by them to exercise this function.

FPR 1.17 INCOME

(a) All arrangements for the collection, accounting and banking of all income due to the Authority shall be subject to the approval of the Treasurer.

(b) No debt to the Authority shall be written off once raised without the approval of the Chief Fire Officer and the Treasurer. A record of such write-offs shall be maintained which shall be available for the inspection by any Member of the Authority on request.

(c) All claims for contributions from the constituent authorities shall be submitted to the Treasurer before dispatch.

FPR 1.18 TREASURY MANAGEMENT

The Authority shall have the powers of a local Authority in relation to the borrowing of money for fire services purposes and the provisions of Section 172 and Schedule 13 of the Local Government Act 1972, and of any other enactment relating to the borrowing of money by local authorities shall apply accordingly.

FPR 1.19 ASSETS OF THE FIRE AUTHORITY

- (a) The Chief Fire Officer is responsible for the custody of all buildings, equipment and stores of the Authority and for the general security in accordance with the Authority's risk management policies.
- (b) The Chief Fire Officer shall keep an up to date asset register of all real property and such inventories and stores records as are necessary under arrangements approved by the Treasurer.
- (c) Moveable property surplus to requirements shall be disposed of under arrangements approved by the Chief Fire Officer in the best interests of the Authority.
- (d) The acquisition, disposal or management of property will be undertaken with limits and in accordance with arrangements approved by the Authority. The Chief Fire Officer will take appropriate professional advice within these constraints.

FPR 1.20 INSURANCE AND RISK MANAGEMENT

- (a) The Chief Fire Officer, in consultation with the Treasurer, shall be responsible for ensuring the arrangement of appropriate insurance cover. The Chief Fire Officer will notify the Treasurer promptly of any matters affecting insurance cover, including details of all new risks and changes to existing risks as part of the ongoing Business Risk Management protocols.
- (b) The Chief Fire Officer shall notify the Treasurer in writing of any loss, liability, damage or anything likely to lead to a claim. The Chief Fire Officer, in consultation with the Clerk, shall be authorised to defend, settle or compromise any uninsured claims against the Authority.
- (c) The Chief Fire Officer, in consultation with the Treasurer, shall annually review all insurance arrangements.

FPR 1.21 GIFTS, LOANS AND SPONSORSHIP

The Combined Fire Authority may, in connection with the discharge of its functions, accept gifts of money and gifts or loans of other property on such terms as the Authority thinks fit. The Authority is responsible for approving Service policy and regulations on the acceptance of gifts, loans and sponsorship and shall receive an annual report on this matter.

FPR 1.22 VOLUNTARY UNOFFICIAL FUNDS

All Voluntary funds operating in relation to the Service's Functions shall be operated under arrangements approved by the Treasurer. All such funds shall be audited independently of Fund Officials.

FPR 1.23 CHANGES AND SUSPENSION OF FINANCIAL REGULATIONS

The Clerk may, after consultation with the Treasurer and the Chief Fire Officer, authorise departure from the Regulations if he/she is satisfied that such departure is in the interests of the Authority. The Clerk shall maintain a register of any such authorisations, which shall be available for inspection by any Member of the Authority. Any such departures will be reported to the Authority.

FPR 2 FINANCIAL STANDARDS

FPR 2.1 INTRODUCTION

- (a) These Financial Standards have been drawn up by the Treasurer to the Fire Authority in recognition of the following points.
- (b) Operational control rests with the Chief Fire Officer. As such the financial implications of operational decisions are primarily a matter for the Chief Fire Officer.
- (c) The Chief Fire Officer shall include instructions on financial procedures in Service Standing Orders - Finance which will be available to all uniformed and support staff.
- (d) The Treasurer to the Fire Authority has certain legal obligations under Section 151 of the Local Government Act 1972 and Section 112 of the Local Government Finance Act 1988. In order to meet these obligations the Chief Fire Officer shall consult with the Treasurer to obtain his endorsement of the financial procedures, Service Standing Orders (Finance) and other financial systems used within the Fire Authority.
- (e) The Chief Fire Officer shall advise the Treasurer of all actions which have or may have financial implications that have not been foreseen or planned.
- (f) The principles and mechanisms by which the Treasurer shall discharge his/her obligations are set out in these Financial Standards.

FPR 2.2 AUDIT

- (a) The Treasurer is responsible under the Accounts and Audit (Wales) Regulations 2005 for maintaining an adequate and effective internal audit function.
- (b) Internal audit is an independent appraisal, the aim of which is to measure and evaluate the effectiveness of controls and to assist management by providing analysis, appraisals, recommendations and practical comments concerning the operational reviewed.
- (c) Internal auditing requires the auditor to go beyond the accounting and financial records in order to obtain a full understanding of the operations under review and may involve the following activities:-
 - (i) Reviewing and appraising the soundness, adequacy and application of accounting, financial and other operating controls and promoting effective control at reasonable costs.
 - (ii) Ascertaining the extent to which assets are accounted for and safeguard from losses of all kinds.

- (iii) Ascertaining the reliability of management data.
- (iv) Appraising the quality of performance in carrying out assigned responsibilities.
- (v) Recommending operating improvements.
- (d) To ensure proper financial administration the internal auditors shall have access to inspect and audit all financial records of the Authority, to visit any Fire Authority premises and obtain explanations as considered necessary from Service personnel. They may remove financial records and supporting documentation for examination as required.
- (e) Before deciding which aspects of Service financial activity to include in the internal audit plan, the Treasurer will consult the Chief Fire Officer or designated officer.
- (f) The Chief Fire Officer will receive regular internal audit reports as a matter of course. He/she can also request directly from the internal audit team systems audits or value for money audits.
- (g) The Treasurer is to be notified immediately if the Chief Fire Officer becomes aware of any fraud, malpractice or irregularity within the Service.
(See Section FPR 2.20)

FPR 2.3 ACCOUNTS

- (a) It is the Treasurer's statutory responsibility to ensure that adequate systems and procedures exist to account for all income and expenditure of the Authority.
- (b) All computerised and administrative accounting systems and any records related to the finances of the Authority shall be open to inspection by the Treasurer. Checks may be applied and explanations required as considered necessary to confirm the correctness of any matters under examination.
- (c) The Chief Fire Officer shall confer with the Treasurer and obtain his/her endorsement before introducing or amending any computerised system or administrative procedures used for financial administration.
- (d) The Chief Fire Officer shall provide quarterly reports in respect of revenue and capital expenditure, highlighting and giving reasons for any significant variances above or below estimate. The Treasurer will submit quarterly financial performance to the Authority's Resources Committee.
- (e) The Chief Fire Officer shall be responsible for the closure of accounts at the end of the financial year. Careful scrutiny of income and expenditure should be made to ensure the accuracy of transactions and that all material items relating to them are properly checked and verified with appropriate documentation and working papers kept for future reference.
- (f) The Treasurer shall be responsible for the preparation of statutory and other accounts with all appropriate information being supplied by the Chief Fire Officer.

The Treasurer shall ensure that the accounts are compiled in accordance with the CIPFA Code of Practice on Local Authority Accounts and the CIPFA Best Value Accounting Code of Practice.

(g) The Treasurer shall undertake procedures for the public viewing of the accounts and their inspection by the external auditor where appropriate.

FPR 2.4 THE BUDGET

(a) The Treasurer in consultation with the Chief Fire Officer shall formulate a budget strategy and timetable for the preparation of the annual capital and revenue estimates for the approval of the Fire Authority.

(b) The Fire Authority shall approve the Chief Fire Officer's proposed allocation of resources over budget heads having regard to the proposed budget requirement. These proposals should take into account the requirements of the service delivery.

(c) The Authority shall agree a budget requirement for the ensuing financial year on the advice of the Treasurer. It will also notify the level of the budget requirement to the constituent authorities for consultation purposes by the 31st December annually, and subsequently before the 15th February annually, give notice to each constituent Authority of the amount of the contribution to be paid by that Authority, (under paragraph 21 of the Combination Scheme Order 1995) in the next financial year.

(d) The Treasurer and Chief Fire Officer shall report on a quarterly basis to the Authority the latest financial performance. The reports shall be in the format agreed by the Authority, and will in practice have first been considered by the Resources Committee.

(e) The Treasurer and Chief Fire Officer shall report the actual income and expenditure as soon as practicable after the end of the financial year.

(f) The Chief Fire Officer shall have the power to incur expenditure within budget estimates approved by the Fire Authority.

(g) The Chief Fire Officer shall have Authority to vire sums between budget heads of the approved Capital and Revenue budgets within the following constraints:-

(i) The virement can be contained within the overall totals of the budget approved by the Authority.

(ii) Approval of the Treasurer is required for virement of individual sums in excess of £50,000. This relates to a single transaction over £50,000 and not the total of the budget head.

(iii) The proposed virement will not result in additional costs in future years budgets which cannot be met through ongoing income or savings.

(h) If virement results in increased overall commitment of future years budgets or a change in the stated policy of the Authority, the approval of the Treasurer and the Authority are required.

(i) Proposals which cannot be met from within the approved budget or cannot be funded by increased income, savings or virement shall be referred to the Authority for approval as supplementary estimates. If approved they would need to be notified to the constituent authorities for consultation (sub paragraph 6) Combination Scheme Order.

(j) No expenditure which is subject to grant aid or support from the Government, the Welsh Assembly or other external funding organisation shall, without specific prior approval of the Authority, be incurred until written assurance is given that such funding is forthcoming.

(k) No expenditure which requires the approval of a Government Department or the Welsh Assembly shall be incurred until approval has been received or a written assurance that such approval will be given in due course.

FPR 2.5 ORDERS FOR GOODS, WORK AND SERVICES

(a) The Treasurer shall approve the form of order for issue regarding all work, goods and services. These orders shall be issued except for gas, electricity, water, rent, rates, petty cash disbursements and any other agreed in writing by the Treasurer.

(b) Such orders shall be authorised by officers approved by the Chief Fire Officer. The Chief Fire Officer will clearly define those staff who have Authority to certify orders in the Service Standing Orders (Finance).

(c) These officers will thoroughly satisfy themselves prior to placing an order that Authority exists for the expenditure. Also, that sufficient funds are available for appropriate budget heads to meet it.

(d) The officers should ensure that the order represents value for money and that the Authority's Contract Standing Orders have to be complied with.

(e) Where as a matter of urgency orders have been placed verbally, an electronic or written order shall be issued in confirmation, within two working days.

(f) Officers should be aware that it is illegal to benefit personally from purchases made on the Authority's behalf. For example free gifts supplied under promotional offers should be placed in the ownership of the Authority. Also financial inducements to the personal benefit of the officer are illegal.

(g) The Authority's purchasing arrangements should not be used under any circumstances to obtain goods or services for private or personal consumption.

FPR 2.6 VALUE ADDED TAX

(a) Introduction

The Head of Finance shall establish appropriate systems of control for the proper accounting of Value Added Tax inputs and outputs.

(b) Financial Coding

The Head of Finance will require that all purchase orders and non purchase order VAT invoices/receipts are properly coded to the correct VAT account.

(c) Penalties

Prompt and accurate accounting for VAT will prevent the Authority from incurring penalties imposed by Customs and Excise for late and/or inaccurate returns.

(d) VAT Reclaim

In order for the Authority to reclaim VAT on individual payments, suppliers must submit accounts in a prescribed form which must include the supplier's VAT registration number.

(e) Responsibility

It will be the responsibility of the Head of Finance to ensure that all financial transactions undertaken throughout the Service are consistent with current VAT regulations, employing the services of VAT specialist advice where appropriate. All VAT related records must be maintained for 6 years for possible inspection by Customs and Excise.

(f) VAT and Pool Cars

In some circumstances it may be convenient for a pool car to be taken home by an employee prior to or following an official journey. This practice has significant VAT implications and must only be permitted where the extra VAT liability has been incurred by the Authority.

The advice of the Head of Finance must be sought in all such cases, other than where operational cover is being provided, for which prior arrangements are in place.

FPR 2.7 PAYMENT OF ACCOUNTS

(a) The Chief Fire Officer shall have in place systems of control to ensure the proper payment of accounts. These shall be approved by the Treasurer and subject to ongoing review as circumstances change.

(b) All purchases of goods and services should be in accord with FPR 2.5 - "Orders for Goods, Work and Services". The procedures to be followed in respect of Petty Cash Transactions are detailed in FPR 2.12 - "Imprest Accounts".

(c) Where a purchase order is placed

(i) when the requisitioning or authorising officer is satisfied that all goods and services ordered have been received to a satisfactory standard; A 'Goods Received Note' shall be entered into the payments system to release the invoice for payment.

(ii) where the actual amount shown as payable on the invoice varies from the value shown on the order by more than the prescribed tolerance; the authorizing officer must investigate the cause of the variance and indicate this on the payment system.

- (d) When passing non purchase order invoices for payment one or more officers should sign or initial each account as evidence that:-
- (i) Each account has been checked against an official order
 - (ii) The account has not previously been passed for payment.
 - (iii) The goods have been received, the work carried out or the service rendered satisfactorily.
 - (iv) Appropriate entries have been made in inventories and stock records as required.
 - (v) The arithmetic is correct and appropriate discounts have been deducted.
 - (vi) Prices and charges are correct and have been checked to contracts or quotations.
- (e) In addition to the checks in FPR 2.7(d), for non purchase order invoices, the Chief Fire Officer or an officer delegated by him/her should certify final approval that the account is properly payable by the Authority. A schedule of authorised signatories will be maintained by the Director of Resources
- (f) The officer responsible for certifying the final approval must not carry out the checks in FPR 2.7(d) as well. Where this requirement is impractical due to operational problems the Treasurer should be requested to agree alternative procedures in writing.
- (g) If an account passed for payment is alleged not to have been paid, full enquiries must be made prior to passing the copy invoice for payment to ensure the account has not been paid or is awaiting payment in the system.
- (h) Under no circumstances should suppliers statements be approved and passed for payment.
- (i) Where an invoice relates to a payment for repairs and maintenance of buildings on construction work the Authority has obligations under the Inland Revenue rules on sub-contractors tax. It must be ensured that a valid tax exemption certificate exists for the "sub-contractor", otherwise tax should be deducted at the appropriate rate.

FPR 2.8 CONTROLLED CORPORATE FINANCIAL STATIONERY

(a) Introduction

Standardised and controlled documents are used within the Service to support various financial and administrative processes. These are defined as forms whose storage, issue and use is controlled by means of pre-numbering, their production an allocation is the responsibility of the Director of Resources.

The following forms are defined as 'controlled stationery' and must be used at all times for the relevant functions.

- Official Order Books • Bank Paying-in Books

- Official cheques • Imprest Account Books • Debtor Invoice Request Books • Rail Warrant Voucher Books • F.4 Mess Claim Books

(b) Management of Controlled Stationery

The Head of Finance is responsible for the ordering storage, issue and reconciliation of controlled stationery, and he/she will ensure that:

- Ordering arrangements are secure to prevent unauthorised ordering.
- Controlled stationery is held securely from the moment of delivery to the Authority to its issue to users.
- That formal records are kept of receipts and issues, providing an audit trail of which documents have been provided to which users.
- That regular stock takes are carried out and formally evidenced.

(c) Users of Controlled Stationery

All personnel who are allocated controlled stationery by the Finance Unit will:

- Comply with the requirements of the Head of Finance regarding the recording of the issue of the stationery.
- Hold sufficient but not excessive stocks of controlled stationery
- Store all unused controlled stationery securely
- Comply with instructions from the Director of Resources and/or the Head of Finance regarding the use and completion of controlled stationery.

Ensure that spoilt items of controlled stationery are retained, suitably endorsed as cancelled, as evidence that they have not been improperly used.

FPR 2.9 TRAVELLING AND SUBSISTENCE ALLOWANCES

(a) Staff authorised to make journeys in the execution of their duties are eligible to claim travel and subsistence expenses in accordance with their Schemes of Conditions of Service.

(b) Claims for travelling and subsistence should be made during the month after the expenditure is incurred and should be submitted on a form approved for the purpose by the Treasurer.

(c) All staff are expected to travel in the most economical manner appropriate to the discharge of their duties, and to share transport wherever practicable.

(d) The Chief Fire Officer or an officer delegated by him/her shall certify final approval for these allowances. Such authorised officers will be those persons authorised to certify final approval on suppliers invoices (see FPR 2.7 - "Payment of Accounts").

(e) The certifying officer shall satisfy himself/herself that the journeys are reasonable and in accordance with the discharge of official duties. Also, that the distances, method of travel and other related expenses are reasonable in the circumstances.

(f) Members are also entitled in certain circumstances to claim travelling, subsistence and conference expenses. These claims are to be certified by the Head of Corporate Communications and Member Support.

FPR 2.10 INCOME

(a) The Chief Fire Officer shall have in place arrangements to ensure the proper collection, accounting and banking of all income due to the Authority. These shall be approved by the Treasurer and subject to ongoing review as circumstances change.

(b) Income is generated through a number of sources and controls should be in place to safeguard the money due to the Authority.

(c) Income which is not of an official nature such as, for example, certain deductions from payroll is dealt with in FPR 2.19 - "Voluntary Unofficial Funds".

- (d) In respect of cash income i.e. money or cheques, a receipt should be given at all times, unless specific dispensation has been agreed by the Treasurer.
- (e) All receipting stationery must be properly controlled by a responsible officer. All such stationery issued and received should be properly recorded and acknowledged.
- (f) Where cash collected is to be handed over to another member of staff for accounting or banking purposes a permanent written record should be retained by the person handing over the money.
- (g) Under no circumstances should any monies collected be used to cash staff personal or third party cheques. Also, no amounts should be used for any unofficial purposes.
- (h) Any shortages or surpluses arising when reconciling the cash collected with receipts should be clearly noted in the appropriate control record. The Chief Fire Officer should decide whether an employee is expected to make up shortages due to error. If errors are frequent or very large, disciplinary action may be appropriate whether or not they are made up.
- (i) Credit income sums due to the Authority will be invoiced on an official debtors invoice form. All invoices shall be raised promptly in the interests of good cash flow management.
- (j) No debt of the Authority shall be written off once raised without the approval of the Treasurer. A record of such write offs shall be maintained and made available for inspection by any members of the Fire Authority on request.
- (k) All claims for government grant and all estimates or forecasts thereto shall be submitted to the Treasurer before dispatch. Note should be made of due dates as late submission can result in future advances of grant being suspended.

FPR 2.11 SALARIES AND PENSIONS

- (a) The Chief Fire Officer shall, subject to the approval of a compliance with any special requirements of the Treasurer, be authorised to agree arrangements to pay all salaries, superannuation benefits, compensation and other emoluments properly payable by the Authority.
- (b) The Chief Fire Officer shall have in place systems which will ensure that any changes in pay details etc., are properly recorded and implemented. Such changes would include:-
 - (i) Appointments, resignations, dismissals, suspensions, secondments and transfers.
 - (ii) Absences from duty for sickness or other reasons apart from approved leave within normal entitlements.
 - (iii) Changes in remuneration such as annual increments, pay awards, promotion etc.
 - (iv) Changes in hours of work and/or duties or any other factors affecting rates of pay or total pay.
- (v) All information necessary to maintain records of service, superannuation, income tax, national insurance and other statutory or non-statutory obligations concerning employees records.
- (c) All records and documents shall be in a form approved by the Treasurer and shall be certified by or on behalf of the Chief Fire Officer.
- (d) The Chief Fire Officer shall ensure that proper controls are in place in the payment process to minimise the risk of fraudulent activity.
- (e) All staff will be paid by direct credit transfer into their personal bank accounts. Such a method of payment is more secure than payment by cheque, and further, ensures better value for money.
- (f) Advances of pay outside the provisions of the normal payroll may be actioned in the following circumstances:

- (i) Where an employee has commenced work but pay records cannot be processed in time for the pay run, and where delay until the following pay date may cause hardship.
- (ii) Where there are exceptional circumstances justifying an advance to an individual employee.
- (iii) To remedy an error or difficulty in processing the payroll.

There should be procedures to ensure that advances of pay are properly processed through the payroll, that no duplication of payment will occur and that no payment is in excess of the amount due to the employee at the time of payment.

(g) As indicated in FPR 2.11(a) the Chief Fire Officer is authorised to agree arrangements to pay all pensions benefits. However, Fire and Rescue Authority support staff and control room staff are admitted to the Local Government Superannuation Scheme which is currently administered by Carmarthenshire County Council. The County Council also provides a service in respect of uniformed staff pensions. It is necessary therefore that all relevant information required in performing these services is passed promptly to the Pension Section of the County Council.

FPR 2.12 IMPREST ACCOUNTS

- (a) The Chief Fire Officer shall be empowered to establish such imprest accounts as he/she considers appropriate for the purpose of defraying petty cash and other expenses.
- (b) Where it is considered appropriate the Treasurer shall open an account or issue a procurement/prepayment card with the Authority's bankers for use by an imprest holder who shall not cause such account to be overdrawn.
- (c) It is recognised that it is not always possible to submit orders as outlined in FPR 2.5 - "Orders for Goods Works and Services". For the purchase of small items or the disbursements of sums of money to staff or clients it may not always be practicable or economic.
- (d) Such payments shall be limited to minor items of expenditure and to such other items as may from time to time be agreed by the Treasurer and Chief Fire Officer. As a guide, no payments in excess of £40 should be made from petty cash without, in exceptional circumstances, the approval of an officer authorised to certify final approval on suppliers invoices (See FPR 2.7 - Payment of Accounts).
- (e) The Chief Fire Officer is required to designate a member of staff to be responsible for the administration of the Petty Cash Imprest Account. It is advisable that another person is nominated to deputise in the absence of the first named member of staff. These designated persons are responsible for the security, management and balancing of the Petty Cash Imprest Account.
- (f) Claims should be made monthly, or more frequently if appropriate, on a form specifically provided for the purpose. Claims should be supported by receipts, invoices or other relevant vouchers where practical. In order to reclaim VAT the invoices must have the suppliers VAT registration number where appropriate.
- (g) Personal or third party cheques should not be cashed out of money held other than in exceptional circumstances approved by the Director of Resources.

FPR 2.13 BANKING ARRANGEMENTS

The following arrangements will apply to the operation of the Authority's banking arrangements:-

- (a) The Treasurer is responsible for the Authority's banking arrangements including opening and closing accounts where appropriate.

(b) The Chief Fire Officer is responsible for the daily management and operation of the bank accounts and he should ensure that there are proper controls in the day to day running of the accounts.

(c) Bank accounts shall stand in the name of Mid and West Wales Fire and Rescue Authority Fund/Cronfa Awdurdod Tân Canolbarth a Gorllewin Cymru.

(d) There should be safe and efficient arrangements for the control of access to blank cheques and the preparation, signing and despatch of cheques. There should also be a monthly reconciliation of cashbooks with bank statements.

(e) Where appropriate cheques shall be signed manually by authorised officers with controls as to the number of signatories dependent on the amount of the transaction (to be specified in the Service Standing Orders (Finance)).

FPR 2.14 LOANS AND INVESTMENTS

In the event of the Fire Authority operating its own Treasury Management function the following will apply:-

(a) The Chief Fire Officer is responsible for borrowing, temporary investment, re-borrowing and repayment of monies under arrangements approved by the Treasurer.

(b) All transactions will be in line with best practice as embodied in the CIPFA Code of Practice on Treasury Management and subject to any constraint imposed by statute.

(c) The Authority's Treasury Policy statement and Prudential Indicators must be adhered to.

(d) The Treasurer shall periodically review the Treasury Policy Statement and any limits prescribed, and report any changes to the Authority for its approval.

(e) Details of any long-term borrowing will be reported promptly to the Authority. Other short term borrowing and lending will be reported annually.

FPR 2.15 PURCHASING, CREDIT AND PREPAYMENT CARDS

(a) The Treasurer is responsible for the issue, control and withdrawal of purchasing, credit and prepayment cards.

(b) The card holders are required to submit monthly reconciliation sheets detailing all transactions the card was used for. All vouchers and VAT receipts received in respect of these transactions should be attached to the sheet to enable the sheet to be agreed to card statements.

(c) The cardholder is responsible for:

(i) Keeping the card safe and secure

(ii) Resolving (with the assistance of the Finance Unit) any fraudulent misuse of the card by a third party.

(d) Cards should not generally be used for personnel expenditure. Where small incidental personal expenditure is charged to the card this will be recovered from the cardholder.

FPR 2.16 PURCHASING

(a) Introduction

In order to ensure effective arrangements for purchasing, all managers must ensure that the provisions of Service Orders (Stores - S.1 - S.13) are applied consistently by all personnel. Central arrangements have been established for the purchase of all normal operational and administrative supplies and all requisitions must therefore be processed through the Procurement system.

(b) IT Hardware and Software

The maintenance of corporate standards, strategic direction and efficient and effective management of the I.T. function requires a co-ordinated approach to the purchase of all IT hardware and software. All orders must be approved by the Head of ICT to ensure that the corporate standard is adhered to. This approval is in addition to approval by an Authorising Officer.

(c) Orders for "non-standard" goods and services

Where departmental heads place orders for non-standard goods or services, for example vehicle/building maintenance, adaptation or repairs, specialist legal or financial services, the provisions of the Authority's Financial Procedure Rules must be applied. Particular attention must be paid to contract standing orders and any officers in doubt as to the interpretation of those orders should seek advice from the Head of Procurement.

(d) Leasing - Compliance with Capital Finance Regulations

Complex rules exist to govern the classification of Authority Capital Expenditure in relation to leasing arrangements. In order to ensure that such arrangements are treated correctly, all leasing/rental/hire purchase agreements and other arrangements where the use of an asset is acquired without the ownership of it being acquired must be referred to the Head of Finance prior to the arrangement being finalised, who will seek the approval of the Treasurer, as required in the Authority's Financial Procedure Rules (FPR 2.17)

FPR 2.17 LEASING

(a) The approval of the Treasurer should be obtained before any finance or operating lease in respect of property or equipment is entered into.

(b) Finance leases or other deferred payment schemes are subject to certain controls in that they are classed as capital expenditure. Such leases would therefore involve a charge against the Authority's authorised limit and should be accommodated within the capital programme and Prudential Indicators.

(c) An operating lease is classed as revenue expenditure. Legislation regarding leasing and the differentiation between operating and finance leases can be very complex. The advice of the Treasurer should be sought in all instances in order to clarify the position.

FPR 2.18 INSURANCE AND RISK MANAGEMENT

(a) The Chief Fire Officer, in consultation with the Treasurer shall advise the Fire Authority on appropriate arrangements for insurance cover.

(b) The Chief Fire Officer shall notify the Treasurer promptly of any matter affecting insurance cover, including details of all new risks and any changes to existing risks as part of the ongoing risk management protocols.

(c) The Treasurer shall periodically review all insurance's and risk in consultation with the Chief Fire Officer and seek the approval of the Authority to any changes.

(d) Where a retro insurance arrangement is established the Chief Fire Officer shall inform the Treasurer of all transactions in order to assess the level of appropriate provision.

(e) The Chief Fire Officer in consultation with the Clerk shall be authorised to defend, settle or compromise any uninsured claims against the Authority.

FPR 2.19 VOLUNTARY UNOFFICIAL FUNDS

(a) A voluntary fund is one which, although not officially owned by the Authority, is controlled or administered either wholly or in part by employees of the Authority.

(b) The Treasurer shall be informed of the purpose and name of all voluntary funds maintained by employees in the course of their duties with the Authority.

(c) There is a responsibility on the part of the Authority to protect the interests of the donors and beneficiaries, and to safeguard the position of the members of staff concerned.

- (d) Adequate financial controls shall be applied for the administration of these funds in order that all expenditure or income is properly accounted for.
- (e) An annual statement of the accounts should be prepared each year. They should be audited by an independent person and a copy sent to the appropriate body.
- (f) The Treasurer shall be entitled to verify that the audit has been done and to carry out checks on the accounts as considered appropriate.

FPR 2.20 GIFTS, LOANS AND SPONSORSHIP

- (a) Gifts of money and gifts or loans of other property may be accepted if they will enable the Authority either to enhance or extend the service which they would normally be expected to provide.
- (b) Gifts, loans and sponsorship can be accepted from any source which has genuine and well-intentioned reasons for wishing to support specific projects.
- (c) The Authority should, however, take care in deciding whether or not to accept offers. There are some cases where the acceptance of gifts, loans or sponsorship would be inappropriate as follows:-
 - (i) Accepting offers from sources which come under the direct scrutiny of the police.
 - (ii) Where the provider seeks endorsement of a product or service in order to gain preferential treatment in supplying or contracting goods and services to the Authority.
 - (iii) To influence the direction of a particular policy or operation.
- (d) The Authority should not enter arrangements to support activities which cannot be readily discontinued since funding by the donor could be withdrawn at any time.
- (e) Where offers of gifts, loans or sponsorship are made from more than one company in a competing market care should be taken to demonstrate an even-handed approach in accepting and/or rejecting any offer.
- (f) The Authority should ensure that priority is given to meeting the needs of the Service rather than those of the sponsor, and should be careful to avoid the following:-
 - (i) Association with companies already in a contractual arrangement to provide goods or services to the Authority, which could be construed by the competitors as preferential treatment.
 - (ii) Projects of limited benefit in terms of the Fire and Rescue Service objectives or which could distract effort from tackling agreed priorities.
 - (iii) Offers which could involve the Authority in additional costs.
 - (iv) Offers of gifts, loans or sponsorship with conditions attached.
 - (v) Offers of equipment which is incompatible.
- (g) A record of all gifts, loans and sponsorships received should be maintained by the Chief Fire Officer for inspection by the Treasurer and the Authority's auditors.
- (h) The Chief Fire Officer should periodically report details of gifts, loans and sponsorship to the Authority. Amounts above an agreed sum (£10,000) should be referred to the Authority for approval before they are accepted.

FPR 2.21 FRAUD AND IRREGULARITY

(a) Introduction

The Mid and West Wales Fire and Rescue Authority is committed to the establishment and maintenance of the highest standards of financial probity for all its officers and members and to ensuring that the Authority is seen to be above reproach when dealing with any case of suspected fraud or corruption within the Authority.

To demonstrate this commitment, the Fire and Rescue Authority has adopted a comprehensive anti-fraud and corruption policy which outlines the approach to the prevention and detection of fraud. It is intended that this policy will reduce the risk to the Authority's assets, and ensure that adequate procedures are in place to deal with suspected cases of fraud and irregularity.

(b) Reporting Procedures

It is vital that any case of suspected fraud or corruption by any officer or member of the Authority is reported immediately in order that prompt investigations can be initiated.

The provisions of the Service's Standing Orders (Personnel - P22 and P23) set out the procedures for reporting any suspected fraud, malpractice or irregularity.

FPR 2.22 ASSETS OF THE FIRE AND RESCUE AUTHORITY

(a) The Chief Fire Officer is responsible for the custody of all buildings, equipment and stores of the Service. He/she shall ensure that there is proper security of all assets under his control; in accordance with the Authority's risk management policies.

(b) The Chief Fire Officer shall maintain an asset register of all properties owned or rented by the Authority. The register should record all known details of the properties.

(c) The Chief Fire Officer shall maintain inventories of furniture, fittings, equipment, plant and machinery owned or leased by the Authority.

(d) The Chief Fire Officer shall be responsible for maintaining proper records and for the custody of the stocks and stores of the Authority.

(e) These registers, inventories and stores records shall be kept in such a form as approved by the Treasurer.

(f) The acquisition, disposal or management of property will be undertaken within limits and in accordance with arrangements approved by the Authority in its contract standing orders.

(g) Moveable property surplus to requirement shall be disposed of under arrangements approved by the Chief Fire Officer in the best interests of the Authority.

(h) The stores accounts and records kept by the Chief Fire Officer shall include details of stock deficiencies and any subsequent write offs.

(i) Any transaction which exceeds thresholds set in the contract standing order should be subject to the prior approval of the Authority.

FPR 2.23 GRANT APPLICATIONS AND CLAIMS

(a) Introduction

From time to time, it may be possible for the Fire and Rescue Authority to secure grant or other financial assistance from external bodies, in pursuance of its key strategic objectives.

(b) Maximising entitlements

In order to maximise such opportunities, Directors must ensure that appropriate systems are in place to identify schemes where grant assistance may be available, to submit accurately costed applications and, where grant is awarded, to ensure prompt claiming of monies due.

Applications should be made only for assistance towards schemes which are consistent with the Authority's objectives. Where a potential grant will only cover part of the expenditure to be incurred, due consideration must be given to how the remainder (the Authority's contribution) can be financed. In addition, any ongoing revenue consequences of undertaking the scheme must be clearly identified.

(c) Notifying Chief Fire Officer

The Chief Fire Officer must be promptly notified of all proposed grant applications and claims, and be provided with sufficient detailed information, as set out in paragraph FPR

2.23 (b) above, to enable him/her to authorise submission of approved applications in good time.

FPR 2.24 RETENTION OF FINANCIAL RECORDS

(a) The Chief Fire Officer shall be responsible for ensuring that all financial records are retained for the required time period.

(b) The time periods that records should be kept are as follows:-

(i) Permanent - Financial Ledgers, Superannuation Records

(ii) 7 Years - Payroll information including amendment sheets, timesheets and copies of P60's.

(iii) 6 Years - All other financial records including VAT records, summary cash books, expenditure tabulations, expenditure vouchers, copy remittance advices, paid cheque lists, income journals, income vouchers, receipt books, paying-in slips, insurance files and order books.

(c) Financial records in storage must be properly and logically stored in order to protect them from deterioration and spoilage and easily facilitate their retrieval. The appropriate members of staff should be aware of where the documents are located and how they are referenced and stored.

(d) Where financial records are due for disposal it is important that they are disposed of in an appropriate manner depending on the nature of the documents. Particular care must be taken to ensure full compliance with data protection legislation.

FPR 2.25 INFORMATION TECHNOLOGY

(a) The Chief Fire Officer shall be responsible for ensuring that the requirements of the Data Protection Act 1984 and all other data protection legislation are being satisfied.

(b) Proper security and privacy is essential in any computerised system which contains personal data. It should be ensured that all computer applications are registered with the Information Commissioner.

(c) Care should be taken to prevent accidental disclosure either to unauthorised staff or to members of the public. Also, screens should be left in a secure mode (logged out) when left unattended for a period of time. (The Service's Information Security Policy Document governing use of computer equipment located on the Information and Communications Technology BIS site, must be observed).

(d) All computer systems should require users to enter a password before access is gained. In order to prevent unauthorised access to computer systems it is important that passwords are protected as follows:-

(i) Where possible passwords should be at least 7 characters long, containing a combination of alpha/numeric characters.

(ii) Passwords should be changed at frequent intervals.

(iii) Officers should not disclose their password to others.

(iv) Passwords should not be written down.

(v) When staff leave their posts passwords should be changed.

(e) Back up or security dumping of data held on fixed or exchangeable discs should be done at regular intervals. The discs or other media holding the back up should be kept in a secure environment, preferably at another site

(f) In order to prevent the spread of viruses care should be taken to ensure that no unauthorised or unlicensed software is loaded on to any computer. Laptop computers can be particularly vulnerable as home use could lead to the introduction of viruses from games or spreadsheet software on a private computer. If there is a need for new software to be loaded on to any computer then it should be tested through a virus checker. No

software is to be introduced on any official computer equipment without the written approval of the Information and Communication Technology Department.

(g) It should be ensured that all software is legal and properly licensed. A schedule should be maintained of all software on individual computers. The Head of ICT will undertake regular audits in this regard.

(h) Care should be taken to ensure that equipment is as physically secure as possible. This applies particularly to laptop computers which can be easily taken away.

(i) Internet usage must be strictly monitored to ensure that the Authority's systems are not used for inappropriate or unlawful purposes. The guidance contained in Section 3.3 of the Service's Information Security Policy Document must be adhered to by all staff.

(j) Email is increasingly becoming a principle medium of communication. All staff must use Email appropriately, as the laws of libel will apply to inappropriate messages. Section 3.2 of the policy referred to above must be observed at all times.

FPR 2.26 PERSONAL USE OF AUTHORITY EQUIPMENT

(a) Introduction

Subject to certain specified exceptions (see FPR 2.26(b) below), Authority equipment is solely for use on the business of the Authority.

(b) Permitted Personal Use of Authority Equipment

Instances in which staff are entitled to make personal use of Authority equipment are strictly limited to the following:

Private telephone calls. These must be kept to a reasonable minimum and must be fully reimbursed to the Authority.

Other equipment (e.g. photocopiers) where the personal use is specifically authorised by a Director/Head of Department/County Commander. To protect the parties involved, prior to the service being used, there should be a written record of the approval and the terms of reimbursement.

(c) Reimbursement for Personal Use of Authority Equipment

In all cases, the full cost of personal use of Authority equipment must be fully reimbursed.

Directors/Heads of Department/County Commanders should be aware of the impact of personal use of equipment on the productivity of employees and appropriate monitoring arrangements should be in place.

Authority mail franking facilities are not to be used for private purposes, even if full reimbursement is offered.

(d) Hiring Out of Authority Equipment or Facilities

The hiring of Authority equipment or facilities to the public, members of staff or members of the Authority should be approved in advance by the Chief Fire Officer, either specifically or by a policy decision.

The Chief Fire Officer will have regard to safety and insurance issues in granting approval for such uses, which will normally be reserved for activities connected to the work of the Service.

(e) Authority Vehicles

Authority vehicles are not to be used for private purposes.

Taking pool cars home at night has significant VAT implications, which must be taken into account.

The potential income tax implications of taking a pool car home, must also be addressed. Advice should be sought from the Director of Resources to ensure that taxable liabilities

are considered and properly administered, consistent with the requirements of the Inland Revenue.

FPR 2.27 BUSINESS CONTINUITY PLANNING

(a) Introduction

Business continuity planning is the term given to measures taken to ensure that operations are able to continue with the minimum level of disruption if an event occurs which destroys or otherwise affects the resources used by the organisation.

This is generally taken to apply to computerised systems, but the principles apply equally to systems based on manual information.

(b) Responsibility to Plan for System Loss/Failure

Each Service Director must ensure that for each system under their control, consideration is given to arrangements for the continued operation of the system in the event of a serious loss of some or all of the Authority's systems. The measures taken to ensure continued operations should be appropriate to the impact of disruption upon service delivery and the cost of the measures taken. Where the Fire and Rescue Authority agrees a comprehensive business continuity strategy, this must be complied with.

FPR 2.28 SECURITY - PREMISES AND STAFF

(a) Introduction

Service Directors are responsible for maintaining proper security, custody and control at all times for buildings, stocks, stores, furniture, equipment, cash, incoming and outgoing mail and other assets appertaining to their reference areas. Directors are also responsible for ensuring that appropriate arrangements are in place for the security of property belonging to clients or visitors to the Authority's premises.

(b) Protection of Clients' Private Property

Directors shall take all necessary steps to prevent or mitigate against loss or damage of all clients' property entrusted to the care of their officers, and shall arrange for an itemised inventory in each case to be prepared in the presence of two officers.

(c) Incoming Mail

Incoming mail should be delivered to a secure theft proof environment. Where mail may include either payments to the Authority or valuable items, post-opening procedures should be formalised and more than one officer should be involved.

The receipt of cash, cheques or other valuable items should be recorded.

(d) Outgoing Mail

Outgoing mail should be adequately protected whilst in the custody of the Authority.

The level of protection required will be influenced by the nature of the items to be dispatched, i.e. the extent to which valuables or payments are likely to be included.

(e) Receipt of Goods

Directors shall ensure that goods are adequately safeguarded from the moment the Authority takes delivery of them.

(f) Personal Security of Authority Staff

Directors must consider matters relating to the personal security of staff under their control. Reasonable measures must be taken to ensure that risks to staff are minimised. Measures taken should be appropriate in relation to the extent of the risk and the cost of the measures. Particular attention must be paid to ensuring that all line managers and staff fully comply with the Authority's Health and Safety policies enshrined in Service Standing Orders and that all Operational Instructions and Procedures are followed at all times.

(g) Access to and Security of Buildings

Directors, Heads of Department/County Commanders and Officers in Charge are required to implement reasonable security measures for Authority premises.

Staff are required to comply with the measures implemented. For example, doors must be closed/locked outside normal occupation times or when unattended for long periods. Staff must not let unidentified persons through security doors (e.g. by holding the door open for them), visitors must be accompanied within secure areas, particularly when operational activities are underway.

Arrangements must be put in place to ensure that all premises are locked and secure upon the departure of either cleaning staff or the last member of staff working at each location. Where necessary, a roster of named individuals with responsibility for ensuring the security of premises should be compiled.

(h) Background Checks on Employees

For all employees who have responsibility for any of the following activities.

- Handling money
- Purchasing or disposal of goods
- Administering debtor or creditor accounts
- Computer operations and programming.

The Head of People and Organisational Development will obtain, prior to appointment, satisfactory references, in writing, to confirm the honesty and integrity of each employee involved in those activities. Such references shall be obtained directly from former employers for the three years immediately preceding engagement and before the employee is entrusted without supervision. References need not be obtained in respect of employees who have satisfactorily and continuously served the Fire Authority for at least one year in another capacity before being entrusted with the duties referred to above.

In respect of employees joining directly from school, college/university or government sponsored training schemes, two character references shall be obtained. Directors should ensure that it is reasonable to place reliance on these referees, and a written copy of each reference must be retained on individuals' personnel records.

These procedures do not affect any other procedures regarding background checks on employees in areas which fall outside the scope of the Authority's Financial Procedure Rules, for example the Police vetting required for all personnel working with children or young persons.

FPR 2.29 CHANGES AND SUSPENSION OF FINANCIAL STANDARDS

(a) Financial systems and accounting procedures will be subject to amendments over time. There may be changes in statutory requirements/accounting practice or the introduction of new technology which lead to standards becoming outdated.

(b) In the event of such changes, the Treasurer shall inform the Chief Fire Officer in writing of the required amendments to the Financial Standards.

(c) Depending on the nature of the changes, they could also affect the Financial Regulations of the Authority which are to be updated by the Clerk. In this case the Treasurer should consult the Clerk and report to the Authority if the change is considered material.

FPR 3 CONTRACT STANDING ORDERS

INTRODUCTION AND OVERVIEW

The Statutory provision for making Standing Orders is contained in Section 135 of the 1972 Local government Act. Approved Officers of the Fire Authority should comply with these Standing Orders for Purchasing and Disposal and the Financial Regulations of the Authority.

The Standing Order provides the minimum requirements, for more complex procurement projects Approved Officers should seek advice from the Head of Procurement at the outset in order to determine the most appropriate procurement strategy.

The Standing Order covers both Capital and Revenue expenditure contracts, from large complex Capital schemes to goods and services of a Revenue nature.

The aim is to ensure that the Fire Authority enters into contracts for the supply and /or disposal of goods, materials and services or for the execution of works on the most economically advantageous terms through the application of ethical, consistent and transparent practices and procedures which also comply with Best Value and prevailing Procurement good practice and Corporate Procurement Strategy.

Whenever available, Approved Officers should utilise existing Corporate Contracts or Frameworks set up or recommended by the Head of Procurement and seek guidance before embarking on a competitive process.

To enable the Fire Authority to establish a Corporate Procurement plan individual Approved Officers must submit their departmental plans annually prior to the new financial year. The Corporate spend on commodities of a similar nature dictates the appropriate procurement route and whether EU tender procedure applies.

Where one department is proposing a specific procurement the Service will consider the impact on other Departments and / or other services provided and consider one overall Corporate contract.

Before a tender or RFQ notice is published the Approved Officer must ensure adequate budgetary provision and appropriate Committee approval where relevant.

All substantial procurement projects should have a contract manager designated by the sponsoring department to ensure delivery of the desired outcome.

Approved Officers will seek all necessary legal, financial and professional advice before commencing.

Where an exemption is granted from competition or limited competition a formal contract must still be issued by the Approved Officer before commencement of trading.

All variations to contract (in line with the original objectives/specification) must be formally recorded on a "variation to contract" form and endorsed by all parties.

Contracts should be let on a "whole life costing" basis taking into account initial, ongoing and disposal costs as is considered good procurement practice. This shall apply to

sustainable elements of a contract which may incur costs up front but lead to savings or greater efficiencies overall during the life of the project or asset.

Whenever possible contracts should incorporate a clause for disposal in line with prevailing guidelines e.g Waste Electrical and Electronic Equipment (WEEE) Directive.

All tenders must be recorded in the Tender Register of the Authority.

All Contracts or formal Agreements must be recorded within the departmental section of the Corporate Contract Register.

Any "Approved or Select List" of preferred bidders whether in manual or electronic format must give equal opportunity to perspective suppliers by rotation of those invited to tender to ensure no one supplier is favoured.

To facilitate the administration of an "Approved or Select List" the "Constructionline" register of pre-qualified suppliers may be utilised where appropriate.

Where a contract is let it shall be under the Fire Authority's own Conditions of Contract / Terms and Conditions, Standard J.C.T or I.C.E. conditions and subject to the Laws of England and Wales.

Approved Officers must contact the Procurement Department for guidance and advice, provision of standard procurement documentation and templates including PQQ, ITT, evaluation criteria, quality : cost scoring matrix, standard terms and conditions and training in the use of specific tendering portals and evaluation tools, including electronic procurement where appropriate and advantageous to the tendering process.

Formal documentation required for quotes/tendering must be kept for six years after the completion of the contract.

FPR 3.1 INTERPRETATION

"Contract"

(a) Subject to Contract Standing Order FPR 3.3 (a) a contract for the purposes of these Standing Orders shall be any agreement (whether or not in writing) between the Authority and one or more other parties for the sale of goods or materials, the supply of goods or materials, the execution of works or the provision of services (including accommodation and facilities).

"Approved Officer"

(b) An "Approved Officer" for the purposes of these Standing Orders shall be any person (whether or not an officer of the Authority) designated as such by or on behalf of the Authority in respect of any specified contract or category or categories of contracts the values of amounts in respect of that category or those categories (or in default of such designation, nominated as such by the Chief Fire Officer, Clerk or Treasurer) provided that the phrase "Approved Officer" may also include any person specified by name or office as being able to act in the absence of a person designated as "Approved Officer".

(c) The Clerk shall maintain a Register of Approved Officers.

"Register of Approved Contractors"

(d) The Register of approved Contractors is the list compiled and maintained pursuant to Standing Order FPR 3.4(a)-(i)

FPR 3.2 COMPLIANCE WITH STANDING ORDERS AND OTHER OVERRIDING PROVISIONS, INCLUDING EEC DIRECTIVES

Every contract made by or on behalf of the Authority shall be in conformity with and subject to:-

(a) any relevant directives or regulations of the European Economic Community for the time being in force in the United Kingdom. Purchases in excess of specified thresholds are subject to the European Union (EU) Public Procurement Directives. The thresholds relate to the total value over the full duration of a contract, and not the annual value. The thresholds currently are:

Supplies £139,893

Services £139,893

Building and Engineering Works £3,497,313

These thresholds, exclusive of VAT, are set every two years, and will be revised in January. The latest values at any time can be obtained from the Head of Procurement.

(b) these Standing Orders and current tendering limits of the Authority;

(c) any statutory provision for the time being in force inconsistent with any provision of these Standing Orders;

(d) any Financial Regulations made by the Authority.

FPR 3.3 EXEMPTIONS AND EXCLUSIONS FROM THE PROVISIONS OF THESE STANDING ORDERS

(a) For the avoidance of doubt these Standing Orders shall not apply to:-

(i) the sale, leasing or purchasing of land, or of any interest in land;

(ii) any contract of employment.

(b) Without prejudice to Standing Order FPR 3.2 or paragraph (c) hereof, exemption from any of the following provisions of these Standing Orders may be made in respect of any specified contract or class of contracts by direction of the Authority or any Committee or Sub-Committee (as the case maybe) where it is satisfied that the exemption is justified in special circumstances and provided that a record of any exemption made in accordance with this Standing Order shall be made in the minutes of the Authority, Committee or Sub-Committee (as the case may be), and shall specify the circumstances by which the exemption was considered justified.

(c) Subject to paragraph (d) an Approved Officer shall be exempted in relation to the class of contracts specified in Column 1 below from those provisions of these Standing Orders

specified in Column 2 in the special circumstances specified in Column 3 if the Approved Officer considers such exemption justified in all the circumstances of that particular case:-

Column 1	Column 2	Column 3
A Any Contract	Standing Orders FPR 3.10 to FPR 3.15 (to the extent it is impractical in all the circumstances to comply) and FPR 3.18.	<p>1 Where necessary for urgent maintenance or repairs to buildings or plant:</p> <p>(a) to prevent danger or injury to users or damage to property; or</p> <p>(b) otherwise to prevent serious deterioration; or</p> <p>(c) to maintain essential services; or</p> <p>(d) to avoid enforcement action against the Authority for non-compliance with some statutory provision; or</p> <p>(e) to make secure against unauthorised access or use;</p> <p>2 Where the goods, materials, works or services (as the case may be) are of a unique or specialised nature, or are identical, or similar to or compatible with an existing provision, so as to render only one source of supply appropriate.</p> <p>3 Where by reason of an emergency or similar situation there is an</p>

		immediate need to have available the goods, materials, works or services and in the opinion of the Approved Officer that need overrides all other considerations.
B Contracts on behalf of any consortium, association or similar body of which the Authority is a member.	Any Standing Order inconsistent with the provision of Column 3.	Where the procedures followed are in accordance with a method prescribed or adopted by the consortium, association or similar body or are in accordance with the procedures prescribed or adopted by the body entering into the contract on behalf of the consortium, association or body and the Clerk has indicated in writing that in his/her opinion those procedures are in all respects satisfactory in the circumstances.
C Contracts entered into by the Authority as agents for a Government Department or another local or public Authority.	Any Standing Order inconsistent with the provision of Column 3.	Where the requirements of the said Standing Orders are inconsistent with the requirements of such Department or Authority (including a requirement that the procedures followed by the Authority should be those of such Department or Authority).

(d) An Approved Officer who has proceeded in a particular case in accordance with the exemption made in paragraph (c) hereof shall as soon as practicable after the contract has been entered into, notify in writing to the Clerk in a form prescribed by him/her of all relevant particulars of the contract and he/she shall ensure that the Authority or the appropriate Committee or Sub-Committee is informed of every such exemption with the exception of contracts below the value specified in Standing Order FPR 3.13.

(e) Frameworks

The Authority may consider entering into pre tendered Framework arrangements as opposed to going out to tender, where eligible and appropriate. Such examples are W.A.G. Value Wales – Procurement public sector frameworks, pan government frameworks (O.G.C. Buying Solutions), Firebuy, other consortia e.g. Welsh purchasing consortia (W.P.C.) or purchasing organisations etc.

If the terms laid down in the original framework are sufficiently precise to cover the call off requirement it may be possible to appoint a supplier without reopening competition.

Where there is more than one framework provider the appropriate Approved Officer should appoint a supplier by “mini competition”. Where the framework has rated the providers it may be possible to go directly with the highest ranking. Further guidance can be obtained from the Procurement Department.

In instances whereby value for money can be obtained or where there are sound circumstances to trade with a particular supplier within a Framework, rather than test the market, then the Approved Officer must keep documentation to support that strategy for inspection by the Head of Procurement and subsequent audit.

(f) Collaborative Arrangements

The Authority may enter into local, regional or national collaborative arrangements within or outside the fire and rescue sector, as is deemed good practice to ensure common goals or economies of scale.

The Authority may actively engage in the tender process or not as appropriate.

In respect of 3.3 (e) and (f); Copies of all documentation, framework and collaborative arrangements including specific references for quoting on subsequent official orders must be available through the Approved Officer. Guidance and advice is available beforehand from the Procurement Department.

No exemption is required for frameworks, collaborative arrangements or the use of Local Authority purchasing consortia.

Copies of the contract itself **must** be obtained from the Lead Officer whenever possible and the appropriate reference quoted on all correspondence /official orders to ensure compliance. The contract should be monitored by the relevant department.

FPR 3.4 COMPILATION AND MAINTENANCE OF REGISTER OF APPROVED CONTRACTORS

(a) An Approved Officer may, in relation to the contract or class of contracts in respect of which he/she has been designated by or on behalf of the Authority as Approved Officer, compile and maintain (in a form prescribed by the Clerk and in accordance with the

provisions hereof), that part of the Register of approved contractors as relates to that contract or class of contracts.

(b) At least four weeks before an Approved Officer compiles any part of the Register of Approved Contractors, notices inviting applications for inclusion in it shall be first published via the buy4wales portal or similar and/or in one or more newspapers (including at least one local newspaper) and in one or more newspapers or journals circulating among such persons or bodies as undertake such contracts.

(c) The said Register be it in hard copy or electronic format shall contain the names of all persons or bodies who wish to be included in it and whom the Approved Officer considers in all respects suitable, after completion of a relevant Pre Qualification document (P.Q.Q.) and after having made or caused to be made any enquiries he/she is required by or on behalf of the Authority to make for the purposes of this Standing Order and any other reasonable financial and other enquiries he/she considers necessary, provided that if the Approved Officer thinks fit after such consultation and enquiries he/she may include the person or body in respect of only some or one of the categories of contract and a particular value or amount in respect of all, some or one of those categories.

(d) The said Register shall indicate in respect of each person or body included in it whether that person or body is so included in respect of all or only some or one (and if so which) of the categories of contract and the values or amounts in respect of those categories or category.

(e) The name of any person or body who at any time applied to be included in the said Register shall be added by the Approved Officer if, after having carried out the consultations and made the enquiries specified in sub-paragraph (c), hereof, he/she considers the person or body in all respects suitable for inclusion.

(f) The use of "Constructionline" suppliers for estate management related requirements can be considered as an alternative or an addition to the Authority administering its own "Approved Contractors".

(g) The Approved Officer may at any time delete from any part of the Register maintained by him/her the name of any person or body included in it:-

(i) at the request of that person or body;

(ii) where after reasonable and financial and other enquiries the person or body is considered by the Approved Officer not any longer to be in all respects suitable for inclusion;

(iii) where the conduct of the person or body in relation to a contract has been in the opinion of the Approved Officer unsatisfactory and where performance has not met agreed targets. Performance monitoring including the use of performance indicators shall form part of the contract review process and be formally documented;

(iv) where the person or body is found after reasonable enquiry to be no longer trading or no longer engaged in the type of work for which his/her name appears in the Register;

and on the grounds specified in (i) or (ii) above may at any time alter the categories of contract and the values or amounts in respect of those categories indicated in the Register in respect of the person or body.

(h) Where an Approved Officer deletes or alters an entry in the Register in pursuance of sub-paragraph (g), hereof he/she shall indicate in the Register against that entry the date from which the said deletion or alteration takes effect, and shall formally advise the person or body concerned of the deletion or alteration.

(i) The Approved Officer, through “Constructionline” where appropriate for Estates and facilities management related commodities shall annually or on an ongoing basis review that part of the Register maintained by him/her. As part of the review notices inviting applications for inclusion in the Register shall be published in accordance with paragraph (b) hereof; or as stated in the “How to Sell to Mid and West Wales Fire and Rescue Service” guidance booklet.

FPR 3.5 VALUE FOR MONEY

The Authority or a Committee, Sub-Committee or Approved Officer shall, in determining for the purpose of these Standing Orders, the manner in which invitations to tender for a proposed contract are to be sought or a contract is to be entered into shall only proceed if it or he/she is satisfied that the manner of proceeding affords the Authority the best value for money or (money's worth) in all the circumstances. VFM is based upon the “Most Economically Advantageous Tender” (M.E.A.T.) which takes into account quality and cost criteria for evaluating and awarding a tender. No officer or related party can act in the capacity of purchaser and seller under these standing orders.

FPR 3.6 OPEN TENDERING

(a) This Standing Order shall apply where the Authority, or a Committee or Sub-Committee or Approved Officer duly authorised in that behalf has decided that tenders for a contract are to be obtained by open competition.

(b) A minimum of ten days' public notice, shall be given, although the normal notice period is four weeks, by placing on the Value Wales – Procurement (buy4wales) portal or similar, and/or in one or more relevant newspaper or periodical where relevant to the type and value of contract.

(c) The said public notice shall express the nature and purposes of the contract, invite expressions of interest/tenders for its execution dependant upon the procurement strategy for that particular exercise, state the last date and time when expressions of interest/tenders will be received and give any other information necessary to ensure compliance with the provisions of these Standing Orders.

(d) A minimum of 5 suppliers should participate, and where less than 5 apply, all should participate.

FPR 3.7 TENDERING BY REFERENCE TO REGISTER OF APPROVED CONTRACTORS

(a) This Standing Order shall apply where the Authority or a Committee, Sub-Committee or Approved Officer duly authorised in that behalf has decided that invitations to tender for a contract are to be limited to those persons or bodies whose names are included in the Register of Approved Contractors or for estates management related expenditure are registered on “Constructionline” or similar.

(b) Invitations to tender for a contract shall be sent to:

(i) not fewer than five of those persons or bodies selected by the Authority, Committee, or Sub-Committee or Approved Officer from amongst those approved for a contract of the relevant category and amount of value, or

(ii) where fewer than five persons or bodies are approved for a contract of the relevant category and amount or value, all those persons or bodies.

(c) Any such invitation shall express the nature and purpose of the contract, state the last date and time when tenders will be received and give any other information necessary to ensure compliance with the provision of these Standing Orders.

FPR 3.8 SERIAL TENDERING

(a) The Authority or a Committee, Sub-Committee or Approved Officer of the Authority may decide that an initial tender should be invited on the basis of a master bill of quantities which shall become a standing offer for use subsequently as the basis for calculating the amount of tender for each of a number of separate contracts associated together in a continuous programme, and references to invitations to tender shall be construed accordingly. This should be reviewed on an annual or regular basis.

(b) Where any provision of these Standing Orders requires an estimate to be made of the value or amount of a proposed contract any such estimate shall in the case of serial tendering be calculated by reference to the estimated value or amount of each separate contract and not the estimated value or amount (if any) of the whole of the continuous programme.

FPR 3.9 RESTRICTED TENDERING PROCEDURE.

(a) This Standing Order shall apply where the Authority or a Committee, Sub-Committee or Approved Officer has decided, having regard to the provisions of Standing Order FPR 3.5 and otherwise, that it is more appropriate in relation to inviting tenders for a proposed contract to proceed in accordance with the provisions of this Standing Order.

(b) At least ten days' public notice shall be given although the normal period is four weeks, in one or more newspapers (including at least one local newspaper) and also, wherever the value of the contract exceeds £30,001, in the buy4wales portal or similar and/or in one or more newspapers or specialist trade journals, expressing the nature and purpose of the proposed contract and inviting persons or bodies to indicate an interest in entering into the proposed contract (Expression of Interest). Such notice shall state the last date and time by which such indications of interest should be received by or on behalf of the Authority.

(c) The Approved Officer shall then draw up a shortlist (usually a minimum of 5) after formal evaluation of the P.Q.Q. containing the names of persons or bodies who have indicated an interest in pursuance of the preceding paragraph and whom the Approved Officer thinks it appropriate to include having carried out the same consultations and enquiries as referred to in Standing Order FPR 3.4(c).

(d) The Authority, Committee, Sub-Committee or Approved Officer may then proceed to invite persons or bodies to tender (standard I.T.T. documentation) in relation to the restricted procedure in the manner specified in relation to the register of Approved Contractors in paragraphs (b) and (c) of Standing Order FPR 3.7, except that an invitation to tender may also be sent at the same time to any person or body approved for a contract of the relevant category and amount or value whose name is included in the Register of Approved Contractors or "Constructionline" or similar.

(e) Any such invitation shall express the nature and purpose of the contract, state the last date and time when tenders will be received and give any other information necessary to ensure compliance with the provisions of these Standing Orders.

FPR 3.10 CONTRACTS APPROACHING THE EU LIMIT

Where the estimated value or amount (in money or money's worth) of a proposed contract is approaching £139,893 (supplies and services) or £3,497.313 (works) please contact the Procurement Department for advice and guidance as an EU tender procedure will have to be followed. There are statutory time scales which will have to be adhered to, Approved Officers must therefore, allow sufficient time within their project planning to accommodate the due process. A minimum of 5 suppliers should be short-listed to the I.T.T. stage.

Approved Officers should note that it is the consolidated Corporate spend of the Fire Authority on a commodity or range of commodities that decides whether the limits are above the EU thresholds and require the EU tender process. It is therefore, vital that Departments submit their proposed Purchasing plans annually in order to have an overview of total requirements and protect the Fire Authority against subsequent challenges and claims.

FPR 3.11 CONTRACTS FOR OVER £30,000 BUT LESS THAN THE EU LIMIT

(a) Where the estimated value or amount (in money or money's worth) of a proposed contract is over £30,000 but less than the EU limit, the Authority will go out to tender, in accordance with standing orders, in the most appropriate manner, in line with the agreed strategy for that particular procurement which shall be negotiated with the Head of Procurement in advance at the purchasing plan stage.

(b) Where fewer than five providers are available because of the lack of response to the request for "expressions of interest" or for any other reason the Approved Officer with the specific or where appropriate, general, written approval of the Clerk may authorise :-

(i) invitations to tender being sent to fewer than five persons or bodies.

FPR 3.12 CONTRACTS BETWEEN £5,001 AND £30,000.

In any case where the estimated value or amount (in money or money's worth) of a proposed contract is between £5,001 and £30,000, the Approved Officer should obtain a minimum of 3 formal written quotations, normally utilising the RFQ facility on the "Buy4Wales" portal unless otherwise agreed in advance with the Head of Procurement.

FPR 3.13 CONTRACTS FOR £5,000 AND UNDER

In any case where the estimated value or amount (in money or money's worth) of a proposed contract is £5,000 or less, the Approved Officer must obtain three quotations, a record of which must be retained on file. In all cases officers should ensure that value for money is obtained and copies of all quotations received must be available for inspection by the Head of Procurement. Buyers need to be aware of the aggregated total spend of the Authority with suppliers and on similar commodities before embarking on this procedure. This is an ideal situation to utilize frameworks and pre tendered consortia arrangements whenever possible.

For one off sums under a £1,000 and in instances whereby an Approved Officer deems the commodity or service to be outside a basket or package of similar goods, and where the Authority will not spend in excess of £5,000 with the chosen supplier, as long as value

for money against the market place can be demonstrated, the procurement may proceed without quotes.

FPR 3.14 CONTRACTS WHERE NO TOTAL AMOUNT CAN BE SPECIFIED

(a) Where the amount or extent of the goods or the materials, works or services required by the Authority cannot be estimated or determined at the time it is proposed to enter into a contract (otherwise than by reference to any budgetary provision thereof), the Approved Officer shall proceed in accordance with the provisions of these Standing Orders.

(b) Either:-

(i) At least four weeks' notice shall be given on the VW buy4wales portal or similar and/or in one or more newspaper/trade periodical.

(ii) Invitations to tender shall be sent to:-

(i.i) not fewer than 5 of those persons or bodies whose names appear on the register of approved contractors or on Constructionline from amongst those approved for a contract of the relevant category without restriction or limit as to amount of value; or

(i.ii) where fewer than five persons or bodies are approved as aforesaid all those persons or bodies; or

(iii) the provisions of Standing Order FPR 3.9 shall be followed.

(c) A notice or invitation issued in pursuance of paragraph 2 (b)(i) or (b)(ii) hereof or in pursuance of Standing Order FPR 3.9 (d) when applied to this Standing Order shall:-

(i) express the nature and purpose of the contract;

(ii) state the last date and time when tenders will be received;

(iii) require the person or body submitting a tender to specify the materials, items to be furnished or supplied or the work to be carried out (as the case may be);

(iv) indicate a period during which any tender submitted will be expected to remain in force;

(v) require the person or body submitting the tender to specify a price at which he/she will be prepared to furnish or supply those goods or materials or carry out those works or services if and whenever he/she is called upon to do so by or on behalf of the Authority during the period the tender remains in force and for the purpose of this requirement he/she may specify that price by reference either to individual articles or acts by reference to a specified number of articles or acts or both.

d) TENDER LIMITS FOR FRAMEWORK ARRANGEMENTS.

For pre tendered framework arrangements the tender limits quoted in 3.10 -3.14 do not apply as the procurement process has already been conducted by the lead organization responsible for setting up the framework. However, where more than one supplier is listed on the framework and unless the suppliers have been rated in order of preference, a mini competition will have to be conducted. See the procurement department guidance document for further advice.

FPR 3.15 SUBMISSION OF TENDERS

Approved Officers will normally use the generic M&WWF&RA tender pack, suitably endorsed for the specific procurement in question or provide details of alternatives to the Head of Procurement for consideration prior to commencing the procurement exercise.

(a) Every tender submitted in pursuance of these Standing Orders shall be addressed to the Clerk in a plain sealed envelope endorsed only with the "Tender reference and description ", using the pre addressed label provided in the I.T.T pack.

(b) Any invitation to tender shall name the latest date and time for delivery of tenders and the address to which such tenders are to be sent;

(c) Envelopes submitted in accordance with this Standing Order shall remain in the custody of the Clerk or in the custody of an officer designated by him/her, until the time appointed for their opening;

(d) An officer receiving a tender shall indicate on the envelope the date and time of its receipt by him/her;

(e) Any tender which is not submitted in accordance with paragraph (a) shall not be considered.

However, any tender which is received after the date and time appointed for the receipt of tenders shall be considered by the Clerk or an officer designated by him/her under certain circumstances e.g. if the tenderer has proof of posting.

(f) The Authority may utilise electronic tenders where appropriate in line with electronic procurement good practice. Where this is the case the tender documentation must clarify the procedure to follow.

(g) The Authority may engage agents where appropriate to assist and undertake a tender process taking into account risk, strategic importance of the procurement and specialist knowledge etc for example consultant architects,engineers,surveyors,legal,procurement, insurance/risk advisors, collaborative arrangements with other public sector within the region or nationally etc etc.

FPR 3.16 OPENING OF TENDERS

(a) All tenders submitted in pursuance of Standing Order FPR 3.15 shall be opened only after the expiration of the time limit for their delivery at one and the same time by the Clerk or an Officer of the Authority designated by him/her in the presence of an Approved Officer or an officer designated by him/her, and shall immediately be initialed and dated by the person opening them and the note of the time of opening kept. Electronic tenders are the subject of separate arrangements.

(b) The Clerk or his/her designated representative shall at the time tenders are opened record:-

(i) The nature of the goods to be supplied or work or services to be provided;

(ii) The name of each person or body by or on whose behalf valid tenders were submitted.

(iii) Where practicable the amount of such tender. Where it is not possible to insert the amount of each tender immediately, this information shall be added as soon as possible after the tender is opened.

(iv) The date and time of opening of the tenders.

(v) The names and signatures of all persons present at the opening of the tenders and the name of the Officer or Officers principally concerned in the letting of the contract.

(vi) When the additional information has been inserted under (iii) above the name and signature of the person or persons making such insertion and the date and time when such addition was made.

(vii) The method of tendering adopted and, in the case of a contract which has been treated as an exception under Standing Order FPR 3.3 (c), the grounds on which the contract was so treated.

(c) Persons to whom invitation to tender documents are dispatched, are expected to return acknowledgment slips indicating their desire to tender, where they do not subsequently submit tenders, the Appointed Officer will make arrangements to contact the suppliers/contractors to determine the reasons for non-submission. A record of all explanations will be kept with the tender documentation file and noted in the tender register.

(d) Where only one tender is received the written approval of the Chief Fire Officer or Director of Resources will be required before a contract is let. In seeking such approval, officers must provide an explanation for only one tender being received and provide reasons why a second tendering process is not feasible.

FPR 3.17 VARIATIONS TO SUBMITTED TENDERS

(a) Where after a tender has been opened in pursuance of these Standing Orders it becomes clear that there is a clerical error in such tender then that tender shall be considered as if such error had been corrected and a tender shall not be invalidated by such a clerical error unless the error is of such a nature as to render it unclear as to what the terms of the tender are. The tenderer shall be given the opportunity of confirming or withdrawing the corrected tender.

In the case of an otherwise successful tender, should it be withdrawn, then the next competitive tender in the evaluation process, can be considered.

(b) If minor alterations to tenders opened in pursuance of the provisions hereof are required by or on behalf of the Authority such alterations may be negotiated by the Approved Officer, always in the presence of a second officer of the Authority, with the person or body submitting the most economically advantageous tender (MEAT basis). All such negotiations must be recorded. The change proposed must not be so significant as to alter the basis of the original tender conditions and render the exercise invalid. In such circumstances a new tender exercise will have to be undertaken. Advice should be sought from the Head of Procurement on post tender negotiation protocol.

(c) All alterations made in pursuance of paragraphs (a) and (b) hereof shall be entered in the record of tenders maintained in pursuance of Standing Order FPR 3.16.

FPR 3.18 ACCEPTANCE OF TENDERS/QUOTES.

(a) That the Approved Officer be authorised, within the approved estimates and in accordance with the Authority's Standing Orders:-

(i) to effect purchases up to £200,000 in value; and

(ii) to effect purchases between £200,000 and £500,000 in value and purchases in excess of that figure when there is urgent need to proceed, subject to approval by the Chief Fire Officer.

(iii) to effect purchases in excess of £500,000 subject to the approval of the Fire Authority,

(b) Where tenders have been received and opened in accordance with these Standing Orders the Approved Officer shall examine the tenders received, shall seek clarification where required as authorised by Standing Order FPR 3.17 and shall satisfy himself/herself that:-

(i) all requisite Authority, Committee and Sub-Committee approvals have been obtained, together with any necessary consents, permissions or other approvals (including loan or other financial approvals);

(ii) except in the case of a tender in pursuance of Standing Order FPR 3.14 and by reference to an estimate, (where appropriate) the most economically advantageous tender (if payment is to be made by the Authority) or (if payment is to be made to the Authority) is a reasonable tender.

(iii) where appropriate and if necessary be taking specialist advice, the quantity, quality or safety of any goods, materials, services or works is or is likely to be satisfactory.

(c) Except in the case of quotes submitted in pursuance of Standing Order FPR 3.13.

(i) where the Approved Officer may accept the most economically advantageous quote following evaluation of the informal quote or R.F.Q. (request for quote) process.

(ii) whilst every effort will be made to consolidate requirements by obtaining quotes for the Service as opposed to the individual department, where a similar requirement arises again within a short time frame Approved Officers may utilise the previous RFQ exercise as long as there are no material changes to the general user specification.

FPR 3.19 CONTRACT CONDITIONS

(a) General Form and Content of Contracts

Contract documentation will reflect the strategic importance and/or value of a contract to the Fire Authority, high risk and high value contracts will require more formal and comprehensive documentation.

Every contract the value or amount of which exceeds £30,000 in money or money's worth shall:-

(i) be in writing or be recorded in writing as soon as practicable after the contract has been entered into and at the discretion of the Clerk either have the common seal of the Authority affixed thereto or be signed by an officer of the Authority designated by him/her.

(ii) specify the materials, items to be furnished or supplied and the work to be carried out, the price to be paid together with a statement as to the amount of any discount or other deduction, the period or term within which the contract is to be completed e.g. delivery dates and such other conditions and terms as may be agreed between the parties. Incorporate the selected supplier's response to the I.T.T. (invitation to tender) document and any additional service level agreement or specific clauses. The contract documentation should incorporate any extension period, appropriate levels of insurance cover and health and safety policy, indemnity clauses, liquidate damages, cancellation conditions, terms and conditions of the Fire Authority, sustainable requirements (including ethical, social, economic, equality and diversity, environmental and green conditions, fair trade where applicable, any third sector implications etc) and whole life costing including any disposal implications. For construction/Estate Department contracts J.C.T.Standard Form of Building contract or I.C.E. Conditions of Contract, where applicable.

(iii) The Authority's auditors will have the right of access to examine all documents held by suppliers/contractors relating to contracts with the Fire Authority.

The following documents should be retained by the Fire Authority :- RFQ/Tender notice, PQQ,ITT issued, completed and evaluated, evaluation criteria used to arrive at most economically advantageous tender, evaluation scoring matrix (price :quality scores), any correspondence/enquiries, the contract award notice, the "Alcatel" ten day standstill letter to unsuccessful tenderers, the letter of appointment to the successful supplier, contract issued/terms and conditions issued, pre contract meeting notes, contract monitoring notes, variation to contract forms etc etc

Every contract up to the value of £30,000 will normally be sufficiently covered by issuing a letter of appointment, official order and a copy of the applicable general terms and conditions of the Fire Authority, together with any specific agreements as requested in the original quote request notice, however, there will be circumstances when a more formal contract will be more applicable. Advice should be sought from the Head of Procurement.

(b) Prohibition upon Assignment or Sub-Letting

Each written contract for the supply of goods or materials for the execution of work or the provision of services whether to be supplied or executed at any one time or over a specified or other period shall contain a clause prohibiting the contractor from transferring or assigning, directly or indirectly, to any person whatsoever, any portion of the contract without the prior written permission given for or on behalf of the Authority by the Approved Officer or some other duly authorised person or from sub-letting any portion of his/her contract other than that which may be customary in the trade concerned.

(c) British Standards

Where an appropriate British Standard Specification or British Standard Code of Practice issued by the British Standard Institute or its EEC equivalent is current at the date of the tender every contract shall require that, as the case may be, all goods and materials used or supplied and workmanship shall either be in accordance with that Standard or of a higher or equivalent Standard.

(d) European Economic Community Directives and Regulations

In every written contract a clause shall be inserted requiring the contractor to comply with any relevant directives or regulations of the European Economic Community for the time being in force in the United Kingdom.

(e) Failure to Execute Contract

Authority, without prejudice to any other remedy available for breach of contract, shall be free to determine the contract either:

wholly or in part or to the extent of such default and to provide for the execution of the work by other means or to purchase other goods or materials or to make other provisions for the supply of

the services as the case may be to make good such default or in the event of the contract being wholly determined the unexecuted work or the goods or materials remaining to be delivered or the provision of the additional service required under the contract.

The clause shall further provide that the amount by which the cost of providing for the execution of the work by other means or purchasing other goods or materials or providing substitute services exceeds the amount which would have been payable to the contractor had he/she executed the contract or a portion thereof within the time or times specified therein shall be payable by the contractor.

(f) There shall be inserted in every written contract a clause empowering the Authority to cancel contracts and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor or any person on his/her behalf shall have offered or given or agreed to give any person any gift or consideration of any kind as an inducement or reward for doing or

forbearing to do or for having done or forborne to do any act in relation to the obtaining or the execution of the contract or any favour or disfavour to any person in relation to the contract or any other contract with the Authority or if the like acts shall have been done by any person employed by him/her or acting on his/her behalf (with or without the knowledge of the contractor) or if in relation to any contract with the Authority the contractor or any

person employed by him/her or acting on his/her behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or shall have given any fee or reward the receipt of which is an offence under Sections 117(2) and (3) of the Local Government Act 1972 or any amendment or re-enactment thereof.

(g) For all contracts in excess of £1 million and for others below this threshold where it is considered necessary by the Authority or Approved Officer, an appropriate performance bond will be a contract requirement, the value of which will be set at a level considered proportionate to the risk exposure of the Authority.

FPR 3.20 NOMINATED SUB-CONTRACTS

(a) This Standing Order shall apply where a sub-contractor or supplier is to be nominated to a main contractor.

(b) Subject to Standing Order FPR 3.3 where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by a nominated supplier is:-

(i) approaching the EU limit tenders shall be invited in accordance with Standing Order FPR 3.10.

(ii) is over £30,000 but less than EU limits then tenders shall be invited in accordance with Standing Order FPR 3.11.

(iii) is between £30,000 and £5,001 then formal quotes/ tenders shall be invited in accordance with Standing Order FPR 3.12.

(iv) is £5,000 or under then quotes shall be invited in accordance with Standing Order FPR 3.13.

(c) The terms of such invitation shall require an undertaking by the tenderer that if he/she is selected he/she will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his/her own obligations under the main contract in relation to the work or goods included in the sub-contract unless provision is made to the contrary under conditions of contract.

(d) The Approved Officer or an officer designated by him/her shall nominate to the main contractor the person whose tender is in his/her opinion most satisfactory provided that where the tender is other than the lowest received the circumstances shall be reported to the next meeting of the Authority or of the appropriate Committee or Sub-Committee.

(e) The provisions of these Standing Orders shall apply to tenders submitted under this Standing order.

FPR 3.21 SUPERVISION OF CONTRACTS BY PERSONS OTHER THAN OFFICERS OF THE AUTHORITY

It shall be a condition of the engagement by or on behalf of the Authority of any agent/person who is not an officer of the Authority that such person, if he/she is to supervise a contract shall comply with the provision of those Standing Orders whether or not he/she is specified as an Approved Officer.

FPR 3.22 REVIEW OF SPECIFIED SUMS

The Treasurer shall from time to time present to the appropriate committee a report which shall incorporate his/her recommendations as to whether all or any of the sums of money specified in the Standing Orders should be varied.

FPR 3.23 Fair Wages and Conditions of Service.

Any contractor engaged by the Fire Authority must pay rates of pay, keep to hours of employment and conditions of service which are not less favourable than those established for the trade or industry in that location/area and adhere to relevant legislation.

The Fire Authority may request inspection of time sheets and relevant accounting records to support such payments and seek assurances that the (main contractor) and any approved sub contractor undertakes ethical and fair employment conditions.

FPR 3.24 Disposal.

The Responsible officer (normally the budget manager) should dispose of assets in the most economically advantageous terms taking into account issues of security, sustainability (re-use/cycling), ethical, prevailing regulations e.g WEEE and possible liability consequences. There are regulations regarding disposal of waste and more specifically that classed as hazardous, often the Authority will have to incur charges in disposing properly.

The most applicable route will often be decided by the market for the particular commodity being disposed of and whether there is competition to acquire such goods. Advice is available from the Head of Procurement.

Possible disposal routes:-

- (i) Inviting sealed bids;
- (ii) public auction;
- (iii) arrangements with Government appointed agents e.g Disposal Services Agency (DSA);
- (iv) secure destruction/scrap value by contract after tendering/quotations;
- (v) Disposal clause for old equipment written into a new contract;
- (vi) Corporate contracts;
 - (a) in accordance with regulations e.g Waste Electrical and Electronic Equipment Directive (W.E.E.E);
 - (b) recycling;
- (vii) other means.

Before disposal Approved Officers should acquaint themselves with the Financial Regulations in relation to Assets of the Fire Authority and seek the advice and guidance of the Head of Finance before commencing.

PART 4 CODES & PROTOCOLS

Part 4.1 - CODE OF CONDUCT FOR MEMBERS

MID & WEST WALES FIRE & RESCUE AUTHORITY CODE OF CONDUCT FOR MEMBERS & CO-OPTED MEMBERS

PART 1 - INTERPRETATION

1.—(1) In this code:

“co-opted member” (“*aelod cyfetholedig*”), in relation to a relevant Authority, means a person who is not a member of the Authority but who:

- (a) is a member of any committee or sub-committee of the Authority, or
 - (b) is a member of, and represents the Authority on, any joint committee or joint sub-committee of the Authority,
- and who is entitled to vote on any question which falls to be decided at any meeting of that committee or sub-committee;

“meeting” (“*cyfarfod*”) means any meeting —

- (a) of the relevant Authority,
 - (b) of any executive or board of the relevant Authority,
 - (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant Authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the Authority, or
 - (d) where members or officers of the relevant Authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(12),
- and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an Authority;

“member” (“*aelod*”) includes, unless the context requires otherwise, a co-opted member;

“relevant Authority” (“*awdurdod perthnasol*”) means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue Authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(13) or a scheme to which section 4 of that Act applies,
- (e) a National Park Authority established under section 63 of the Environment Act 1995(14);

“you” (“*chi*”) means you as a member or co-opted member of a relevant Authority; and

“your Authority” (“*eich awdurdod*”) means the relevant Authority of which you are a member or co-opted member.

(2) In relation to a community council, references to an Authority’s monitoring officer and an Authority’s Standards Committee are to be read, respectively, as references to the Monitoring Officer and the Standards Committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(2) of the Local Government Act 2000.

PART 2 - GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct —

- (a) whenever you conduct the business, or are present at a meeting, of your Authority;
- (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
- (c) whenever you act, claim to act or give the impression you are acting as a representative of your Authority; or
- (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your Authority to serve —

- (a) on another relevant Authority, or any other body, which includes a police Authority or Local Health Board you must, when acting for that other Authority or body, comply with the code of conduct of that other Authority or body; or
- (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your Authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute;
- (b) report, whether through your Authority's confidential reporting procedure or direct to the proper Authority, any conduct by another member or anyone who works for, or on behalf of, your Authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to the Public Services Ombudsman for Wales and to your Authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your Authority.

(2) You must comply with any request of your Authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your Authority —

(i) imprudently;

(ii) in breach of your Authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the Authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your Authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your Authority's officers, in particular by —

(i) the Authority's head of paid service;

(ii) the Authority's Director of Resources;

(iii) the Authority's monitoring officer;

(iv) the Authority's chief legal officer (who should be consulted when there is any doubt as to the Authority's power to act, as to whether the action proposed lies within the policy framework agreed by the Authority or where the legal consequences of action or failure to act by the Authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your Authority.

9. You must —

(a) observe the law and your Authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your Authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 - INTERESTS

Personal Interests

10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your Authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your Authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your Authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your Authority;

(vii) any land where the landlord is your Authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your Authority;

(ix) any —

(aa) Public Authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your Authority's area,

in which you have membership or hold a position of general control or management;

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

(b) a member of the public might reasonably perceive a conflict between your role in taking a decision, upon that business, on behalf of your Authority as a whole and your role in representing the interests of constituents in your ward or electoral division; or

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an Authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the Authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your Authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your Authority and you make:

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your Authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your Authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your Authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your Authority in accordance with any requirements identified by your Authority's monitoring officer from time to time but, as a minimum containing —

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your Authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your Authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant Authority of which you are also a member;

(ii) another Public Authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your Authority;

(iv) your role as a school governor (where not appointed or nominated by your Authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your Authority;

(b) relates to —

(i) the housing functions of your Authority where you hold a tenancy or lease with your Authority, provided that you do not have arrears of rent with your Authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your Authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your Authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your Authority;

(iv) the functions of your Authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your Authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your Authority's executive, board or another of your Authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests

14.—(1) Subject to sub-paragraphs (2), (3) and (4), where you have a prejudicial interest in any business of your Authority you must, unless you have obtained a dispensation from your Authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

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

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your Authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your Authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your Authority within 14 days of making the representation.

PART 4 THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests and Memberships and Management Positions

15.—(1) Subject to sub-paragraph (3), you must, within 28 days of—

(a) your Authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your Authority; or

(b) your election or appointment to office (if that is later),

register your financial interests and other interests, where they fall within a category mentioned in paragraph 10(2)(a) in your Authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your Authority's monitoring officer.

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

(3) Sub-paragraphs (1) and (2) do not apply to sensitive information determined in accordance with paragraph 16(1).

(4) Sub-paragraph (1) will not apply if you are a member of a relevant Authority which is a community council when you act in your capacity as a member of such an Authority.

Sensitive information

16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your Authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your Authority's monitoring officer asking that the information be included in your Authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above £25, provide written notification to your Authority's monitoring officer of the existence and nature of that gift, hospitality, material benefit or advantage.

PART 4.2 - CODE OF CONDUCT FOR OFFICERS

1.0 Introduction

This Code of Conduct includes the statutory requirements of the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, which came into force on the 28 th July 2001. The Order provides that by virtue of section 82(7) of the Local Government Act 2000 the terms of appointment or conditions of employment of employees of relevant authorities to whom the code applies are to be deemed to incorporate the Code of Conduct set out in the Schedule to the Order. This document satisfies that requirement.

2.0 General Principles

2.1 The public is entitled to expect the highest standards of conduct from all employees (full time, part time, temporary and casual) who work for the Authority. The role of such employees is to serve their employing Authority in providing advice, implementing its policies, and delivering services to local communities. In performing their duties, employees must act with integrity, respect, honesty, impartiality and objectivity. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management, any deficiency in the provision of service.

2.2 This Code explains how employees should deal with any conflicts of interest, confidential matters and offers of gifts or hospitality. Employees must follow these guidelines and it is important to understand that any deliberate breach will be viewed as a serious disciplinary matter, which could lead to dismissal and prosecution for a criminal offence. The procedures for handling any breaches of this Code are contained within Appendix J of the Anti Fraud and Corruption Policy. A copy of the Policy is available on the Service's Business Information Server under Service Standing Orders - Personnel (P22).

3.0 Accountability

Employees work for their employing Authority and serve the whole of that Authority. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

4.0 Treatment of Information

4.1 Openness in the dissemination of information and decision making should be the norm. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, Authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information. Particular emphasis must be placed on strict observance with the Authority's policies in relation to the Acts of Parliament dealing with Data Protection, Human Rights and Freedom of Information. Employees should consult their immediate line manager if there is any uncertainty regarding the status of any type of information.

4.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Member which is personal to that Member and does not belong to the Authority, should not be divulged by the employee without the prior approval of that Member, except where such disclosure is required or sanctioned by the law.

5.0 Political Neutrality

5.1 Employees serve the Authority as a whole. It follows they must serve all Members and not just those of a particular political group, and must ensure that the individual rights of all Members are respected.

5.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality, and any advice therefore should only be in respect of professional matters.

5.3 Employees, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. When employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities. A schedule of politically restricted posts is attached as Appendix 1 to this Code.

5.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraph 5.1 to 5.2

6.0 Relations with Members, the public and other employees

6.1 *Members*

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to Members and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and Members is essential to good local government, and working relationships at all times should be kept on a professional basis.

6.2 *The Public and Service User*

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority. Employees should deal with the public, Members, and other employees sympathetically, efficiently, and without bias. In particular, the principles embodied in the Fire Authority's Equality and Fairness policies must be strictly observed in all dealings with the public, and other employees.

6.3 *Contractors*

All relationships of a business or private nature with external contractors, or potential contractors, should be made known, in writing, to the Director Resources. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown in the tendering process to businesses run by, for

example, friends, partners or relatives. No part of local communities should be discriminated against.

6.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors should declare that relationship to the appropriate manager.

6.5 If an employee has such interest, they must not be involved in any way in awarding any work or orders. As a matter of general principle, it is not considered desirable to award any contracts for works or services to business enterprises in which personnel have a direct pecuniary interest.

7.0 Appointment of Staff and Other Employment Matters

7.1 Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. It would be unlawful to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work. Similarly no canvassing on behalf of the applicant must take place.

8.0 Outside Commitments

8.1 Employees should not take outside employment that conflicts with the Authority's direct interests.

8.2 Employees should follow the Authority's rules on the ownership of intellectual property or copyright created during their employment as shown in Appendix 2.

9.0 Employees Undertaking Private Work

9.1 Employees of the Mid and West Wales Fire and Rescue Authority are NOT permitted to undertake private work which relates to any matters likely to require consideration or approval by the Authority or an employee authorised to act on its behalf without the prior written consent of the Authority. This consent will be given by the Director of Resources, and requests for such consent must be made, in writing, initially to the Corporate Head of People & Organisational Development, through normal line management processes.

9.2 Where an employee may desire to undertake work for their personal gain not falling under the provisions of Paragraph 9.1, guidance is provided in Appendix 3.

9.3 Should the Corporate Head of People & Organisational Development and the Head of Department encounter any difficulty in sanctioning such a request, the matter may be pursued using the Service's Grievance Procedure for employees.

FAILURE TO ADHERE TO THE ABOVE RULING WILL CONSTITUTE GROSS MISCONDUCT AND MAY RESULT IN SUMMARY DISMISSAL IN ACCORDANCE WITH THE AUTHORITY'S DISCIPLINARY PROCEDURES FOR UNIFORMED AND SUPPORT STAFF.

10.0 Personal Interests

10.1 Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others.

10.2 Employees must declare in writing to their appropriate Director or Head of Department any financial and non-financial interests that they consider could bring about conflict with the Authority's interests.

10.3 Employees must comply with rules on the declaration of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Employees must not accept benefits from a third party unless authorised to do so by the Authority (see Section 15).

11.0 Equality Issues

11.1 All employees should ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All Members of the local community, customers and other employees have a right to be treated with fairness and equity, free of all unlawful discrimination. Failure to do so will be regarded as gross misconduct and may result in summary dismissal under the provisions of the Authority's disciplinary procedures.

12.0 Separation of Role during Tendering

12.1 Employees involved in the tendering process must be aware of the need for accountability and openness.

12.2 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

12.3 Employees who are privy to confidential information on tenders or costs for contractors must not disclose that information to any unauthorised party or organisation. Failure to follow this ruling will result in disciplinary action in accordance with the Authority's disciplinary procedure.

12.4 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

13.0 Corruption

13.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it will be for the employee to demonstrate that any such rewards have not been corruptly obtained. It is therefore unlawful to receive any reward or fee for any activity related to an individual's employment with the Authority. Gifts of little or no intrinsic value, such as promotional diaries or pens, etc., must be recorded in the Register of Gifts and

Hospitality, held by the Head of Corporate Communications and Member Support at Service Headquarters.

14.0 Stewardship

14.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised in writing to do so. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

15.0 Hospitality

15.1 Employees should exercise discretion in offering and accepting hospitality. They should bear in mind how it might affect relations with the party offering it and how it might be viewed by the Authority, other potential suppliers / contractors, the public and other officers.

15.2 Offers of hospitality should only be accepted if there is a genuine need to impart information or represent the Authority in the community. Offers to attend purely social, cultural or sporting functions should be accepted only when these are part of the life of the community and where the Authority should be seen to be represented. All offers of hospitality, whether or not accepted, should be recorded in writing, together with the estimated value, in the Authority's gifts and hospitality register, kept in the office of the Head of Corporate Communications and Member Support . Hospitality that is to be accepted must be authorised in advance, and in writing, by the appropriate Service Director or Head of Department. If in doubt, the advice of the Director of Resources should be sought, although personnel should generally interpret doubt, in connection with any offers of gifts or hospitality, as confirmation that they should be recorded, and probably declined.

15.3 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority, and such offer recorded in the Authority's hospitality register.

15.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.

15.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that hospitality is corporate rather than personal. Where visits to inspect equipment etc. are required, employees should ensure that the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

16.0 Gifts

16.1 Employees must ensure that they in no way become involved in any conflict of interest in their duties. They must not, either directly or indirectly, accept a gift, reward or benefit from any Member of the public or any organisation with whom they are brought into contact by reason of their duties other than:

- Modest gifts or gifts of a promotional nature e.g. calendars, diaries and other similar low or no value articles;

- Gifts on the conclusion of any courtesy visit to a firm or factory of a sort normally given by that firm.

16.2 Any other gifts offered or delivered should be returned with a polite and courteous explanation.

16.3 All gifts and offers (including inducements such as air miles, vouchers etc.) with a cash or in kind value estimated to exceed **£25.00** should be notified in writing to an immediate line manager and recorded, together with an estimated value, in the Authority's Gifts and Hospitality Register, kept by the Member Support Officer at Service Headquarters. Should there be any doubt over whether hospitality can be accepted, then such queries should be referred in writing to the Director of Resources.

16.4 It is always wise to err on the side of caution. A gift which is clearly expensive should raise a question, even if it otherwise falls within one of the categories mentioned above. If in doubt, the advice of the Director of Resources should be sought. The guiding principle should be "when in doubt, opt out". The best safeguard against impropriety or suspicion of impropriety is complete openness.

17.0 Sponsorship - Giving and Receiving

17.1 Where an outside organisation wishes to sponsor or is seeking to sponsor an Authority activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

17.2 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Director of Resources of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

18.0 Whistle-blowing

18.1 In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and the Authority's confidential reporting procedure i.e. the Whistle-blowing Policy.

18.2 A copy of the Policy is available on the Business Information Server under Service Standing Orders - Personnel (P23). Alternatively you can contact the Corporate Head of People & Organisational Development, directly and confidentially on 0370 6060699 if you would prefer not to request a copy from your line manager.

18.3 Employees are reminded that particular attention should be paid to anything which impacts in any way on children and vulnerable adults.

18.4 The Authority has a high duty of care in the way that it delivers services to children and vulnerable adults and one of the elements of that duty is to ensure that staff who may come into contact with these groups in any way whatsoever have not been convicted of criminal offences which might affect whether it is appropriate for that member of staff to have dealings with either of these groups. For that reason employees are required within

seven days of conviction of a criminal offence to report details of that to the Corporate Head of People & Organisational Development and in this context:

- "conviction of a criminal offence" includes a formal caution given by the police in place of a summons to appear before a court; and
- this requirement does not apply to criminal offences which are dealt with by the way of a fixed penalty in place of an appearance before a court.

19.0 Investigations by Monitoring Officers

19.1 Where a monitoring officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 an employee must comply with any requirement made by that monitoring officer in connection with such an investigation.

Politically Restricted Posts

Under the Local Government and Housing Act, posts meeting the following criteria are regarded as Politically Restricted: -

- Head of Paid Service
- Statutory Chief Officers
- Non Statutory Chief Officers
- Deputy Chief Officers
- Treasurer
- Monitoring Officer
- Posts not falling under the above which the Fire and Rescue Authority consider to fall within the following:-
 - Anyone giving advice on a regular basis to the Fire and Rescue Authority, any Committee or Sub Committee, or any Joint Committee on which the Fire and Rescue Authority is represented, or
 - Anyone speaking on behalf of the Fire Authority on a regular basis to journalists and broadcasters.

The list of relevant posts within the Mid and West Wales Fire and Rescue Service is as follows:-

Uniformed

- Chief Fire Officer
- Deputy Chief Fire Officer
- Assistant Chief Fire Officer(s)
- Area Managers
- Group Managers/Group Managers (Control)
- Station Managers/Station Managers (Control)

Support Staff

- Director of Resources
- Head of Finance
- Head of ICT
- Corporate Head of People & Organisational Development
- Head of Corporate Communications & Member Support
- Equality and Diversity Officer
- Head of Transport Services
- Media & Communications Officer
- Head of Estates
- Head of Human Resources
- Head of Procurement
- Head of Corporate Risk
- IT Services Officer
- Member Support Officer

Intellectual Property

Mid and West Wales Fire and Rescue Service encourages its workforce to achieve its goals via the use of innovative work or ideas, and this Policy addresses the ownership rights in, and to, such Intellectual Property.

For the purposes of this policy the term Intellectual Property includes, but is not limited to, innovation, discoveries and any creation, conception or production of something or some process which did not previously exist; whether as a result of mental processes or scientific investigation and experimentation.

The Mid and West Wales Fire and Rescue Service, as employer, shall be entitled to ownership of any such Intellectual Property, where it is created in the normal course of an individual's employment with the organisation.

Subject to this all records, documents, papers, (including all copies or summaries thereof), copyright protected works made or acquired by the employee in the course of his or her employment, together with world-wide copyright and design rights in all the inventions and/or innovations, shall be and remain the property of Mid and West Wales Fire and Rescue Service.

If an individual feels that the Service is getting outstanding benefit from their invention / innovation, then he or she can apply to the Comptroller-General of Patents, Designs and Trade-Marks for an award of compensation.

Secondary Employment APT&C Staff

It is not the intention of the Fire Authority to preclude employees undertaking secondary employment, however permission is required to undertake such work. For Staff remunerated at Grade 6 or below such permission should be sought from the Corporate Head of People & Organisational Development and for staff of Grade 7 and above, such permission is required from the Chief Fire Officer.

In the case of Officers remunerated at Grade 7 and above it is expected that by the very nature of their duties and responsibilities at that level the opportunities for undertaking secondary employment will necessarily be restricted.

The overriding principals to be taken into account in granting permission to undertake secondary employment are that such employment should NOT:

- (1) take an unreasonable portion of the individual's time in relation to their contracted hours of employment with the Fire and Rescue Authority;
- (2) overlap with the individual's official duties, where that individual is involved in making decisions in relation to areas similar or connected with the outside work;
- (3) involve the individual with an organisation which is seeking work or money from the Fire and Rescue Authority, or is in disagreement with the Fire and Rescue Authority in relation to policy on a particular proposal, and;
- (4) affect the ability of an individual to perform their duties in a safe and adequate manner.
- (5) be in conflict in any way with the Fire and Rescue Authority's Officer Code Of Conduct.

Part 4.3 PROTOCOL FOR MEMBER/OFFICER WORKING ARRANGEMENTS

1.0 INTRODUCTION

1.1 This protocol reflects the recommendations of the Committee on Standards in Public Life in relation to standards of conduct in local government. In particular, the Committee recommended the adoption by all local authorities, of a written Code of Conduct for Members and for Officers. The Authority has adopted separate Codes of Conduct for Members and Officers which embody the mandatory provisions contained in regulations made by the Welsh Assembly Government.

1.2 This protocol should be read and applied in conjunction with those Codes of Conduct. The principles and procedures set out in this protocol are already, to a large extent, established and form the basis of the Authority's working arrangements. The purpose of this protocol is to provide guidance on Member/Officer working arrangements, particularly in any case of doubt or difficulty.

1.3 In particular, this protocol aims to support the enhancement of local democracy by:-

1.3.1 Facilitating the participation of Members and Officers in the Authority's democratic processes;

1.3.2 Assisting Members, and those Officers who support them, in their role as representatives of the community, within the Authority and externally; and

1.3.3 Clarifying arrangements for the provision of information and support for Members and their party groups.

1.4 This protocol is also intended to assist Members and Officers in maintaining the highest standards of integrity and propriety, and ensuring that all that they do is seen by others to be done properly, fairly and, where possible, openly.

1.5 The following extract from the respective codes of conduct for members and officers are relevant:

"Members must not do anything which compromises, or which is likely to compromise the impartiality of the Authority's employees."

"Mutual respect between employees and members is essential to good local government, and working relationships should be kept on a professional basis."

"Employees should deal with the public, members and other employees sympathetically, efficiently, and without bias."

1.6 In line with the National Code's reference to "mutual respect", it is important that any dealings with Members and Officers should observe reasonable standards of mutual courtesy and respect, and that neither should seek to take unfair advantage of their position in any circumstances.

2.0 MEMBER/OFFICER COMMUNICATION

2.1 Members should communicate with Officers at the appropriate level, which will normally involve the Chief Fire Officer, appropriate Director or Head of Department.

2.2 In communicating with Members, Officers should have regard to the requirements of this protocol, and any other instructions issued by the Chief Fire Officer and/or the Management Board.

3 OFFICER ADVICE TO PARTY GROUPS

3.1 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Authority business in advance of such matters being considered by the Authority, or the relevant Committee. Party Groups may properly call upon officers to support and contribute to such deliberations .

3.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a Chair prior to an Authority or Committee meeting, to a presentation to a full Party Group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever Party Group or Groups is for the time being in control of the Authority, such support is available to all Party Groups.

3.3 Certain points must however be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

3.3.1 Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Authority business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed.

3.3.2 Party Group meetings, whilst they form part of the preliminaries to Authority decision making, are not empowered to make decisions on behalf of the Authority. Conclusions reached at such meetings do not therefore rank as Authority decisions and it is essential that they are not communicated (inside or outside the organisation), interpreted or acted upon as though they have that official status.

3.3.3 Similarly, where Officers provide information and advice to a Party Group meeting in relation to a matter of Authority business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee when the matter in question is considered.

3.3.4 Officers will not provide information and advice to a party group meeting which includes persons who are not members of the Authority. Such persons are not bound by the members' Code of Conduct (in particular, the provisions concerning the declaration of interests and restrictions on disclosure of confidential information) and for this and other reasons Officers would not be able to provide the same level of information and advice as they would to a meeting of Members only.

3.3.5 Officers must respect the confidentiality of any Party Group discussions at which they are present and should not, in particular, relay the content of any such discussion to another Party Group.

3.3.6 Any request by or for an Officer to attend a meeting arranged by a Party or Party Group, for the purpose of presenting information to the meeting (e.g. in relation to an issue

or proposal affecting or involving the Authority) must be made to the Chief Fire Officer who will arrange the appropriate attendance. Officers attending will normally be graded Assistant Chief Fire Officer / Director or above, accompanied if necessary by relevant specialist colleagues. They will attend in their official capacity, will be politically neutral, and attendance will not signify support for any particular political view, proposal or response. Such attendance will generally be avoided during the period between the announcement and conclusion of any local or parliamentary election affecting the area involved.

3.3.7 At any public meeting organised by any Party Group, or by any individual Member (rather than by the Authority), Officers, as defined in Paragraph 3.3.6 above, will attend only to provide information which is publicly available. Officer attendance at such a meeting will not be appropriate during any "pre-election" period (between the announcement and conclusion of any local or parliamentary election affecting the locality), unless this is with the prior approval of the Fire Authority. Any particular difficulty or uncertainty concerning Officer advice to Party Groups should be raised with the Chief Fire Officer or with the Monitoring Officer who will, where appropriate, discuss with the relevant Group Leader(s).

4 SUPPORT SERVICES AND FACILITIES FOR MEMBERS AND PARTY GROUPS

4.1 The only basis on which the Authority can lawfully provide support services and facilities (e.g. stationery, printing, photocopying, secretarial and translation services, meeting rooms, transport etc.) to Members is to assist them in discharging their role as Members of the Authority. Except as may be provided in other agreed Authority policies, such support services and facilities must therefore only be used on Authority business. They should never be used in connection with party political or campaigning activity. Requests for support should be channelled through the Chief or Deputy Chief Fire Officers or the Head of Corporate Communications & Member Support.

5 MEMBERS' ACCESS TO INFORMATION AND TO AUTHORITY DOCUMENTS

5.1 Members are free to request any department to provide them with such information, explanation and advice about that department's function as they may reasonably need in order to assist them in discharging their role as Members of the Authority. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Departmental Director.

5.2 The legal rights of Members to inspect Council documents arise partly from statute and partly from the common law (judicial decisions).

5.3 Members have a statutory right to inspect any Authority document which contains material relating to any business which is to be transacted at an Authority or Committee meeting and extends not only to reports that are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to certain items that appear as exempt items on the Agenda for any meeting. These contain information which is (by statute) exempt from publication because, for example, it relates or refers to employees, the proposed terms of a contract or contractual negotiations or other commercially-sensitive information, industrial relations negotiations, legal advice or legal proceedings.

5.4 The common law right of Members is much broader and based on the principle that any Member has a prima facie right to inspect Authority documents, so far as his/her

access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Authority. This principle is commonly referred to as the "need to know" principle.

5.5 Whether a Member is, in any particular case, entitled to exercise this common law right depends therefore upon the Member's ability to demonstrate that he/she has the necessary "need to know". In this respect, a Member has no right to a "roving commission" to examine documents of the Authority. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know" for a purpose necessary to enable the Member to carry out his or her public duties. This question must initially be determined by the Director whose department holds the document in question (with advice from the Monitoring Officer). In the event of a dispute, the question may be referred for determination by the Chief Fire Officer and Director responsible for the function or purpose for which the document is held, again with advice from the Monitoring Officer.

5.6 In some circumstances e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.

5.7 Whilst the term "Authority document" is very broad and includes, for example, any document produced by whatever means with Authority resources, it is accepted by convention that a Member of one Party Group will not have a "need to know", and therefore no right to inspect, a document which forms part of the internal working of another Party Group.

5.8 Further and more detailed advice regarding Members' rights to inspect Authority documents may be obtained from the Monitoring Officer.

5.9 Finally, Authority information provided to a Member must only be used by the Member for the purpose for which it was provided; that is, only to enable the proper performance of the Member's duties as a Councillor. This point is emphasised in the Code of Conduct for Members in the following terms:

Members:

(a) must not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) must not prevent any person from gaining access to information to which that person is entitled by law.

6 OFFICER/CHAIRMAN RELATIONSHIPS

6.1 It is clearly important that there should be a close working relationship between the Chairs of Committees and the Directors, Head of Services and other senior officers of any department which reports to Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other Party Groups, or with any other individual or organisation.

6.2 Whilst the Chair may routinely be consulted as part of the process of drawing up the Agenda for a forthcoming meeting, it must be recognised that in some circumstances the proper conduct of business may require a particular matter to be included on an Agenda .

Directors will always be fully responsible for the contents of any report submitted in their name. Any issue concerning the inclusion of any item on an Agenda or the submission of any particular report that cannot be agreed between a Chair and a Director should be referred to Monitoring Officer. There may also be circumstances in which the Chief Fire Officer (as Head of Paid Service) or the Treasurer (as statutory Finance Officer), or Monitoring Officer, will be under a duty to submit a report.

6.3 In relation to action under any delegated power, it is important to remember that the law only allows for decisions (relating to the discharge of any of the Authority's functions) to be taken by a Committee, a Sub-Committee or a designated Officer with delegated powers. The law does not at present allow for any such decision to be taken alone, or indeed by any other single Member. On some occasions when the Authority makes a decision it is delegated to an Officer. The constitution specifies the extent of Delegation to Officers and how that is to be exercised.

6.4 It must be remembered that Officers within a department are accountable to their Director, and that whilst officers should always seek to assist a Chair (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever Authority they have been given by their Director. It should also be noted that the Chief Fire Officer has statutory responsibility, as Head of Paid Service, for ensuring the proper organisation and management of the Authority's staff, and has therefore an overall responsibility for the direction and management of all Officers.

7 CORRESPONDENCE

7.1 Correspondence including e-mails between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member, except at the discretion of the Departmental Director, or with the agreement of the Members concerned, where necessary for the proper conduct of business. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, "blind" copies of such correspondence should not be circulated.

7.2 Official letters on behalf of the Authority should normally be sent out in the name of the appropriate Officer rather than in the name of Member. It may be appropriate in certain circumstances (e.g. representations to a government minister or correspondence with the Chair of another public Authority) for a letter to be issued in the name of the Chair of the Authority. Letters which, for example, create obligations, confirm or deny the acceptance of any liability, or given instructions on behalf of the Authority should always be sent out in the name of the Chief Fire Officer or the appropriate Director or Head of Services or other Senior officer.

8 PUBLICITY AND THE MEDIA

8.1 Contact with the media on issues related to the Authority, or to Authority business, including the issue of press release, will be handled through the Media and Communications Officer in the Corporate Communications & Member Support Department.

8.2 Any Member who approaches the media purporting to speak on behalf of the Authority on any item involving or affecting the Authority, without first approaching or consulting with the Chair, Committee Chair and or Media and Communications Officer will be responsible for such action.

9 PERSONAL RELATIONSHIPS

9.1 No Member or Officer should allow any personal connection or relationship with any other Member or Officer to affect the performance of his or her official responsibilities or the taking of any action or decision by or on behalf of the Authority. This includes, for example, any family relationship, membership of the same household, or any business connection. Members and Officers should always consider how such a relationship or connection would be likely to be regarded by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of bias or unfairness.

9.2 An Officer who is, or becomes personally connected or related to any Member should notify the Chief Fire Officer in writing.

9.3 Members should take into account any personal relationship or connection with any other Member or Officer, in considering the need to register or declare a pecuniary or non-pecuniary interest whenever appropriate.

10.0 INVOLVEMENT OF COUNCILLORS IN LOCAL ISSUES

10.1 Whenever a public meeting is organised by the Authority to consider a local issue, all the Constituent Authority Members representing that area should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Authority undertakes any form of consultative exercise on a local issue, the local members from the relevant Constituent Authority should be notified at the outset of the exercise.

11.0 FURTHER GUIDANCE

11.1 Any Member of the Authority, who needs further guidance on any of the matters referred to in this Protocol, or on any similar or related issue, is advised to contact the Chief Fire Officer or Monitoring Officer. Any Officer needing such guidance should refer initially to their manager, who will consult senior management and obtain advice as necessary.

Part 4.4 - FORM OF INDEMNITY TO MEMBERS AND OFFICERS

1.This indemnity is made under S.101 of the Local Government Act 2000 and the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006, and is supplementary to the provisions of S.265 of the Public Health Act 1875 as extended by S.39 and S.44(1) the Local Government (Miscellaneous Provisions) Act 1976.

2.The Mid and West Wales Fire and Rescue Authority indemnifies each member and officer of the Authority against any claim liability loss and/or damage in relation to any action or failure to act by any member or officer which:-

- (a) is authorised by the Authority; or
- (b) forms part of or arises from any powers conferred, or duties placed upon that member or officer as a consequence of any function being exercised by that member or officer (whether or not in exercising that function the member or officer does so in the capacity of member or officer of the Authority)
 - (i) at the request of or with the express approval of the Authority; or
 - (ii) for the purposes of the Authority

Without prejudice to the generality of this indemnity (above) the indemnity extends to action:-

- (a) taken under delegated powers;
- (b) taken personally under any specific statutory provision such as Head of Paid Service, Director of Resources, Monitoring Officer, Local Government (Contracts) Act 1997.
- (c) taken at Partnerships, informal joint working arrangements, charitable organisations, companies (however constituted) when the member or officer is serving as the Authority's representative on these bodies.

(For the purpose of this indemnity "member" includes independent members who sit on the Authority's Standards Committee).

3.Conditions and Limitations applying to the Indemnity

A.Good faith

A member or officer relying on the indemnity:-

(i) must believe that the action, or failure to act, in question was within the powers of the Authority

or

(ii) where that action or failure to act comprises the issuing or authorising of any document containing any statement as to the powers of the relevant Authority, or any statement that certain steps had been taken or requirements fulfilled, believed that the contents of that statement were true;

And

in either case that it was reasonable for that member or officer to hold that belief at the time when that member or officer acted or failed to act;

the Authority will provide the indemnity in relation to an act or failure to act which is subsequently found to be beyond the power of that member or officer in question, but only to the extent that the member or officer reasonably believed that the act or failure to act in question was within that member or officer's powers at the time at which that member or officer failed to act.

B.Repayment of cost

Where any indemnity is given to a member or officer in relation to the defence of criminal proceedings or proceedings alleging a breach of the code of conduct, then:-

(i) in relation to criminal proceedings if the member or officer is convicted of a criminal offence then the sums expended by the Authority or its insurers in relation to those proceedings must be reimbursed to the Authority or to the insurers;

(ii) where the proceedings relate to an allegation against a member of a breach of the code of conduct:-

- (a) if a finding is made that finds that the member has failed to comply with the code of conduct (or the member has admitted that failure) and as a consequence the member is suspended, partially suspended or disqualified, then the sums expended by the Authority or its insurer must be reimbursed to the Authority or its insurers
- (b) in the case of an allegation of a breach of the code of conduct and there is a finding that the member has failed to comply with the code of conduct (or the member has admitted that failure) and as a result the member is censured or has some penalty imposed other than suspension, partial suspension or disqualification then if the Authority's Standards Committee deems it appropriate the sums expended by the Authority or its insurers must be reimbursed to the Authority or its insurers.

C.Level of representation

In the case of professional representation of a member or officer under the terms of this indemnity the member or officer must obtain the prior approval of the Authority through its Standards Committee of the nature and extent of that representation, provided always that the decision on the level or extent of representation will not unreasonably restrict the right of the individual member or officer to properly defend those proceedings.

D.Defamation

This indemnity does not extend to the **making** by a member or officer of any claim in relation to an alleged defamation of that member or officer.

E. General Principles

- (i) The Authority will provide the member or officer with reasonable and proportionate access to Authority employees and Authority resources and facilities to enable the individual officer to properly respond to allegations of personal liability being advanced;

- (ii) The Authority will allow legal representation for a member or officer separately from the Authority's own legal advisers (and/or the Authority's insurers' legal advisers) where the interests of the Authority and the individual officer may conflict or in such other circumstances where it is agreed between the Authority and the individual officer that separate legal representation is appropriate.
- (iii) the Authority will not seek to recover from an individual member or officer any losses incurred by the Authority as a result of an action or failure to act by the member or officer concerned except:-
 - (a) where the member or officer involved did not reasonably believe that the act or omission in question was within his powers at the time when that act or omission took place, or
 - (b) where the action or failure to act constituted a criminal offence.

Part 4.5 – CODE OF CORPORATE GOVERNANCE

Mid and West Wales Fire and Rescue Authority

Code of Corporate Governance

Policy Statement

Mid and West Wales Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. In discharging this accountability, members and senior officers are responsible for putting in place proper arrangements for the governance of the Fire & Rescue Authority's affairs and the stewardship of the resources at its disposal. To this end, Mid and West Wales Fire and Rescue Authority has approved and adopted a code of corporate governance, which is consistent with the principles and reflects the requirements of the CIPFA (Chartered Institute of Public Finance and Accountancy) / SOLACE (Society of Local Authority Chief Executives and Senior Managers) Framework: *Delivering Good Governance in Local Government* together with the associated guidance.

Mid and West Wales Fire and Rescue Authority

Code of Corporate Governance

Statement of Assurance

Mid and West Wales Fire and Rescue Authority is responsible for ensuring that its business is conducted in accordance with the law and appropriate standards, and that public money is safeguarded and appropriately accounted for, and used economically, efficiently and effectively. In discharging this accountability, members and senior officers are responsible for putting in place appropriate arrangements for the governance of the Fire & Rescue Authority's affairs and the stewardship of the resources at its disposal. To this end, Mid and West Wales Fire and Rescue Authority has approved and adopted a code of corporate governance, which is consistent with the principles and reflects the requirements of the CIPFA/SOLACE Framework Corporate Governance in Local Government: A Keystone for Community Governance. A copy of the code can be found on our website www.mawwfire.gov.uk or can be obtained from Mid and West Wales Fire and Rescue Authority, Fire Service Headquarters, Lime Grove Avenue, Carmarthen SA31 1SP.

During the year, the Authority has reviewed its management and reporting arrangements to enable it to satisfy itself that its approach to Corporate Governance is both adequate and effective in practice. Specifically it has given the Clerk to the Authority the responsibility for overseeing the implementation and monitoring of the Code, reviewing its operation in practice and reporting annually to the Authority on compliance with the Code and any changes that may be necessary to maintain and ensure its effectiveness.

In addition the Authority's Director of Resources (through the internal audit service) has been given the responsibility to review independently and report to the Authority annually, to provide assurance on the adequacy and effectiveness of the Code and the extent of compliance with it. On the basis of the reports of the Clerk and Director of Resources arising from their reviews of the Authority's Corporate Governance arrangements, we are satisfied that these are adequate and operating effectively.

The Authority is seeking to continually improve the effectiveness of its arrangements for the governance of the Authority's affairs. We will review continued compliance with the Code as part of our next annual review.

Signed:

Chairman of the Fire Authority

Signed:

Chief Fire Officer

CODE OF CORPORATE GOVERNANCE

1 Introduction

1.1 The term Corporate Governance refers to *'the system by which the Fire and Rescue Authority directs and controls its functions and relates to the community it serves'*. It is therefore, the totality of policies, management systems, procedures and structures that together determine and control the way in which the Authority manages its businesses, formulates its strategies and objectives, for the greater good of the communities of Mid and West Wales.

1.2 Mid and West Wales Fire and Rescue Authority recognises its responsibility as a public service organisation to both provide a vision for the community it serves and to lead by example in its decision making and other processes and actions, with Members and Officers acting in accordance with high standards of conduct.

1.3 These principles are reflected in the Authority's mission, key objectives and core values which are set out below and which are regularly reviewed to ensure that they continue to reflect the needs of our service and our communities. The need for sustainability is being embedded within the organisation and this will be reflected in the way the individual objectives are managed locally.

Our mission is:

- *To build safer communities*

Our core objectives are:

- *To save lives and protect communities.*
- *To be trusted and respected by our community.*
- *To be seen as more than an emergency service*
- *To manage within budget.*
- *To make efficiencies year on year.*
- *To match resources to priorities.*
- *To seek out and utilise alternative resources.*
- *To manage our people effectively.*
- *To fully develop risk reduction planning.*
- *To develop effective partnership working.*
- *To develop effective and empowered people who work for us.*

Our Core Values are:

- We value **I**nnovation
- We value our **P**eople
- We value **D**iverse Communities
- We value **S**ervice

1.4 In order to undertake this responsibility Mid and West Wales Fire and Rescue Authority is committed to upholding the three fundamental principles of Corporate Governance, as set out in the guidelines published by CIPFA/SOLACE:

Openness & Inclusivity

Openness is required to ensure that stakeholders can have confidence in the decision-making and management processes of Mid and West Wales Fire and Rescue Authority, and in the approach of the individuals within it. An inclusive approach will also ensure that all stakeholders and potential stakeholders have the opportunity to engage effectively with the decision-making processes and actions of the Mid and West Wales Fire and Rescue Authority.

Integrity

This comprises both straightforward dealing and completeness. The Mid and West Wales Fire and Rescue Authority will at all times act with honesty, selflessness and objectivity, maintaining high standards of propriety and probity in the stewardship of public funds and management of its affairs. An effective control framework encompassing decision-making procedures, service delivery, quality of financial and performance reporting are imperative in conjunction with personal standards and professionalism of both staff employed within the service and Members of the Mid and West Wales Fire and Rescue Authority.

Accountability

Mid and West Wales Fire and Rescue Authority have established processes whereby Members and Staff employed are responsible for their decisions and actions, including stewardship of public funds and all aspects of performance, and are therefore submitted to appropriate external scrutiny. This is achieved by all parties having a clear understanding of those responsibilities and having clearly defined roles within a robust structure.

1.5 Mid and West Wales Fire and Rescue Authority has established a Code of Corporate Governance which is a public statement of the commitment to these principles and sets out clearly the way in which this commitment is being, or will be, met.

1.6 The code is divided into six principles, as identified by CIPFA/SOLACE, each of which covers a particular aspect of responsibilities in terms of corporate governance. These are:

- Focusing on the organisation's purpose and on outcomes for citizens and service users;
- Performing effectively in clearly defined functions and roles;
- Promoting values for the whole organisation and demonstrating good governance through behaviour;
- Taking informed, transparent decisions and managing risk;
- Developing the capacity and capability of the governing body to be effective;
- Engaging stakeholders and making accountability real.

1.7 The code takes each of these principles in turn and presents the ways in which the principles of corporate governance should be reflected in each. The measures by which Mid and West Wales Fire and Rescue Authority comply with the requirements are also identified.

The statement of assurance which fronts this document is incorporated within the Authority's Improvement Plan.

Principle 1: Focusing on the organisation's purpose and on outcomes for citizens and service users		
The principles of good governance that we have adopted are:-	What we will do to meet them.	How we will demonstrate compliance
<p>To focus on the purpose of the Authority and on outcomes for the community and its citizens, & to create a vision for MAWWFRS: By:-</p> <ul style="list-style-type: none"> • Exercising leadership by clearly communicating the Authority's vision and intended outcomes for service users • Ensuring users receive a high quality service, directly or in partnership with other bodies. • Ensuring that the Authority makes best use of its resources and demonstrates value for money. 	<ul style="list-style-type: none"> • Make, and regularly review a clear statement of the Authority's purpose and vision as a basis for service planning. • Publish on an annual basis, a plan of intended activities and outcomes to improve services and the means by which performance against these objectives is to be measured. • Publish a report on the Authority's activities, achievements & performance, including its financial performance and position. • Develop and implement a forward financial plan in line with WAG requirements to ensure adequate resources are available to meet its intended plans and to deliver value for money. • Develop plans to maintain optimum services in the event of disruption to service continuity. • Develop clearly defined arrangements for working in partnership with other organisations to deliver improved services. 	<ul style="list-style-type: none"> • Publish a clear statement of the Authority's vision, mission statement and values in its Strategic and Improvement Plans. • Publish an Annual Report and Improvement Plan, with quarterly performance updates available via the internet. • Publish an annual Statement of Accounts with quarterly budget monitoring reports to Resources Committee. • Operate a process for recording and responding to complaints and comments and reporting thereon. • Maintenance and regular testing of service continuity plans based on a risk assessment of threats to the Authority. • Publish a partnership strategy. • All partnerships to include an evaluation process and regular performance monitoring. • Publish all external assessments of performance.

Principle 2: Performing effectively in clearly defined functions and roles		
The principles of good governance that we have adopted are:-	What we will do to meet them.	How we will demonstrate compliance
<p>To work to achieve the stated objectives within clearly defined Member and Officer roles and functions:</p> <p>By:-</p> <ul style="list-style-type: none"> • Being clear about the functions and roles of the Authority and its committees and officers. • Ensuring constructive and effective working relationships between Members & Officers & ensuring that responsibilities are undertaken to a high standard. • Ensuring that relationships between the Authority and the public are clear and that each knows what to expect from the other. 	<ul style="list-style-type: none"> • Set out a clear statement of the respective roles & responsibilities of Members & officers which clarify the delegations to officers. • Establish a protocol to ensure effective communication between Members & officers. • Clarify the terms & conditions of employment, including the remuneration of members and officers and establish an effective mechanism for managing the process. • Ensure that effective mechanisms for monitoring service performance are established. • Ensure that the legal status and purpose of any partnerships are clear and that the roles and responsibilities of all partners are clear. 	<ul style="list-style-type: none"> • Maintain committee terms of reference for all committees. • Maintain a scheme of delegation to the CFO, Clerk and Director of Resources. • Maintain a scheme of standing orders and a Member/Officer protocol to manage member/officer interaction. • Maintain a system of Member briefing as part of the committee cycle. • Ensure all staff have up to date and relevant job descriptions. • Continual reporting of performance to management via real time system with quarterly reports to Members via PRAC • Operation of a partnership risk management process to evaluate all significant partnerships prior to inception.

Principle 3 : Promoting values for the whole organisation and demonstrating good governance through behaviour

The principles of good governance that we have adopted are:-	What we will do to meet them.	How we will demonstrate compliance
<p>Promote and demonstrate the values of the Authority through our behaviour: By:-</p> <ul style="list-style-type: none"> • Ensuring that Members and officers behave in ways which exemplify the Authority’s values. • Ensuring that these values are put into practice and are effective. 	<ul style="list-style-type: none"> • Establish and articulate the Authority’s values to the public, its staff and stakeholders. • Demonstrate the application of these values in decision making and general behaviour. • Adopt codes of conduct defining the standards and behaviour expected when working for or with the Authority. • Maintain arrangements to ensure Members and senior managers are not influenced by personal interests, bias or prejudice when making decisions. • Maintain arrangements for reporting, investigating and dealing with occasions where standards fall below those expected. • When working with partners, agree those values by which all parties to the partnership will operate. 	<ul style="list-style-type: none"> • Publication of vision, mission, values and objectives in key publications including the Improvement Plan. • Publish and operate codes of conduct for Members and Officers. • Annually require Members and Senior Officers to complete declarations of interest and related party transaction returns • Maintain a Standards Committee to oversee Member standards and hear any complaints. • Maintain a disciplinary process to deal with any breaches of the code of conduct for Officers. <ul style="list-style-type: none"> • Maintain Authority and Financial Procedure Rules and protocols up to date. • Maintain and publish a “whistle blowing” protocol to enable concerns about behaviour to be reported in confidence. • Maintain an Anti Fraud and Corruption Policy • Maintain a complaints and comments / compliments procedure and report results at least annually. • Establish working arrangements within significant partnerships which reflect these values.

Principle 4 : Taking informed, transparent decisions and managing risk

The principles of good governance that we have adopted are:-	What we will do to meet them.	How we will demonstrate compliance
<p>Take informed and transparent decisions which are subject to effective evaluation and managed risks: By:-</p> <ul style="list-style-type: none"> • Being rigorous and transparent about how decisions are taken and listening and acting on all constructive comments and concerns. • Ensuring good quality information, advice and support to ensure decisions are delivered effectively and meet the needs of the community. • Ensuring the effective management of the risks facing the Authority, including those which might prevent the realisation of opportunities to improve services. • Operating within the legislative framework in place and using those powers conferred by law for the benefit of the community. 	<ul style="list-style-type: none"> • Maintain arrangements for recording the decisions of the Authority and the basis on which those decisions were made. • Maintain arrangements for identifying and recording conflicts of interest by Members and senior officers and ensure that these do not affect the decision making process. • Maintain arrangements whereby Members, staff, contractors, stakeholders and the public can raise concerns about the behaviour of anyone connected with the work of the Authority. • Maintain effective arrangements for the independent internal audit of the Authority. • Maintain an effective Standards Committee. • Ensure that decision makers have sufficient appropriate information to take effective decisions, including professional financial and legal advice. • Ensure that risk management is embedded into the culture of the Authority and that Members and officers take account of risks in decision making. • Work within the legislative framework available and make full use of its legal powers to benefit the 	<ul style="list-style-type: none"> • Publish Authority minutes and reports on the web site. • Maintain a publication scheme and comply with FOI requests within the stipulated timescales. • Maintain a register of interests of Members and senior managers. • Maintain a “whistle blowing” protocol to enable concerns about behaviour to be reported in confidence. • Reporting of annual internal audit plan and annual report to senior management and the Performance Review and Audit Committee. • External Audit overview of Internal Audit arrangements. • Publish Standards Committee minutes and reports. • Publish and operate a risk management policy & strategy. • Comment/impact of key risks on all key policy reports to Members. • Regularly report on the current status of strategic and business risks to Committee. • Include commentary on all policy reports about the legal status of such proposals. • Report annually on all partnership activity including risk and governance issues.

	<p>community.</p> <ul style="list-style-type: none"> • When working in partnership, ensure that the same standards of good governance are applied to the partnership's activities. 	
Principle 5 : Developing the capacity and capability of the governing body to be effective		
The principles of good governance that we have adopted are:-	What we will do to meet them.	How we will demonstrate compliance
<p>Develop the capacity and capability of Members and Officers to be effective and to deliver services effectively: By:-</p> <ul style="list-style-type: none"> • Making sure members and officers have the skills, knowledge, experience and resources to perform well in their roles. • Developing the capacity of people individually and in groups and evaluating their performance. • Encouraging under represented groups to join the Authority to ensure representation from all sections of the community. 	<ul style="list-style-type: none"> • Assess the skills required by members and officers, including the statutory officers, and continually develop these to enable individual roles to be undertaken effectively and efficiently. • Regularly review the performance of committees and senior officers and implement plans for further development and training where necessary. • Maintain arrangements to encourage all sections of the community to work for and with the Authority and contribute to the development of its policies and activities. • When working with partners, ensure that the same principles are applied to the work of the partnership. 	<ul style="list-style-type: none"> • Operate a staff Personal, Performance and Development Review scheme incorporating personal development and training requirements. • Implement an annual Member training and induction programme and record attendance. • Operate the national IPDS system for operational staff. • Publish a communication and consultation strategy and report the results of such processes to Members. • Establish public and staff consultation to consider and comment on policy proposals. • Promote the fire service as a career opportunity. • Deliver the corporate equality plan to achieve level three of the equality standard.

Principle 6 : Engaging stakeholders and making accountability real

The principles of good governance that we have adopted are:-	What we will do to meet them.	How we will demonstrate compliance
<p>Engage with the community we serve to ensure robust local public accountability: By:-</p> <ul style="list-style-type: none"> • Engaging local people and stakeholders, including partners. • Taking an active and planned approach to consultation with the public and stakeholder groups to ensure effective and appropriate service delivery. • Taking an active and planned approach to meet responsibilities to staff. 	<ul style="list-style-type: none"> • Set out clearly the Authority's key accountabilities and the means by which these will be reported. • Maintain arrangements for communicating and consulting with the all sections of public and key stakeholders about the Authority's policies and services. • Maintain processes to consult with staff and their representatives • Ensure that feedback from the consultation process is incorporated into the development of future performance plans. • Publish an annual performance plan with quarterly performance updates setting out plans and performance, including financial performance. • Ensure that all Authority meetings and reports are accessible to the public except where legislation requires confidentiality to be preserved. • When working with partners ensure that the same principles are applied to the work of the partnership. 	<ul style="list-style-type: none"> • Publish and deliver the corporate communications plan. • Meet regularly with union representatives to consult on both key policy and service delivery changes. • Identify in Authority reports where the results of consultation have influenced policy decisions. • Copies of annual reports, the Strategic Plan and the Improvement Plan made available on the web site and libraries. • All Authority meetings open to the public, and all reports and minutes available via the internet. Other documents to be made available under FOI provisions. • Include clear accountability and communication provisions within all partnership agreements.

GLOSSARY OF TERMS

CFO	-	Chief Fire Officer
CIPFA	-	Chartered Institute of Public Finance and Accountancy
FOI	-	Freedom of Information
IPDS	-	Integrated Personal Development System
MAWWFRS	-	Mid and West Wales Fire and Rescue Service
MAWWFRA		Mid and West Wales Fire and Rescue Authority
PRAC	-	Performance Review and Audit Committee
SIC	-	Statement of Internal Control
SOLACE	-	Society of Local Authority Chief Executives
SORP	-	Statement of Recommended Practice (Produced by Accounting Standards Board)
WAG	-	Welsh Assembly Government

Part 5 - Scheme of Members Allowances

MID AND WEST WALES FIRE AUTHORITY

SCHEME FOR THE PAYMENT OF MEMBERS' ALLOWANCES

The Mid and West Wales Fire Authority, in exercise of the powers conferred by The Local Authorities (Allowances for Members of Fire Authorities) (Wales) Regulations 2004, as amended by the Local Authorities (Allowances for Members) (Wales) Regulations 2007, hereby makes the following scheme.

1. This scheme shall have effect from 11th June 2008.

2. In this scheme:

- "Member" means a member of the Mid and West Wales Fire Authority
- "the Authority" means the Mid and West Wales Fire Authority
- "year" means the 12 months ending with 31 March
- "independent member" means a person, other than a member of the Authority, appointed to serve on the Authority's Standards Committee (in accordance with the Standards Committees (Wales) Regulations 2001)

3. Members Allowances

3.1 Basic allowances are payable to each Member as shown on Schedule 2.

3.2 The Allowances will be payable by monthly instalments and are subject to Income Tax and National Insurance contributions.

4. Chairperson's and Vice Chairperson's Allowances

4.1 The Members holding the offices of Chairperson and Vice Chairperson shall receive the allowances shown on Schedule 2

4.2 The allowances will be payable by monthly instalments and are subject to Income Tax and National Insurance.

5. Cooptee's Allowance

5.1 At the Authority's discretion a Cooptees' Allowance is payable to independent members appointed as members of the Authority's Standards Committee as shown on Schedule 2.

5.2 The allowances will be payable by monthly installments and are subject to Income Tax and National Insurance.

6. Travel and Subsistence Allowances

6.1 Payment of travel and subsistence allowances shall be made in respect of the approved duties undertaken by a member or independent member, as set out in Schedule 1 to this scheme, and as amended from time to time by the Authority.

6.2 The amounts payable to each member in respect of travel allowances and subsistence allowances shall be in accordance with the scales adopted by the Authority, as amended

from time to time, outlined in Schedule 3. The rate for travelling allowances is based on that payable to members of the National Assembly for Wales. Where meals are provided, subsistence claims will not be payable.

6.3 Proper VAT receipts for expenses, including parking fee tickets and fuel, are needed in order for the Authority to validate claims and to reclaim VAT. Members should ask for/keep these and attach them to claim form. Failure to supply a receipt may result in non-payment of a claim and or inability to reimburse the VAT element.

6.4 The Authority will reimburse actual costs of standard class rail fares or the cheapest alternative. First class rail travel will only be allowed where a reduction equal to standard class rail travel is achieved or where work requirements justify such expenditure (e.g. where en-route briefings whilst travelling are required). In such cases tickets should, wherever possible, be pre-booked a minimum of eight days before the date of the journey to take advantage of reduced fares. First class travel may also be permitted where this would avoid an overnight stay.

6.5 When travelling by train, Members must in the first instance contact Corporate Communications and Member Support Section who will obtain the ticket at the most economical price. If members have to purchase their own rail tickets, they should produce their receipt or ticket when claiming reimbursement and should utilise in all cases discount cards of various types.

6.6 Travel by public transport is encouraged for long distance journeys, but may be undertaken by private car where this is expedient. The Authority will pay members the appropriate car mileage rate shown in Schedule 2 not exceeding an amount equivalent to the standard second class rail fare.

6.7 Taxi fares may be claimed only where it is reasonable to do so. Receipts should be produced.

7. Care Allowances

7.1 The Scheme provides for the payment of Care Allowances to Members in respect of arranging for the care of children or dependants as are necessarily incurred in the carrying out of that member's duties in accordance with Schedule 4.

8. Renunciation

8.1 A member may, by notice in writing given to the Clerk to the Fire Authority elect to forgo the whole or any part of his / her Basic and / or Chairperson's, Vice Chairperson's or Cooptees' Allowance in any or all financial years. Payments renounced cannot be reclaimed at a later date.

9. Payment

9.1 The payment of Basic, Chairperson's, Vice Chairperson's or Cooptees' Allowances is incorporated into the monthly payroll system and paid automatically by Bank Credit transfer without any action required by Members on the 17th of each month, or the nearest banking day.

These payments are augmented by Travelling and Subsistence Allowances claimed for the previous month. Claims should be submitted on the appropriate form to the Corporate Communications and Member Support Section by the 25th of each month.

9.2 Claims must be submitted within two months of the end of the relevant month. The Director of Resources may, having consulted the Clerk to the Authority, accept a late claim for good cause and make the related payments.

10. Dual Claims

10.1 Where a Member of the Authority is also able to claim allowances as a member of another Authority, that member may not receive any allowance from more than one Authority in respect of the same duties, travel or subsistence.

Members who perform other local Authority duties on the same day must ensure that travelling and travelling time together with care allowances (where appropriate) are apportioned reasonably between the paying authorities.

11. Right to Withdraw Allowances or Require Repayment

11.1 Where a member is suspended or partially suspended from his or her duties as a member of the Authority in accordance with Part III of the Local Government Act 2000 or Regulations made under that Part, the Authority reserves the right to withhold that part of basic or special responsibility allowance or travelling and subsistence allowance payable to him or her in respect of the period of suspension or part suspension.

11.2 In the circumstances outlined in paragraph 11.1, or if a member ceases to be a member of the Authority, or is in any other way not entitled to receive an allowance for any particular period, the Authority reserves the right to require that such part of the allowance as relates to any such period be repaid to it.

12. Part-Year Entitlement

12.1 The provisions of this paragraph shall have effect to regulate the entitlements to a member's, Chairperson's Vice Chairperson's and Cooptees' allowance where, in the course of a year:

- a) this scheme is amended; or
- b) that person becomes or ceases to be a member; or
- c) a member becomes or ceases to be a Chairperson or Vice Chairperson.

12.2 In relation to members, Chairperson, Vice Chairperson's or Cooptees' allowances:

- a) Where paragraph 12.1 applies the entitlement to Allowances will be adjusted on a daily basis in accordance with the Regulations.

13. Administration

13.1 The Director of Resources shall maintain, on behalf of the Authority, a record of all payments made under this scheme which shall specify in relation to each payment the name of the recipient and the amount and nature of the payment.

13.2 This record shall be available at all reasonable times for inspection by local government electors in the constituent Authorities at no charge. Copies will be provided on request on payment of a reasonable fee decided by the Director Resources.

After the end of the year the Authority will publish the total sum paid by it in that year to each Member in respect of basic, special responsibility, cooptees and care allowances together with travelling and subsistence allowances.

14. Review of Allowances

14.1 The Members', Chairperson's, Vice Chairperson's, Cooptees' and Care allowances payable under this scheme will be adjusted annually from 1st April each year (in accordance with Regulation 6 of the Regulations) based on the average of all (if any)

annual adjustments made by the Constituent Authorities in that year. Where such an amendment is made the entitlement to such amended allowances will apply with effect from the beginning of the year in which such amendment is made.

15. Revision or Revocation of the Scheme

15.1 This scheme may only be amended or revoked by the Authority in accordance with the provisions of the relevant Regulations.

SCHEDULE 1

APPROVED DUTIES

For the purposes of paragraph 6 of the Authority's Scheme for the Payment of Members' Allowances, the following shall be regarded as approved duties:

- A meeting of the Fire and Rescue Authority or of any Committees, Panels and Working Groups of the Fire Authority.
- A meeting of any body to which the Fire and Rescue Authority makes appointments or nominations or of any Committee of such body.
- Any other meeting or event convened by the Fire and rescue Authority to which Members are invited.
- A meeting of any Association of which the Fire Authority is a member including attendance at Annual Conferences organised by such Associations by appointed members.
- Any meetings organised by the Authority with Ministers and or Government officials on Authority business.
- Any other meetings the holding of which is authorised by the Fire and Rescue Authority or by a Committee of the Fire Authority with one or more other Fire Authorities or any County or County Borough Council.
- A duty undertaken in connection with the discharge of any function of the Fire Authority which empowers or requires the fire Authority to inspect or authorise the inspection of premises.
- Attendance at any training or developmental event approved by the Fire and Rescue Authority.
- Meetings of bodies (other than those specified above) to which the Authority has resolved to make appointments or nominations.
- Attendance by a Member at any meeting convened by the Chief Fire Officer, Service Directors, Director of Resources and Clerk in connection with the functions of the Authority.

SCHEDULE 2

MEMBERS' ALLOWANCE

The allowance for Members of the Fire and Rescue Authority for 2009/10 is £1,129 payable by monthly installments.

CHAIRPERSON'S AND VICE CHAIRPERSON'S ALLOWANCES

The following allowances are payable by monthly instalments:

	2009/10
Chair of the Fire Authority	£9,603
Vice-Chair of the Fire Authority	£7,380

COOPTees' ALLOWANCE

Chair of Standards	362.50
Other Independent Members	190.00

SCHEDULE 3

TRAVEL ALLOWANCES AND SUBSISTENCE ALLOWANCES

TRAVELLING ALLOWANCES

Car

Mileage allowance 40p per mile

Train

Members are entitled to claim:

- Lowest reasonably available standard class fare;
- Reservation and left luggage expenses;
- Costs of getting to and from the station; and
- Special first class fare as set out in Paragraphs 6.4 and 6.5.

Taxi

Members are entitled to claim:

- The fare where the need to travel is URGENT or where no public transport is reasonably available; and
- The appropriate public transport fare (e.g. bus fare) in other cases.

Additional expenses can be claimed for the actual cost of parking.

SUBSISTENCE ALLOWANCES

Where no overnight stay is required:

Breakfast Allowance	
Payable in respect of absence from home for at least 4 hours, before 11.00 am	£5.60
Lunch Allowance	
Payable in respect of absence from home for at least 4 hours, including the whole of the period 12 noon to 2.00 pm.	£7.73
Tea	
Payable in respect of absence from home for at least 4 hours, including the period 3.00pm to 6.00pm.	£3.04
Evening Meal Allowance	
Payable in respect of absence from home for at least 4 hours, ending after 7 pm.	£18.65

(Note – Ceiling of £28 per day effective from 1st April 2009. The above is the maximum amount payable subject to the production of receipts).

Overnight Allowance	
Claims can be made where overnight absences from the usual place of residence exceed 24 hours. The following allowances are for bed and breakfast:	
• Visits to London	£105
• All other cases	£90

HOW AND WHEN TO CLAIM

Claims for travelling and subsistence allowances should be submitted to the Corporate Communications and Member Support Section and must relate to approved duties undertaken (see the attached schedule for details). Claims will be paid directly to Members' bank accounts on a monthly basis.

Claims must be made on the Members' allowances claim forms, copies of which are available from the Member Services Officer.

Claim forms should be completed for each calendar month in which expenses have been incurred and forwarded to the Democratic Services Officer **no later than the 25th of the following month to ensure payment that month.** Claims must be submitted within two months of the end of the relevant month. The Director of Resources may, having consulted the Clerk, accept a late claim for good cause and make the related payments.

The full address for completed claim forms is:

**Corporate Communications and Member Support Section
Mid and West Wales Fire and Rescue Authority
Service Headquarters
Lime Grove Avenue
Carmarthen
SA31 1SP**

SCHEDULE 4

CARE ALLOWANCES

The Fire Authority provides for the payment to Members of a Care Allowance in respect of such expenses of arranging for the care of children or dependants as are necessarily incurred in the carrying out of that Member's duties

Payment will not be paid :

- in respect of any child over the age of 15 years or dependent unless the member satisfies the Authority that the child or dependant required supervision which has caused the Member to incur expenses that were necessary in the carrying out of that Member's duties as a member.
- to more than one member in relation to the care of the same child or dependent
- in respect of more than one care allowance to any Member who is unable to demonstrate to the reasonable satisfaction of the Authority that he / she has to make separate arrangements for the care of different children or dependants.

	2009/10
Chair of the Fire Authority	£1,531
Vice-Chair of the Fire Authority	£1,197
Other Members	£417

- Such allowances will be adjusted from 1st April in each year in accordance with the provisions of Paragraph 14.1 of the Scheme relating to Basic and Special responsibility Allowances.

FURTHER GUIDANCE NOTES FOR MEMBERS

1. Income Tax

Basic and Special Responsibility Allowances are taxable and Members will be taxed under the normal PAYE system. It should be noted that daily subsistence for a period of attendance at the usual place of meetings of the Authority is taxable. However, for meetings away from the normal place of attendance, tax is not deductible.

Members should contact the Inspector of Taxes if they feel they are entitled to allowances against this income. Members will have been given guidance by the Constituent Authorities of typical tax deductible expenses which may be claimed including:-

Travel by Car - An arrangement applies where a Member uses his/her own car in the performance of non approved duties which do not attract mileage allowance. This provides that a deduction may be given of 50% of the rate payable by the Authority for approved duty. Members will have to keep records of their mileage on non-approved duties in order to claim this deduction. The Inspector of Taxes will advise on the nature of the records which will be required.

Postage & Stationery - The actual costs wholly, exclusively and necessarily incurred for which no allowance can be obtained from the Authority.

Secretarial Expenses - Where payments are made for necessary secretarial assistance involving, for example, drafting replies to letters, typing and filing, and such assistance is not provided by the Authority. Any amounts claimed must be reasonable in relation to the Members' allowances and to the assistance given. The amounts must actually have been paid to the assistant on a regular basis. The Inspector may wish to see evidence of such payments.

Household Expenses - Where additional household expenses are incurred (light, fuel, heating etc.) relating to those parts of Members' homes that are used for duties as Members, the Revenue will accept a standard deduction (an amount agreed between the Association of Councillors and Inland Revenue Head Office) to cover this.

Other Expenses - Members with expenses not covered by the above should itemise them on their tax return. The Revenue may require evidence and details of the expenditure.

2. NATIONAL INSURANCE CONTRIBUTIONS

If a Member under 65 years of age (60 for women) receives taxable allowances equalling or exceeding the current lower earnings limit, there is a liability for Class I National Insurance contributions at the standard rate.

Each employment is considered separately for contribution purposes and no account is taken of the fact that a Member may have another job or is self-employed.

However, there is an annual maximum for contribution liability and in certain instances a Member may be entitled to a refund. An explanatory leaflet (NP28 People with more than one job) is available from Social Security Offices. In addition leaflet NP 18 is available for people who pay Class 4 contributions and are also self employed.

3. SOCIAL SECURITY BENEFITS

Benefits Unaffected by Members' Duties or Allowances

The following benefits should be unaffected by being a Member or by any payments they receive for undertaking their duties –

- Child benefit and one parent benefit.
- Retirement or widow's pension.
- Disability living allowance or Department of Social Security attendance allowance.
- Industrial disablement or war disablement benefit paid because of being assessed as having a percentage disability.

If a Member is single, and these are the only benefits which they are claiming in their own right, then these benefits are unlikely to be affected by their Members' allowances.

If a Member receives a married woman's retirement pension or if a Member's partner claims benefits which include an amount for the Member as their dependant these benefits can be affected by the Member's allowances. Members should therefore seek advice from the Department of Social Security regarding partners under each of the separate benefits available.

Claiming Benefits - The Basic Rules

The following rules apply if -

Claiming any benefit, other than those listed above; or

A partner claims a means-tested benefit; or

A partner claims an extra amount or retirement pension, unemployment benefit, incapacity benefit, severe disablement allowance, maternity allowance or invalid care allowance for the Member as his or her dependant.

A Member must notify the Department of Social Security Office from which they receive the benefits that he/she is an elected Member. If a partner claims a means-tested benefit or claims for the Member as his or her dependant, he or she must also tell the relevant benefit offices about the Member's Authority duties.

Some Members think that if they refuse to accept their allowances, this will mean that their benefits will not be affected. This is not true. In most cases, the social security rules take into account any income that is available to you, even if you choose not to take advantage of it. (the same criteria can also apply in respect of Housing Benefits).

The treatment of different Member's allowances varies from benefit to benefit. For some benefits, the very fact that they are undertaking Authority duties (whether or not they get aid for them) can affect their rights to claim. In other cases, it is the level of income from the allowance that affects entitlement. Social Security benefits is an area of growing complexity and detailed specialist advice should be contained from the local office of the Benefits Agency.



Mid & West Wales Fire & Rescue Authority

Members Allowances

Application form to register eligibility for Care Allowance

Private and Confidential

PLEASE READ THESE NOTES BEFORE FILLING IN THE FORM

- Members may claim this allowance if they have to incur expenses for arranging care for their dependant children under the age of 16 or if they can satisfy the Authority that they have a dependant aged 16 or over who requires supervision, whilst undertaking their duties as members
- Members entitled to receive a Fire Authority chair's or vice chair's allowance of an amount which exceeds the amount from time to time specified in writing by the National Assembly for Wales will not be able to claim this allowance
- Members will not be permitted to claim more than one Care Allowance unless they can satisfy the Authority that they need to make separate arrangements for care of their dependants and need to pay for that care.
- If you need further guidance when completing this form then please contact the Member Support Officer – 0370 60 60 699 Ext:4464

Please fill in every section that applies to you –

Members Full Name	
Payroll Number	
Address	

Children Aged 15 years and under

Child's Full Name		Date of Birth	
Are you necessarily incurring expenses for arranging care of the child?			
Yes/No (circle which applies)			
Child's Full Name		Date of Birth	
Are you necessarily incurring expenses for arranging care of the child?			
Yes/No (circle which applies)			
Child's Full Name		Date of Birth	
Are you necessarily incurring expenses for arranging care of the child?			
Yes/No (circle which applies)			
Child's Full Name		Date of Birth	
Are you necessarily incurring expenses for arranging care of the child?			
Yes/No (circle which applies)			
Please explain the arrangements made per child:			

CHILD OR DEPENDANTS AGED 16 YEARS OR OVER			
Child's/Dependent's Full Name		Date of Birth	
Are you necessarily incurring expenses for arranging care of the child?			
Yes/No (circle which applies)			
Child's/Dependent's Full Name			
Are you necessarily incurring expenses for arranging care of the			

child?			
Yes/No (circle which applies)			
Child's/Dependent's Full Name		Date of Birth	
Are you necessarily incurring expenses for arranging care of the child?			
Yes/No (circle which applies)			
Please explain the supervision requirements (please continue on a separate sheet if necessary):			

DECLARATION

I declare that the information supplied on this application form is correct, and that I am currently incurring expenses in arranging care of my child/children/dependants to enable me to carry out my duties as a Member of the Fire and Rescue Authority.

My application is in accordance with the terms of the Authority's Members Allowances Scheme.

I will notify the Clerk of the Fire and Rescue Authority if there are any changes to my eligibility for this allowance, including cessation of my entitlement.

I understand that any abuse of this scheme will be considered as a breach of the provision in the Members Code of Conduct concerning the stewardship of public funds

Signed _____ **Date** _____

Please return this form to –

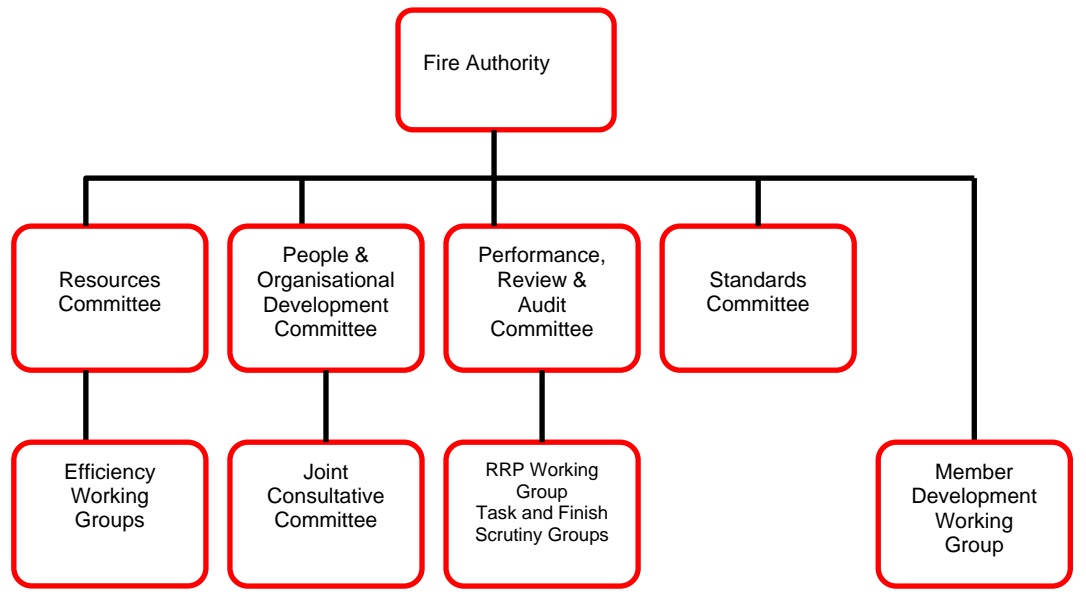
Member Support Officer
 Mid and West Wales Fire and Rescue Authority
 Lime Grove Avenue
 Carmarthen
 SA31 1SP

FOR OFFICE USE ONLY

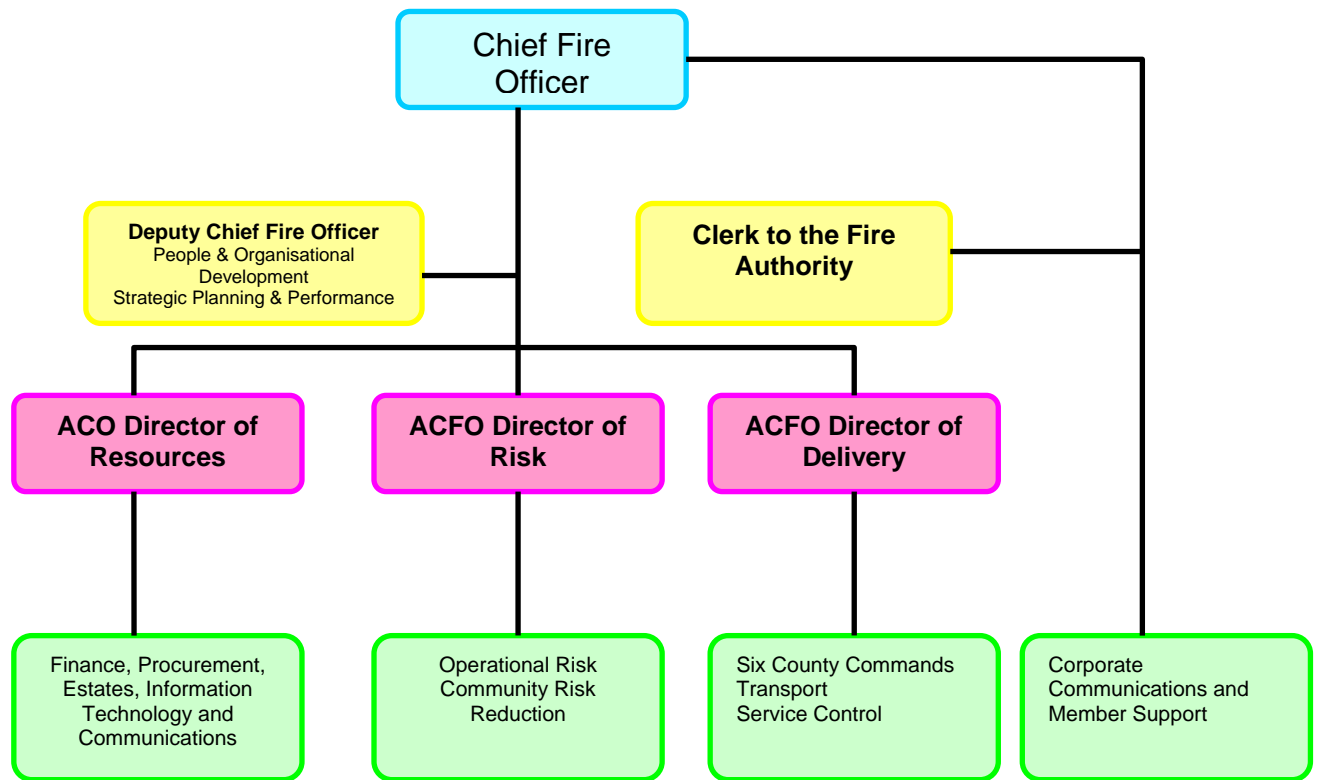
Does Chair / Vice Chair's Allowance exceed NAW limits.?	Y / N
Does Child reach 15 years of age this year?	Y / N
Notified Payroll Section?	Y / N
Notified Accountancy Section?	Y / N

Part 6 – Democratic & Management Structure

Democratic Structure



Managerial Structure



Part 7 - Combination Order

STATUTORY INSTRUMENTS

1995 No. 3229

FIRE SERVICES

The Mid and West Wales Fire Services (Combination Scheme) Order

1995

Made 10th December 1995

Came into Force 11th December 1995

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 new principal councils referred to in paragraph 3 of the Scheme set out in the Schedule hereto ("the scheme"), being new principal areas within the meaning of section 23 of the Local Government (Wales) Act 1994 ^{F1}("the 1994 Act"), and no scheme satisfactory to him has been submitted to him by those councils

And whereas the proposed scheme relates only to new principal areas;

And whereas notice of the general nature of the scheme has been given under section 6(2) of the Fire Services Act 1947 ^{F2}("the 1947 Act") to the existing authorities whose areas lie wholly or partly within the proposed combined area, and to each of the new principal councils concerned;

And whereas the Secretary of State has considered the representations made to him with respect to the scheme before the end of the period specified in such notice;

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 ^{F3}, 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 section 23 of the 1994 Act, sections 6 and 8 of the 1947 Act, section 7(2) of the Fire Services Act 1959 ^{F4} and section 25(2) of the Welsh Language Act 1993 ^{F5}, the Secretary of State hereby makes the following Order:

Annotations:

F11994 c.19.

F21947 c.41. Section 6 was modified in its application to Wales until 1st April 1996 by section 23 of the Local Government (Wales) Act 1994 (c.19).

F31946 c.36.

F41959 c.44.

F51993 c.38.

Citation and commencement

1. This Order may be cited as the Mid and West Wales Fire Services (Combination Scheme) Order 1995 and shall come into force on the day after the day on which it is made.

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

Minister of State

Home Office

10th December 1995

SCHEDULE

THE MID AND WEST WALES FIRE SERVICES COMBINATION SCHEME

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation and commencement

1. This scheme may be cited as the Mid and West Wales 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 1996, on the day on which the Mid and West Wales Fire Services (Combination Scheme) Order 1995^{F6} comes into force, and

(b)

for all other purposes, on 1st April 1996.

Annotations:

F6S.I. 1995/3229.

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 Cardiganshire County Council, Carmarthenshire County Council, Neath and Port Talbot County Borough Council, Pembrokeshire County Council, Powys County Council and Swansea 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 Mid and West Wales Fire Authority or Awdurdod Tân Canolbarth a Gorllewin Cymru.

(2) The Authority shall be constituted in accordance with the provisions of Part III.

Fire brigade for combined area

5. — (1) There shall be established a fire brigade for the combined area which shall be known as the Mid and West Wales Fire Brigade or Brigâd Dân Canolbarth a Gorllewin Cymru.

(2) The first chief officer of the fire brigade shall be N. Musselwhite 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

F7.

Annotations:
F71959 c.44.

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.

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

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

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

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

(2) The chairman and, if a vice-chairman is elected, the vice-chairman, shall, subject to paragraphs 13 to 16, hold office for a period of one year from the date of their election.

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

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

(5) The election to replace the chairman under sub-paragraph (4) 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 Carmarthenshire 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.

20. — (1) The following provisions of the Local Government Act 1972 ^{F8}, 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 community 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".

Annotations:
F81972 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-paragraphs (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 considers appropriate with a view to minimising any upward revision of an estimate under sub-paragraph (6).

(10) In this paragraph—

“appropriate proportion” means, in the absence of agreement between the constituent authorities, an amount determined by reference to the proportion which the population of the area of each constituent authority bears to the total population of the combined area, the population in any area being the number of persons usually resident in that area as estimated by the Registrar General and indicated in the latest data available from him on 30th June in the year preceding the financial year referred to in sub-paragraph (1);

“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 ^{F9}in England and Wales.

Annotations:

F91971 c.80.

22. The Authority shall have the power to pay out of the combined fire service fund compensation to persons employed by Dyfed, Powys and West Glamorgan county councils 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 brigades maintained by Dyfed, Powys and West Glamorgan county councils, and

(b)

to employment by the Authority persons employed by those councils wholly or mainly for the purposes of the fire brigades maintained by them.

24. — (1) A person to whom this paragraph applies who in consequence of this scheme, or anything done thereunder, suffers direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, shall be eligible for, and entitled to, payment of compensation by the Authority in respect of such loss in the same way as he would be so eligible or entitled if—

(a)

he were an eligible employee or a person referred to in regulation 5 of the Local Government (Compensation for Redundancy) Regulations 1994 ^{F10}, and the Authority were an employing body or relevant body under those Regulations, or

(b)

he were a person who, having suffered a similar loss in similar circumstances, would be eligible for payment of compensation under any regulations providing for compensation for loss of remuneration made under section 24 of the Superannuation Act 1972 ^{F11} and in force on 1st April 1996, as the case may be.

(2) This paragraph applies to a chief officer, deputy chief officer or assistant chief officer of any of the fire brigades maintained by Dyfed, Powys and West Glamorgan county councils.

(3) Notwithstanding the provisions of the Firemen's Pension Scheme 1992 ("the Pension Scheme")^{F12}, where the appointment of a person to whom this paragraph applies has been determined as mentioned in sub-paragraph (1) he shall be entitled to the immediate payment of any ordinary pension which has accrued to him under rule B1 of the Pension Scheme if, by 1st April 1996—

(a)

he has attained the age of 50, and

(b)

he has, as a member of a fire brigade maintained under the 1947 Act, accrued a minimum of 5 years service which is reckonable for the purposes of the said rule.

(4) Notwithstanding the provisions of the Pension Scheme, where a person to whom this paragraph applies suffers diminution of his emoluments as mentioned in sub-paragraph (1) his average pensionable pay may, for the purpose of determining any award under the Pension Scheme and if the Authority so decides, be adjusted as if he had been issued with a certificate under paragraph 4 of Schedule D1 to the Local Government Pension Scheme Regulations 1995^{F13} to the effect that he had suffered a material reduction in remuneration.

Annotations:

F10S.I. 1994/3025.

F111972 c.11.

F12As set out in Schedule 2 to the Firemen's Pension Scheme Order 1992 (S.I. 1992/129).

F13S.I. 1995/1019.

25. 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 community council, were references to the Authority.

PART VI

PROPERTY, RIGHTS AND LIABILITIES

26. There shall be transferred from Dyfed, Powys and West Glamorgan county councils to the Authority—

(a)

any property which is held by those councils in connection with the provision of fire services by those councils, and

(b)

any rights or liabilities held or incurred by those councils in connection with such services.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes a Scheme which combines the areas of the following new principal councils in Mid and West Wales, namely Cardiganshire County Council, Carmarthenshire County Council, Neath and Port Talbot County Borough Council, Pembrokeshire County Council, Powys County Council and Swansea County Council (which would otherwise become individual fire authorities on 1st April 1996 by virtue of the Local Government (Wales) Act 1994) 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 1996. The scheme establishes a fire authority for the combined area, to be known as the Mid and West Wales Fire Authority or Awdurdod Tân Canolbarth a Gorllewin Cymru, 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 Mid and West Wales Fire Brigade or Brigâd Dân Canolbarth a Gorllewin Cymru, 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 (including payment of compensation). The scheme also provides for the transfer of staff, and certain property, rights and liabilities from Dyfed, Powys and West Glamorgan county councils (the fire authorities for the area prior to 1st April 1996) to the new combined authority.