

# HUMBERSIDE FIRE AUTHORITY

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# CONSTITUTION

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HUMBERSIDE  
Fire & Rescue Service

*Safer Communities Safer Firefighters*

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# PART 1

## SUMMARY AND EXPLANATION

### 1. **THE CONSTITUTION OF THE HUMBERSIDE FIRE AUTHORITY (HFA)**

There is no formal obligation upon a Combined Fire Authority to adopt a Constitution. However, the HFA considers that a Constitution provides the most effective means to set out its governance arrangements and a framework for greater openness and engagement with our communities.

The Constitution brings clarity to role of the HFA and how decisions are taken. A bespoke committee structure has also been adopted.

This Constitution follows broadly the structure that has been adopted by most local authorities. In this way our communities should be familiar with the overall structure of a Constitution.

The Constitution is divided into 15 Articles which set out the basic rules governing the HFA's business. More detailed procedures, responsibilities and codes of practice are provided in separate parts, which follow the Articles.

Guidance upon the Constitution is readily available from the office of the Secretary to the HFA. The Constitution is accessible on the Authority's [website](#).

### 2. **HOW THE HUMBERSIDE FIRE AUTHORITY OPERATES**

All Members meet together at least eight times a year as the full HFA. Meetings are published and open to the public, although the public (and press) may be excluded when exempt or confidential information is to be discussed. You can find our schedule of meetings on the Authority's [website](#) or by contacting the Secretary (refer to Part 7 below).

Members have adopted a Code of Conduct to ensure high standards in the way they undertake their duties. The HFA's Governance, Audit and Scrutiny Committee is responsible for promoting and maintaining high standards of conduct, through arranging training and giving advice on matters relating to the Members' Code of Conduct. The Committee also deals with other ethical and probity matters, and advises the HFA upon corporate governance, audit and performance risk and programme management issues and also undertakes a scrutiny role in respect to HFA decision making and the implementation of policy at Humberside Fire and Rescue Service.

The HFA's Pension Board assists the HFA in its role as Scheme Manager of the Firefighters' Pension Scheme and to ensure the effective and efficient governance and administration of the Scheme.

In addition, the HFA may establish ad hoc committees. For example, in respect to the appointment of Senior Officers or to look into detail of a particular issue.

There is a scheme of delegated authority to the Chief Fire Officer & Chief Executive.

The HFA has also designated two Senior Officers as Monitoring Officer and S.151 Officer. Those roles are set down under Article 11.

To enable you to find out more about the work of the HFA and its committees, all agenda and papers are published in advance of each meeting. You can visit the Humberside Fire and Rescue Service Headquarters to view the papers or you can access the papers on the Authority's [website](#). You will also see that at certain times of the year the HFA receives key reports, for example in February each year the HFA

sets its precept and in September approves its annual Financial Statements. In addition, the last meeting of the Governance, Audit and Scrutiny Committee and the Pension Board in a cycle sets its work programme for the following year.

### **3. HOW DECISIONS ARE MADE**

All decisions are made by the Fire Authority except those that may be delegated to its committees and Appeals Committee or to the Chief Fire Officer & Chief Executive under the Scheme of Delegations.

The Governance, Audit and Scrutiny Committee (Article 6) reviews performance and receives reports upon internal and external audit. The Committee also reviews and scrutinises decisions of the HFA, proposals of the HFA and the implementation of policy at Humberside Fire and Rescue Service and is responsible for setting its own annual work programme. The Governance, Audit and Scrutiny Committee also has a broader governance role as set down in Article 6. The Committee makes recommendations upon the enhancement of corporate governance.

The Pension Board (Article 10A) assists the HFA in its role as a Scheme Manager of the Firefighters' Pension Scheme. Such assistance is (a) to secure compliance with any Regulations or other legislation relating to the governance and administration of the Scheme, and any requirements imposed by the Pensions Regulator in relation to the Scheme, and (b) to ensure the effective and efficient governance and administration of the Scheme. The Pension Board shall have no delegated powers but may make recommendations to the HFA.

It is important that you read this Article in conjunction with the detailed Rules and Schedules that follow under Parts 3 to 9.

### **4. THE HUMBERSIDE FIRE AUTHORITY'S OFFICERS**

The HFA employs Officers to provide advice, propose strategy and manage the day-to-day delivery of its services.

The Officers and Members work in partnership to give leadership.

Some Officers have a specific duty to ensure that the HFA acts within the law and uses its resources wisely. The role of Officers is particularly set out in Article 11 below.

Officers may be authorised by the full HFA to take decisions. The scope of these delegated powers is set out in the Scheme of Delegation in Part 3 of this Constitution.

### **5. THE PUBLIC – OUR COMMUNITIES**

To encourage engagement and openness, this Constitution sets out your rights in your dealings with the HFA. These are set out in more detail in Article 3.

You have the right (subject to an appropriate fee, where specified) and subject to any statutory conditions or restrictions to:

- (a) Contact Members about any matters of concern to them relating to the functions of the HFA;
- (b) View, or for a fee, obtain a copy of the Constitution;
- (c) Attend and record meetings of the HFA and its committees except where, for example, confidential matters or exempt information are being discussed;
- (d) Inspect agenda, reports, background papers and minutes except where this concerns a confidential or exempt matter;

- (e) The following information for all Members: name, political group, and other details (this is available from the Secretary or the Website [www.humbersidefire.gov.uk](http://www.humbersidefire.gov.uk));
- (f) Ask questions of the Chairperson and Committee Chairperson. You can also submit petitions and make deputations to the HFA;
- (g) Participate in the HFA's public consultation, including panels;
- (h) Complain to the HFA under its internal Complaints Procedure (Part 5, Section D) or under the Whistle-Blowing policy (Part 5, Section E) regarding any action by the HFA;
- (i) Complain to the Local Government Ombudsman if you think the HFA has not followed its procedures properly. However, you should only do this after using the HFA's own Complaints Procedure;
- (j) Complain if you consider that you have evidence which shows that a Member has not followed the HFA's Member Code of Conduct;
- (k) Inspect the HFA's annual accounts and make your views known to the HFA's External Auditor.

## **6. APPOINTMENT OF MEMBERS OF THE HUMBERSIDE FIRE AUTHORITY**

Members of the HFA are not elected directly by the HFA. It is the four constituent unitary authorities of the HFA who nominate its Members on an annual basis as set out in Article 2 below.

## **7. SPECIFIED AMOUNTS**

To keep this Constitution as up to date as possible and to avoid having to update the financial figures throughout the Constitution on an annual basis all such figures have been collected together and placed in Part 8. Part 8 will be updated annually or as the need arises. Therefore, throughout the Constitution where figures would normally have been inserted the expression "specified amount(s)" has been used.

## PART 2

# THE HUMBERSIDE FIRE AUTHORITY CONSTITUTIONAL FRAMEWORK

## Article 1 – The Constitution

### 1.1 POWERS OF THE HUMBERSIDE FIRE AUTHORITY

The HFA, as a corporate body, will exercise all its powers and duties in accordance with the law, particularly the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004, and this Constitution. The HFA also has regard to relevant guidance, such as the Fire and Rescue National Framework.

### 1.2 THE CONSTITUTION

This Constitution, including the appendices, is the Constitution of the Humberside Fire Authority (“the HFA”).

### 1.3 PURPOSE OF THIS CONSTITUTION

The purpose of this Constitution is to:

- (a) enable the HFA to provide clear leadership to our communities in partnership with members of the public, businesses and other organisations;
- (b) support and encourage the active involvement of members of the public in the process of the HFA’s decision making;
- (c) enable decisions to be taken efficiently, effectively and transparently;
- (d) create a powerful and effective means of holding decision-makers to public account;
- (e) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for the decisions;
- (f) provide for the effective, efficient delivery of the fire and rescue services to our community;
- (g) help Members represent their constituents more effectively;
- (h) promote equality and recognise diversity;
- (i) ensure that the people who work for the HFA are treated fairly and that opportunities are provided to enhance their effectiveness;
- (j) promote effective communication in all the HFA’s activities;
- (k) provide a means of improving the delivery of services which meet the needs of local people.

### 1.4 INTERPRETATION AND REVIEW OF THE CONSTITUTION

Where the Constitution permits the HFA to choose between different courses of action or interpretations, the HFA will always choose an approach which it believes is close to the purposes stated above.

The HFA will monitor and evaluate the operation of the Constitution as set out in Article 14.

## **Article 2 – Members of the Humberside Fire Authority**

### **2.1 COMPOSITION**

The composition of the HFA is set down by the Humberside Fire Services (Combination Scheme) Order 1995 (see Part 9 of this Constitution). The Order provides that the HFA shall not be more than 25 Members.

The HFA is currently composed of 23 Members who are Elected Members appointed by East Riding of Yorkshire Council (8), Hull City Council (6), North Lincolnshire Council (4) and North East Lincolnshire Council (4). The number of nominations from each of the four constituent authorities is in proportion to the number of local government electors in each of the four constituent authorities' areas.

The Police and Crime Commissioner is also a Member of the Fire Authority for the duration of their term of office.

### **2.2 APPOINTMENT OF MEMBERS**

Members are appointed on an annual basis by the nomination of each of the four constituent authorities. HFA does not directly elect its Members.

The HFA encourages its four constituent authorities to ensure a balance of continuity and refreshment of membership. Membership commences at the Annual General Meeting of the HFA or when all formalities of membership have been complied with.

### **2.3 TERM OF OFFICE**

Members are appointed at the Annual General Meeting of the HFA which is normally held towards the end of May in each year. All Members serve until at least the fourth day after the local elections in any given year. The constituent authorities will nominate their representative Members annually in readiness for the HFA Annual General Meeting. The constituent authorities may choose to replace their representative members at any time provided that written notice is given to the Secretary and political proportionality is maintained. The constituent authorities are not permitted to use substitutes.

A Member who ceases to be a member of a constituent authority shall also cease to be a Member of the HFA.

### **2.4 RESIGNATION OF A MEMBER**

A Member may resign at any time upon giving notice in writing to the Secretary. The Member should also notify their relevant constituent authority.

### **2.5 ROLE OF ALL MEMBERS OF HUMBERSIDE FIRE AUTHORITY**

The various roles of the Members of the HFA are set out in detail under Schedule 2 at the conclusion of Part 2 of this Constitution. Further references to the specific roles are predominantly contained within Articles 5, 6, 7 and 8 and Part 5 of this Constitution.

All Members of the HFA will:

- (a) collectively share responsibility for the good governance of HFA and be the ultimate policy makers and carry out a number of strategic functions;
- (b) represent their communities and bring their views into the HFA's decision-making processes, i.e. Members are the advocate of and for their communities;
- (c) contribute to the good governance of the HFA and actively encourage community participation and public involvement in decision-making;

- (d) respond to the public's enquiries and representations, fairly and impartially;
- (e) be available to represent the HFA on other bodies;
- (f) maintain the highest standards of conduct and ethics and show respect for fellow Members, employees and the community;
- (g) forge local partnerships;
- (h) inform the debate at HFA meetings and contribute to the effectiveness of meetings as the focus of visible leadership;
- (i) contribute to the formation and scrutiny of the HFA's policies, budget, strategies and service delivery;
- (j) develop and maintain a knowledge of the HFA and develop effective working relationships with its Officers;
- (k) prepare an Annual Report;
- (l) be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

## **2.6 RIGHTS AND DUTIES OF MEMBERS**

Members have rights of access to such documents, information, land and buildings of the HFA as are necessary for the proper discharge of their functions and in accordance with the law. Further explanation is provided under Part 4, Section B.

Members will keep confidential all information which is regarded as confidential or exempt.

Members shall not issue or make a contract or any other arrangement which is binding upon the HFA.

## **2.7 CONDUCT OF MEMBERS**

Members will at all times observe a Members' Code of Conduct set out in Part 5, Section A of this Constitution and any other protocol or guidance approved by the HFA upon the recommendation of the Monitoring Officer or the Governance, Audit and Scrutiny Committee.

## **2.8 REGISTER OF INTERESTS**

The HFA is required to maintain and update a Register of Interests of its Members. The Register is available for public inspection at Humberside Fire and Rescue Service Headquarters, Summergroves Way, Hull and is available online at [www.humbersidefire.gov.uk](http://www.humbersidefire.gov.uk). The Register is reviewed by the Governance, Audit and Scrutiny Committee of the HFA.

## **2.9 ALLOWANCES**

Members will be entitled to receive allowances in accordance with the published Members' Allowances Scheme, set out in Part 6 of this Constitution. The Allowances are reviewed by the HFA and published on an annual basis.

# **Article 3 – Citizens and the Humberside Fire Authority**

## **3.1 RIGHTS OF MEMBERS OF THE PUBLIC**

HFA encourages public engagement and participation. Openness, transparency, effective decision making and accountability are core principles adopted by the HFA. Your rights to information and to participate are explained in more detail in the Access



to Information under Part 4 of this Constitution. In general members of the public have the following rights:

(a) **Information**

Members of the public have the right to:

- (i) attend and record all meetings of the HFA and its committees, except where there may be confidential or exempt information to be disclosed, and the meeting is, therefore, held in private (note the published agenda will make this clear);
- (ii) see all agendas, reports and any relevant background papers (these are listed at the end of each report) of matters discussed in public;
- (iii) inspect the HFA's account and make their views known to the external auditor (the HFA publishes a notice of its accounts asking for views to be made);

Generally, there is access to extensive HFA information which is set out in the Publication Scheme of the HFA.

(b) **Participation**

Members of the public have the right to participate in meetings of the HFA as follows:

- (i) ask questions or take part in a deputation at the HFA meetings;
- (ii) take part in debates at the HFA meetings which are specifically identified for that purpose;
- (iii) ask questions at any meetings or contribute to such meetings at the discretion of the Chairperson;
- (iv) contribute to any reviews established by the Governance, Audit and Scrutiny Committee or panels established for such purposes.

Members of the public are encouraged, before participating in any such meetings, to indicate what personal interest, if any, they have in the matter under discussion.

The HFA publishes annually (late May or early June) its annual schedule of meetings. Occasionally special meetings are called.

Notices of all meetings are published. The notice of meetings (and corresponding papers) can be found on the Humberside Fire and Rescue Service web pages ([www.humbersidefire.gov.uk](http://www.humbersidefire.gov.uk)). Notices are displayed at Headquarters. Additionally, you may contact the Secretary to the HFA.

(c) **Complaints**

The HFA welcomes comments and observations from members of the public. However, members of the public have the right to complain formally to:

- (i) the HFA under its complaints procedure or whistle-blowing policy;
- (ii) the Local Government Ombudsman;
- (iii) the Monitoring Officer in respect to an alleged breach of the Member Code of Conduct.

### **3.2 CONDUCT – RESPONSIBILITIES OF THE PUBLIC**

Members of the public are expected to conduct themselves in a manner that is respectful, dignified and non-confrontational, when dealing with Members or Officers of the HFA. Equally, they are expected to show respect for things owned by the HFA. Failure to do so may require members of the public to be excluded from a meeting or any property owned by the HFA. The HFA asks that people remain polite and patient and, if necessary, use the complaints procedure if feeling upset or aggrieved. Any aggressive, intimidating, or discriminating behaviour will not be tolerated by the HFA.

### **3.3 DIVERSITY AND EQUALITY OF OPPORTUNITY**

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

## **Article 4 – Humberside Fire Authority – Full Authority Meetings**

### **4.1 MEANINGS**

#### **(a) Policy Framework**

The Policy Framework comprises all major corporate plans and strategies of the HFA and includes:

- (i) Community Risk Management Plan (CRMP);
- (ii) Strategic Plan.

#### **(b) Budget**

The Budget includes the allocation of financial resources to different directorates, to projects, proposed contingency funds, setting the council tax precept and decisions relating to the control of the HFA's borrowing requirements, the control of its capital expenditure and the setting of virement limits.

#### **(c) Authorised Establishment**

The Authorised Establishment means the maximum number of permanent and temporary employees that are to be employed by the HFA at any given time.

### **4.2 FUNCTIONS OF THE FULL FIRE AUTHORITY**

Generally, all decisions shall be made by the HFA except as it may delegate to any ad hoc Appointments Committee or to the Chief Fire Officer & Chief Executive as detailed in the Scheme of Delegations. Only the HFA will exercise the following functions (matters reserved to the HFA):

- (a) Adopting and changing this Constitution;
- (b) Approving or adopting the Policy Framework (the Community Risk Management Plan (CRMP) and Strategic Plan);
- (c) Approval of Precept;
- (d) Approval of Annual Statement of Accounts;

- (e) Approval of the Annual Budget and Medium-Term Resource Strategy, including Capital Programme;
- (f) Approval of Annual Treasury Management Prudential Indicators and Treasury Management Policy Statement;
- (g) Approval of Annual Governance Statement;
- (h) Appointing annually the Chairperson and Vice Chairperson of the HFA and agreeing the composition of the committee structure of the HFA;
- (i) Agreeing and/or amending the functions of its committees;
- (j) Completing the business of the Annual General Meeting;
- (k) Appointing representatives to outside bodies unless the appointment has been delegated by the HFA;
- (l) Adopting and amending the Members' Allowance Scheme;
- (m) Setting and varying the Authorised Establishment (subject to any delegations set out in the Constitution);
- (n) Designation of the Monitoring Officer and S.151 Officer;
- (o) Confirming the appointment of the Chief Fire Officer & Chief Executive and other Senior Officers;
- (p) Appointing such number of Independent Co-opted Members of the Governance, Audit and Scrutiny Committee and also Members of the Pension Board as the HFA shall from time to time determine;
- (q) Receiving the minutes of meetings of committees and the Pension Board;
- (r) Such other matters specifically requiring the approval of the HFA, particularly under Part 3 and Part 4;
- (s) All other matters which by law must be reserved to the HFA;
- (t) Approval of strategic partnerships;
- (u) Establishing any committee or working party in respect to HFA matters;
- (v) Approving the policy framework for the HFA.
- (w) Keep under review the performance of the Service, assisted by the Governance, Audit and Scrutiny Committee.
- (x) Keep under review the Audit of the Authority, assisted by the Governance, Audit and Scrutiny Committee.
- (y) Keep under review the performance of any regulated company of the Authority.

### **4.3 MEETINGS**

There are three types of HFA meetings:

- (a) The Annual General Meeting (AGM), which meets in early June in each year;
- (b) Ordinary meetings (normally eight per year);
- (c) Extraordinary meetings (as may be necessary).

The meetings of the HFA will be conducted in accordance with the HFA Procedure Rules in Part 4 of this Constitution.

The AGM is primarily a procedural meeting, where for example the Chairperson and Vice Chairperson are elected. The compositions of the Committees are also determined.

Meetings are 'In Person Meetings' where all Members meet in the same room;

## **Article 5 – Chairperson of the Humberside Fire Authority**

**5.1** The Chairperson and Vice Chairperson of the HFA will be elected from amongst the Members at the Annual General Meeting of the HFA. The Chairperson and, in his or her absence, the Vice Chairperson will have the following roles and functions:

(a) **Ceremonial role:**

- (i) to promote the interests and reputation of the HFA and act as an ambassador; and
- (ii) to undertake such civic, community and ceremonial functions as the HFA and he or she determines appropriate and foster community identity and pride.

(b) **Responsibilities as the Chairperson of the HFA:**

- (i) to uphold and promote the purposes of the Constitution;
- (ii) to preside impartially over meetings of the full HFA so that its business can be carried out fairly and efficiently and with regard to the rights of Members and the interests of the community;
- (iii) to ensure that the HFA meeting is a forum for the debate of matters of concern to the local community;
- (iv) to promote public involvement in the HFA's activities;
- (v) to conduct meetings of the full HFA with dignity and be the conscience of the HFA;
- (vi) to uphold the principles of good governance;
- (vii) to provide political leadership to the HFA.

Schedule 2 to the Articles provides additional guidance upon the role of the Chairperson and Members generally. In addition, guidance is provided upon the role of, Member Spokespersons and Group Secretaries.

## **Article 6 – Governance, Audit and Scrutiny Committee**

### **6.1 COMPOSITION**

- (a) The membership of the Governance, Audit and Scrutiny Committee shall be determined by resolution of the HFA. The size of the Committee shall be decided by the HFA.
- (b) The HFA may, if it considers it necessary or desirable, appoint such number of Independent Co-opted Members of the Committee as it shall determine who shall be selected for their relevant expertise, particularly in:
  - Audit and financial governance
  - Scrutiny of decision making

The HFA will approve a selection process and criteria.

- (c) The Chairperson of the Committee may be appointed annually at the Annual General Meeting of the HFA or elected at the Annual General Meeting of the Governance, Audit and Scrutiny Committee.
- (d) The quorum for meetings of the Committee shall be 3.

## **6.2 FREQUENCY OF MEETINGS**

The Schedule of meetings shall be decided at the Annual General Meeting of the HFA. In addition, extraordinary meetings may be called at such other times as the Committee or Chairperson of the Committee may determine.

## **6.3 STATEMENT OF PURPOSE**

The Committee is a key component of the Authority's corporate governance. It provides an independent and high level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Committee is to provide independent advice and recommendations to the HFA on the adequacy of the governance and risk management frameworks, internal controls and financial reporting, and internal and external audit, thereby helping to ensure efficient and effective assurance arrangements are in place.

## **6.4 FUNCTIONS**

The Governance, Audit and Scrutiny Committee shall have the following functions, unless decided otherwise by the HFA:

### **6.4.1 Governance and Risk**

- (a) Ensuring effective governance is in place and functioning efficiently and effectively and to make any recommendations for improvement.
- (b) Reviewing the Annual Governance Statement prior to approval.
- (c) Considering the framework of assurance and ensuring that it adequately addresses the risks and priorities of the Authority.
- (d) Monitoring the effective development and operation of risk management, reviewing the risk profile, and monitoring the adequacy of management action in addressing risk-related issues reported to them.
- (e) Considering the arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (f) Reviewing arrangements for the assessment of fraud risks and potential harm from fraud and corruption and monitor the effectiveness of the anti-fraud related policies.

In addition, the Committee shall receive reports on the following matters (the Committee shall have no delegated authority but may make observations to the Fire Authority):

### **6.4.2 Internal Audit**

- (a) Considering

- (i) the internal audit plan (and any proposed revisions),
  - (ii) regular progress reports, and
  - (iii) the Head of Internal Audit's annual report and opinion and the level of assurance it can give over corporate governance arrangements and the effectiveness of internal controls.
- (b) Considering summaries of internal audit reports and such detailed reports as the committee may request from the HFA, including issues raised or recommendations made by internal audit and the adequacy of management action to address areas identified for improvement.
  - (c) Overseeing the appointment and considering the adequacy of the performance of the internal audit service and its independence.
  - (d) Considering a report on the effectiveness of internal audit to support the Annual Governance Statement.

#### **6.4.3 External Audit**

- (a) Receiving the external Audit Plan, the external auditor's annual management letter, relevant reports, and the report to those charged with governance and consider the adequacy of the of action being taken by the HFA, to address recommendations for improvement.
- (b) Commenting on the scope and depth of external audit work, its independence and whether it gives satisfactory value for money.
- (c) Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

#### **6.4.4 Financial Reporting**

Reviewing the annual statement of accounts to provide assurance that they comply with relevant requirements before approval by the HFA.

#### **6.4.5 Scrutiny - General**

##### Scrutiny Function

- (a) The Committee shall review and scrutinise decisions of the HFA and the implementation of policy at Humberside Fire and Rescue Service;
- (b) That the Committee be responsible for setting its own scrutiny work programme which shall be tightly focussed on a short list of topics each year. Health and safety and staff welfare shall be a particular focus. In setting its work programme the Committee shall consider items for scrutiny put forward by the HFA;
- (c) The HFA shall refer business to and seek advice from the Committee as it considers appropriate. Such referrals will be accompanied by an indication of its preliminary view of the matter under consideration;
- (d) The Committee shall respond as soon as their work programme permits to requests from the HFA to review a particular issue or issues;
- (e) In exercising its scrutiny role, the Committee will ensure that any observations are non-political and are not designed to displace the functions or responsibility of the HFA;

- (f) The Committee shall make such recommendations as it considers appropriate to the HFA arising out of the scrutiny process.

#### Scrutiny Process

- (a) The Committee shall determine its work programme using the shortlist of topics approved by the HFA.
- (b) The Committee shall agree a short scope for each topic chosen in order to inform report writers of the areas they should address in their reports.
- (c) Officers shall, in accordance with the Committee's scopes, provide reports to be included with the published agendas of relevant meetings.
- (d) The Committee shall receive scrutiny reports formally at its meetings and relevant officers and other invited contributors shall attend the Committee's meetings in order to answer its questions.
- (e) The Committee shall, as appropriate, formulate recommendations to the HFA based on the reports it receives in response to its scopes, and the answers it receives in response to its questions.

#### **6.4.6 Other Responsibilities**

- (a) Review of Strategic Managers registers of interests.
- (b) Performing any other relevant activities requested by the HFA.

#### **6.5 MINUTES**

- (a) Minutes of the Committee will be circulated to all Members of the HFA and shall be included as an agenda item on the HFA;
- (b) The Chairperson of the Committee or nominated representative will be invited at the discretion of the Chairperson of the HFA to present the minutes at the meeting of the HFA and to respond to any questions that the HFA may have in respect to any matter concerning the Committee.

#### **6.6 Regular Reports**

The Committee will receive the reports relating to the following issues on a regular basis as part of its audit function:

- treasury management (annual report)
- annual accounts (annual report)
- management accounts (biannual reports)
- internal audit (frequent updates and annual report)
- external audit (frequent updates and annual report)

## **Article 7 – Appointments Committee**

### **7.1 MEETINGS OF THE COMMITTEE**

The Committee shall meet as and when required.

#### **7.1.1 Appointment of Senior Officers**

- (a) The Appointments Committee shall make recommendations to the Fire Authority regarding the appointment and conditions of service of the following Senior Officers of the Executive Board:  
  
Chief Fire Officer & Chief Executive  
Deputy Chief Fire Officer  
Assistant Chief Fire Officer  
Executive Directors
- (b) In respect to the appointment of the Chief Fire Officer & Chief Executive, the Secretary shall act as primary adviser to the Committee. The Committee may appoint such external advisers as it considers appropriate.
- (c) In respect to the appointment of a Deputy Chief Fire Officer and Executive Director, the Chief Fire Officer & Chief Executive shall be an *ex officio* member of the Committee for the purposes of the appointment.
- (d) Unless the HFA agrees to delegate full appointment power to the Committee, all appointments of Senior Officers shall need to be ratified by the HFA (the Appointments Committee recommending the appointment to the full HFA).
- (e) The Committee will ensure that prior to the recruitment of any officer set out in 7.3.2(a), that it ensures sufficient competition and determine a fair and effective recruitment process.
- (f) The Committee shall also recommend to the HFA the designation of Monitoring Officer and S.151 Officer.
- (g) Where there exists any immediate vacancy in the role of Deputy Chief Fire Officer or Executive Director, the Chief Fire Officer & Chief Executive, in consultation with the Chairperson of the HFA, shall be entitled to make a temporary appointment. In respect to the Monitoring Officer or S.151 Officer, then consultation shall also take place with the Chairperson of each Committee. The HFA shall consider proposed temporary appointments of three months or more.

## **Article 8 – Appeals Committee**

Subject to the Conduct and Performance Procedure adopted by the Authority, should there be a requirement for Members to hear an appeal against dismissal, then an Appeals Committee will be established by the HFA. There shall be established an ad hoc Appeals Committee to hear and determine appeals submitted by an employee in accordance with the procedures of the HFA.

## **Article 9 – Forums and Groups**

The HFA may appoint such Forums or Groups as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of more efficient, transparent and accountable decision making; and improved ways of identifying and meeting the needs of its communities.



The HFA shall determine the composition and functions of such Forums or Groups as it considers appropriate.

## **Article 10 - Joint Arrangements**

### **10.1 JOINT ARRANGEMENTS**

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

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

### **10.2 ACCESS TO INFORMATION**

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

Should a joint committee contain Members who are not on any participating HFA then the Access to Information Procedure Rules in Part VA of the Local Government Act 1972 will apply.

### **10.3 DELEGATION TO AND FROM OTHER FIRE AND RESCUE AUTHORITIES**

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

### **10.4 CONTRACTING OUT**

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

### **10.5 COMPANIES OF THE HFA**

The Authority may establish any company (as laid down by the Localism Act 2011).

Where such a company is regarded as local authority regulated, then the performance of the company shall be kept under regular review by the HFA (or its Governance, Audit and Scrutiny Committee, as the HFA sees fit).

Where such a company is properly regarded as being 'arm's length', then the Strategic Leadership Team shall produce an annual report setting out the performance of the company.

## **Article 10A – Pension Board**

### **10A.1 FUNCTIONS AND RESPONSIBILITIES OF THE BOARD**

The purpose of the Board is to assist the HFA in its role as a Scheme Manager of the Firefighters' Pension Scheme. Such assistance is:

- (a) to secure compliance with:
- the Regulations,
  - any other legislation relating to the governance and administration of the Scheme, and
  - requirements imposed by the Pensions Regulator in relation to the Scheme, and

- (b) to ensure the effective and efficient governance and administration of the Scheme.
- (c) The Pension Board shall have no delegated powers but may make recommendations to the HFA.

#### **10A.2 SUPPORT TO THE BOARD**

- (a) In support of its core functions the Board may make a request for information to the Executive Director of Corporate Services/S.151 Officer with regard to any aspect of the scheme manager function. Any such a request should be reasonably complied with in both scope and timing.
- (b) In support of its core functions the Board may make recommendations to the Executive Director of Corporate Services/S.151 Officer which should be considered and a response made to the Board on the outcome within a reasonable period of time.

#### **10A.3 DUTIES OF THE BOARD**

The Board should at all times act in a reasonable manner in the conduct of its business. In support of this duty Board members should:

- (a) always act in the interests of the scheme and not seek to promote the interests of any stakeholder group above another, and

Either -

- (b) in the case of Elected Member and Other members be subject to and abide by the HFA Code of Conduct for Members

or

- (c) in the case of officers of the HFA be subject to and abide by the HFA principles of good conduct for employees.

#### **10A.4 COMPOSITION**

The Board will comprise an equal number of employer and member representatives as shall be determined by the HFA with a minimum requirement of not less than four in total. Initially the Board shall comprise:

##### Member representatives

- (a) TWO member representatives:
  - 1 representative nominated by the representative bodies via the agreement at the Joint Consultative Committee;
  - 1 representative selected from applications by individual HFRS FPS members or eligible HFRS FPS members.
- (b) Member representatives shall either be members of the scheme administered by the HFA.
- (c) Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- (d) The HFA will approve a selection process and criteria for the appointment of Member representatives to the Board.

### Employer representatives

- (a) TWO employer representatives:
  - 1 Elected Member
  - 1 Officer (Area Manager of Emergency Response)
- (b) Employer representatives shall be Elected Members or senior officers of the HFA or have experience of representing scheme employers in a similar capacity. Elected Members or employees of the HFA with delegated responsibility for discharging the scheme manager function of the HFA may not serve as employer representatives.
- (c) Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
- (d) Employer representatives shall be appointed by the HFA in a manner which it considers best promotes the purpose of the Board.

### Other members

- (a) Up to 4\* other members may be appointed to the Board in a non-voting capacity by the HFA or the Board.  
  
[\* Number to be no greater than the combined number of employer and member representatives]
- (b) Any appointments of other members shall have regard to the best interests of the purpose of the Board.

### Substitutes

Substitutes shall not be permitted.

### Appointments Process

All appointments to the Board shall be made generally in accordance with the appointments process set out in the Annex to this Terms of Reference.

## **10A.5 TERM OF APPOINTMENTS**

- (a) The membership of the Pension Board shall be determined at the Annual General Meeting of the HFA.
- (b) Board membership may be terminated due to:
  - (i) a member representative appointed on the basis of their membership of the scheme no longer being a member or eligible member of the HFRS FPS;
  - (ii) a member representative no longer being a member of the body on which their appointment relied;
  - (iii) an employer representative no longer holding the office or employment or being a member of the body on which their appointment relied;
  - (iv) the representative failing to attend meetings of the Board on three consecutive occasions.

#### **10A.6 APPOINTMENT OF CHAIRPERSON**

- (a) The Chairperson of the Board may be appointed annually at the Annual General Meeting of the HFA or elected at the Annual General Meeting of the Pension Board. The position of Chairperson will normally rotate on an annual basis between the Employers' representatives and the Member representatives on the Board. In the absence of the Chairperson at any meeting a Chairperson will be chosen from those members present to preside at that meeting.
- (b) The role of the Chairperson will be in accordance with the Roles of the Committee Chairpersons Generally set out in Part 2 Schedule 2 of the Constitution.

#### **10A.7 QUORUM**

The quorum for meetings of the Board shall be 3 or as may be decided by the HFA at its AGM.

#### **10A.8 NOTIFICATION OF APPOINTMENTS**

On appointment to the Board, the HFA shall publish the name of the appointees, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

#### **10A.9 CONFLICTS OF INTEREST**

- (a) All members of the Board must declare to HFA on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board in accordance with the Conflicts of Interest Policy approved by the Pension Board (Section C, Part 5 (Conduct and Probity) of this Constitution refers).
- (b) On appointments to the Board and following any subsequent declaration of potential conflict HFA shall ensure that any potential conflict is effectively managed in line with both the internal procedures of HFA and the requirements of the Pensions Regulator's codes of practice on conflict of interest for Board members.

#### **10A.10 KNOWLEDGE AND UNDERSTANDING (INCLUDING TRAINING)**

- (a) Knowledge and understanding must be considered in light of the role of the Board to assist the HFA in line with the requirements outlined above. The Board should establish and maintain a policy and framework to address the knowledge and understanding requirements that apply to Board Members. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
- (b) Board Members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
- (c) Board Members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

#### **10A.11 RIGHT TO ATTEND MEETINGS**

- (a) Members of the public may attend meetings of the Board subject to the exception set out below.

- (b) The Board may resolve to exclude the press and public from a meeting of the Board on the grounds that the discussion of an item may include the discussion of confidential or exempt information as set out in Part 4 Section A Rule 9 of the Constitution.

#### **10A.12 FREQUENCY OF MEETINGS**

There shall normally be two ordinary meetings of the Pension Board in each year. The Schedule of meetings shall be decided at the Annual General Meeting of the HFA. In addition, extraordinary meetings may be called at such other times as the Board or Chairperson of the Board may determine.

#### **10A.13 VOTING**

Every proposition shall be determined by a show of hands.

#### **10A.14 CONFLICT RESOLUTION**

In the event that a conflict should arise between the views of the Board in respect of decisions/actions of the Scheme Manager which is not resolved following representations from the Board to the Scheme Manager the matter may be referred to the Scheme Advisory Board or the Pension Regulator for guidance/clarification.

#### **10A.15 ADDITIONAL POWERS**

- (a) The Board is authorised to investigate any activity within its terms of reference and to seek any information it requires from any employee. All employees are directed to co-operate with any request made by the Board.
- (b) The Board is authorised to obtain outside legal or other independent advice and to secure the attendance of non-members with relevant experience and expertise if it considers this necessary, normally in consultation with the Monitoring Officer/Secretary, Chief Fire Officer & Chief Executive and Chairperson of the HFA. However, it may not incur direct expenditure in this respect without the prior approval of the HFA.

#### **10A.16 POWER TO ESTABLISH SUB-COMMITTEE OR PANELS**

- (a) The Board shall have the power to establish a sub-committee of the Board and any such sub-committee shall be authorised solely to make recommendations to the Board.
- (b) The Board shall be entitled to establish such panels or groups as it considers necessary to assist in the discharge of its functions. No delegated authority shall be granted to such a panel and the composition of a panel shall not be confined to the Members of the Board.

#### **10A.17 ANNUAL REPORT AND MINUTES**

- (a) Minutes of the Board will be circulated to all Members of the HFA and shall be included as an agenda item on the HFA. Minutes of the Board will be made available in accordance with Part 4 Section B Rule 9 of the Constitution.
- (b) The Chairperson of the Board or nominated representative will be invited at the discretion of the Chairperson of the HFA to present the minutes at the meeting of the HFA and to respond to any questions that the HFA may have in respect to any matter concerning the Board.

#### **10A.18 AMENDMENTS TO THE TERMS OF REFERENCE**

Changes to the terms of reference may only be approved by the full HFA except that minor modifications reflecting changes in legislation or guidance from the Department for Communities and Local Government or the Pensions Regulator may be made by the Monitoring Officer/Secretary at the request of the Pension Board. Any such changes will be reported to the HFA to enable the Constitution to be amended.

## PENSION BOARD – APPOINTMENTS PROCESS

1. The following procedures shall generally apply to the appointment of Members to the Board.

### **Member representatives**

2. TWO member representatives:
  - (a) 1 representative nominated by the representative bodies via the agreement at the Joint Consultative Committee;
  - (b) 1 representative selected from applications by individual HFRS FPS pension members or eligible HFRS FPS members.
3. With regard to part 2 (a) above a single nomination will be invited from the Joint Consultative Committee to be determined by the staff side representatives on that Committee. In the event that no eligible nomination is forthcoming the vacancy shall be filled applying the procedure applicable for the appointment of a representative under part 2 (b) above.
4. With regard to part 2 (b) above:
  - (i). Every member of the scheme administered by the HFA shall be sent a nomination pack by email or post to include the terms of reference and an invitation to nominate themselves as a member representative.
  - (ii) Any nomination should include information as to how the nominee meets the requirements of the role as set out in the terms of reference and how their appointment would be in the best interests of the purpose of the Board.
  - (iii) Details of the appointment process shall be posted on the website of the HFA together with instructions for the completion and submission of nomination forms.
  - (iv) All nominations will be assessed as to their eligibility by the Strategic Leadership Team who will recommend to the Authority an appointment, or if no nomination is received from the JCC, a second appointment.

### **Employer representatives**

5. TWO employer representatives:
  - (a) 1 Elected Member
  - (b) 1 Officer
6. With regard to part 5 (a) above the HFA will seek nominations from Elected Members for appointment. In the event of there being more than one nominee the matter will be determined at a meeting of the HFA and the Elected Member receiving the greatest number of votes will be appointed.
7. With regard to part 5 (b) above the HFA shall appoint a senior officer of the HFA on the recommendation of the Strategic Leadership Team.

### **Other members**

8. (a) Up to 4\* other members may be appointed to the Board in a non-voting capacity by the HFA or the Board by such process as the Authority shall determine.
 

[\* Number to be no greater than the combined number of employer and member representatives]
- (b) Any appointments of other members shall have regard to the best interests of the purpose of the Board.

## Article 11 – Officers

### 11.1 STRUCTURE

#### General

The HFA may engage such staff (referred to as Officers) as it considers necessary to carry out its functions. Officers may be authorised either by the full HFA or, where specified, a Committee to take decisions. The scope of these delegated powers is set out in the general Scheme of Delegation in Part 3 of this Constitution.

#### Statutory Officers

Certain posts are required under either the Local Government Act 1972, the Local Government Finance Act 1988 or the Local Government and Housing Act 1989 as set out in paragraph 11.2 below.

#### Structure

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

### 11.2 STATUTORY POSTS

HFA has designated the following posts:

<u>Designation</u>	<u>Post</u>
Head of Paid Service	Chief Fire Officer & Chief Executive
Monitoring Officer	Secretary
S.151 Officer	Executive Director of Finance

### 11.3 FUNCTIONS OF THE HEAD OF PAID SERVICE (CHIEF FIRE OFFICER & CHIEF EXECUTIVE

- (a) The Chief Fire Officer & Chief Executive shall have overall corporate management and operational responsibility for the Humberside Fire & Rescue Service.
- (b) The Chief Fire Officer & Chief Executive will advise the HFA on the manner in which the discharge of the Service is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.
- (c) The Head of Paid Service may not be the Monitoring Officer, but may hold the post of S.151 Officer if he or she is a qualified accountant as set out in Section 113 of the Local Government Finance Act 1988.
- (d) Part 3, Sections A and B, set out particular delegated authority to the Chief Fire Officer & Chief Executive.
- (e) The Chief Fire Officer & Chief Executive shall also:
  - (i) Command the Humberside Fire and Rescue Service in accordance with relevant legislation;
  - (ii) Lead and oversee all aspects of Service management and strategic planning as required by the HFA, using the overall management structure of the Service to ensure effectiveness and efficiency in the



discharge of corporate responsibilities, monitoring and review of performance, maintenance of standards and achievement of continuous improvement;

- (iii) Advise the HFA about Fire & Rescue Service matters and report to the HFA on all relevant issues within the terms of this Constitution;
- (iv) Represent the Service in meetings, correspondence or otherwise with government, constituent unitary authorities, representative bodies and other organisations, ensuring effective representation of the Service's position in all discussions, presentations, consultations and negotiations and facilitating positive relationships with these organisations;
- (v) Undertake Principal Officer cover arrangements in conjunction with other allocated officers to enable operational and managerial effectiveness at that level at all times;
- (vi) Adhere to National Rolemap of Brigade Manager.

## **11.4 FUNCTIONS OF THE MONITORING OFFICER**

### **11.4.1 Functions and Responsibilities**

The principal functions and responsibilities of the Monitoring Officer are:

- (a) To report to the HFA in any case where he/she is of the opinion that any proposal or decision would give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5(a) of the Local Government and Housing Act 1989: such matters to be referred to as 'reportable incidents';
- (b) To investigate any matters relating to possible reportable incidents;
- (c) To act as the Principal Adviser to the HFA in respect to the Code of Conduct and associated procedure;
- (d) To ensure that the HFA has before it all necessary legal advice and information in order for the HFA to make decisions;
- (e) To maintain the registers of Members' and Officers' Interests;
- (f) To ensure the preparation, publication and retention of records of decisions taken by or on behalf of the HFA;
- (g) To deal with Ombudsman complaints;
- (h) To make arrangements in conjunction with the Governance, Audit and Scrutiny for the provision of advice and training to Members on the ethical framework or any joint arrangements relating thereto.

### **11.4.2 Resources**

For the purposes of carrying out these functions, the Monitoring Officer shall have:

- (a) The right of access to all documents held on behalf of the HFA. This does not extend to documents and information held by or on behalf of any political party;
- (b) The right of access to any meetings of officers or Members of the HFA. This does not extend to any meetings held by or on behalf of any political party;

- (c) The right to require the assistance of any officer of the HFA in undertaking the role of Monitoring Officer;
- (d) HFA to agree a local resolution of any complaint of maladministration in consultation with the Chief Fire Officer & Chief Executive including power to agree a compensation payment of up to the specified amount in any one case;
- (e) HFA, after consultation with the Chief Fire Officer & Chief Executive and S.151 Officer, to notify the Police and other regulatory agencies of concern in respect of any matter;
- (f) The right to obtain at the HFA's expense external legal advice.

#### 11.4.3 Discharge of Functions and Responsibilities

The Monitoring Officer's functions and responsibilities will be discharged in the following ways:

- (a) He or she should be routinely informed and consulted in respect of any new policy proposals being formulated by other officers;
- (b) Officers should seek advice on appropriate matters, should any matter be progressed by officers contrary to that advice the Monitoring Officer will consider whether or not a public report is required;
- (c) Where a complaint of a potential reportable incident is received, the Monitoring Officer shall seek to resolve the matter amicably by ensuring that any illegality, failure of process or breach of the HFA's Code of Conduct is avoided or rectified;
- (d) In appropriate cases, the Monitoring Officer may rely upon existing processes within the HFA, such as internal appeals procedures or insurance arrangements to resolve any potential reportable incident;
- (e) In appropriate cases, the Monitoring Officer shall be entitled to add his or her written advice to the report of any other officer of the HFA.

#### 11.4.4 Conflicts

Where the Monitoring Officer is in receipt of a complaint and is aware of a potential reportable incident relating to a matter on which he/she has previously advised, he/she shall consult the Chief Fire Officer & Chief Executive, who may then refer the matter to another officer for investigation and report back to the Chief Fire Officer & Chief Executive.

### 11.5 ROLE AND FUNCTIONS OF THE S.151 OFFICER

#### 11.5.1 Functions and Responsibilities

The principal functions and responsibilities of the S.151 Officer are:

- (a) To ensure lawfulness and financial prudence of decision making in consultation with the Chief Fire Officer & Chief Executive and the Monitoring Officer and to report to the HFA or external auditor as appropriate including any report under Section 114 of the Local Government and Finance Act 1988;
- (b) To have responsibility for the administration of the financial affairs of the HFA in accordance with Section 151 of the Local Government Act 1972

and the Accounts and Audit Regulations 1996 and to lead and manage an effective and responsible financial service;

- (c) To contribute to the corporate management and leadership of the HFA, in particular to provide professional financial advice as set out in the statutory guidance issued by the Secretary of State under the Local Government Act 2000;
- (d) To advise all Members and officers about statutory powers, maladministration, financial impropriety and probity, budget, reserves and policy framework issues as set out in the statutory guidance issued by the Secretary of State under the Local Government Act 2000;
- (e) To provide financial information to the media, members of the public and the community as set out in the statutory guidance issued by the Secretary of State under the Local Government Act 2000.

#### 11.5.2 Resources

For the purposes of carrying out these functions, the S.151 Officer shall have:

- (a) The right of access to all documents held by or on behalf of the HFA; this does not extend to any documents or information held by or on behalf of any political party;
- (b) The right of access to all Members both individually and collectively and to the HFA; this does not extend to any meetings held by or on behalf of any political party;
- (c) Access to the HFA's internal audit function and the ability to control and influence both the work programme of internal audit to support his/her statutory duties and the quantity and quality of staff available to undertake the relevant internal audit projects;
- (d) Access to external audit and the inspectorates to ensure that they have a good understanding and complete, up to date information about financial arrangements in operation in the HFA.

#### 11.5.3 Discharge of Functions and Responsibilities

The S.151 Officer's functions and responsibilities will be discharged in the following ways in order to fulfil the statutory and public interest responsibilities of the role. The S.151 Officer will:

- (a) **Maintain strong financial management underpinned by effective financial controls**

In discharging this function the S.151 Officer will:

- (i) Advise on effective systems of internal control;
- (ii) Ensure there is an effective system of internal financial control;
- (iii) Ensure that financial management arrangements are sound and effective;
- (iv) Ensure a prudential financial framework is in place;
- (v) Ensure that any partnership arrangements (or other innovative structures for service delivery) are underpinned by clear and well documented internal financial controls;

- (vi) Secure effective arrangements for prudential borrowing, treasury management, pensions and trust funds;
- (vii) Ensure there is an effective internal audit function and assist management in providing effective arrangements for financial scrutiny;
- (viii) In conjunction with the Monitoring Officer, advise on anti-fraud and anti-corruption strategies and measures;
- (ix) Secure effective systems of financial administration;
- (x) Ensure that statutory and other accounts and associated claims and returns in respect of grant are prepared.

(b) **Contribute to the effective corporate management and leadership of the HFA**

In discharging this function, the S.151 Officer will:

- (i) Contribute to the effective leadership of the HFA;
- (ii) Contribute to the management of the HFA;
- (iii) Ensure that the HFA's financial resources are well managed;
- (iv) Contribute to cross-authority issues and to the development of the HFA.

(c) **Support and advise Members**

In discharging this function, the S.151 Officer will:

- (i) Advise on protocols setting out the respective roles and responsibilities of Members and officers for financial management;
- (ii) Provide advice to Members on developing an overall financial strategy that serves policy and service objectives;
- (iii) Advise on the level and utilisation of reserves;
- (iv) Help Members to identify priorities, prepare the annual funding plan/budget and identify how resources will be used;
- (v) Help Members to monitor financial performance against the annual funding plan/budget.
- (vi) Provide advice to any Independent Co-opted Members to help them carry out their scrutiny duties.

(d) **Support and advise officers in their operational roles**

In discharging this function, the S.151 Officer will:

- (i) Ensure that there is an effective approach to financial management;
- (ii) Ensure that financial strategies serve policy and service objectives;

- (iii) Ensure that the HFA's resources are well managed;
- (iv) Ensure that budgets are properly managed;
- (v) Ensure that financial advice and information is provided;
- (vi) Advise on performance management and measurement.

(e) **Lead and manage an effective and responsive financial service**

In discharging this function, the S.151 Officer will:

- (i) Secure high standards of performance and service to the public;
- (ii) Demonstrate accountability to members of the public and the community by providing robust financial and performance information;
- (iii) Establish a good, professional working relationship with external auditors, inspectors and other statutory agencies;
- (iv) Ensure that the services provided by the finance function are in line with the expectations and needs of its internal stakeholders;
- (v) Ensure there are high standards of performance throughout the finance function;
- (vi) Lead and manage the finance function;
- (vii) Act as head of profession for all finance staff in the HFA.

**11.6 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND S.151 OFFICER**

The HFA will provide the Monitoring Officer and S.151 Office with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed, including those under Section 114 of the Local Government and Finance Act 1998.

**11.7 CONDUCT**

Officers will comply with the Officers' Code of Conduct set out in Part 4 of the Constitution and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution. Strategic Managers will also comply with the Code of Conduct for Strategic Managers.

**11.8 EMPLOYMENT**

The recruitment, selection and dismissal of officers will comply with policy and procedures approved by the HFA.

## Article 12 – Decision Making

### 12.1 RESPONSIBILITY FOR DECISION MAKING

The HFA will issue and keep up-to-date a record of the responsibility for particular types of decisions or decisions relating to particular areas or functions whether these be delegated or otherwise. This record is set out in the Scheme of Delegation in Part 3 of this Constitution.

### 12.2 HUMBERSIDE FIRE AUTHORITY PRINCIPLES OF EFFECTIVE DECISION MAKING

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

- (a) lawfulness and financial propriety and prudence;
- (b) proportionality that is, in any decision the action must be proportionate to the desired outcome;
- (c) due consideration and the taking of professional advice from Officers and/or appropriately qualified consultants;
- (d) due consultation;
- (e) respect for human rights;
- (f) presumption in favour of openness;
- (g) sustainability;
- (h) having due regard to appropriate national, strategic, local policy and guidance;
- (i) clarity of aims and desired outcomes; and
- (j) the ability to explain the options considered and the reasons for decisions.

### 12.3 TYPES OF DECISION

#### (a) **Decision making by the full HFA in relation to its functions**

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

#### (b) **Decision making procedures followed by the full HFA**

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

#### (c) **Decision making by Committees or Sub-Committees established by the HFA**

Subject to this Article, the HFA, its Committees or Sub-Committees will follow those parts of the HFA Procedures Rules set out in Part 4 of this Constitution which apply to them.

#### (d) **Delegated Authority to Officers**

Article 11 and Part 3, Section B sets out the scheme of delegated authority to Officers.

(e) **Decision making by HFA bodies acting as tribunals**

The HFA, a Member or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the 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 4 of this Constitution apply to all decision-making processes as specified in those Rules.

(g) **Key Decision**

Key decisions, which means executive decisions which are likely to result in the HFA incurring expenditure which is, or the making of savings which are, significant having regard to the HFA's budget for the service or function to which the decision relates

In accordance with Section 38 of the Local Government Act 2000, in determining the meaning of "significant" regard shall be had to any guidance for the time being issued by the Secretary of State. The meaning for the purposes of this HFA's functions is set out in Rule 12 of the Access to Information Rules in Part 4 of this Constitution.

An Officer may make a key decision only in accordance with this Constitution.

## **Article 13 – Finance, Contracts and Legal Matters**

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

### **13.1 FINANCIAL MANAGEMENT**

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

### **13.2 CONTRACTS AND PROCUREMENTS**

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

### **13.3 LEGAL PROCEEDINGS**

The Chief Fire Officer & Chief Executive and Secretary are authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the HFA or in any case, where they consider that such action is necessary to protect the HFA's interest.

### **13.4 AUTHENTICATION OF DOCUMENTS**

Where any document is necessary to any legal procedure or proceedings on behalf of the HFA, it will be signed by the Secretary or other person authorised by him or her, unless any enactment otherwise authorises or requires, of the HFA has given requisite authority to some other person.

## **Article 14 – Review and Revision of this Constitution**

### **14.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION**

This Constitution has been adopted to achieve the purposes set out in Article 1. In order to ensure that the HFA is achieving these purposes, the HFA shall regularly consider the effectiveness of this Constitutional framework (regularly means annually).

The Chief Fire Officer & Chief Executive, S.151 Officer and the Secretary will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect, and make recommendations to the HFA (through the committee structure, particularly through the Governance, Audit and Scrutiny Committee) for ways in which it could be amended in order to better achieve the purposes set out in Article 1.

The monitoring and review of the Constitution shall be carried out as follows:

- (a) Through the Governance, Audit and Scrutiny Committee
- (b) The S.151 Officer shall keep under review all matters relating to Financial Procedures and Contract Procedures and all associated matters;
- (c) The Monitoring Officer and the Secretary shall keep under review all matters relating to Code of Conduct issues and will be responsible for ensuring that the Constitution is kept up to date in all other matters;
- (d) Consideration of national exemplars of best practice;
- (e) Review and analyse comments raised by Members, Independent Co-opted Members, Officers, stakeholders and members of the public;
- (f) Taking into consideration reports of Internal and External Audit.

### **14.2 AMENDMENTS TO THE CONSTITUTION**

Changes to the Constitution may only be approved by the full HFA.



# Article 15 – Suspension, Interpretation and Publication of the Constitution

## 15.1 SUSPENSION OF THE CONSTITUTION

### (a) **Limit to suspension**

The Articles of this Constitution may not be suspended. The Procedural Rules specified below may be suspended by the full HFA to the extent permitted within the Rules and the law, in particular:

- (i) The HFA Procedure Rules set out in Part 4 of this Constitution;
- (ii) Financial Procedure Rules; and
- (iii) Contract Procedure Rules.

### (b) **Procedure to suspend**

A motion to suspend any Procedural Rule cannot be moved without notice unless at least one half of the total number of Members of the HFA (or the relevant Committee, where the particular procedure falls within the delegated powers of a Committee) are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

## 15.2 INTERPRETATION

The ruling of the Chairperson of the HFA or relevant Committee, or in his/her absence the Chairperson of the meeting, as to the construction or application of this Constitution or as to any proceedings of the HFA, or Committee, shall not be challenged at any meeting. Such interpretation will have regard to the purpose of this Constitution contained in Article 1.

The Chairperson will rule having taken the advice of the Secretary as to the construction or application of any of the Rules, or generally upon the interpretation of the Constitution.

## 15.3 PUBLICATION

The Secretary will ensure that copies of this Constitution are available for inspection at the HFA Headquarters and on the HFA's Website.

Members of the public may request a copy of the Constitution free of charge. All other persons may request a copy but an administration fee may be applied.

## Schedule 1

### Description of Decision Making Arrangements

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

Article 4	Full HFA
Article 6	Governance, Audit and Scrutiny Committee
Article 7	Appointments Committee
Article 8	Appeals Committee
Article 10	Joint Arrangements
Article 10A	Pension Board
Article 12	Decision Making
Part 3	Responsibilities for functions
Part 4	Rules of Procedure

The management structure of the Humberside Fire & Rescue Service is set down in Part 7 of the Constitution.

## Schedule 2

### Guidance Notes

#### 1. **ROLE OF THE CHAIRPERSON OF THE HUMBERSIDE FIRE AUTHORITY**

##### **PURPOSE**

Article 5 sets down the role and functions of the Chairperson of HFA.

The Chairperson leads the HFA. He or she also performs an important role in the HFA's external relations with other authorities and local, regional and national organisations.

##### **APPOINTMENT PROCEDURE**

The Chairperson is appointed at the Annual General Meeting of the HFA as set down in Part 4 (Rules of Procedure).

##### **KEY ROLES**

In addition to the key roles and functions set down in Article 5, he or she will:

- (a) provide strong political leadership for the HFA;
- (b) Exercise any power or duty of Chairperson permitted in terms of the HFA Procedure Rules to ensure democratic decision making and the orderly conduct of meetings;
- (c) ensure appropriate consultation on the draft Budget and level of local taxation and propose the Budget and tax level to full HFA for adoption;
- (d) propose the Policy Framework for adoption by HFA and any material changes thereto;
- (e) be the HFA's representative on key local, regional and national public bodies;
- (f) participate on behalf of the HFA in discussions involving other local authorities and relevant external organisations, including service providers and representative organisations, working towards common goals which enhance the HFA's service provision to the community;
- (g) make statements to the media and answer questions from them and members of the public on relevant HFA issues;
- (h) facilitate and preside at any Members' Briefings on relevant issues; and
- (i) represent the interests of Members at a relevant forum or body.

#### 2. **ROLE OF THE VICE CHAIRPERSON OF THE HUMBERSIDE FIRE AUTHORITY**

##### **PURPOSE**

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

##### **APPOINTMENT PROCEDURE**

The Vice Chairperson is appointed at the Annual General Meeting of the HFA as set down in Part 4 (Rules of Procedure).

## **KEY ROLES**

The Vice Chairperson of the HFA will:

- (a) chair meetings of the HFA in the absence of the Chairperson;
- (b) undertake the role of the Chairperson in his or her absence and carry out all duties applicable to this position; and
- (c) facilitate at Members' Briefings on relevant issues.

### **3. ROLE OF INDEPENDENT CO-OPTED MEMBERS OF THE GOVERNANCE, AUDIT AND SCRUTINY COMMITTEE**

#### **PURPOSE**

As the Members of the Governance, Audit and Scrutiny Committee (whether Independent Co-opted Members or otherwise), to provide assurance to the Authority from an independent perspective in respect to Internal Control and Risk Management; Audit; Performance Risk and Programme Management, and public Scrutiny of HFA decisions and the implementation of policy at Humberside Fire and Rescue Service.

#### **KEY ROLES**

In accordance with the roles and functions of the Governance, Audit and Scrutiny Committee set out in Part 2 Article 6.2 of this Constitution, Members' key roles through the Governance, Audit and Scrutiny Committee will be to:

- (a) Jointly with the other Members of the Committee:
  - (i) drive the scrutiny process through enthusiastic and active involvement and engagement;
  - (ii) consider issues coming before the Committee and, where appropriate (provided this does not delay HFA decision making), refer these issues for further examination by any working parties set up by the Committee;
  - (iii) contribute to the good government of our area by monitoring decision-making, standards of service provision and examining policy issues;
  - (iv) monitor the work of the HFA and Officers in carrying out the HFA policy;
  - (v) hold to account Officers for their actions in carrying out HFA policy and require the Chairperson of the HFA to answer questions on any relevant matter;
  - (vi) investigate the basis on which major decisions are taken and, where they are inconsistent with HFA policy;
  - (vii) monitor the HFA's performance through Internal Audit reports and by scrutinising services which are not meeting their targets or where performance is falling;
  - (viii) investigate the quality of services provided, and
  - (ix) commission research.
- (b) Individually or jointly with other designated Members:
  - (i) participate constructively in the Committee's activities;
  - (ii) participate in the reviews of HFA's services in respect to value for money, efficiency and effectiveness;

- (iii) participate constructively on working parties carrying out investigations or reviewing existing HFA policies and making recommendations on the development of new policies; and
- (iv) assist in writing reports.

#### **4. ROLE OF THE COMMITTEE CHAIRPERSONS GENERALLY**

##### **PURPOSE**

To preside at meetings of the relevant Committee of the HFA and exercise any power or duty of Chairperson permitted in terms of the HFA Procedure Rules to ensure democratic decision making and the orderly conduct of meetings.

Where a sub-committee or panel is established then this Article shall apply.

##### **APPOINTMENT PROCEDURE**

Committee Chairpersons are appointed on an annual basis at the Annual General Meeting of the HFA.

##### **KEY ROLES**

A Committee Chairperson will:

- (a) in consultation with relevant Officers of the HFA, ensure the Committee acts only within the Scheme of Delegation and complies with the HFA Procedure Rules, Financial Procedure Rules, HFA Policies and relevant legislation;
- (b) preside over Committee meetings in a manner that encourages contributions and achieves the objectives of the meeting, including resolving conflict;
- (c) be accountable to the HFA for the efficiency and effectiveness of the Committee meeting;
- (d) present Committee recommendations to the HFA as appropriate;
- (e) be consulted on matters within the Committee's jurisdiction, liaising with the Chairperson of the HFA and relevant Officers as appropriate;
- (f) work within the HFA's Scheme of Delegation with Officers to enable efficient and effective decision-making;
- (g) ensure the overall integrity of the decision-making process within the Committee, and that the process operates fairly and openly;
- (h) work with the relevant Officers to confirm/set the agenda for meetings and sign the minutes of the preceding meeting, once these have been approved by the Committee; and
- (i) when consulted, agree aspects of the draft minutes of meetings prior to circulation.

#### **5. ABSENCE OF CHAIRPERSON AT COMMITTEE**

Should at any Committee meeting the Chairperson not be present, then the Members present shall elect a Chairperson from those Members present for the duration of that meeting.

## **6. SPECIFIC ROLES OF THE CHAIRPERSON OF THE GOVERNANCE, AUDIT AND SCRUTINY COMMITTEE**

The Chairperson of the Governance, Audit and Scrutiny Committee will direct and steer the Committee towards the fulfilment of its specific functions and objectives by:

- (a) ensuring, with relevant employees, the effective programming of projects determined by the Committee for inclusion in its annual workstreams;
- (b) encouraging Members to take the lead in setting its annual workstreams and carrying out investigations by ensuring that the scrutiny skills of new Members are developed and that all Members are engaged in the process;
- (c) ensuring that adequate resources (financial and Officer support) are provided and that any pitfalls are resolved or minimised; and
- (d) develop a constructively critical relationship with Officers.

## **7. ROLE OF MEMBERS OF THE HUMBERSIDE FIRE AUTHORITY GENERALLY**

### **PURPOSE**

To discharge the functions of the HFA and represent the interests of the constituents within the area of the Member's appointing local authority in a balanced and impartial matter and actively contribute to, and share responsibility for, the good governance of the HFA and the welfare of the communities within the area of the HFA.

### **KEY ROLES**

In accordance with the roles and functions of the Members of the HFA set out in Part 2, Article 2.3 of the HFA's Constitution, Members will:

- (a) collectively share responsibility for the good governance of the HFA and be the ultimate policy-makers, carrying out a number of strategic and corporate management functions;
- (b) represent their appointing authority's communities and bring their views into the HFA's decision-making process, i.e. become the advocate of and for those communities;
- (c) deal with individual casework and act as an advocate in resolving particular concerns or grievances;
- (d) contribute to the good governance of our area and actively encourage community participation and public involvement in decision-making;
- (e) respond to the public's enquiries and representations, fairly and impartially;
- (f) be available to represent the HFA on other bodies; and
- (g) maintain the highest standards of conduct and ethics and show respect for fellow Members, employees and the community.

Other specific roles and functions of Members are to:

- (a) develop and maintain a knowledge of organisations operating within the HFA area;
- (b) act in conjunction with Officers as a channel for 'hard to reach' and under-represented groups to ensure their views can be identified and represented;
- (c) fulfil and enact any statutory requirements of an elected member of a fire and rescue authority;

- (d) be a channel of communication for their appointing authority's communities and ensure residents are informed of services available, decisions that affect them and the reasons for those decisions;
- (e) contribute to the formation of the HFA's policies and service delivery plans by active involvement in committees and working parties;
- (f) undertake appropriate training and development to help fulfil the requirements of the Member role;
- (g) propose amendments to the Budget;
- (h) propose new or amendments to the HFA's policies;
- (i) be eligible for membership of the HFA's Committees;
- (j) be outward looking, not inwardly focused to promote local democracy through public participation and consultation;
- (k) engage as required with other Members, relevant Officers, service users, interest groups and key local stakeholders;
- (l) act as the HFA's representative on outside bodies and provide reports for perusal by Members on topical issues, meetings and seminars attended; and
- (m) present and promote a high profile on current and emergent key issues.

## **8. APPOINTMENT AND ROLE OF GROUP SECRETARIES**

- (a) Each political group represented on the HFA shall appoint a Group Secretary. Group Secretaries should be notified to the Secretary at the Annual General Meeting of the HFA or as soon as possible thereafter.
- (b) Group Secretaries will ensure that Group Meetings are convened and managed as may be agreed by the particular political group.
- (c) Group Secretaries will be the conduit through which substitutions are made and notified to the Secretary. (Note: substitutions are not permitted to the full HFA).
- (d) Group Secretaries shall act as a conduit for any information to be disclosed to their political group.
- (e) Where a nomination is sought from their group, whether this be as a member of a Committee, Sub-Committee, panel, forum or otherwise, then a Group Secretary shall on behalf of that Group inform the Secretary of such a nomination.
- (f) Group Secretaries may request the Secretary to provide meeting facilities prior to meetings of the Authority.

## **9. MEMBER SPOKESPERSONS**

- (a) The HFA at its Annual General Meeting, or as soon as practicable thereafter, may appoint a Member Spokesperson(s) in respect to each constituent authority.
- (b) The Member Spokesperson may be called upon to answer questions at their respective constituent authority in respect to the discharge of the functions of the HFA. This does not preclude other Members of the HFA responding to questions at their constituent authority, but so far as is practicable, the Member Spokesperson shall co-ordinate any such response, normally in consultation with the Chairperson of the HFA, the Chief Fire Officer & Chief Executive and the Secretary.

## PART 3

### DECISION MAKING

#### SECTION A - RESPONSIBILITY FOR FUNCTIONS

##### 1. INTRODUCTION

- (a) Delegation is simply a way of allocating matters to the levels appropriate to ensure that the HFA's business is dealt with in the most effective and efficient way possible.
- (b) This means that some matters should be considered and approved by the HFA, as appropriate, whereas others can be dealt with efficiently and properly by Committee or by Officers.
- (c) The HFA has agreed to delegate certain powers and duties to its Committees and Officers. The exercise of any power or duty referred to in the Scheme of Delegation is to be subject to compliance with the law, the provisions of this Constitution, sufficient budgetary provision having been made and to any decision of the HFA.
- (d) Without prejudice to Paragraph 3 above each Committee has delegated authority to decide matters as may be specified in the Scheme of Delegation. The functions of each Committee are set out in Part 2 and each Committee and Sub-Committee has specific delegated authority accordingly.
- (e) Any additional duties which are imposed upon the HFA by law at any time may be allocated to a Committee and Sub-Committee, so long as any additional duties are appropriate to the overall responsibilities of that Committee.
- (f) Without prejudice to the preceding paragraph, Officers are empowered in respect of their duties and responsibilities to take any action required to implement a decision of the HFA or its Committees.

##### 2. THE HUMBERSIDE FIRE AUTHORITY

Generally, all decisions will be taken by HFA as outlined in Article 4.

##### 3. DELEGATED AUTHORITY GENERALLY

- (a) The Chief Fire Officer & Chief Executive has delegated authority as set out in this Constitution and Part 3 in particular.
- (b) Where a power or duty of the HFA has been delegated to a Committee, Sub-Committee or the Chief Fire Officer & Chief Executive or other Officer, the delegation shall be deemed to include any action that may be incidental to the exercise of the power or duty.
- (c) The Financial Procedure Rules and the Contract Procedure Rules set out in Part 4 of the Constitution contain some additional delegation of responsibility, to the Chief Fire Officer & Chief Executive.
- (d) Unless specifically authorised, a body or individual holding delegated authority is not permitted to exercise delegated powers on a decision, the effect of which will be to negate a decision previously taken at a higher level.
- (e) References to any statute or statutory provision shall be taken to include:



- (i) any statute or provision which may from time to time replace, amend or extend it;
  - (ii) any orders, directions, regulations or codes made under it; and
  - (iii) any ministerial circulars or advice notes which relate to it.
- (f) Delegation of any power carries with it (subject to the relevant procedure rules) the power to decide to enter into, amend or terminate any agreement or contract, as appropriate, in order to implement any exercise of that power.
- (g) Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post.
- (h) Any reference to a function or matter shall be deemed to include a reference to all statutory powers relating to that function or matter whether directly or indirectly and shall be deemed to include authority to exercise all such powers.
- (i) Any reference in this Scheme of Delegation to an Act of Parliament or statutory instrument includes a reference to any amendment, modification or statutory re-enactment (with or without modification) of the same.
- (j) The arrangements made in this Part for the discharge of the HFA's functions by a Committee, or Officer does not prevent the full HFA from exercising those functions, except for matters under the Code of Conduct which are the responsibility of the Governance, Audit and Scrutiny Committee and its Sub-Committees set out in Article 6.

## **SECTION B – SCHEME OF DELEGATION**

This Section B sets out the Scheme of Delegation. It should be read in conjunction with this Constitution generally and Section A of Part 3 particularly.

### **1. DELEGATION TO COMMITTEES**

- (a) The Governance, Audit and Scrutiny Committee has those functions set out in Part 2 Article 6 of this Constitution.
- (b) The HFA may at any time decide to amend the scheme of delegated authority.

### **2. DELEGATION TO CHIEF FIRE OFFICER & CHIEF EXECUTIVE**

- (a) Any exercise of delegated powers by the Chief Fire Officer & Chief Executive or Officer nominated by the Chief Fire Officer & Chief Executive:
  - (i) shall comply with this Constitution, in particular the HFA Procedure Rules, the Contract Procedure Rules and the Financial Procedure Rules;
  - (ii) shall ensure that expenditure is in accordance with approved estimates and where further approval is required shall not proceed without that approval;
  - (iii) shall not involve a new policy (which is a matter for the HFA or a Committee) or extend an existing policy of the HFA;
  - (iv) shall be the subject of prior consultation with the appropriate Officer the HFA in any case involving professional or technical considerations not within the province of the Chief Fire Officer & Chief Executive.

- (v) shall have full regard to the matters specifically reserved for decisions by the full HFA and its Committees and Sub-Committees.
- (b) The Chief Fire Officer & Chief Executive may delegate in writing any or all of his or her powers and duties to any other Officer if he or she is of the opinion that such delegation is for the efficient operation of the HFA's business. Neither the S.151 Officer's nor the Monitoring Officer's statutory functions may however be delegated, except to any nominated deputies as set out in Article 11 of this Constitution.
- (c) Delegation to Officers shall be without prejudice to the overriding right of the HFA to decide any matter or to call for information about any matter. In particular the Chief Fire Officer & Chief Executive may in any case in lieu of exercising his delegated powers refer a matter to the HFA for decision.
- (d) Subject to the foregoing conditions and to any special conditions which may have been or may in future be applied in respect of particular matters, the Chief Fire Officer & Chief Executive shall make such decisions and initiate such action as he or she deems necessary in the interests of the efficient running of the Service.
- (e) In consultation with the Secretary and S.151 Officer, power to write off debts of up to the specified amount.
- (f) To enter into such contracts for the supply of goods, and services necessary for the discharge of delegated functions (including in respect to any company established), in accordance with the Procedure Rules under Part 4 of this Constitution.
- (g) On behalf of the HFA to respond to any circumstances where it is not practicable to obtain the necessary urgent approval from the HFA provided that the Chief Fire Officer & Chief Executive reports to the next meeting of the HFA any such action taken.
- (h) To control all matters of a day-to-day administration and management of the Humberside Fire and Rescue Service, which shall include taking and implementing decisions that are:
  - (i) concerned with maintaining the operational effectiveness of those services, and
  - (ii) matters incidental to the discharge of the HFA's functions, which fall within a policy decision taken by the HFA.
- (i) To make, issue and serve such notices, orders, statements and other documents as may be necessary or appropriate for those purposes or to give effect to, or carry out, any decision of his/her under powers delegated to him/her under this Scheme.
- (j) To submit comments on any planning matter, building regulations, safety of sports grounds and other applications or licences, where the HFA is a consultee, statutory or otherwise.
- (k) To manage all financial and physical resources.
- (l) To incur capital expenditure provided that:
  - (i) the project is included in the approved Capital Programme;
  - (ii) the Constitution of the HFA is complied with, and
  - (iii) budget release has been obtained from the S.151 Officer.

- (m) In respect to human resource matters:
- (i) to review the management structure of the Humberside Fire & Rescue Service, including any salaries or gradings and including the award of honoraria payments in respect to all posts that are not subject to review by a Committee (where established), providing that the S.151 Officer is satisfied that the implementation of any changes (including any gradings) can be contained within the existing budget;
  - (ii) to make appointments in respect to such posts that are not subject to appointment and review by a Committee (where established);
  - (iii) to suspend, discipline and dismiss officers in respect to such posts that are not subject to review by a Committee (where established);
  - (iv) to generally deal with all other matters relating to appointments, promotions, resignations, leave, retirements and all matters arising including under Fire Service Regulations, Pension Regulations and terms and conditions of employment, subject to approval by the HFA where required;
  - (v) to implement any nationally agreed pay award;
  - (vi) to vary in any one financial year the overall establishment to a maximum of 0.5% of total annual budget (provided that such a variation does not affect more than 10 permanent full-time equivalent posts), and provided that any such variations are within the approved Budget (and confirmed by the S.151 Officer) and are in accordance with the approved Strategic Plan (and CRMP) of the HFA. The Chief Fire Officer & Chief Executive shall report on an annual basis to the HFA setting out the basis upon which such powers have been exercised; and
  - (vii) to make all appointments other than those subject to appointment by a Committee (where established) and ratification by the HFA;
  - (viii) determine applications of special leave for trade union purposes;
  - (ix) power to appoint and promote within the authorised establishment, all Officers below the level of Director, apart from the S.151 Officer and Monitoring Officer, who shall be designated by the HFA;
  - (x) power to discipline and dismiss Officers as permitted by Policy and Procedure approved by the HFA;
  - (xi) power to approve the payment of accelerated increments to Support staff within their existing grade;
  - (xii) power to evaluate and implement gradings for all Support Staff, subject to the S.151 Officer confirming that the additional annual cost can be contained within the existing annual revenue budget, unless the regrading forms part of a Service review or major sectional review which shall be subject to the approval of the HFA;
  - (xiii) power to grant special leave with pay to staff for not exceeding ten days in any period of twelve months;
  - (xiv) power to grant leave without pay to Officers;
  - (xv) other than requests relating to the redundancy and early retirement of a Director, the Chief Fire Officer & Chief Executive has power to deal with individual cases of early retirement and/or voluntary redundancy subject to the approval of the S.151 Officer with regard to the financial aspects of such a request;

- (xvi) power to act on behalf of the HFA on all matters concerning the negotiation and implementation of nationally agreed conditions of service, as they apply to Officers;
  - (xvii) power to act on behalf of the HFA on all matters concerning the negotiation and implementation of locally agreed Conditions of Service, as they apply to Officers;
  - (xviii) power to administer or implement the provisions of any pension scheme relevant to any Officers of staff arising from their employment with the HFA;
  - (xix) to authorise out of Combined Area visits by employees and the attendance of Officers at courses run by the Fire Service College or other appropriate training providers;
  - (xx) to determine all human resources matters not specifically reserved to HFA or other Officers.
- (n) To approve applications for permits, licences, certificates and the like under legislation relating to fire prevention and precautions in circumstances where deemed necessary to do so and to nominate Inspecting Officers for those purposes and to take all action necessary under such legislation.
  - (o) To deal with all matters relating to training in relation to uniformed members of Service having due regard to the statutory functions of the Chief Fire Officer & Chief Executive.
  - (p) The appointment or authorisation of officers to enter premises under statutory powers to act under any relevant legislation or regulations.
  - (q) Power to enter into grant leases for any term where the annual rent is less than the specified amount.
  - (r) Power to incur expenditure on freehold acquisitions, disposals and appropriations of property in cases where the market value is estimated to be less than the specified amount.
  - (s) If, in the opinion of the Chief Fire Officer & Chief Executive, purchases are required in emergency circumstances and it would not be possible to comply with the Procedure Rules under Part 4 of this Constitution. The Chairperson of the HFA should be advised subsequently where expenditure above the specified amount is incurred.
  - (t) Subject to the Procedural Rules under Part 4 of this Constitution, the Chief Fire Officer & Chief Executive shall have power to accept tenders not exceeding the specified amount but shall keep a register of such acceptances available for inspection by the HFA.
  - (u) Power to reduce or remit any payment due to the HFA in respect of special services provided by the Service in consultation with the S.151 Officer.
  - (v) To have power to make virements between budget lines provided within approved overall budget as set out under Financial Procedure Rules.
  - (w) To have power to incur capital expenditure in accordance with Financial Procedure Rules.
  - (x) Power to approve and implement scale of chargeable services on an annual basis in consultation with the S.151 Officer subject to this not involving any changes in policy.

- (y) Power to dispose of surplus or redundant appliances and equipment in accordance with the Procedural Rules under Part 4 of this Constitution, except that disposal may take place at nil or below market value to an appropriate organisation in consultation with the Chairperson of the HFA, S.151 Officer and Secretary, and provided any such disposal is reported to the HFA.
- (z) The Chief Fire Officer & Chief Executive has the authority to take any urgent action where he/she considers it necessary and in the interests of HFA, provided he/she consults with the Chairperson of the HFA (or Vice Chairperson in his/her absence) and the Statutory Officers. Any action taken in this way shall be reported to the next HFA.
- (aa) In consultation with the S.151 Officer and the Secretary, the Chief Fire Officer & Chief Executive may consider requests by private organisations for the use of HFA premises.
- (bb) The Chief Fire Officer & Chief Executive is authorised, in liaison with the Chairperson of the HFA, to respond to consultation documents where the period during which a response is required does not allow the consultation paper to be reported to the HFA. Any such response will be included in the information provided for Members.

### **3. DELEGATION TO THE CHIEF FIRE OFFICER & CHIEF EXECUTIVE AND THE SECRETARY**

#### **a) Legislation and Legal Action**

The Chief Fire Officer & Chief Executive and the Secretary are authorised to exercise the fire precautions, prevention, safety, incident response, emergency planning, response and recovery and health and safety functions of the HFA at common law or under any enactment, statutory instrument, order, direction, EU Regulation or Directive, by-law or other instrument conferring such functions upon the HFA. This authority shall extend to the institution, defence, appeal or settlement of any legal proceedings including the service of notices. Prior to the commencement, defence, appeal and/or settlement of any such legal proceedings, where the Chief Fire Officer & Chief Executive exercises this delegated HFA he shall seek and obtain the advice of the Secretary.

- b) The Chief Fire Officer & Chief Executive and Secretary are authorised to institute, defend or settle legal proceedings (either in the name of the HFA or an individual officer of the HFA) and serve notices at common law or under any enactment, statutory instrument, order, direction, EU Regulation or Directive of by-law conferring functions upon the HFA or in respect of functions undertaken by it, to lodge an appeal in respect of any such proceedings and otherwise to take any such steps necessary to protect the HFA's legal position. Prior to the exercise of this delegated HFA by the Chief Fire Officer & Chief Executive he/she shall seek and obtain relevant legal advice.

### **4. DELEGATION TO THE SECRETARY**

- (a) The Secretary, Chief Fire Officer & Chief Executive or S.151 Officer are authorised to sign on behalf of the HFA any document or contract necessary to give effect to any resolution of the HFA or any committee or to the decision of any officer acting within powers delegated by the HFA.
- (b) The Secretary, Chief Fire Officer & Chief Executive or S.151 Officer are authorised to sign the following on behalf of the HFA:
  - (i) any document necessary in legal proceedings on behalf of the HFA; and

- (ii) information and complaints and to lay them on behalf of the HFA for the purpose of Magistrates Court proceedings.

The Secretary may specifically authorise other persons to sign such documents under this paragraph.

Prior to the exercise of this delegated authority by the Chief Fire Officer & Chief Executive and S.151 Officer they shall seek and obtain the advice of the Secretary.

- (c) In consultation with the S.151 Officer, the power to exercise discretion as to when the fee can be waived, in respect of the right of access under Data Protection and Freedom of Information Law to disclosable information.

## PART 4

### RULES OF PROCEDURE

#### SECTION A – HUMBERSIDE FIRE AUTHORITY PROCEDURE RULES

##### 1. INTRODUCTION

These Procedures Rules are the HFA's internal rules for ensuring good governance and compliance with the law in the conduct of its business. These Rules are to be observed at all meetings of the HFA and its committees (including any sub-committee or panel established).

##### **Rule 1 – Meetings of the Humberside Fire Authority**

###### **Annual General Meeting**

- 1.1 The HFA shall hold an Annual General Meeting between the first day of May and the last day of June each year.
- 1.2 The Annual General Meeting shall determine a range of matters, including the election of the Chairperson and Vice Chairperson for the coming year. The Annual General Meeting approves the structure and composition of its Committees and Sub-Committees.

###### **Ordinary Meetings of the Humberside Fire Authority**

- 1.3 Ordinary meetings of the HFA shall be held at such places and times as the HFA may determine. An annual schedule of meetings shall be agreed at the Annual General Meeting of the HFA.

###### **Special Meetings of the HFA**

- 1.4 A Special Meeting of the HFA may be called at any time by the Chairperson of the HFA.
- 1.5 A Special Meeting of the HFA shall be called on the request of at least one third of the whole number of Members of the HFA, including at least one Member from each of two of the constituent Authorities, by notice in writing by them and given to the Secretary and specifying the business for which the meeting is to be called.

##### **Rule 2 – Chairperson and Vice Chairperson**

- 2.1 The Chairperson and Vice Chairperson shall be elected each year at the Annual General Meeting of the HFA and shall hold office until the following Annual General Meeting, unless they resign, or are removed from office, or are disqualified or cease to be eligible to be a Member of the HFA.
- 2.2 If the office of Chairperson or Vice Chairperson becomes vacant at any time, the HFA shall elect from its Members a person to replace the office holder. Such an election to replace the Chairperson shall take place no later than the next ordinary meeting of the HFA after the office has become vacant.
- 2.3 If the Chairperson is absent from a meeting of the HFA, the Vice Chairperson shall preside. If both the Chairperson and the Vice Chairperson are absent, another Member chosen by the Members present shall preside.

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

- 3.1 Notice of the time and place of HFA meetings shall be published on the website of the Authority, at least five clear days\* before the meeting. In the case of a Special Meeting which may be called on the grounds of urgency, five clear days' notice shall be given, save where a Special Meeting is called within five clear days and in such circumstances the required notice must be published as soon as the Special Meeting is called.

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

### **Rule 4 – Summons to Meetings**

- 4.1 A summons to attend an HFA meeting shall be delivered to each Member of the HFA, giving at least five clear days\* notice (unless the meeting is called urgently). The summons shall specify the business to be transacted and signed by or on behalf of the Secretary. In the case of a Special Meeting called within five clear days, the notice must be delivered as soon as is practically possible.

### **Rule 5 – Group Secretaries**

- 5.1 One Member of each political group on the HFA shall be appointed as Group Secretary of that Group and their names shall be notified to the Secretary for report to the Annual General Meeting or as soon as practicable thereafter.

### **Rule 6 – Matters to be included in Agendas**

- 6.1 Members' requests for items to be included on the agenda for a meeting of the HFA shall be in writing and received by the Secretary at least ten clear days before the next ordinary meeting of the HFA, failing which they shall not be so included without the express approval of the Chairperson of the HFA.
- 6.2 Where a request under paragraph 6.1 is supported by at least a third of the Members of the HFA, the Secretary shall include the item on the agenda, provided such a request is lawful and in accordance with this Constitution.
- 6.3 Should Members seek to make a request under paragraph 6.1 or 6.2 then in so doing regard should be made to the functions of the HFA and the principles set out in this Constitution. Where it appears that the request may be outside the functions of the HFA or it is more appropriate to be considered by a Committee of the HFA, then the Secretary shall inform the Chairperson of the HFA and the Members concerned.

### **Rule 7 – Quorum**

- 7.1 The quorum prescribed for meetings of the HFA by the Humberside Fire and Rescue Services (Combination Scheme) Order 1995 is one third of the total number of Members of the HFA, or such greater number of Members as the HFA may determine, including at least one representative from each of two constituent authorities. The quorum for meetings of the committees of the HFA are set out under Articles 6 to 8.
- 7.2 If during any meeting of the HFA the Chairperson, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairperson at the time the meeting is adjourned, or if the Chairperson does not fix a time, to the next ordinary meeting of the HFA or to any earlier Special Meeting, if called, and that business is specified in the notice.



## **Rule 8 – Order of Business**

### **Ordinary Meetings**

- 8.1 Except as otherwise provided by the Rule 9 the order of business at ordinary meetings of the HFA shall be:
- (a) To choose a person to preside if the Chairperson and Vice Chairperson are absent;
  - (b) Apologies for absence;
  - (c) To receive declarations by Members and Officers in respect to any personal or prejudicial interests (as defined by the Members' Code of Conduct) or where there may exist a real possibility of bias/predetermination in respect to any items on the agenda;
  - (d) To deal with any business required by statute to be done before any other business;
  - (e) To confirm the minutes of the previous meeting of the HFA;
  - (f) Matters arising from the previous meetings;
  - (g) Questions asked under Rule 12;
  - (h) Petitions and Deputations under Rule 13;
  - (i) To receive such communications as the Chairperson or Secretary may desire to lay before the HFA;
  - (j) To advise on any other items which the Chairperson has decided to take as urgent elsewhere on the agenda;
  - (k) To consider motions in the order in which notice has been received under Rule 14;
  - (l) To receive minutes and reports from Committees;
  - (m) To receive any reports from Officers;
  - (n) Any other items of business relating to the functions of the HFA which the Chairperson may accept or decides are urgent.

### **Special Meetings of the HFA**

- 8.2 Special Meetings of the HFA may be called on grounds of urgency. Where possible, the order of business at Special Meetings shall follow Rule 8.1, Paragraphs (a), (b), (c), (d), (g), (h), (i), (j), (l) and (m).

### **Budget Meeting (Setting of the Precept)**

- 8.3 In accordance with Paragraph 11 of Schedule 2 of The Local Authorities (Standing Orders) (England) Regulations 2001/3384 a recorded vote must take place for the setting of the precept.

“Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.”

## **Rule 9 – Variation of Order of Business**

- 9.1 Business falling under Rule 8.1, (a), (b), (c), (d) shall not be displaced, but the remaining Order of Business may be varied:
- (a) At the discretion of the Chairperson, or
  - (b) By a resolution passed at that meeting. A motion to vary the order of business shall be moved and seconded formally and put without discussion.

## **Rule 10 – Minutes**

- 10.1 The Minutes of a meeting of the HFA shall be submitted for approval of their accuracy at the next ordinary meeting of the HFA.
- 10.2 Draft minutes of the Authority will be published within no more than 10 working days of a meeting.
- 10.3 At the meeting of the HFA at which minutes of a previous meeting are submitted for approval of their accuracy, the Chairperson shall move that those minutes be so approved.
- 10.4 No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.
- 10.5 If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chairperson shall sign the minutes.

## **Rule 11 – Attendance Book**

- 11.1 Every Member of the HFA attending a meeting of the HFA shall, if possible, sign his or her name in the attendance book or sheet provided for that purpose.

## **Rule 12 – Questions by Members of the Humberside Fire Authority**

- 12.1 At a meeting of the HFA a Member may ask the Chairperson of the HFA any question relating to the business of that meeting.
- 12.2 At a meeting of the HFA a Member may ask the Chairperson any urgent question not relating to the business of that meeting, but subject to this Rule 12.4.
- 12.3 Notwithstanding the right of Members under Rules 12.1 and 12.2, Members may submit in writing to the Secretary not less than ten clear days before the meeting at which the Member proposes to ask a specific question to be considered at that meeting. Subject to Rule 12.8, the Secretary shall include the question within the papers of that meeting.
- 12.4 The Chairperson may permit the asking of a question which has not been submitted as required by Rule 12.3 or does not relate to the business of the meeting, if the Chairperson considers that it relates to urgent business. The text of any such question shall, where practicable, be delivered to the Secretary not later than noon on the day before the meeting at which the question is to be asked.
- 12.5 After a question has been replied to, the Member who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. Such a supplementary question shall be confined to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of the original question. In this Rule, the word “question” shall include such a supplementary question.
- 12.6 Every question shall be put and answered without discussion, unless the Chairperson agrees.

- 12.7 No resolution shall be moved with reference to any question or reply to a question, unless the Chairperson agrees.
- 12.8 If the Chairperson is of the opinion that the question is out of order, or of a personal character, or derogatory or contrary to the functions of the HFA or this Constitution, the Chairperson shall so inform the Member and shall not allow the question to be put. Where the question is submitted under Rule 12.3 and the Chairperson exercises their discretion under this Rule, then the Member putting the question will be advised and the HFA informed that a question has been rejected on such a basis. The Chairperson shall seek the advice of the Secretary.
- 12.9 The requirement to give notice contained in Rule 12 shall not apply to a matter relating to a minute of a Committee which meets after the agenda for the meeting of the HFA has been despatched to Members. Where a question meets the requirements of Rule 12, the Secretary will give a copy of each question to every Member attending the meeting.
- 12.10 Any question of which notice has been given and relates to a recommendation or resolution of a Committee which is before the HFA shall be put as soon as the HFA's consideration of the minutes of the relevant Committee is concluded.
- 12.11 The answer to a Member's question may be given orally or in writing, which shall be circulated to all Members of the HFA, where practicable prior to the meeting.
- 12.12 Members shall not, by the unreasonable use of the right to ask questions, make a speech and no Member shall speak for more than five minutes in answer to any question, unless the Chairperson agrees otherwise.

### **Rule 13 – Petitions and Deputations**

- 13.1 Any Petition to be submitted to the HFA must be in writing and signed by at least 10 local government electors of the Combined Area who shall also state their addresses. Any petition must be submitted to the Secretary not less than ten clear working days before the meeting at which it is first to be presented. The Secretary shall date and number each petition on receipt of it and make it available for inspection.
- 13.2 No Petition shall be accepted which relates to any matter of a personal nature, or is outside the functions of the HFA and contrary to the principles set out in the Constitution. The Secretary in consultation with the Chairperson shall determine whether Rule 13.2 shall apply and if so, shall advise the Petitioner and the HFA accordingly.
- 13.3 The Secretary upon receiving a Petition shall present the same, if so requested, to the next ordinary meeting of the HFA
- 13.4 Any local government elector of the Combined Area who is a signatory to a Petition may be present at the relevant meeting of the HFA which will receive the Petition, and may speak upon the Petition for not more than five minutes, which period of time may be extended with the consent of the HFA. Only one elector may speak upon any Petition. No Member of the HFA shall be permitted to speak under this Rule.
- 13.5 Paragraphs 13.1 to 13.4 of this Rule 13 shall also apply to any requests for Deputations, except that:
  - (i) A Deputation must be made personally, and it may not be presented by a Member or Officer;
  - (ii) The Spokesperson for the Deputation may speak for not more than five minutes upon the subject matter of the Deputation;
  - (iii) A Deputation shall not be made by less than three persons nor by more than ten persons, although more than this number may appear as signatories to the request for the Deputation.

- 13.6 No Petition or Deputation shall be accepted if either a Petition or a Deputation with the same or similar object has been heard by the HFA, or by any Committee or Sub-Committee, within a period of six months prior to the receipt by the Secretary of the Petition or request for a Deputation.
- 13.7 A Petition once received may be acted upon by the HFA or by any Committee or Officer within the terms of any delegated powers.

#### **Rule 14 – Notices of Motion**

- 14.1 Notice of every motion (other than a motion which under Rule 15 may be moved without notice) shall be submitted in writing by the Member or Members of the HFA giving the notice and delivered at least ten clear days\* before the next meeting of the HFA, to the Secretary, by whom it shall be dated, numbered in the order in which it is received and circulated to every Member of the HFA. (\*See Rule 3 for the definition of “clear days”).
- 14.2 There shall be inserted in the summons for every meeting of the HFA all notices of motion duly given in the order in which they have been received, unless the Member given such a notice has, when giving it, intimated in writing that the Member proposes to move it at some later meeting or has withdrawn it in writing.
- 14.3 If a motion of which notice has been given and not withdrawn be not moved by the Member who gave notice of it, it may be moved by another Member of the HFA and if not so moved it shall, unless postponed by consent of the HFA, be treated as abandoned and shall not be moved without fresh notice.
- 14.4 Any notice of motion which would have the effect of materially increasing the expenditure or reducing the revenue of the HFA, otherwise than in the form of a proposal that the matter be referred to the Chief Fire Officer & Chief Executive and the S.151 Officer for consideration.
- 14.5 Motions shall not be of a personal nature, derogatory or contrary to the functions of the HFA or this Constitution. The Secretary in consultation with the Chairperson shall determine whether Rule 14.5 shall apply and if so, shall advise the Petitioner and inform the HFA that a Motion has been rejected on such a basis.
- 14.6 Any motion the subject matter of which comes within the province of any Committee(s) may:
- a) Be referred without discussion to such other Committee(s) as the HFA may decide; or
  - b) Be dealt with at the meeting at which it is moved if the HFA considers that it would be convenient to do so.
- 14.7 The Member who has moved the motion under Rule 14 must be notified by the Secretary of the meeting(s) of the Committee(s) to which it has been referred, and has the right to attend the meeting(s) and to explain the motion
- 14.8 Motions must relate to matters where the HFA has powers or duties.
- 14.9 Further to Rule 14.8, if notice is given of a motion which in the opinion of the Secretary is illegal, irregular or improper, he or she shall immediately refer such notice to the Chairperson of the HFA who shall determine if it is to be accepted and placed on the agenda. In the event of non-acceptance, the Secretary shall inform the Member accordingly. The Chairperson will report the non-acceptance to the HFA.

#### **Rule 15 – Motions and Amendments which may be moved without Notice**

15.1 Motions and amendments relating to the following matters may be moved without notice:

- (a) Appointment of a Member to preside at a meeting in the absence of the Chairperson and Vice Chairperson;
- (b) The approval of accuracy of the minutes;
- (c) Adoption of reports and recommendations of officers and any consequent resolution;
- (d) That an item of business specified in the summons have precedence (subject to the provisions of Rule 9);
- (e) Giving consent of the HFA where the consent of the HFA is required by these Procedures Rules;
- (f) Any of the motions listed in Rule 15 whether or not moved whilst another motion is under debate;
- (g) Any motion relating to an item which the Chairperson has decided to take as urgent.

#### **Rule 16 – Motions which may be moved during Debate**

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

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) that the proposition under discussion be put;
- (f) that a Member be not further heard;
- (g) by the Chairperson, “that the Member named do leave the meeting”;
- (h) to exclude the public;
- (i) to extend the time limit for speeches;
- (j) that a Member leave the meeting (also that a Member be invited to remain at the meeting);
- (k) that Procedure Rules be suspended;
- (l) that leave be given to alter or withdraw a motion, amendment or report.

#### **Rule 17 – Rescissions**

17.1 No motion to rescind any resolution passed within the preceding six months and no motion to the same effect as one which has been rejected within that period shall be proposed unless at a meeting subsequent to the meeting at which such resolution or rejection was agreed, a Member proposes a motion in respect to a rescission and obtains the consent of the majority of those Members present at the meeting, in which case notice of the motion shall be inserted in the summons for the next ordinary meeting of the HFA.

- 17.2 This Rule shall not apply to a motion moved whilst there is before the HFA a recommendation of an Officer relating to the matter.

### **Rule 18 – Amendments to Motions**

- 18.1 An amendment shall be relevant to the motion and shall be either:

- (a) to leave out words;
- (b) to leave out words and insert or add others;
- (c) to insert or add words;

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

- 18.2 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.
- 18.3 Where an amendment is moved and seconded, the Member moving the amendment will set down the amendment in writing and hand it to the Secretary. The Secretary will then read the amendment to the meeting.
- 18.4 The Chairperson may permit two or more amendments to be discussed (but not voted on) together if the Chairperson considers that this course would facilitate the proper conduct of the HFA's business.
- 18.5 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.
- 18.6 Once all amendments are disposed of then the original motion (which may have been replaced by an amendment) shall then be considered and voted upon.

### **Rule 19 – Alterations or Withdrawal of Motion or Amendment**

- 19.1 A proposer of a motion may, with the concurrence of the seconder and the consent of the HFA, alter the motion if the alteration is such that it could properly be affected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chairperson be reduced into writing and handed to the Secretary before the consent of the HFA to the alteration is sought.
- 19.2 A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the HFA, withdraw such motion or amendment, and no Member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.
- 19.3 The giving or refusal of the consent of the HFA to the alteration or withdrawal of a motion or amendment shall be without discussion, unless the Chairperson agrees otherwise.

### **Rule 20 – Motions and Amendments Generally**

- 20.1 A motion or amendment shall not be discussed unless it has been proposed and seconded, and (unless notice has already been given in accordance with Rule 14) it shall be put into writing and handed to the Secretary before it is further discussed or put to the meeting.

- 20.2 A Member may not propose or second a motion or amendment on which the Member is disqualified from voting.

### **Rule 21 – Motions Affecting Persons Employed by the HFA**

- 21.1 If any question arises at a meeting of the HFA as to the appointment, promotion, dismissal, salary, pension, conditions of service or the conduct of any person employed by the HFA, such question shall not be the subject of discussion until the HFA has decided whether or not the power of exclusion of the public under Section 100 of the Local Government Act 1972, shall be exercised.

### **Rule 22 – Length of Speeches, Conduct of Members and Rules of Debate**

- 22.1 A Member shall speak to the question under discussion or to a personal explanation or to a point of order and shall not impute motives or use offensive expressions to or about any other Member.
- 22.2 No speech shall exceed 5 minutes without the consent of the Chairperson, and upon a motion for extension of these time limits no discussion shall be allowed.
- 22.3 Any extension of time granted to speakers by the HFA in pursuance of this Rule shall not exceed 5 minutes but the Chairperson shall be discretion to permit a further extension if the Chairperson considers that this would facilitate the conduct of the HFA's business.
- 22.4 A Member when speaking shall address the Chairperson.
- 22.5 If two or more Members indicate a wish to speak, the Chairperson shall call on one to speak and the other or others shall refrain from speaking until called by the Chairperson.
- 22.6 While a Member is speaking the other Members shall not be permitted to interrupt unless to speak on a point of order or in personal explanation.
- 22.7 Whenever the Chairperson speaks during a debate a Member then speaking and the other Members of the HFA shall be silent.
- 22.8 If any Member in the opinion of the Chairperson signified to the HFA, misconducts him/herself by persistently disregarding the ruling of the Chairperson, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the HFA, or by tedious repetition or unbecoming language, the Chairperson or any other Member may move "That the Member named be not further heard", and such motion if seconded shall be put and determined without discussion.
- 22.9 If the Member named continues such misconduct after a motion under paragraph (8) of this Rule has been carried, the Chairperson shall either:
- (a) Move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
  - (b) Adjourn the meeting of the HFA for such period as the Chairperson shall consider expedient.

### **Rule 23 – Points of Order and Explanations**

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

### **Rule 24 – Motion: Next Business**

- 24.1 A Member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another Member, unless the Chairperson considers that the matter has been insufficiently discussed, move “that the HFA proceed to the next business” or, if there is no other business to be transacted, “that the HFA adjourn”.
- 24.2 The proposer of such a motion may speak thereon but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion.
- 24.3 On the seconding of the motion, the Chairperson shall first give the mover of the original motion an opportunity to speak on it and then put to the vote the motion to proceed to the next business or to adjourn the HFA.
- 24.4 If that motion is carried, the original motion shall be considered as withdrawn.

### **Rule 25 – Adjournment of Debate**

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

### **Rule 26 – Closure: Motion that ‘the proposition under discussion be now put’**

- 26.1 A Member may at the conclusion of the speech of another Member move “that the proposition under discussion be now put” (which is in these Procedures Rules referred to as “the closure”).
- 26.2 The proposal and seconding of the closure shall be formal and without comment and there shall be no debate on it. The closure shall be put forthwith to the vote unless it appears to the Chairman that the proposition to which it is sought to apply the closure has not been sufficiently discussed.
- 26.3 If the closure is carried, the motion or amendment which is the subject of the interrupted debate shall be put without further discussion, subject to the mover of the original motion, first having a right to reply.

### **Rule 27 – Voting**

- 27.1 Every proposition shall, unless otherwise required by these Procedures Rules or Statute, be determined by show of hands.
- 27.2 In taking the votes on any proposition, only those Members who are present in the meeting room when the proposition is put by the Chairperson shall be entitled to vote.
- 27.3 After a proposition is put by the Chairperson but before the vote is taken, any 3 Members present may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present voted for or against that proposition or abstained from voting.



- 27.4 Where immediately after a vote is taken, if any Member so requires, there shall be recorded in the minutes of the meeting whether that person voted for the question or against the question or abstained from voting.
- 27.5 A proposition shall be decided by a majority of the Members of the HFA present and voting thereon at the meeting.
- 27.6 In the case of an equality of votes the Chairperson shall have a second or casting vote.

**Rule 28 – Appointment of Chairperson and Vice Chairperson of the Authority  
Appointment of Chairpersons of Committees**

- 28.1 The Chairperson and Vice Chairperson of the Authority shall be appointed at the Annual General Meeting of the Authority.
- 28.2 The Secretary shall call for nominations from the Members present at the Annual General Meeting for the role of Chair. All nominations must be seconded.
- 28.3 Where there is a single nomination for the role of Chairperson then the nominee will be confirmed as Chairperson unless the majority of Members present agree otherwise.
- 28.4 Where there is more than one nomination for the role of Chairperson then the nominations will be put to a simple vote, in the order that candidates were nominated. The vote will be undertaken on the basis of first past the post.
- 28.5 Where no appointment is made owing to equality of votes then the nomination will again be put to a simple vote, except that any candidate who has received fewer votes will be struck out of the second vote.
- 28.6 Where an equality of votes remain, then the Authority will be asked to agree a Chairperson for the Annual General Meeting only and the question of the Chairing of the Authority will be decided at the next meeting of the Authority where the nominations process shall commence again from the start.
- 28.7 The process above shall apply to the appointment of the Chairpersons of any Committees established by the HFA, except in relation to the Governance, Audit and Scrutiny Committee where the nominations for the role of Chairperson will be drawn only from the Independent Co-opted Members of that Committee. The appointment of a Committee Chairperson shall normally take place at the first meeting of the Committee following the AGM, but the Authority could determine an appointment at the AGM should it so desire.

**Rule 29 – Appointments by the Humberside Fire Authority to outside bodies**

- 29.1 Every candidate nominated to represent the HFA in any capacity or for any position to be filled by the HFA shall be proposed and seconded at a meeting of the HFA.
- 29.2 At the close of nominations the Chairperson shall state the names of the candidates who have been duly proposed and seconded and the number of positions to be filled if the number is limited.
- 29.3 If the number of nominations proposed and seconded exceeds the number of positions then the procedure set down in Rule 28 shall be followed.

**Rule 30 – Secret Ballot**

- 30.1 A secret ballot may be demanded by at least 5 Members present. Such a ballot will be conducted by the Secretary whose return shall be final.

**Rule 31 – General Disturbances at Meetings**

- 31.1 If a member of the public interrupts the proceedings at any meeting, the Chairperson shall warn him/her. If that person continues the interruption the Chairperson shall order the person's removal from the room. In case of general disturbance in any part of the room open to the public the Chairperson shall order that part to be cleared.
- 31.2 If, in the opinion of the Chairperson, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairperson, in addition to any other power vested in the Chairperson, may without the question being put suspend the meeting for such a period as may be necessary to enable the meeting to proceed.

### **Rule 32 – Break during Meeting**

- 32.1 The Chairperson may adjourn any such meeting for a period of up to ten minutes whenever the meeting has been in session for a continuous period of two hours, except that the meeting may nevertheless agree not to so adjourn by a show of hands without debate.

### **Rule 33 – Recordings/Mobile Telephones and Pagers**

- 33.1 Subject to the exceptions set out below members of the press and public are permitted to film, audio-record and take photographs during meetings.
- 33.2 If individuals film, audio record or take photographs of the meeting in such a manner that causes disruption to the running of the meeting they may be warned by the Chairperson and if they continue to cause disruption the Chairperson shall order that person's removal from the room.
- 33.3 No filming, audio recording or photography may take place when the press and public are excluded from meetings.
- 33.4 At the commencement of a meeting members of the public who are present will be asked if they would object to being filmed or otherwise recorded during the proceedings. If any member of the public indicates that they do so object the Chairperson will ask that anyone wishing to film, photograph or record the meeting should only focus on councillors, officers and those individuals directly involved in the conduct of the meeting.

### **Rule 34 – Appointment of and Procedure at Committees**

- 34.1 The HFA shall every year at the Annual General Meeting decide by resolution its Committee structure (including the terms of reference set out in Articles 6 to 8) and shall appoint Members to each Committee.
- 34.2 Each Committee may recommend to the Authority the appointment of Sub-Committees and their membership, terms of reference and powers and duties.
- 34.3 The term of office of each Committee Member shall expire at the Annual General Meeting next after their appointment, or at such earlier time as the HFA shall determine, or unless removed or become ineligible sooner (except Independent Co-opted Members of the Governance, Audit and Scrutiny Committee shall be appointed for a term of office, approved by the HFA).
- 34.4 The quorum for a Committee shall be three Members of the Committee concerned or such greater number of Members as the HFA may determine, including at least one representative from each of two Constituent Authorities except in respect to the Governance, Audit and Scrutiny Committee or the Sub-Committees of the Governance, Audit and Scrutiny Committee).
- 34.5 These Rules, so far as they are relevant, shall apply to procedure at Committees and any appointed Sub-Committees. In particular Rules 3, 4, 6, 8.1 (a) (b) (c) (d) (e) (f) (h),

9, 14, 15, 16, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 30, 31, 32, 33 and 36 shall apply. The Secretary shall provide guidance accordingly.

- 34.6 Each Committee established shall at its last meeting before the Annual General Meeting, so far as is practicable, approve an outline work programme of the Committee for the forthcoming year.

### **Rule 35 – Committee Minutes**

- 35.1 A minute shall be taken in respect to each Committee, in the form and style approved by the HFA.
- 35.2 Draft minutes of the Committee will be published within no more than 10 working days of a meeting.
- 35.3 Where any Sub-Committee is established, it shall submit its minutes to the Committee from which it is formed.
- 35.4 The Secretary shall arrange for all minutes of Committees to be circulated to every Member of the HFA not less than five clear days before the meeting of the HFA at which such minutes are to be submitted for reception, or approval and adoption.
- 35.5 The minutes of a Committee shall clearly indicate the matters in respect of which it has made a decision in the exercise of its delegated powers and those matters in respect of which it is making a recommendation to another Committee or to the HFA. The minutes of Sub-Committees shall be received by the appropriate Committee and shall appear as part of the minutes of that Committee.
- 35.6 All papers received by Committees at their meetings shall be made available to all Members of the HFA.

### **Rule 36 – The Humberside Fire Authority’s Code of Conduct**

- 36.1 All Members of the HFA must at all times observe the requirements of the HFA’s Code of Conduct, including general principles governing the Conduct of Members as may be specified by the Secretary of State together with any further Rules or Guidance issued by the Secretary of State.

### **Rule 37 - Substitutions**

- 37.1 No substitutions shall be permitted to meetings of the HFA.
- 37.2 Depending upon the composition of the Governance, Audit and Scrutiny Committee, Group Secretaries may formally notify the Secretary of substitutions in writing to the Governance, Audit and Scrutiny Committee, subject to Article 6.1.

### **Rule 38 – Canvassing of, and Recommendations by, Members**

- 38.1 Canvassing of Members of the HFA directly or indirectly for any appointment under the HFA shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Rule shall be included in any form of application.
- 38.2 A Member of the HFA shall not solicit for any person any appointment under the HFA, but this shall not preclude a Member from giving a written testimonial of a candidate’s ability, experience, or character for submission to the HFA with an application for appointment.

### **Rule 39 – Relatives of Members or Employees**

- 39.1 A candidate for any appointment under the HFA, who knows that he or she is related to any Member or Officer, shall disclose that relationship in their application. A

candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal without notice.

- 39.2 Every Member and Senior Officer shall disclose to the Secretary any relationship known by the Member or Senior Officer to exist between that Member or Senior Officer and any person whom the Member or Senior Officer knows is a candidate for an appointment under the HFA.
- 39.3 Reference to this Rule shall be included in any form of application.
- 39.4 For the purposes of this Rule, “Senior Officer” means any member of the Strategic Leadership Team, or any other statutory officer of the HFA.
- 39.5 Persons shall be deemed to be related if they are husband and wife, partners, or close personal friends, or if either of them or the spouse, partner or close personal friend of either of them is the son, daughter, grandson, granddaughter, brother, sister, nephew or niece of the other, or of the spouse, partner or close personal friend of the other. For the purpose of this Rule “partners” include a relationship between two people of the same sex whether or not registered as a civil partnership under the Civil Partnership Act 2004 and a relationship of common law husband and wife, and “partner” shall be construed accordingly.

#### **Rule 40 – Variation and Revocation of Procedure Rules**

- 40.1 Any motion to add to, vary or revoke these Procedures Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the HFA.
- 40.2 Rules 3.1, 4.1 and 7.1 may only be varied or revoked in compliance with a statutory requirement to do so.

#### **Rule 41 – Suspension of Procedures Rules**

- 41.1 Subject to Rule 38.2, any of the preceding Procedures Rules may be suspended so far as regards any business at the meeting where its suspension is move.
- 41.2 A motion to suspend any of the preceding Procedures Rules shall not be moved without notice unless there shall be present at least two thirds of the whole number of the Members of the HFA.
- 41.3 Rules 3.1, 4.1 and 7.1 may only be suspended where this is permitted by law.

#### **Rule 42 – Interpretation of Procedures Rules**

- 42.1 The ruling of the Chairperson as to construction or application of any of these Procedures Rules, or as to any proceedings of the HFA, shall not be challenged at any meeting of the HFA.
- 42.2 The Chairperson shall seek the advice of the Secretary upon the interpretation or application of these Rules.

### **SECTION B – ACCESS TO INFORMATION PROCEDURE RULES**

#### **Rule 1 – Scope – Summary of Public Rights of Access**

- 1.1 These Rules apply to all meetings of the HFA, Governance, Audit and Scrutiny Committee or any other Sub-Committee established and constituted in accordance with this Constitution (together called formal meetings).
- 1.2 These Rules provide a written summary of the public’s rights to attend meetings and to inspect and copy documents.

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

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

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

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

### **Rule 4 – Notices of Meeting**

- 4.1 The HFA will give at least five clear days' notice of all formal meeting by posting details at the Humberside Fire and Rescue Service Headquarters and on the Fire Service's Website. Where an urgent meeting is called then the notice shall be published as soon as practicable.

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

- 5.1 Subject to Rule 9, the HFA will make copies of the agenda and reports open for public inspection on the Fire Service's website, at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out (the agenda will specify that a report is to follow), the Secretary shall make each such report available to the public as soon as the report is sent to Members.

### **Rule 6 – Supply of Copies**

- 6.1 Subject to these Rules (in particular Rule 9), the HFA will supply copies of:
- (a) any agenda and reports which are open to public inspection;
  - (b) any further statements, background information or particulars necessary to indicate the nature of the items in the agenda; and
  - (c) if the Secretary thinks fit, copies of any other documents supplied to Members in connection with an item;

to any person on payment of a charge for postage and any other reasonable costs, such costs may be waived at the discretion of the Chairperson or the Secretary.

### **Rule 7 – Access to Documents after a Meeting**

- 7.1 Subject to these Rules (in particular Rule 9), the HFA will make available copies of the following for at least six years after a meeting:
- (a) the minutes of the meeting, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
  - (b) a summary of any proceedings not open to the public, where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - (c) the agenda for the meeting; and
  - (d) Reports relating to items when the meeting was open to the public.

### **Rule 8 – Background Papers**

- 8.1 List of background papers

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

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

does not include published works or those which disclose exempt or confidential information (as defined in Rule 9 below).

## 8.2 Public inspection of background papers

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

A member of the public wishing to exercise these rights shall normally be required to give at least five working days' notice of such inspection following a meeting to enable the compilation of the relevant papers. The Secretary may produce the papers in a shorter or longer period depending on the nature of the request.

## **Rule 9 – Exclusion of Access by the Public to Meetings and Information**

### 9.1 Confidential and exempt information

The public may be excluded from a meeting 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. Members will consider whether information should be regarded as being confidential or exempt and where it is appropriate to do so, balance disclosure in the public interest against Rules 9.2 and 9.7 below.

### 9.2 Meaning of confidential information

Confidential information means information given to the HFA by a Government Department or Agency on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order. Not all information marked confidential is confidential or potentially exempt information. The Secretary shall provide advice and guidance to Members of the HFA accordingly.

### 9.3 Exempt information

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. The published agenda for the meeting will indicate where it is proposed that exempt information will be transacted.

A motion to exclude the press and public may be moved without notice by a Member at any time during a meeting. The mover must identify the proceedings or part of the proceedings to which the motion applies and state the description in terms of the categories listed in Rule 9.4 below.

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

### 9.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (as laid down by Schedule 12A (as amended) of the Local Government Act 1972).

Category	Condition
1. Information relating to any individual [Personal information]	1. Information falling within Category 3 is not exempt if it is required to be registered under: (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993.
2. Information which is likely to reveal the identity of an individual [identification of an individual]	
3. Information relating to the financial or business affairs of any particular person (including the HFA holding that information) [Personal financial or business affairs]	
4. Information relating to any consultations or negotiations or contemplated consultations or negotiations in connection with any labour relations matters arising between the HFA or a Minister of the Crown and employees of, or office holders under, the HFA [Labour relations]	2. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town & Country Planning General Rules 1992.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings [Legal professional privilege]	3. Information which: (a) falls within any of the Categories 1 to 7; and (b) is not prevented from being exempt by virtue of Conditions 1 and 2 above, is exempt information if and so long, as all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. Information which reveals that the HFA proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment [Statutory notice, direction or order]	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime [Crime related matters]	

## **Rule 10 – Exclusion of Access by the Public to Reports**

- 10.1 Whenever possible, all reports will be available for inspection within the timeframes set out in Rule 5 as public documents and grouped accordingly in the agenda for the meeting. Following the meeting, these reports will be filed and made available for public inspection in terms of Rule 7 on request and a payment of the fee as may be required.
- 10.2 If the Secretary thinks fit, the HFA may exclude access by the public to reports which in his or her opinion contain confidential or exempt information which, in accordance with Rule 9 above, the consideration of such reports are likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed and grouped separately from the public reports under an exempt section of the agenda not available to the public. An explanation of why a report is to be considered confidential or exempt will be given.

## **Rule 11 – Additional Rights of Access for Members**

- 11.1 To enable the proper exercise of their functions, all Members are entitled to inspect any document held by the HFA, which has already been considered by a meeting, and, if copies are available shall on request be supplied with a copy. However, a Member shall not knowingly inspect or request a copy of any document where there may be a potential breach of this Constitution and in particular the Code of Conduct for Members.
- 11.2 Where a Member seeks access to any document or report (including background papers) which has not been considered by the HFA or by a Committee, then the Members shall make a request to the Secretary setting out the basis for such a request.
- 11.3 Subject to the rights of access under Freedom of Information, the Secretary may decline to allow inspection of any document or report under Rule 11.2 where he or she considers that:
  - (a) the request is vexatious, malicious or contrary to the principles set out in this Constitution; or
  - (b) the request is outside of the functions of a Member of the HFA; or
  - (c) to agree to the request would likely result in a breach of any law or regulation, or be contrary to any other rights or any legal proceedings; or
  - (d) there may be a potential breach of the Code of Conduct for Members.
- 11.4 Where a request is made under Rule 11.2, the Secretary shall consult the Chairperson of the HFA or relevant Committee.
- 11.5 Where a request for access is declined by the Secretary under Rule 11.3 then the Member concerned shall be entitled to receive a written explanation as soon as practicable. The Member concerned shall be entitled to refer the request to the HFA.



## Appendix 1 to Section B

### Schedule 12A – Exempt Information A Guide to Assessing and Applying the Public Interest Test

The public interest test requires that information should only be withheld under exemption if, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing information. The Secretary shall provide advice and guidance upon the test and the Rules under Section B above (particularly Rule 9).

Exemptions subject to the public interest test are as follows:

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

Information should not be withheld on the grounds of:

1. Potential embarrassment.
2. The seniority of officers involved in the subject matter.
3. The risk of the recipient misinterpreting information.
4. In weighing the public interest regard should be given to:
  - (a) a general public interest to information being available;
  - (b) disclosure of reasons for most decisions;
  - (c) contributing to the maintenance of social peace and order;
  - (d) contributing to the administration of justice and enforcement of law
  - (e) revealing and avoiding serious malpractice, impropriety, fraud or breach of public law;
  - (f) keeping the public adequately informed of any danger to public health or safety, or to the environment;

- (g) ensuring that regulatory functions are being adequately discharged;
  - (h) avoidance of waste or misuse of public funds;
  - (i) ensuring the public obtains value for money.
5. It may also be helpful to take into consideration that:
- (a) the public interest is not necessarily the same as that in which the public is interested;
  - (b) usually the public interest pertains to a fairly large group of people, but there is nothing to stop it applying to a single individual;
  - (c) factors that operate against disclosure include potential damage to community interests and the need to avoid damage to the proper working of the HFA at the highest level;
  - (d) factors which operate for disclosure include the need for accountability of the HFA and for individuals to know the reasons for decisions made that concern them.

## **SECTION C – OFFICER EMPLOYMENT PROCEDURE RULES**

### **Rule 1 – Recruitment and appointment**

- 1.1 Reference shall be made to Rules 35 and 36 of the Rules of Procedure under Part 4 of this Constitution.
- 1.2 The HFA will draw up a statement requiring any candidate for appointment as an Officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of a Member of Officer; or of the partner of such persons.
- 1.3 No candidate so related to a Member or an Officer will be appointed without the authority of the Chief Fire Officer & Chief Executive or an Officer nominated by him.
- 1.4 The HFA will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the HFA. The content of this paragraph will be included in any recruitment information.
- 1.5 No Member will seek support for any person for any appointment with the HFA.

### **Rule 2 – Recruitment of Senior Officers**

- 2.1 Where the HFA proposes to appoint a Senior Officer, an Appointments Committee will:
  - (a) draw up a statement specifying:
    - i. the duties of the officer concerned; and
    - ii. any qualifications or qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

**Rule 3 – Appointment of a Senior Officer (including Chief Fire Officer & Chief Executive)**

- 3.1 The full HFA shall ratify the appointment of a Senior Officer following the recommendation of such an appointment by an Appointments Committee.

**Rule 4 – Other appointments**

- 4.1 The appointment of all other Officers is the responsibility of the Chief Fire Officer & Chief Executive (or his/her nominee).

**Rule 5 – Disciplinary Action**

- 5.1 The HFA shall consider and adopt a Disciplinary Policy in respect to the Humberside Fire and Rescue Service. The Chief Fire Officer & Chief Executive possesses certain delegated authority in respect to disciplinary action under Part 3 of this Constitution.
- 5.2 The Chief Fire Officer & Chief Executive, the Monitoring Officer and the Section 151 Officer may be suspended whilst an investigation takes place into alleged misconduct. The suspension will be on full pay pending the outcome of the investigation and where appropriate, the disciplinary hearing. The period of suspension will initially be for no longer than 2 months then reviewed at least every 4 weeks in consultation with the Independent Investigator.
- 5.3 Members will not be involved in the disciplinary action against any Officer other than the Statutory Officers except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the HFA's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect to disciplinary action.

**Rule 6 – Dismissal**

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

**SECTION D – FINANCIAL PROCEDURE RULES**

**Rule 1 – Application of the Rules**

- 1.1 The HFA has made arrangements for the proper administration of its financial affairs. In doing this, it will ensure that the following Rules are adhered to.
- 1.2 These Rules set out the main financial management requirements of the HFA. They state what these requirements are and who is responsible for preparing, authorising and acting on them.
- 1.3 The Rules apply to each employee and also to all persons acting on behalf of the HFA, including any "Technical Officer".
- 1.4 The term "Technical Officer" has been used in these Rules to cover any architect, quantity surveyor or others acting on behalf of the HFA in respect of contracts.
- 1.5 References to the HFA under these Rules shall include the Committees of the HFA, should a particular Rule require authority or consultation and the power to grant such authority falls under the functions or delegated authority granted to a Committee under the Articles of this Constitution. In such circumstances that Committee shall have authority accordingly.

**Rule 2 – General Financial Rules**

- 2.1 The Chief Fire Officer & Chief Executive is responsible for ensuring that these Financial Rules are observed throughout the HFA.
- 2.2 The S.151 Officer, as the officer designated by the HFA for the purposes of Section 151 of the Local Government Act 1972, is responsible for ensuring the proper financial administration of the HFA's services and affairs, and shall act as financial advisor to the HFA and its Committees.
- 2.3 The Chief Fire Officer & Chief Executive is responsible for providing the S.151 Officer with all necessary information and access to all documents and records under his control, as the S.151 Officer requires, to enable him to fulfil his obligations under these Regulations.
- 2.4 The S.151 Officer shall agree with the Chief Fire Officer & Chief Executive the financial arrangements and commitments, which have a financial effect in two or more years, including freehold and leasehold acquisitions and disposals, and leasing schemes.

### **Rule 3 – Responsibility of the S.151 Officer**

- 3.1 The S.151 Officer is responsible for the proper administration of the HFA's financial affairs under the requirements of Sections 112 and 114 of the Local Government Finance Act 1988.
- 3.2 The S.151 Officer will report to the HFA if in his/her opinion any significant failure in the proper administration of the HFA's financial affairs is occurring or is likely to occur.
- 3.3 To fulfil his/her statutory duty the S.151 Officer may issue accounting rules to complement these Rules.
- 3.4 The S.151 Officer will arrange for the determination of the precept and receipt of payments from the billing authorities in accordance with the Local Government Finance Act 1992. He will also arrange for the receipt of payments from the Department of Communities and Local Government (CLG) in respect of Revenue Support Grant (RSG) and National Non-Domestic Rates (NNDR).

### **Rule 4 – Responsibility of the Chief Fire Officer & Chief Executive**

- 4.1 The Chief Fire Officer & Chief Executive is responsible for the management of the resources made available to him/her by the HFA. When doing this he/she must act in accordance with these Rules and also follow any financial requirements laid down in the Contract Procedure Rules and the Scheme of Delegation. Where responsibilities for management of resources are delegated, the Chief Fire Officer & Chief Executive should ensure that the authorised person is familiar with the relevant Financial Rules and the financial requirements in the Procedures Rules (relating to contracts) and Scheme of Delegation. The Chief Fire Officer & Chief Executive should also make authorised persons aware of financial requirements contained in Acts and associated Parliamentary directives specific to the Fire and Rescue Service.
- 4.2 The Chief Fire Officer & Chief Executive will consult and take into account financial advice given by the S.151 Officer. He/she will also be responsible for providing financial information when requested by the S.151 Officer.

### **Rule 5 – Application to Subsidiary Accounts and Reserves**

- 5.1 These Rules made by the HFA will apply to all accounts maintained by the HFA including subsidiary accounts and reserve accounts.

### **Rule 6 – Changes to Service Provision**

- 6.1 Where the HFA considers there may be a need to change the policy on provision or delivery of services, it shall consider a written report by the Chief Fire Officer & Chief Executive. In this the Chief Fire Officer & Chief Executive will be required to set out the need for the change and the resources implications. The expected financial implications should include both part year and full

year effects. In addition, if material changes are expected to occur in the longer term a financial assessment of these should be included. If necessary, the statutory authority to incur expenditure or raise income should also be included.

### **Rule 7 – Changes in Expenditure Levels**

- 7.1 Any new or increased level of expenditure, whether capital or revenue, shall be properly authorised before any commitments are entered into. Funding arrangements must be agreed in accordance with these Rules.

### **Rule 8 – Capital Planning**

- 8.1 The Chief Fire Officer & Chief Executive will prepare proposals for capital expenditure covering the categories and years specified by the HFA and Central Government. These proposals will be in a form prescribed by the S.151 Officer and will include both the capital costs and an estimate of the full additional annual revenue implications. The proposals will be considered by the HFA in setting the annual Capital Programme. (Rules 9 and 10 deal with the agreement of the Capital Programme and amending it).
- 8.2 HFA approval of plans will authorise acquisition of land and property along with design and other preparatory work.
- 8.3 The Chief Fire Officer & Chief Executive and S.151 Officer are responsible for making proposals for the maximisation and control of capital receipts.

### **Rule 9 – Annual Capital Programme**

- 9.1 The Capital Programme is recommended to the HFA by the Chief Fire Officer & Chief Executive after the S.151 Officer has examined all the proposed major capital schemes and the revenue costs which arise from them. The Chief Fire Officer & Chief Executive must provide detailed estimates for every major capital project proposed, including estimates of the annual running costs of the project and the S.151 Officer will provide an estimate of the financing costs which will arise and the consequences for any other future year where they are significant. A detailed project appraisal must be undertaken, which meets the requirements of the Prudential Code for Capital Finance in Local Authorities, prior to the submission of scheme details to the HFA. This information must be presented in the format and at the time required by the S.151 Officer.
- 9.2 A project's inclusion in the Capital Programme does not provide any approval for the expenditure involved. Before any financial commitment is made:
- (a) a project must have received approval from the HFA and the HFA must have considered its running costs net of any savings:
  - (b) the arrangements for financing the capital expenditure involved will be determined by appraisals undertaken by the S.151 Officer in accordance with the Prudential Code.
- 9.3 When the HFA has given its approval, capital projects included in the programme may commence on or after the planned date for start without further approval unless this is required by Central Government or other outside bodies.

### **Rule 10 – Implementation and Amendment of Approved Capital Programme**

- 10.1 When the capital programme has been approved, the Chief Fire Officer & Chief Executive and the S.151 Officer will be responsible for controlling expenditure on each project agreed and ensuring the capital expenditure achieves the objectives agreed.
- 10.2 The HFA will be responsible for control over the total amount of capital expenditure. It will monitor the powers and constraints placed on the HFA to incur capital expenditure. Changes in the

approved capital programme requiring additional resources must be authorised by the HFA. The HFA may delegate responsibility to a Committee for monitoring capital expenditure.

### **Rule 11 – Accountability and Performance**

- 11.1 The HFA will be responsible for monitoring and reviewing approved capital expenditure.
- 11.2 The HFA will make arrangements to control and monitor total capital spending and consider a proposed Capital Programme and policy framework. The Governance, Audit and Scrutiny Committee will monitor performance against the Capital Programme.

### **Rule 12 – Expenditure in Excess of Approved Amount**

- 12.1 Where changes to a capital project result in variations to its cost, a report must be made to the HFA before any financial commitment is made and before the project is put out to tender, where this is necessary. This report must give full details of the changes and reasons behind them, together with revised estimated capital and revenue costs.
- 12.2 Where the cost of a capital scheme exceeds the project cost (adjusted for subsequent price increases), or the approved cost for the year, by more than the specified amount, then the Chief Fire Officer & Chief Executive shall as soon as practicable submit a written report to the HFA.

### **Rule 13 – Review of Capital Projects**

- 13.1 The Chief Fire Officer & Chief Executive and S.151 Officer will review the final cost and expected timing of payments on each approved item of capital expenditure and may amend those items if necessary. This review and any amendments will be undertaken based on guidance issued by the S.151 Officer.
- 13.2 The S.151 Officer, after consulting the Chief Fire Officer & Chief Executive, is authorised to close any capital account two years after completion of the work.
- 13.3 If on closure of an account, an overspending above the approved amount has occurred, this should be reported to the HFA.

### **Rule 14 – Revenue Planning and Revenue Budget**

- 14.1 The HFA will require estimates to be prepared of future expenditure and income to cover a stipulated time period. The plans will be presented to the HFA for approval. The plans will include such additional information and explanations as may be required by the HFA.
- 14.2 The Chief Fire Officer & Chief Executive must prepare a medium-term commitment plan, giving a three year forward assessment of revenue commitments based on present levels of service and efficiency, but reflecting also decisions already taken on new commitments. This plan must be prepared in consultation with the S.151 Officer.
- 14.3 The Chief Fire Officer & Chief Executive must prepare detailed revenue estimates for approval by the HFA. These estimates must be prepared in consultation with the S.151 Officer and must be in the form required by Best Value Accounting principles. They must identify separately any items which need separate approval by the HFA before any financial commitment is made.
- 14.4 It is the responsibility of the HFA to approve the estimates. The Chief Fire Officer & Chief Executive, in consultation with the S.151 Officer, must report to the HFA on the financial effects of both the capital and revenue programmes proposed, together with other financial information relevant to setting the budget. The HFA shall consider this report, together with the recommendations of the Chief Fire Officer & Chief Executive and the S.151 Officer, and decide on the setting of the budget accordingly.
- 14.5 Where Central Government and other bodies require submissions of estimates of expenditure and income for future years, these will be made in accordance with plans and policies approved by the

HFA. No new expenditure will be committed in advance of the approval of the annual budget unless this is agreed by the HFA.

### **Rule 15 – Annual Budget**

- 15.1 The Chief Fire Officer & Chief Executive in consultation with the S.151 Officer will be responsible for preparing an annual revenue budget of expenditure and income. The budget will be prepared within such limits as specified by the HFA and to a format and timetable specified by the S.151 Officer. The Chief Fire Officer & Chief Executive will need to be able to demonstrate the expected physical resource implications of proposals for change. The annual budget must be prepared and approved in accordance with the requirements laid down in the Local Government Finance Act 1992 as amended by the Localism Act 2011 and the Local Government Act 2003.

### **Rule 16 – Implementation and Amendment of Approved Budgets and Forecasts**

- 16.1 When the annual budget has been approved the Chief Fire Officer & Chief Executive will be responsible for ensuring income is received and budgeted expenditure is not exceeded.
- 16.2 The HFA will be responsible for controlling the total of Fire and Rescue revenue expenditure and income.

### **Rule 17 – Accountability and Performance**

- 17.1 Procedures for the making of payments and collection of income against budgeted expenditure will be in accordance with these Financial Procedure Rules.
- 17.2 The Chief Fire Officer & Chief Executive and S.151 Officer will be responsible for ensuring that appropriate arrangements are made to monitor performance against budgets and financial forecasts. Any potential difficulties shall be reported in writing immediately to the S.151 Officer. The S.151 Officer may ask the Chief Fire Officer & Chief Executive to provide updates on performance against budgets.
- 17.3 The final accounts are based on the principle of recording only income and expenditure incurred during the financial year. The HFA will receive a final accounts report prepared on an income and expenditure basis produced by the Chief Fire Officer & Chief Executive and S.151 Officer. Included in this report will be explanations of significant variations from the budget. The S.151 Officer will specify the format and timetable of the final accounts.
- 17.4 The Chief Fire Officer & Chief Executive is responsible for budgetary control within the HFA, subject to the overall supervision of the budgetary control process by the S.151 Officer. If it is likely that spending on any budget line will be greater than the approved estimate for it, or that income will be less than the amount shown in the budget, the Chief Fire Officer & Chief Executive must (subject to Regulations 17 and 18) inform the HFA immediately.
- 17.5 When the HFA receives a report under Rule 17.3, it must consider it, in conjunction with the views of the S.151 Officer before incurring expenditure or accepting reduced income. If the matter is extremely urgent and it is not practicable to wait for a meeting of the HFA, its approval must be requested at the earliest possible opportunity and the reasons for the urgency given.

### **Rule 18 – Virements**

- 18.1 Transfer between revenue estimate lines, including transfers from contingencies must not be made unless they:
- (a) accord with this Constitution and these Financial Procedure Rules;
  - (b) comply with the Rule 18.2;
  - (c) do not increase the budgeted net expenditure of the HFA;
  - (d) are notified to the S.151 Officer;

- (e) are reported to the HFA quarterly.
- 18.2 The Chief Fire Officer & Chief Executive may vire (transfer) amounts within capital and revenue estimates lines, provided the virement complies with Rule 17 and falls within the following limits:
  - (a) any amount up to the specified amount within the estimates approved by the HFA;
  - (b) amounts of more than the specified amount but less than £50,000 with the approval of the S.151 Officer.
- 18.3 Virements above the specified amount up to £100,000 must be in consultation with the Chairperson and Vice Chairperson.
- 18.4 Virements above £100,000 must be authorised by the full HFA.
- 18.5 Any proposal for changing allowances, fees, charges, etc., including introducing or discontinuing them, must be approved by the HFA. Fees and charges should be reviewed annually.
- 18.6 Pre-planned budget savings and unused budget provisions at the end of a financial year may be transferred to the General Reserve or any other reserve, as determined by the S.151 Officer and approved by the HFA. Transfers from the Reserves may be approved by the S.151 Officer, up to the specified amount and by the HFA above that figure.

#### **Rule 19 – Supplementary Estimates**

- 19.1 A supplementary estimate approval means that not only do individual budget line approvals increase but the total approved HFA budget increases. This will constitute a request for a transfer of resources from the general reserve. The S.151 Officer must be consulted before a report written by the Chief Fire Officer & Chief Executive is submitted to the HFA. The HFA will consider requests for supplementary estimates. If the HFA approves the supplementary estimate request, the S.151 Officer will arrange for the transfer of resources from the general reserve.
- 19.2 Requests should result only from new legislation or other unforeseen and exceptional circumstances. The Chief Fire Officer & Chief Executive would be expected to show that virement is not available to fund the proposal. Except in an emergency, no expenditure should be committed prior to the approval of the HFA. Where expenditure has been incurred in an emergency, the S.151 Officer should inform the Chairperson of the HFA as soon as is practical. The Chief Fire Officer & Chief Executive shall report such expenditure to the HFA.

#### **Rule 20 – Over or Underspending**

- 20.1 Draft outturn reports shall be considered by the Governance, Audit and Scrutiny Committees. When the final accounts are complete the HFA will receive a report on overspendings or underspendings incurred in the previous financial year. Any overspending or underspending will be notified by the S.151 Officer to the HFA so that adjustments to the general reserve can be made. Any request of the HFA to carry forward budget approval for underspendings (other than for Devolved Budgets) will need to be authorised in a similar manner to supplementary estimates.

#### **Rule 21 – Devolved Budgets**

- 21.1 The S.151 Officer and Chief Fire Officer & Chief Executive may introduce devolved budgets at any level. The Rules for operating these budgets will be determined by the S.151 Officer in accordance with any policy agreed by the HFA. Any significant underspending of devolved budgets shall be reported to the HFA but may be carried forward for future use by the budget holder, subject to approval by the S.151 Officer and Chief Fire Officer & Chief Executive.

#### **Rule 22 – Contracts - General**

- 22.1 Before entering into a contract reference should be made to the Contract Procedure Rules, which includes guidance on E.U. procurement directives.



- 22.2 Contracts for building and civil engineering works financed from the revenue budget should comply with these Rules, except that variations will be governed by revenue budget procedures.

### **Rule 23 – Contracts – Records**

- 23.1 The Chief Fire Officer & Chief Executive will be responsible for the maintenance of records for contracts of a capital nature.
- 23.2 Where building, or other capital contracts provide for payment to be made by instalments on the certificate issued by an authorised officer, the records will show the state of account on each contract between the HFA and the contractor together with other payments and related professional fees.

### **Rule 24 – Contracts – Commencement**

- 24.1 Every addition or variation to a contract must be authorised in writing by the appropriate Technical Officer authorised to do so. This authorisation must be issued before the work is carried out, or in the case of an emergency within 10 working days of the addition or variation.
- 24.2 Where any additions or variations exceed the amount of the accepted tender by the specified amount, either individually or taken cumulatively with previously authorised additions or variations, the approval of the HFA must be obtained before the addition or variation is agreed. Part 3 Section B provides for approvals to be given in consultation with the Group Secretaries between meetings where appropriate by the Chief Fire Officer & Chief Executive. Where the additions or variations have to be dealt with as an emergency, the work must be carried out and be reported to the HFA at its next meeting.

### **Rule 25 – Contracts – Interim Payments and Final Accounts**

- 25.1 Payments to contractors in respect of all contracts must be authorised only by a certificate signed by the person made responsible by the contract for issuing such certificates (i.e. “the Certifying Officer” or authorised deputy). In the case of Private Architects, Quantity Surveyors, Engineers or Consultants, certificates must be countersigned as to validity by the Chief Fire Officer & Chief Executive or his appointed officer. The form of the certificate must be agreed by the S.151 Officer. The Certifying Officer will be responsible for the correct certification of all aspects of contract payments and for ensuring the correct completion of all associated contract documentation.
- 25.2 The Certifying Officer will ensure that all contract documentation is properly completed before the contractor’s final account is paid.

### **Rule 26 – Contracts – Audit and Payment of Accounts**

- 26.1 The S.151 Officer will, to the extent he/she considers necessary, audit accounts for contracts and he/she will be entitled to make such enquiries and receive such information and explanations as he/she may require in order to satisfy himself as to the accuracy of the accounts.
- 26.2 Claims from contractors in respect of matters not clearly within the terms of any existing contract must be referred to the Secretary for consideration of the HFA’s legal liability before a settlement is reached. The S.151 Officer must also be informed of the amount of such claims before final settlement to enable him/her to consider the financial implications.
- 26.3 Where completion of a contract is delayed beyond the due date for completion by more than 1/6th of the contract period, it will be the duty of the Technical Officer concerned after consultation with the Secretary and Chief Fire Officer & Chief Executive, to take appropriate action in respect of any claim for liquidated damages. If it is decided by the Technical Officer that liquidated damages should not be applied, this should be reported to the HFA together with reasons why liquidated damages should not apply.

### **Rule 27 – Contracts – Defaults by Contractors**

- 27.1 All contracts will be drafted in accordance with the Contract Procedure Rules.
- 27.2 The Chief Fire Officer & Chief Executive will decide whether it is necessary to include a Performance Bond in the terms of the contract.

### **Rule 28 – Contracts – VAT and Insurance**

- 28.1 The S.151 Officer must be consulted on the appropriate VAT requirements of any new form of contract, either capital or revenue, being drawn up.
- 28.2 Where appropriate, the Chief Fire Officer & Chief Executive should ensure that the contract documentation provides for the contractor to have an insurance policy, which can be inspected during the contract period. The S.151 Officer must be consulted on the insurance requirements.

### **Rule 29 – Accounting Standards and Systems**

- 29.1 The S.151 Officer is responsible for ensuring that all accounting systems and records within the HFA comply with the law, regulations and good practice. The Chief Fire Officer & Chief Executive must ensure that the HFA observes the requirements of the S.151 Officer for all accounting systems, procedures and records and that all records are up-to-date.
- 29.2 Where financial systems are involved or affected, all proposals for the selection of appropriate information technology equipment, and the development of appropriate systems must be referred to the S.151 Officer for his/her approval.

### **Rule 30 – Orders for Work, Goods and Services**

- 30.1 Orders for work, goods and services must not be placed unless the expenditure to be incurred is in accordance with these Rules.
- 30.2 Orders on official forms must be issued for all work, goods and services to be supplied to the HFA, except for supplies of services such as gas, electricity and water, for periodical payments such as rent and rates, for petty cash purchases, for electronic orders or for such other exceptions as the S.151 Officer may give written approval.
- 30.3 Where urgent orders are given orally they must be confirmed by a written official order not later than the next working day following the day in which the oral order is given.
- 30.4 Where an agreement or contract for goods or services to be met from revenue provides for payment by instalments, the Chief Fire Officer & Chief Executive will ensure such records are maintained that are necessary to show the state of the accounts of each such agreement or contract.
- 30.5 Orders must be signed only by officers authorised by the Chief Fire Officer & Chief Executive who will maintain a list of officers authorised to sign on his/her behalf. Where goods are ordered electronically, this must be in a manner agreed by the S.151 Officer and a list of authorised officers must be maintained by the Chief Fire Officer & Chief Executive.
- 30.6 The Chief Fire Officer & Chief Executive will be responsible for ensuring the validity of all orders issued, the control and safe custody of all official order documents and books issued, and obtaining alternative quotations or tenders as required before orders are placed. He/she will also be responsible for ensuring that the expenditure being incurred can be met from the approved estimates.
- 30.7 The HFA must obtain goods, works or services in a manner and from sources which provide the most economically advantageous outcome for the HFA, as set out in the Contract Procedure Rules.
- 30.8 No order may be placed unless there is an appropriate estimate provision for the spending involved or it has been approved separately by the HFA or, in an emergency, by the S.151 Officer.

- 30.9 If it is necessary to place an order over the specified amount in value before the approval of the budget for the year in which the spending will be incurred, the Chief Fire Officer & Chief Executive should liaise with the S.151 Officer and, if deemed necessary, the Chairperson of the HFA.

### **Rule 31 – Payment of Invoices and Claims**

- 31.1 The S.151 Officer will approve payment procedures in consultation with the Chief Fire Officer & Chief Executive. The S.151 Officer is authorised to make all payments as they become due out of the HFA's accounts. The system should ensure that expenditure has been certified by an officer authorised by the Chief Fire Officer & Chief Executive.
- 31.2 The Chief Fire Officer & Chief Executive must maintain a list of all the staff within the HFA who are authorised by him or her to certify invoices for payment. The S.151 Officer will advise the Chief Fire Officer & Chief Executive if he or she considers anyone should be removed from that list.
- 31.3 Invoices, which should be on suppliers printed forms, and internal claims for payment, shall be checked, initialled and certified by appropriate staff in accordance with arrangements agreed by the S.151 Officer before payment is made.
- 31.4 Before certifying an invoice or claim, the Certifying Officer must satisfy himself/herself that the relevant expenditure has been properly incurred, is within the appropriate approved estimate, and that it is allocated to the correct expenditure head.
- 31.5 The S.151 Officer will examine, as far as he considers it necessary, invoices and claims passed for payment and he will be entitled to receive such information and explanations as he may require. For this purpose, all records and documents relating to the payment must be placed at his disposal.
- 31.6 Invoices must be processed for payment as soon as practicable.
- 31.7 The duties of ordering and receiving goods and services, and certifying invoices and claims for payments, must not be performed by one and the same officer (subject to the S.151 Officer being informed where such a division of duties is not possible).
- 31.8 The Chief Fire Officer & Chief Executive can pay from the HFA's money all invoices which he is satisfied are correct. These invoices will be subject to audit, as the S.151 Officer requires, and the Chief Fire Officer & Chief Executive must provide any explanations and information required by internal or external audit.
- 31.9 Lists of creditors' charges which are outstanding must be prepared by the Chief Fire Officer & Chief Executive as soon as possible after the end of each financial year in the format required by the S.151 Officer. When invoices for these charges are later certified for payment, they must be identified as relating to the previous financial year.
- 31.10 All claims for the reimbursement of vehicle and subsistence allowances, travelling and incidental expenses, must be certified and submitted for payment on a form approved by the S.151 Officer. Claims should be submitted promptly each month for the preceding month.
- 31.11 Where the S.151 Officer considers it appropriate he/she will call the attention of the Chief Fire Officer & Chief Executive and, if necessary, the HFA to any item which has been passed for payment on any such item which he/she considers for any good reason should not be paid.

### **Rule 32 – Contract Payments**

- 32.1 Where stage payments, instalments, or payments on account are necessary, the Chief Fire Officer & Chief Executive or his nominee must certify the total amount of the contract, the value of work already done or goods already supplied, any retention, the cumulative amount already paid and the amount of the individual instalment.
- 32.2 Any variation to a contract must be authorised in writing by the Chief Fire Officer & Chief Executive or his nominee.

### **Rule 33 – Imprest Accounts**

- 33.1 The S.151 Officer may, in consultation with the Chief Fire Officer & Chief Executive, provide imprest accounts where necessary for defraying petty cash and other minor expenses. Persons responsible must maintain a record of their receipts and payments in the form and manner prescribed by the S.151 Officer.
- 33.2 The S.151 Officer may issue rules as to the type of expenditure which should be met out of the imprest account and such expenditure must be supported by receipted vouchers to the extent that the S.151 Officer may require.
- 33.3 An official subsidiary bank account will be opened by the S.151 Officer in cases where he/she considers this to be necessary. Where such a bank account is opened in no circumstances will an overdraft be allowed.
- 33.4 The Chief Fire Officer & Chief Executive must arrange for the S.151 Officer to be notified as early as possible whenever a person holding an imprest account ceases to be responsible for the account. The name of the new holder will be similarly notified when this is known.
- 33.5 No income received on behalf of the HFA, other than the reimbursement of the imprest, may be paid into an imprest account without prior consent of the S.151 Officer but must be banked separately or paid to the HFA as provided elsewhere in these procedures.
- 33.6 Postal orders or personal or other cheques must not be cashed from monies held in an imprest account, nor will personal loans be made from such accounts.
- 33.7 Claims for reimbursement of monies spent should be made by the S.151 Officer, except where he/she agrees to provide payments on account. In all cases imprest accounts will be made up to 31 March each year, subject to any exceptions agreed by the S.151 Officer.

### **Rule 34 – Treasury Management**

- 34.1 The S.151 Officer shall be authorised, subject to the Contract Procedure Rules, to enter into an arrangement with another local authority with regard to utilising a Treasury Management service. The S.151 Officer shall report to the HFA accordingly.
- 34.2 The S.151 Officer shall be responsible for arranging the management of the HFA's cash flow, together with its associated borrowing and lending activities.
- 34.3 The S.151 Officer will have due regard to the requirements of the CIPFA Code of Practice on Treasury Management in Local Authorities including the submission of a report to the HFA of the HFA's borrowing limits and capital financing requirements in accordance with CIPFA's Prudential Code of Capital Finance in Local Authorities before the start of each financial year.
- 34.4 A Treasury Policy Statement setting out its strategy and procedures will be adopted by the HFA. The S.151 Officer will periodically review the Treasury Policy Statement and report to the HFA on any necessary changes.
- 34.5 The S.151 Officer when exercising powers delegated to him will have due regard to the requirements of the CIPFA Code of Practice and CIPFA's Guide for Chief Finance Officers.

### **Rule 35 – Procedures for Stocktaking and Consequential Action**

- 35.1 Stocks and stores records must be kept in such cases and in a form as may be agreed by the Chief Fire Officer & Chief Executive or his authorised representative with the S.151 Officer. There must be a complete independent stocktaking, i.e. not carried out by the storekeeper or his staff, at least once in every financial year, except where continuous stocktaking arrangements agreed with the S.151 Officer are operating. Test checks will also be made from time to time.

- 35.2 The value of stocks held at 31 March each year must be certified by the Chief Fire Officer & Chief Executive or his authorised representative and supplied to the S.151 Officer.
- 35.3 Surpluses or deficiencies revealed in any item of stock at any time can be adjusted up to a book value of the specified amount by the Chief Fire Officer & Chief Executive or their authorised representative. Above this amount surpluses or deficiencies must be reported to the S.151 Officer who can approve write-off or adjustment.
- 35.4 Surplus or obsolete items of stocks and stores up to a book value of the specified amount may be disposed of by the Chief Fire Officer & Chief Executive or his authorised representative. Above this amount the agreement of the S.151 Officer is necessary and, wherever appropriate, disposal will be by competitive quotation or tender. A record should be kept of all details pertaining to disposals.

### **Rule 36 – Procedures for Checking Inventories of Assets and Consequential Action**

- 36.1 Individual items costing over the specified amount should be included on an inventory. Additionally, lower value portable items (e.g. office equipment) should be included, subject to a minimum specified amount. All inventories will be kept in a form approved by the S.151 Officer. Items held in stores shall not be included as an inventory unless the S.151 Officer directs otherwise.
- 36.2 The Chief Fire Officer & Chief Executive must keep an up-to-date Asset Register for the HFA and submit a certified copy to the S.151 Officer when required for Annual Accounts or Budget purposes.
- 36.3 The Chief Fire Officer & Chief Executive must supply the S.151 Officer with whatever information he requires to check stores records and inventories and to keep the HFA's accounts up to date.
- 36.4 The Chief Fire Officer & Chief Executive must undertake an annual check of all items on the inventory and prepare a list of stores and inventory discrepancies, whether deficiencies or surpluses, for notification to the S.151 Officer. The Chief Fire Officer & Chief Executive may arrange for the disposal of stock or inventory items no longer required, or writing off of deficiencies of the same, up to a value of the specified amount in each case. Above that figure requires the approval of the S.151 Officer.
- 36.5 The Chief Fire Officer & Chief Executive will be responsible for ensuring that an annual check of all items of the inventory is carried out and for taking action in relation to any surpluses or deficiencies and noting the inventory accordingly. Deficiencies due to irregularities should be reported to the HFA.
- 36.6 The S.151 Officer or his representative may at all reasonable times have access to all property of the HFA and may make such checks and tests as he/she considers reasonable.
- 36.7 The HFA's property must not be removed from HFA premises except in the ordinary course of the HFA's business, or used otherwise than for the HFA's purposes except in accordance with specific directions issued by the Chief Fire Officer & Chief Executive or his authorised representative. A record of such removals will be maintained at the establishment concerned.
- 36.8 Surplus or obsolete items of any one commodity up to a book value of the specified amount may be disposed of by the Chief Fire Officer & Chief Executive or his authorised representative. Where the book value is over this figure but the resale is considered to be below this, the Chief Fire Officer & Chief Executive should arrange for a suitably qualified second person to give a written confirmation of the value prior to disposal. Where the estimated resale value is above this amount the agreement of the S.151 Officer is necessary and whenever appropriate disposal will be by competitive quotation or tender. A record shall be kept of all details pertaining to disposals for two years, in such form as approved by the S.151 Officer.

### **Rule 37 – Income Records**

- 37.1 The collection of all monies due to the HFA should be under the control of the S.151 Officer who will require that all monies due are promptly recorded and all monies are promptly banked.
- 37.2 The records kept relating to income will be in such form as may be approved by the S.151 Officer. Records will need to be sufficiently detailed to substantiate the HFA's right to payment.
- 37.3 All official receipt forms, receipt books, tickets and other documents of a similar nature shall be ordered, controlled by, and issued by the S.151 Officer unless he/she has agreed alternative arrangements. Every issue of any such document should be authorised by the Chief Fire Officer & Chief Executive or his nominated officer and acknowledged by the signature of the Officer receiving the document.
- 37.4 No Officer or agent must give a receipt for money received on behalf of the HFA on any form other than an official receipt form.
- 37.5 The Chief Fire Officer & Chief Executive will designate and maintain a list of Officers as accounting officers for the purpose of receiving monies due to the HFA. These Officers must maintain a record of their receipts and bankings in the form and manner prescribed by the S.151 Officer. The S.151 Officer will issue Rules regarding the frequency of deposit with himself/herself or payment into a bank account.
- 37.6 Each Officer paying money into a bank account of the HFA must show on the paying in slip the amount of each cheque paid in and sufficient information to identify the individual transaction, e.g. receipt number, name of debtor and must not be used to meet expenditure or to cash postal orders or personal or other cheques.
- 37.7 Monies received by an accounting officer will be banked intact.

### **Rule 38 – Write-Offs**

- 38.1 An amount due to the HFA must only be discharged by payment or by write-off in accordance with the following system. Amounts up to the specified amount in any one case may be written-off by the S.151 Officer with the agreement of the Chief Fire Officer & Chief Executive. The S.151 Officer must demonstrate that the amount remains unpaid despite reasonable action having been taken to recover it. Amounts over the specified sums in any one case will be written-off by the HFA. The S.151 Officer will have the right to report any write-off to the HFA Committee.

### **Rule 39 – Review of Charges**

- 39.1 It shall be the duty of the Chief Fire Officer & Chief Executive to ensure that all charges that may be made for public services are reviewed at least annually at the time of the preparation of the budget. Rents should be reviewed at least triennially unless they are subject to any longer period under the terms of the rental agreement.

### **Rule 40 – Banking Arrangements**

- 40.1 Arrangements with regard to the HFA's bank accounts, including National giro accounts, should be made by the S.151 Officer.
- 40.2 Cheques, except those used by imprest accounts, will be ordered and controlled by the S.151 Officer who will make proper arrangements for the safe custody of blank cheques and the preparation, signing and despatch of cheques.
- 40.3 All HFA bank accounts, including imprest accounts, must include "Humberside Fire Authority" or "Humberside Fire and Rescue Service (HFRS)" in their titles and in no circumstances must an account be opened in the name of an individual or individual establishment.
- 40.4 Cheques drawn will bear the pre-printed signature of the S.151 Officer, or be signed by the S.151 Officer, or by an Officer or agent duly authorised by the S.151 Officer.

- 40.5 Payments may be made electronically by the S.151 Officer on behalf of the HFA, or by an Officer or agent duly authorised by the S.151 Officer.

#### **Rule 41 – Salaries, Wages and Pensions**

- 41.1 The payment of all salaries, wages, pensions, compensation and other emoluments will be the responsibility of the S.151 Officer or under arrangements approved and controlled by him/her.
- 41.2 The Chief Fire Officer & Chief Executive will arrange for the S.151 Officer to be notified as early as possible, and in the form prescribed by the S.151 Officer, of all matters affecting the payment of items referred to in Rule 40.1 above and in particular:
- (a) appointments, resignations, dismissals, suspensions, secondments and transfers;
  - (b) absences from duty for sickness or other reason, apart from approved leave;
  - (c) changes in remuneration, other than normal increments and pay awards and agreements generally applied;
  - (d) information necessary to maintain records of service for superannuation, income tax and national insurance.
- 41.3 Tax, superannuation, national insurance and all other deductions from pay and related matters must be recorded and controlled in such a manner as may be determined by the S.151 Officer.
- 41.4 All-time records or other documents relating to salaries and wages will be in a form prescribed or approved by the S.151 Officer and shall be checked and authorised in the appropriate establishments. They should be signed by or on behalf of the Chief Fire Officer & Chief Executive. The S.151 Officer will be responsible for providing periodic print-outs of Officers' pay details to the Fire and Rescue Service to provide a means of verifying the accuracy of the pay records.
- 41.5 Advice should be sought from the S.151 Officer on proposed payments to non-staff members which may require the HFA to deduct tax.

#### **Rule 42 – Reviews**

- 42.1 The Chief Fire Officer & Chief Executive is responsible for arranging regular and comprehensive reviews of services under his control. In particular, consideration should be given to actual performance against approved targets for the service. Special note should be taken of:
- (a) economy, efficiency and effectiveness in delivery;
  - (b) quality, especially user satisfaction of the service provided.
- 42.2 The HFA and Governance, Audit and Scrutiny Committee may require the Chief Fire Officer & Chief Executive to report on the performance of any aspect of the Fire and Rescue Service including any value for money audits conducted. In addition, they may require him to provide explanations on financial performance indicators and other related information published by the Government or the External Auditors.

#### **Rule 43 – Internal Audit**

- 43.1 The HFA may request the Governance, Audit and Scrutiny Committee to select and recommend to the HFA the appointment of an effective Internal Audit Service as set down in Article 6 (otherwise the HFA will conduct a process to appoint Internal Audit services).
- 43.2 The S.151 Officer will be responsible for arranging a continuous internal audit of the HFA's accounts.
- 43.3 The S.151 Officer or his/her authorised representative has authority to:

- (a) enter any HFA building or land at all reasonable times;
- (b) have access to all records, documents and correspondence relating to any transactions of the HFA;
- (c) receive such explanations as he considers necessary on any matter under examination;
- (d) require any employee of the HFA to produce cash, stores or any other HFA property under his control.

43.4 The Chief Fire Officer & Chief Executive, S.151 Officer and Secretary will be responsible for considering and taking appropriate action on matters drawn to their attention in audit reports.

#### **Rule 44 – Internal Control and Check**

44.1 The duties of staff concerned with financial transactions should, as far as is practicable, be distributed with regard to the principles of internal control and check. The Chief Fire Officer & Chief Executive should consult the S.151 Officer when this is not considered practicable or when changes to financial arrangements are being proposed so that the S.151 Officer or his authorised representative can ensure proper financial systems will still be in place.

#### **Rule 45 – Financial Irregularities**

45.1 The S.151 Officer and the Secretary must be notified immediately by the Chief Fire Officer & Chief Executive of any financial irregularities, or of any circumstances which may suggest the possibility of an irregularity, affecting any asset of the HFA.

#### **Rule 46 – Personnel Forecasts**

46.1 The Chief Fire Officer & Chief Executive should produce an annual personnel forecast within the HFA's budget provision which will form the basis of his control of staffing requirements.

46.2 Proposals made by the Chief Fire Officer & Chief Executive to change establishment numbers or grades need to take into account, both current and future funding and potential termination costs.

#### **Rule 47 – Re-Deployment and Redundancy**

47.1 Where a proposal is made by the Chief Fire Officer & Chief Executive that has redundancy implications the HFA should be informed by the Chief Fire Officer & Chief Executive of the potential number of staff involved and the funding arrangements to pay the redundancy and associated costs.

47.2 When preparing an Action Plan to deal with potentially redundant staff, the Chief Fire Officer & Chief Executive will have due regard to any requirements of the HFA's policy in the event of re-deployment or redundancy. The Chief Fire Officer & Chief Executive will consult the S.151 Officer over the funding arrangements for the Action Plan proposals.

#### **Rule 48 – Property Records and Deeds**

48.1 The maintenance of a terrier of all land, buildings and interests owned by the HFA will be the responsibility of the Chief Fire Officer & Chief Executive in a form approved by the Secretary in consultation with the S.151 Officer.

48.2 The Chief Fire Officer & Chief Executive will be responsible for the custody of all title deeds.

#### **Rule 49 – Property Acquisition, Disposal and Review**



- 49.1 The HFA will be responsible for authorising the acquisition, disposal and allocation of land and buildings.
- 49.2 The Chief Fire Officer & Chief Executive or his authorised representative will be responsible for the regular review both of the purpose for and the efficient utilisation of all land and buildings owned or used by the HFA.
- 49.3 The Chief Fire Officer & Chief Executive will regulate the administration of the purchase, lease, disposal, management and repair and maintenance of land and buildings.

#### **Rule 50 – Systems Developments and Amendments**

- 50.1 Where developments of or material amendments to systems take place that affect financial procedures, the Chief Fire Officer & Chief Executive will inform the S.151 Officer. The S.151 Officer or his authorised representative will agree the standards of control required.

#### **Rule 51 – Control and Security**

- 51.1 The Chief Fire Officer & Chief Executive is responsible for the control of the Fire and Rescue Service's computer systems. He is also responsible for the security and privacy of data held by the system. Where shared systems are accessed, he is responsible for ensuring proper controls are maintained.

#### **Rule 52 – Leasing**

- 52.1 The S.151 Officer and the Secretary must be consulted prior to entering into any lease including any that may count against the HFA's borrowing limits.

#### **Rule 53 – Risks and Liabilities**

- 53.1 The S.151 Officer will be responsible for arranging and amending insurance cover at the request of the Chief Fire Officer & Chief Executive. This will be in accordance with policies laid down by the HFA.
- 53.2 The Chief Fire Officer & Chief Executive will arrange that the S.151 Officer is notified promptly of all new risks, properties, plant or vehicles which require to be insured, indicating the amount of cover required and of any alterations required to existing insurances.
- 53.3 The Chief Fire Officer & Chief Executive will arrange that the S.151 Officer is notified immediately in writing of any fire, loss, liability or damage, or any event likely to lead to a claim.
- 53.4 The Chief Fire Officer & Chief Executive must obtain the prior approval of the S.151 Officer and the Secretary to the terms of any indemnity which the HFA is requested to give.

#### **Rule 54 – Gifts, Loans and Sponsorship**

- 54.1 The HFA shall approve a policy to cover arrangements for the acceptance of gifts, loans and sponsorship to the Humberside Fire and Rescue Service and to officers.

#### **Rule 55 – Ex-Gratia Payments**

- 55.1 The Chief Fire Officer & Chief Executive may approve ex-gratia payments provided they are neither illegal nor ultra vires up to the specified amount; above that amount will require approval of the HFA.

#### **Rule 56 – Unofficial Funds**

- 56.1 Where an Officer by reason of his employment with the HFA, has any responsibility for a fund other than an official fund, this is deemed to be an unofficial fund under this rule. It should be the responsibility of the Chief Fire Officer & Chief Executive to be aware of the existence of all unofficial funds involving Officers under his control, and to arrange for a regular review of the completeness and accuracy of records and arrangements.
- 56.2 The Chief Fire Officer & Chief Executive will consult with the S.151 Officer on the type and extent of audit required for each particular fund, after taking into account the nature of activities covered, and the degree of risk. In no circumstances must unofficial monies be mixed in with official receipts for the HFA. Where several unofficial funds are kept by the same Officer, the funds should always be separate and readily identifiable.

## SECTION E – CONTRACT PROCEDURE RULES

### Rule 1 – Introduction

- 1.1 The purpose of these Rules is to ensure:
- (a) HFA obtains best value for money, through competitive procedures;
  - (b) Compliance with law;
  - (c) That the financial and legal interests of the HFA are properly safeguarded;
  - (d) That the highest standards of propriety, integrity and impartiality are achieved;
  - (e) Fairness in awarding public contracts;
  - (f) Support to the Vision, Mission and the Strategic Plan of the HFA;
  - (g) Compliance with HFA Strategic Plan, including performance framework, governance and corporate risk management.
- 1.2 Responsibility for ensuring compliance with these Rules shall ultimately be that of the Chief Fire Officer & Chief Executive.

### Rule 2 – Scope

- 2.1 These Rules must be followed every time the HFA enters into a contract (as defined below) for supplies, works or services or disposes of assets.
- 2.2 National Procurement Rules must also be followed where appropriate and may affect the financial limits contained in these Rules.
- 2.3 External Consultants or agents appointed by the HFA to supervise contracts must follow both these Rules and the Financial Procedure Rules as if they were Officers of the HFA. Contracts for their service must state this requirement.
- 2.4 These Rules are to be read in conjunction with the Financial Procedure Rules. In the case of any conflict, these Contract Procedure Rules prevail.
- 2.5 Employees of the HFA shall ensure that no conflict of interest may arise in relation to the award of a contract and that if any is likely to arise, or if he or she has any connection in any manner to a potential Contractor or contract award in their private lives this will be made known to the authorised Officer or Chief Fire Officer & Chief Executive who shall record the information on the Contract File and the central register of interests maintained by the HFA.

### Rule 3 – Definitions

- (1) "**Authorised Officer**" shall mean an Officer authorised by the Chief Fire Officer & Chief Executive as a person responsible for the process of awarding, signing and monitoring contracts and/or to certify requisitions for the supply of goods,

services or works to such value as determined by the Chief Fire Officer & Chief Executive, in consultation with the S.151 Officer and the Secretary.

- (2) **“Contract”** shall mean any arrangement, including a partnership whether in consideration for money or other consideration by which the HFA acquires works goods or services.
- (3) **"Contract File"** shall be a file for each contract award maintained by the authorised Officer that includes all relevant papers and a written record of all

action taken (with justification for those actions) in relation to that contract award and signed by the Authorised Officer.

- (4) **“Contractor”** shall include a potential Contractor, an individual, partnership or Company who may provide goods services or works to the HFA.
- (5) **“CF”** means Contracts Finder.
- (6) **“Contract Register”** shall mean the register of contracts awarded by the HFA.
- (7) **“Decision Record”** shall mean a formal record of a decision in relation to a contract award (containing the information set out in Appendix 3) made under the Scheme of Delegation or otherwise delegated by the HFA and signed by the Chief Fire Officer & Chief Executive or Authorised Officer in accordance with that delegation.
- (8) **“FTS”** means the Find a Tender Service.
- (9) **“HFA”** means the Humberside Fire Authority. Contracts above the EU threshold set out under Rule 14 shall be awarded by the Authority (unless fully under the delegated authority of a committee). The Authority may delegate the power to award a particular contract to the Chief Fire Officer & Chief Executive. All other contracts under these Rules shall be awarded by the Chief Fire Officer & Chief Executive unless the contract falls under a particular delegated responsibility of a committee.
- (10) **“Journal”** shall mean a periodical circulating amongst persons who normally provide the goods services or works that the Chief Fire Officer & Chief Executive may wish to purchase from time to time.
- (11) **“Open Tender”** shall mean a one stage Tender process whereby any party may submit a Tender.
- (12) **“PPRS”** means the Public Procurement Review Service.
- (13) **“Questionnaire”** shall mean a questionnaire approved by the Secretary and S.151 Officer which seeks to elicit from Contractors all relevant information as to their technical competence and financial soundness.
- (14) **“Restricted Tender”** shall mean a two stage contract award process. Firstly, an evaluation of applicants to obtain a shortlist of Contractors to be invited to Tender and secondly the evaluation of a tender received from those shortlisted Contractors.
- (15) **“Register of Authorised officers”** shall mean a register maintained by the S.151 Officer of all Authorised Officers under these Rules.
- (16) **“Specification”** shall mean a detailed written description of the works goods or services required.
- (17) **“Standing List”** shall mean a standing list of Contractors approved by the Chief Fire Officer & Chief Executive from time to time in accordance with these Rules.

- (18) “**the Code**” means the Local Government Transparency Code 2015.
- (19) “**The sum or value**” specified in these Rules do not include VAT for the purposes of calculating value.

#### Rule 4 - Steps Prior to Procurement

- 4.1 The Authorised Officer must take into account any HFA procurement guidance prior to procuring any goods, services or works, including:
- (a) appraising the need for the expenditure and its priority;
  - (b) defining the objectives of the procurement;
  - (c) consulting the S.151 Officer and Secretary as appropriate about the proposed procurement method, contract conditions and performance standards and user satisfaction monitoring;
  - (d) considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, Government department, statutory undertaker or public service purchasing consortium;
  - (e) assessing and documenting the risks associated with the procurement and how to manage them (including the formation of a project risk register depending upon the scale of the procurement);
  - (f) drafting terms and conditions that are to apply to the proposed contract;
  - (g) ensuring that the likely procurement expenditure is within budget;
  - (h) considering conducting a proportionate delivery model assessment before deciding whether to outsource, insource, or re-procure a service through evidenced based analysis;
  - (i) scrutinising risk allocation and the proposed pricing and payment mechanism, before going to market, with meaningful market engagement;
  - (j) ensuring that market conditions are properly understood and procurement routes align with supply capacity and capability;
  - (k) conducting effective pre-market engagement, this can be achieved by publishing Future Opportunity Notices and Early Market Engagement Notices on CF;
  - (l) Where the cost of the contract is above the national procurement threshold, as set out in the Specified Amounts, and where the majority of the contract is for provision of services, consider the following
    - whether the services to be procured improves the social, environmental and economic wellbeing of the relevant area;
    - how in conducting the process of procurement HFA might

secure such improvement; and

- whether to undertake a consultation on these matters;
- (m) adopting lean sourcing principles so to complete all but the most complex procurements<sup>1</sup> within 120 working days from publication of contract notice to award;
- (n) ensuring that new projects include performance measures that are relevant to the service objective and proportionate to size and complexity of the contract; and
- (o) ensuring a record is maintained.

#### **Rule 5 – Contracts Not Subject to these Rules**

5.1 The following contracts are not subject to these Rules, except that Rule 1 will always apply as guiding principles:

- (a) For urgent repairs to plant or machinery necessitated by breakdown or to satisfy Health and Safety requirements;
- (b) With Statutory Undertakers who have a monopoly on works, supplies or services;
- (c) Repairs to plant or machinery which can only be carried out by the manufacturer;
- (d) For the purchase of goods, works or services where there exists a sole supplier;
- (e) Which are funded by grant from a third party and that grant is conditional upon either contracts being awarded in a particular manner or the appointment of named contractors;
- (f) Framework contracts to be entered into with other public authorities or Associations acting on behalf of public authorities where the standing orders of the actual awarding Authority or Association shall apply;
- (g) Contracts for the supply of goods services or execution of works undertaken by a Local Authority on behalf of the HFA in which case that Local Authority's standing orders relating to contracts will apply, subject to any requirements of the HFA; and
- (h) Contracts of employment.

5.2 A decision record shall be maintained by the Authorised Officer where paragraph 5.1 above applies.

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<sup>1</sup> Complex procurement is defined as “one where the specification is difficult to define or is complex or innovative, the procurement is high risk, the competition is restricted to a limited market, the contract will be based on unusual commercial models (e.g. Private Finance Initiative or a Private Public Partnership variant) or where the procurement involves spend in a number of categories

## Rule 6 – Advice of Secretary and S.151 Officer

- 6.1 The Chief Fire Officer & Chief Executive shall ensure that the advice of the Secretary and S.151 Officer is obtained on contract matters, in particular where:
- (a) The contract being entered into is not on the Standard Terms of the HFA and the HFA is required to accept the terms of another party;
  - (b) The value of a particular contract is worth more than the specified amount;
  - (c) The estimated potential risk to the HFA is above the specified amount;
  - (d) The Chief Fire Officer & Chief Executive reasonably determines that any failure to achieve the intended objectives of the contract would result in material disadvantage for the HFA;
  - (e) The matter is one which requires the advice of the Secretary or the S.151 Officer under the Financial Procedural Rules.
- 6.2 Any dispute or difference as to the interpretation of these Rules shall be determined by the Secretary, in consultation with the S.151 Officer.
- 6.3 Environmental implications shall always be taken into account when preparing contract documentation.

## Rule 7 – National Procurement Rules

- 7.1 Where National public procurement Rules applies to any contract being tendered:
- (a) The tender procedure shall be in accordance with such Rules;
  - (b) The Chief Fire Officer & Chief Executive will ensure compliance with National public procurement law in consultation with the Secretary.

## Rule 8 – Authorised Officer

- 8.1 The Chief Fire Officer & Chief Executive may appoint Authorised Officer(s) if required and shall place their names on the Register of Authorised Officers. One of the Authorised Officers shall be the main point of contact for procurement purposes. The Authorised Officers shall have responsibility for ensuring that:
- (a) all contracts, to be awarded by the HFA, comply with these Rules;
  - (b) a Contract File is maintained for each contract awarded or to be awarded;
  - (c) probity and transparency are maintained in the award of a contract;
  - (d) they notify the Officer responsible for maintaining the HFA's Contracts Register (if maintained) of the award of any contract;
  - (e) ensuring that where work is assigned to HFA employees they have the required capability and capacity to undertake it;
  - (f) the aggregation principles established by national procurement legislation are complied with;



- (g) contract terms and conditions and a Specification have been written for each contract to be awarded which will wherever practicable assist the HFA in continuously improving the exercise of its functions and which contains appropriate performance indicators;
- (h) the contractual terms and Specification are included in all invitations to tender; an evaluation matrix is in place for both Contractor and tender evaluation (based on the Specification) and which, in the case of tender evaluation, focuses on quality, whole life costs and risk management;
- (i) at all stages of a contract award appropriate advice is sought from relevant Officers or the Secretary as may be required;
- (j) no tender for contracts to which Rules 13 and 14 apply will be considered unless it is uploaded to the tendering solution in accordance with the timescales contained in the invitation to Tender;
- (k) funding for the contract has been authorised by the HFA or is provided by grant from a third party; an estimate of the total value of the contract has been prepared and that the tender accepted is within budget, the limits of any grant for that contract or any parameters specified in Financial Procurement Rules;
- (l) value for money is obtained; and
- (m) appropriate monitoring of contracts is undertaken.

#### Rule 9 – Procurement Rules Generally

- 9.1 Unless otherwise approved by the S.151 Officer or the Secretary, all contracts must be made on an Official Purchase Order Form and which shall make reference to the contract terms and conditions and the Specification.
- 9.2 The Chief Fire Officer & Chief Executive may maintain a Standing List of Contractors from whom to select contractors to be invited to tender.
- 9.3 All official purchase order forms must be signed by the Authorised Officer or the Chief Fire Officer & Chief Executive. Official purchase order forms are prime financial documents and must be kept for whichever is the later of -
  - (a) 24 months from the date of the contract;
  - (b) the end of any warranty period;
  - (c) the end of any dispute relating to that contract, or
  - (d) the end of any period for which grant conditions are applicable.
- 9.4 The decision to award the contract shall be made by an Authorised Officer (where authorised) or the Chief Fire Officer & Chief Executive. The name of the party awarded the contract and the reasons for that contract award shall be recorded.
- 9.5 The Chief Fire Officer & Chief Executive may authorise the S.151 Officer or the

Secretary or any other Officer to award a contract where the Chief Fire Officer & Chief Executive has power to award such a contract.

#### Rule 10 – Value of Contracts

- 10.1 The Authorised Officer must ensure that all reasonable steps are taken to estimate the gross value of a contract. Where the contract is for more than one year, the contract value is determined by multiplying the expected annual value by the initial contract term (including any option period). If a term is not specified then four years should be used. VAT is excluded from the calculation.

#### Rule 11 - Contracts not More than £5,000

- 11.1 The Authorised Officer shall ensure that the principles set out under Rule 1 and the Financial Procedure Rules are adhered to.
- 11.2 At least one vendor quotation, catalogue price or internet market research must be obtained which constitutes value for money.

#### Rule 12 – Contracts Valued at not more than £25,000

- 12.1 The Authorised Officer shall ensure that the principles set out under Rule 1 and the Financial Procedure Rules are adhered to.
- 12.2 Where practicable, the appropriate Authorised Officer shall obtain at least three quotes from contractors and produce a decision record for the award of the contract.
- 12.3 Where it is not possible to obtain three quotes from contractors, the reasoning and justification for the decision to award the contract will be recorded on the decision record form included as Schedule 3.
- 12.4 See Rules 22.1 and 22.2 for the publication requirements for contracts valued at not more than £25,000.

#### Rule 13 – Contracts Valued above £25,000 but not more than £50,000

- 13.1 Where the estimated value of a proposed contract is above £25,000 but does not exceed £50,000 the Authorised Officer shall seek written quotations from not less than three contractors experienced in the supply of the required goods, works or services.
- 13.2 Unless otherwise approved by the S.151 Officer, all contracts must be made on an Official Purchase Order Form and which shall make reference to the contract terms and conditions and the Specification.
- 13.3 Formal quotation exercises stating the nature and purpose of contract, and final submission date, will be undertaken by the Authorised Officer using the Authority's procurement portal. The timescales used shall be such that person or organisation's invited have an equal opportunity to respond.
- 13.4 Quotations for goods and services will only be considered where they have been submitted through the portal in accordance with the requirement of the invitation to quote. Quotations received by any other method will not be evaluated.

- 13.5 A record shall be maintained by the Authorised Officer of the contractors approached and their responses. A decision record shall be placed on the Contract File together with a record of the reasons for the award of the contract.
- 13.6 Authorised Officers shall make available to all parties a copy of the contract terms and conditions and the Specification free of charge.
- 13.7 See Rules 22.1 and 22.2 for the publication requirements for contracts valued above £25,000 but not more than £50,000.

**Rule 14– Contracts Valued At More Than £50,000 But Not More Than The Published National Procurement Threshold in Respect to Works, Supplies or Services Contracts**

- 14.1 The Authorised Officer or Chief Fire Officer & Chief Executive shall decide whether to tender the contract using an Open or Restricted Tender.
- 14.2 Where an Open Tender is sought the proposed contract shall be advertised on the HFA's Procurement Portal and Contracts Finder. A reasonable period of time shall be allowed for the submission of the tender. The Authorised Officer shall make available to all parties requesting particulars a copy of the contract terms and conditions and the Specification free of charge. A written record shall be made on the Contract File of all persons who have requested tender documents. All tenders shall be opened at the same time.
- 14.3 Where a Restricted Tender is to be sought, the proposed contract shall be advertised on the HFA Procurement Portal and Contracts Finder. A written record shall be made of all persons to whom a Questionnaire has been submitted. The Authorised Officer will then shortlist at least three applicants unless fewer than three qualify. The reasons for selecting those invited to tender shall be recorded on the Contract File. The Contractors invited to tender shall be supplied with a copy of the contract terms and conditions and the Specification. All tenders will be opened at the same time in the presence of the S.151 Officer, or Secretary or their nominee.
- 14.4 The decision to award the contract shall be made by the Chief Fire Officer & Chief Executive following receipt of a report on the tender process by the Authorised Officer. That report shall include a reference to the decision of the HFA authorising the expenditure for the contract. The decision record shall be placed on the Contract File together with a record of the reasons for the award of the contract.
- 14.5 For the purposes of this part of these Rules the Chief Fire Officer & Chief Executive may maintain a Standing List of Contractors from whom to select contractors to be invited to tender.
- 14.6 In the event that it is not possible to invite three tenders due to a lack of Contractors
  - (a) prepared to tender, or
  - (b) of technical competence, or
  - (c) of sufficient financial soundness, or
  - (d) otherwise availablethen the Chief Fire Officer & Chief Executive shall ensure that this is recorded in the Contract File and may invite fewer than three or re-advertise.
- 14.7 In exceptional circumstances the Authorised Officer, and or the Chief Fire Officer & Chief Executive may undertake negotiations with potential Contractors. This may be particularly relevant where only one Contractor is available to tender. The negotiated procedure shall be approved by the Secretary and the S.151 Officer. The Authorised

Officer shall record in the Contract File all steps and decisions taken in the process and the reasons for those steps and decisions.

#### Rule 15 – Contracts for Supplies, Services and Works Above the Published National Procurement Thresholds as Set Out in the Specified Amounts

- 15.1 The Chief Fire Officer & Chief Executive shall, where reasonably practicable, assess the requirements of the HFA for the supply of goods, services or works for each following year so as to ascertain whether any procurement will be required in accordance with the National Procurement Rules that would necessitate the publication of a Prior Indicative Notice.
- 15.2 The Contract shall be tendered in accordance with the requirements of the applicable procurement legislation and the Authorised Officer shall record all decisions taken in connection with the contract award process and the reasons for those decisions in the Contract File. In the event that the estimated contract value exceeds the National Threshold, but the type of contract is exempt from a procurement process in accordance with procurement legislation, then the procedure in Rule 13 will apply.
- 15.3 The Authorised Officer shall determine whether the Open, Restricted, Competitive Dialogue or Competitive Procedure with Negotiation shall be used in the case of Contracts that are required to be tendered in accordance with the procurement legislation and that decision shall be recorded in writing in the Contract file. All tenders will be opened at the same time.
- 15.4 Competitive Dialogue and the Competitive Procedure with Negotiation shall not normally be used. Officers' attention is drawn to the procurement legislation which sets out the limited occasions when those procedures may be used. Where the Authorised Officer considers that one of these procedures may be appropriate s/he will first consult with the Secretary and S.151 Officer.
- 15.5 Subject to Rule 15.6, contracts with a value above the National Threshold shall only be awarded with the approval of the HFA. All reports shall confirm compliance with these Contract Procedure Rules and the relevant National procurement legislation.
- 15.6 Where the HFA has authorised the Chief Fire Officer & Chief Executive to accept a Tender then it may be accepted, provided that the value of the tender does not exceed by more than 5% the sum approved by the HFA for the contract.
- 15.7 All contracts shall be formalised and executed by both sides and which shall include the Specification. The Secretary shall determine whether the contract shall be under seal. The Authorised Officer shall seek his/her advice. The provisions of Rule 13.5 shall apply in relation to the execution of contracts.
- 15.8 See Rules 22.5 to 22.8 for the publication requirements for contracts valued the published national procurement thresholds.

#### Rule 16 – Standing List

- 16.1 A Standing List may be used where recurrent transactions of a similar type are likely but where such transactions need to be priced individually and cannot easily be aggregated in a single tender.
- 16.2 The following provisions shall apply to the production of a Standing List of Contractors to be used for the selection of Contractors to be invited to tender.

- 16.3 At least four weeks before a Standing List is compiled, a Public Notice inviting applications for inclusion in it shall be published. The Authorised Officer will consider where the contract shall be advertised to ensure the principles set out in Rule 1 are achieved. The advert shall specify the nature of the work for which the list is being compiled.
- 16.4 The criteria set out in Schedule 1 to these Rules for the inclusion of Contractors on Standing Lists shall be applied. Any selection which does not take those criteria into account shall be subject to the approval of the HFA. The Questionnaire shall be used.
- 16.5 A Standing List shall be approved by the Chief Fire Officer & Chief Executive following receipt of a written report from the Authorised Officer. That List shall be reviewed annually by the Authorised Officer to ensure that Contractors maintain compliance with the criteria set out in Schedule 1.
- 16.6 The Standing List shall show the nature of goods services or works that a Contractor has been approved to tender for. The list shall also reveal the maximum value of contracts that may be awarded to the Contractor, as determined by the S.151 Officer.
- 16.7 The Authorised Officer shall maintain a written record of the reasons for:
- (a) Contractors being placed on the Standing List for the nature and value of contracts specified;
  - (b) Contractors not being placed on the Standing List, or
  - (c) Contractors not being placed on a Standing List for the provision of goods service or works of the value that they may have applied for.
- 16.8 Invitations to tender for a contract shall not be sent to Contractors on the Standing List for a contract value and category of contract for which they have not been approved. The Authorised Officers shall ensure that in selecting Contractors to tender from the Standing List an objectively verifiable method of selection is used that ensures that no one Contractor may be deemed to be receiving any more favourable treatment than any other.
- 16.9 If the Chief Fire Officer & Chief Executive considers that there are grounds for deleting a Contractor from any Standing List then he or she shall inform the HFA who shall give the Contractor an opportunity to comment on the grounds in writing. The HFA shall then decide whether or not to delete that Contractor from the Standing List.

#### Rule 17 – Framework Agreements

- 17.1 HFA may establish a framework agreement or alternatively seek access to a Framework Agreement held by another public authority. Regard shall be had to Rule 1 prior to seeking access to a Framework Agreement held by another public authority.
- 17.2 The term of a Framework Agreement must not exceed four years.
- 17.3 HFA will not enter into a Framework Agreement without the approval of the S.151 Officer or the Secretary. The Authorised Officer will set out in a decision record the rationale for entering into such a Framework Agreement.
- 17.4 Contracts based on Framework Agreements may be awarded by either:
- (a) applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without re-opening

competition; or

- (b) where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini-competition, either in accordance with the terms stated in the Framework Agreement or with the following procedure:
  - (i) Inviting the contractors within the Framework Agreement that are capable of executing the subject of the contract to submit written Tenders or Quotations;
  - (ii) Fixing a time limit, which is sufficiently long to allow Tenders or Quotations, for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract;
  - (iii) Awarding each contract to the contractor who has submitted the best Tender or Quotation on the basis of the Award Criteria set out in the terms of the Framework Agreement.

#### Rule 18 – Invitations to Tender and pre-qualification stage

- 18.1 A pre-qualification stage should not be included in any procurement where the value of the procurement is below the national procurement thresholds set out in the Specified Amounts. This does not apply to procurements where the estimated value, net of VAT, is less than the sub-central contracting authority threshold set out in the Specified Amounts. However, it is unlikely that a pre-qualification stage is necessary or proportionate for procurements of less than the sub-central contracting authority threshold. If one is required then the standard questionnaire exclusion questions and the standard selection questions may be used as a guide in developing appropriate and proportionate questions as part of a one-stage procurement process.
- 18.2 Ensure compliance with the publication requirements set out in Rule 22.
- 18.3 The Invitation to Tender shall state that no Tender will be considered unless it is received by the date and time and in the manner stipulated in the Invitation to Tender. Late Tenders will not be accepted. No Tender delivered in contravention of the method stated in the Invitation to Tender shall be considered.
- 18.4 Engage in early discussions with Contractors, and in advance of any contract award, the types of procurement and contracts information which can be discussed to the public and then ensure that information is published in an accessible format.
- 18.5 Invitations to Tender should be issued via the Procurement Portal system using the HFA's standard document templates, where appropriate.
- 18.6 All Invitations to Tender shall include the following:
  - (a) A specification that describes the HFA's requirements in sufficient detail to enable the submission of competitive offers;
  - (b) A requirement for Contractors to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the Contractor to any other party (except where such a disclosure is made in confidence for a necessary purpose);

- (c) A requirement for Contractors to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing and non-collusion;
  - (d) Notification that Tenders are submitted to the Authority on the basis that they are compiled at the Contractors' expense;
  - (e) A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms and if possible in descending order of importance;
  - (f) Notification that no Tender will be considered unless it is submitted in the required format as stipulated in the Tender document;
  - (g) The method by which any arithmetical errors discovered in the submitted Tenders are to be dealt with. In particular, whether the overall price prevails over the rates in the Tender or vice versa.
- 18.7 All Invitations to Tender must specify the goods, service or works that are required, together with the terms and condition of contract that will apply.
- 18.8 The Invitation to Tender must state that the HFA is not bound to accept any Tender.
- 18.9 All Contractors invited to Tender must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.
- 18.10 The terms and contractual conditions upon which tenders are to be sought shall be approved by the Secretary.
- 18.11 In all tender documents Contractors shall be advised that canvassing of any Member or official of the HFA for acceptance of a tender will disqualify that Contractor on whose behalf the canvassing is carried out.
- 18.12 The Authority will only receive responses from prospective suppliers using the Authority's electronic procurement portal, in accordance with the terms of tender as specified in the tender documents
- 18.13 Tender responses will only be received by other methods in extenuating circumstances which have been accepted by the Section 151 Officer or Secretary.
- 18.14 The HFA is not obliged to consider all tenders received nor to accept a tender nor to accept the highest or lowest (as the case may be) tender. Where any tender is considered then, save for the provisions relating to late tenders, all tenders submitted in accordance with the Instructions to Tenderers will be considered.
- 18.15 Tenders must be in plain English.
- 18.16 Where the tender is submitted by a Partnership then all partners, or such person(s) authorised to bind the partnership, contractually, must sign the tender. In the case of a Company it must be signed by a Director. Where a Director is not available then a person authorised to sign contracts on behalf of the Company may sign. The authority

to sign shall be included with the submitted tender.

18.17 The HFA shall be entitled to terminate the contract if the Contractor shall have:

- (a) offered or given or agreed to give to any officer or Member of the HFA any gift or consideration of any kind as an inducement or bribe to influence its decision in the tendering process. For these purposes the word "Contractor" shall include any and all persons employed by it or who are purporting to act on its behalf. Attention is drawn to sections 94 to 98 and 117 of the Local Government Act 1972, (as amended); or
- (b) communicated to any person other than the HFA the amount or approximate amount of the proposed bid (other than in confidence in order to obtain quotations necessary for the preparation of the Tender, or to obtain a performance bond if required by the HFA); or
- (c) entered into any agreement or arrangement with any person as to the amount of any proposed Tender or that person shall refrain from tendering.

18.18 Tenders will be evaluated to determine which is the most economically advantageous tender taking into account both quality and financial considerations based on Schedule 2 to these Rules and an appropriate financial evaluation model. The criteria to be used for that evaluation shall be disclosed to tenderers.

#### Rule 19 – Shortlisting and Consideration of Tenders

- 19.1 Any Shortlisting must have regard to the financial and technical standards relevant to the contract and the Award Criteria. Special rules apply in respect of the National Procedure.
- 19.2 When Approved Lists are used, Shortlisting may be undertaken by the Designated Officer in accordance with the Shortlisting criteria drawn up when the Approved List was compiled (see Rule 15). However, where the national procurement legislation applies, Approved Lists may not be used.
- 19.3 No tender shall be considered unless it complies with the Instructions to Tenderers.
- 19.4 All tenders shall be submitted using the Procurement portal and will be kept secure until the date and time for their opening.
- 19.5 Late Tenders will not be considered unless extenuating circumstances exist which have been accepted by the Section 151 Officer or Secretary.
- 19.6 All tenders shall be opened at the same sitting and in the presence of the Secretary or S.151 Officer.
- 19.7 A record shall be kept of the tenders received and of their amount, except where the pricing of the contract is comprised of a schedule of rates in which case the amount is not recorded. A record shall also be kept of Contractors invited who have not tendered.
- 19.8 An evaluation matrix shall be developed for the evaluation of tenders before those tenders have been opened. Broadly the criteria set out in Schedule 2 of these Rules shall be used for the evaluation of tenders so far as the same is applicable to the particular type of Contract. Any award of the contract which does not take into account the criteria set out in Schedule 2 shall be subject to the approval of the HFA. In order to evaluate against a Specification the tender documents will need to have set out all



of the information and proposals that are required from Contractors with their bid as to how they are to satisfy the requirements of the Specification.

19.9 Utilise outcome based specifications as much as possible, which focuses on the desired outputs of the service in business terms, rather than a technical scope to propose innovative solutions.

19.10 For all construction, infrastructure, and capital investment and procurements with a value exceeding £10 million, HFA should use the Balanced Scorecard (template and annexures can be found attached to PPN 09/16) and:

- (a) Consider each of the Strategic Themes and CSFs of the model Scorecard in relation to the objectives of the project, determining whether there are associated requirements that should be incorporated into the procurement;
- (b) Identify whether for a specific exercise there are other project or sector themes and CSFs with associated requirements;
- (c) Produce a procurement-specific balanced scorecard that captures and communicated the objectives for the procurement, how these relate to specific project requirements and thus to evaluation of tenders; and
- (d) Publish their balanced scorecard with the procurement documentation to form a clear summary of how the procurement will deliver the project vision.

19.11 Consider adopting the balanced scorecard approach set out above for procurements for other procurements where there is clear benefit to doing so.

19.12 The Authorised Officer must define Award Criteria that are appropriate to the procurement and designed to secure an outcome giving Value for Money for the HFA. The basic criteria shall be:

- (a) 'lowest price' where payment is to be made by the HFA, or
- (b) 'most economically advantageous', where considerations other than price also apply.

If the last criterion is adopted, it must be further defined by reference to sub-criteria, which may refer only to relevant considerations. These may include price, service, quality, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters.

19.13 Award Criteria must not include:

- (a) Non-commercial Considerations
- (b) Matters, which discriminate against Contractors from the European Economic Area or signatories to the Government Procurement Agreement.

19.14 Authorised Officers must use the standard Selection Questionnaire (SQ) for the supplier selection stage of new procurements that are greater than the National Procurement threshold set out in the Specified Amounts. Authorised Officers should either:

- (a) Provide Contractors with a copy of the SQ (containing all 3 parts) within the procurement documents; or

- (b) Direct potential Contractors to an electronic version, and provide the standard selection questions separately in the procurement documents.
- 19.15 Authorised Officers should ensure that all the necessary self-declarations are received as part of the selection stage evaluation. A Part 1 and Part 2 declaration is mandatory from potential Contractors to declare that they have not breached any exclusion grounds, it's also needed of any organisations that potential Contractors rely on to meet the selection criteria. These include: parent companies, affiliates, associates, or essential subcontractors.
- 19.16 If any potential Contractor, or organisation that the Contractor rely on to meet the selection criteria, has breached any of the exclusion grounds, then the Authorised Officer should provide the potential Contractor with an opportunity to explain how and what action they have taken to rectify the situation.
- 19.17 Authorised Officers must accept a self-assessment of compliance with the exclusion and selection criteria at the early stages of procurement. Evidence is only needed when the winning bidder has been identified, or at an earlier stage if necessary to ensure the proper conduct of the procedure.
- 19.18 Part 1 and Part 2 of the SQ must not be amended. Deviations from the supplier selection questions in Part 3 are permissible but must be signed off by the Section 151 Officer/Executive Director of Finance. Authorised Officers must report the following deviations from Part 3 to the PPRS on behalf of HFA:
  - (a) Changes to the wording of the standard questions and instructions; and
  - (b) Additional questions that are included which are not specific to the individual procurement.
- 19.19 The following deviations do not need to be reported to the PPRS, but must still be signed off by the Section 151 Officer/Executive Director of Finance:
  - (a) Project specific questions;
  - (b) Simple amendments to make the questions compatible with an e-procurement system; and
  - (c) Standard questions which HFA decide to omit.
- 19.20 The report to the PPRS must include:
  - (a) A covering letter/email explain the reasons for the deviations, demonstrating that they are relevant and proportionate and linked to the requirements of the contract and contract delivery;
  - (b) Confirmation that the deviations have been approved by the Section 151 Officer/Executive Director of Finance; and
  - (c) A copy of the questions template or supplier selection process which clearly shows the deviations.
- 19.21 When procuring goods and/or services in respect of information and communications technology, facilities management or business processing outsourcing with a total anticipated contract value of £20 million, the Authorised Officer must establish a selection criteria relating to a Contractor's reliability as demonstrated by its performance of past contracts. This requirement also includes framework agreements where it is anticipated that there will be call-off agreements in respect of such goods and/or services with an individual anticipated value of £20 million or greater (excluding VAT). This includes:

- (a) that the Contractor's principal relevant contracts in the last three years are being or have been satisfactorily performed in accordance with their terms; or
- (b) where there is evidence that this has not occurred in any case, that the reasons for any such failure will not recur if that Contractor were to be awarded the relevant contract.

- 19.22 When assessing the Contractor's past performance, Authorised Officers should accept references and certificates of past performances. Certificates of past performances are acceptable in email format. The form of the certificate can be found in Appendix F of PPN 04/15.
- 19.23 Where a certificate states that a Contractor has not performed satisfactorily, the Authorised Officer should check that the Contractor has included reasons as to why performance was not in accordance with the contract. This information should be requested from the Contractor if not included in the certificate.
- 19.24 Authorised Officers should also collect any other information provided by the Contractor in relation to past performance, such as any information explaining why past performance problems are unlikely to recur.
- 19.25 At the completion stage of the selection stage under any procurement, the Authorised Officer must provide all of the information it has provided in relation to past performance and submit it to the Crown Commercial Service (CCS), so to support the collation of a CCS supplier database.

#### Exclusions

- 19.26 Before any contract is awarded the financial soundness and technical competence of Contractors shall be determined taking into account the matters set out in Schedules 1 and 2 to these Rules and any guidance issued by the S.151 Officer. A Questionnaire may be used for these purposes and shall be used if the value of the contract exceeds £50,000. Contractors failing to attain any minimum standards set for the award of the contract shall not be awarded a contract.

#### Mandatory Exclusion for above National Threshold Contracts

- 19.27 Where the Authorised Officer establishes that a bidder has been convicted of a certain criminal offence in UK national law (e.g. bribery, corruption, money laundering, terrorism related offences, proceeds of crime, drug trafficking, human trafficking, and modern slavery) it must exclude the Contractor. Civil offences are not included. The Authorised Officer must first obtain approval from the Section 151 Officer/Executive Director of Finance before excluding Contractor under the mandatory exclusion.
- 19.28 The mandatory exclusion applies for 5 years from the date of conviction or binding decision.
- 19.29 The mandatory exclusion applies to person and entities other than the bidder entity itself and as such applies where a person convicted is involved in the bidder's administrative, management, or supervisory body or has a power of decision, representation or control in the bidder.
- 19.30 In limited and exceptional circumstances, an award of a contract can be made if there are grounds for a mandatory exclusion where there are overriding reasons relating to the public interest (e.g. urgent need for emergency equipment which can only be purchased from such an economic operator).

#### Discretionary Exclusion

- 19.31 Authorised Officer may use discretion to exclude bidders on a discretionary basis where any of the following can be established:
- (a) where an award would lead to a violation of environmental, social or labour law obligations;
  - (b) where the Contractor is bankrupt, is the subject of insolvency or winding-up proceedings, is in administration, where it is in an arrangement with creditors, where its business activities are suspended or it is in an analogous situation arising from a similar procedure under the laws and regulations of a foreign country;
  - (c) the Contractor is guilty of grave professional misconduct which renders its integrity questionable;
  - (d) where there are has sufficiently plausible indications that the Contractor has entered into agreements with other economic operators aimed at distorting competition;
  - (e) where a conflict of interest within the meaning of Regulation 24 cannot be effectively remedied by other, less intrusive, measures;
  - (f) where a distortion of competition from the prior involvement of the Contractor in the preparation of the procurement procedure, as referred to in Regulation 41, cannot be effectively managed by other, less intrusive, measures;
  - (g) the Contractor has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions;
  - (h) If a bidder negligently supplies misleading information that may materially influence the decision concerning an exclusion;
  - (i) where the Contractor is guilty of serious misrepresentation in supplying the information required for the verification of the absence of exclusion grounds or the fulfilment of the selection criteria; or has withheld such information or is unable to provide supporting documents required under Regulation 59; or
  - (j) where the Contractor has undertaken to unduly influence the decision-making process or obtain confidential information that may confer upon it undue advantages in the procurement process, or has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award
- 19.32 Authorised Officers must consider specific circumstances on a case by case basis before deciding whether or not to exclude a bidder. Authorised Officers must obtain final sign off from the Section 151 Officer/Executive Director of Finance before excluding any bidders under the discretionary exclusion.
- 19.33 The discretionary exclusions runs from 3 years from the date of the event, or if the event is continuing, then 3 years from the date when the event no longer applies. If the exclusion is based on a ruling then the timescale is 3 years from the date of the ruling, not the event.
- 19.34 The discretionary exclusion does not apply to persons or entities beyond the Contractor (i.e. a subcontractor).

- 19.35 Verification of any self-declaration must be performed on the winning bidder prior to award. Verification can be completed by means of an extract of the judicial register (such as judicial records), or equivalent documents issued by governments (such as certificates). Where such documents are not issued then a declaration on oath, or solemn declaration before a competent judicial or administrative authority, a notary or a competent professional or trade body, may be provided.
- 19.36 Authorised Officers must request up to date evidence from the winning Contractor to establish that it does not fall within the above exclusions before award of the contract.
- 19.37 If the winning Contractor is subsequently excluded then the Authorised Officer may then choose to amend the contract award decision and award to the second-placed Contractor, provided that none of the exclusions apply to that Contractor. Alternatively, the procurement process may be terminated. The Authorised Officer must seek the approval of the Section 151 Officer/Executive Director of Finance before amending the contract award decision or terminating the procurement process under this Rule 19.37.

#### Self-cleaning

- 19.38 Authorised Officers must not exclude the Contractor from the procurement where the Contractor provides sufficient evidence of “self-cleaning” (i.e. measures taken by the bidder are sufficient to demonstrate its reliability despite an exclusion ground applying).
- 19.39 The Contractor must be given an opportunity to submit evidence of self-cleaning and if it's considered sufficient then the bidder should not be excluded.
- 19.40 In order to demonstrate that self-cleaning is sufficient the Contractor must demonstrate that it has:
- Paid compensation in respect of any damage caused by the criminal offence or misconduct;
  - Clarified the facts and circumstances in a comprehensive manner by collaborating with investigating authorities; and
  - Taken concrete, technical, organisational, and personnel steps that are appropriate to prevent recurrence of the offence of misdemeanour.

If the Contractor has provided insufficient evidence then it should be excluded and the Authorised Officer should provide the reasons to the bidder for its decision

#### Rule 20 – Contract Conditions

- 20.1 Every contract shall be in writing and in a form approved by the Secretary and in particular:
- (a) where a standard form of contract has been issued by the JCT, ICE, NEC or other competent body it shall be used;
  - (b) include adequate and appropriate provision for Health and Safety;
  - (c) provide for liquidated damages unless such is considered inappropriate by the S.151 Officer;
  - (d) contain a clause entitling the HFA to cancel the contract and claim any resulting loss in the event that the Contractor shall have improperly influenced or made

any attempt so to influence the award or administration of the contract;

- (e) indicate that in the case of supply of goods, services or works payment will not be made in advance unless the S.151 Officer approves it in writing in cases where adequate legal and financial safeguards are in place to protect the HFA's interest;
- (f) include a Specification which sets out (as applicable) the services or works to be performed, the goods to be supplied, the price to be paid or the manner in which that sum is to be ascertained and the period within which the contract is to be performed. Specifications should wherever possible seek to exploit any advantages that may be gained by encouraging innovation on the part of bidders through the use of output based specifications rather than prescriptive input based specifications;
- (g) require compliance with any relevant national standard where such exist or, in their absence, with a British Standard Specification or Code of Practice or equivalent;
- (h) not require a particular brand of product without acceptance of its equivalent where to do so would offend Article 30 of the EC Treaty;

include a provision for the performance of the contract to be secured by a performance bond, guarantee or deposit of money in such sum as the S.151 Officer considers appropriate in the case of services or works valued at over£500,000. In the case of contracts valued below that sum their performance shall be similarly secured should the S.151 Officer so decide;

- (i) indicate that payment may be made by such electronic means as the S.151 Officer may specify.
- (j) include a provision that undisputed invoices are paid within 30 days and for HFA to consider and verify all invoices submitted by a Contractor;
- (k) ensure that there is a provision within all public contracts to ensure prompt payment through the supply chain; and

#### **Rule 21 – Contract Management**

- 21.1 Ensuring accurate and reliable data is available during a procurement and throughout contract delivery, particularly where this relates to forecasting volume, managing demand and performance;
- 21.2 Putting in place appropriate mechanism for identifying and managing risks, and avoiding a blanket approach. Authorised Officers should carefully considering risks inherent in the contract and discussing with Contractors pre-procurement;
- 21.3 Establishing limits of liability in contracts, which includes detailed consideration of likely commercial risks of each contract and the proposed approach, discussions of proposals for managing risk as part of early dialogue with the market and/or potential Contractor before the procurement begins, and tailoring liability provision in contracts relative to the requirement, value, complexity, and avoiding unlimited liability positions;
- 21.4 Adopting a collaborative approach to managing change in contract delivery by working with the Contractor early enough to resolve issues such as quality of service delivery, volumes, performance requirements or KPIs, and pricing or payment mechanisms;
- 21.5 HFA must publish on its website the percentage of its invoices paid within 30 days, on

an annual basis, and all interest liable, under late payment legislation.

21.6 Authorised Officers should assist with any investigations performed by the PPRS and respond promptly where required.

21.7 Ensure that resources are proportional to complexity and risk to manage the contract.

## Rule 22 – Publication Requirements

### Contracts Valued at not more than £25,000

22.1 Authorised Officers must publish any contracts/invitations to tender for contracts to provide goods/services with a value exceeding £5,000.

### Contracts Valued above £25,000 but not more than £50,000

22.2 Contract opportunities with a value of at least £25,000 net of VAT should be published on CF within 24 hours of publication on a portal or any other method.

22.3 Contract awards should be published within 90 calendar days after the contract award date (i.e. the date on which the contract was signed by the last contractual party, the day after this date is considered to be day one).

22.4 See Rules 22.9 to 22.11 for the minimum data requirements for publishing contract awards and opportunities.

### Contracts for Supplies, Services and Works above the Published National Procurement Thresholds as Set Out in the Specified Amounts

22.5 Where a contract value exceeds the National Procurement thresholds set out in the Specified Amounts, Authorised Officers must publish notices of the contract opportunity to FTS and any other appropriate procurement portal.

22.6 Once contract opportunity is published on FTS it must also be published on CF within 24 hours of the time it was published on FTS.

22.7 Contract awards should be published within 90 calendar days after the contract award date (i.e. the date on which the contract was signed by the last contractual party, the day after this date is considered to be day one).

22.8 See Rules 21.9 to 21.11 for the minimum data requirements for publishing contract awards and opportunities.

### Minimum Data Requirements for Contract Opportunities

22.9 The following information should be published on CF as a minimum:

- (a) the time by which any interested Contractor must respond if it wishes to be considered;
- (b) how and to whom an interested Contractor is to respond, with appropriate contact details; and

- (c) any other requirements for participating in the procurement, (e.g. suitability requirements or explanatory information).

#### Minimum Data Requirements for Awards

22.10 Once an award has been made (including under a framework agreement (e.g. as a result of a mini competition and awards that have not been openly competed), Authorised Officers must publish at the least the following information on CF:

- (a) the full company name of the winning contractor;
- (b) the date on which the contract was entered into (award date);
- (c) the total value of the contract in pounds sterling; and
- (d) an indication of whether the contractor is an SME or a VCSE.

22.11 The following key information should be published to CF:

- (a) contracting authority names;
- (b) procurement reference numbers;
- (c) contract titles;
- (d) description, which should be sufficiently detailed that the reader can understand the authority's requirement;
- (e) values; and
- (f) successful Contractor details, including Contractor identifiers.

#### Publication Exemptions

22.12 There are some exceptions to publication requirements above where the Authorised Officer considers that publication of the contract award information:

- (a) would impede law enforcement or would otherwise be contrary to the public interest;
- (b) would prejudice the legitimate commercial interests of a particular Contractor; or
- (c) might prejudice fair competition between Contractors.

22.13 Exemptions from publication are also permitted for the following reasons:

- (a) on national security grounds;
- (b) on data protection grounds (e.g. names and contact information of individuals should not be published and instead should be redacted); and
- (c) on commercial sensitivity grounds.

22.14 Authorised Officers must obtain prior approval from the Section 151 Officer/Executive Director of Finance before withholding contract award information as set out in Rules 22.15 and 22.16.

22.15 Where redacting names the original copy of the contract should not be used, instead a duplicate copy should be made and to then redact the personal information and



insert in its place a statement indicating that the text has been redacted and identify the relevant exemptions set out by the Freedom of Information Act 2000 (e.g. Redacted under FOIA section 40, Personal Information).

22.16 The following information could reasonably be withheld on grounds of commercial confidentiality:

(a) Pricing - the way that the Contractor has arrived at the price they are charging including:

- individual pricing elements;
- financial models and business plans including details of profit margins and overheads;
- matters which enable the make-up of the bid to be determined; and
- financial information which would affect the outcome of re-bid or future procurement etc;

but this should not be grounds for withholding the contract value itself.

(b) Intellectual property - elements of the bid which reveal intellectual property, for example:

- proprietary details of the solution that the contractor is deploying for government;
- information that is copyright to the Contractor;
- elements of the bid (and evaluation documents) which reveal innovative or unique technical solutions and methodologies; or
- elements of the bid (and evaluation documents) which reveal trade secrets.

The above is not an exhaustive list and each contract is to be considered on a case by case basis.

(c) Only genuinely sensitive information should be withheld.

### **Rule 23 – Reserving Below Threshold Procurements**

23.1 Where the anticipated value of the contract is below the National Procurement threshold, as set out in the Specified Amounts, Authorised Officers may consider, where appropriate, the following options:

(a) Reserving the procurement by Contractor location, specifying that only Contractors from a geographical area can bid. For example, this could be UK-wide, Authorised Officers should not specify by the nations of the UK. If a county is specified then Authorised Officers can only reserve the procurement for a single county. Contractor location should be described with reference to where the Contractor is based or established and has substantive business operations; and

(b) Reserving the procurement for SMEs and/or Voluntary, Community and Social Enterprises (VCSEs) only.

- 23.2 The above options should be considered on a case-by-case basis and can be exercised on their own or together. Authorised Officers must obtain approval from the Section 151 Officer/Executive Director of Finance before seeking to reserve procurements under Rules 23.1.
- 23.3 Where reserving the procurement by location or Contractor type, Authorised Officers must ensure that it continues to achieve value for money and use good commercial judgement. HFA should not direct award when reserving below threshold procurements.
- 23.4 Authorised Officers can still chose to complete below threshold contracts on an open basis without any reservation based on Contractor type or location.
- 23.5 When reserving procurements, Authorised Officers must still comply with HFAs internal guidance, governance, and procedures.
- 23.6 When reserving procurements, Authorised Officers must:
- (a) ensure value for money;
  - (b) assess the sector / market;
  - (c) identify and manage associated risks, including fraud and corruption;
  - (d) ensure a budget is available and approved at an appropriate level(s);
  - (e) use suitable model contracts;
  - (f) develop simple and proportionate KPI and data reporting mechanisms;
  - (g) undertake Contractor due diligence checks;
  - (h) ensure final approval is obtained at an appropriate level(s);
  - (i) keep suitable records of commercial decisions; and
  - (j) publish transparency notices on Contracts Finder as appropriate in a timely manner.

#### **Rule 24 – Procurement in an Emergency**

- 24.1 Where HFA require goods and services due to an emergency where the public interest is in being able to act quickly the options the following options are available:
- (a) call off from an existing framework agreement or dynamic purchasing system (DPS), provided that:
    - HFA are clearly identified as a permitted customer in the original FTS or ITT;
    - the goods, services, or works to be procured fall within the scope of those covered by the framework agreement or DPS;
    - the framework agreement was awarded or the DPS was established in accordance with the national procurement legislation;
    - the terms of the framework agreement or DPS are suitable and meet HFA’s requirement without the need for

significant changes;

Authorised Officers must follow the procedure for awarding a call-off contract set out in the framework agreement. An award awarded under a DPS has to be by mini-competition and the minimum time for receipt of tenders is 10 days.

Contractors may use subcontractors to deliver aspects of the contracts, but Authorised Officers must be careful to work within the terms of the agreement and avoid using this method to bypass proper process in order to secure the services of the subcontractor.

- (b) call for competition using a standard procedure with accelerated timescales;
- Authorised Officers can use the following accelerated timescales:
    - Open procedure - minimum time limit for receipt of tenders can be reduced to not less than 15 days from the date which the contract notice is sent;
    - Restricted procedure - minimum time limit for receipt of requests to participate can be reduced to not less than 15 days from which the contract notice is sent and a time limit for the receipt of tenders shall not be less than 10 days from the date on which the ITT is sent; or
    - Competitive procedure with negotiation - minimum time limit for receipt of requests to participate can be reduced to not less than 15 days from which the contract notice is sent and a time limit for the receipt of tenders shall not be less than 10 days from the date on which the ITT is sent;
- (c) extending or modifying a contract during its term;
- the contract can be modified or extended in any of the following cases:
    - the need for modification has been brought about by circumstances which could not have been foreseen;
    - the modification does not alter the overall nature of the contract;
    - any increase in price does not exceed 50% of the value of the original contract or framework agreement;
  - Authorised Officers must keep written justifications for extending or modifying a contract during its term, the justification should demonstrate that the decision was related to the emergency with reference to specific facts;
- (d) direct award due to absence of competition or protection of exclusive rights;

- HFA may make an direct award where the works, goods, or services needed to respond to the emergency can only be supplied by a particular Contractor because:
  - competition is absent for technical reasons (e.g. there is only one Contractor with expertise to do the work, produce the product, or with capacity to complete on the scale required); or
  - the protection of exclusive rights, including intellectual property rights;

but only when there is no reasonable alternative or substitute available; and HFA are not doing anything which artificially narrowing down the scope of the procurement;

- written justifications must be kept to show that the decision to make the direct award satisfies the above conditions;

(e) direct award due to extreme urgency under regulation 32(2)(c) of the Public Contracts Regulations 2015 (“PCR”);

- HFA may enter into contracts without competing or advertising the requirement so long as it can demonstrate that the following tests have all been met:
  - Genuine reasons for extreme urgency (e.g. need to respond to emergency immediately because of public health risks, loss of existing provision at short notice, reacting to a current situation that is a genuine emergency);
  - The events that have led to the need for extreme urgency were unforeseeable (e.g. the situation is so novel that the consequences are not something that should have been predicted);
  - It’s impossible to comply with the usual timescales contained in the PCR (e.g. no time to run an accelerated procurement, no time to place a call off contract under an existing commercial agreement such as a framework agreement or DPS); and
  - The situation is not attributable to HFA.
- Authorised Officers must perform an assessment of the above tests before proceeding with any procurement under regulation 32(2)(c) followed by final approval from the Section 151 Officer/Executive Director of Finance.
- Authorised Officers must keep records of written justifications that satisfies the above tests.

24.2 Authorised Officers must obtain authority from the Section 151 Officer/Executive Director of Finance before performing a procurement under Rule 24.1.

24.3 Any abnormal contract prices obtained under the procurement options set out in Rule 24.1 must be authorised by the Section 151 Officer/Executive Director of Finance.

- 24.4 Authorised Officers should first consider whether it's possible to publish some form of advertisement, run an informal competition, and/or undertake due diligence on the Contractor market before making any direct award.
- 24.5 Authorised Officers must keep proper records of any decisions made during any procurement process performed pursuant to paragraph 16.1.
- 24.6 Authorised Officers should maintain documentation on any additional process or criteria used in selecting Contractors for direct award contracts.
- 24.7 Authorised Officers should maintain documentation on how they have considered and managed potential conflicts of interest in the procurement process. Proactive steps should be taken to identify conflicts of interest upfront and action should be taken to remove anyone with a conflict of interest from the decision making process and to validate those decisions by reference to the relevant considerations.
- 24.8 Where running a procurement under Rule 24.1, the publication requirements set out in Rule 21 still apply.
- 24.9 Authorised Officers must ensure that when undertaking procurement in an emergency that it continues to achieve value for money, use good commercial judgement and sound decision making.

**MATTERS TO BE CONSIDERED IN SELECTION OF PERSONS**  
**FOR INVITATION TO TENDER**

**1. TECHNICAL RESOURCES AND REFERENCES**

- 1.1 Capacity (including physical and technical resources; current workload and ability to meet the Specification).
- 1.2 Managerial structures and qualifications and competence of key personnel.
- 1.3 Number of employees and a ratio between supervisors and subordinate workers.
- 1.4 Whether the Contractor assesses for suitability and competence of potential employees.
- 1.5 The structure of the Contractor's business and geographical spread of operations.
- 1.6 Established performance of Contractor.
- 1.7 Technical references where the Contractor has been involved in similar work.
- 1.8 Whether the Contractor has suffered a deduction of liquidated and ascertained damages in respect of any contract within the last three years.
- 1.9 Whether the Contractor has had a contract determined or not renewed for failure to perform to the terms of that contract.
- 1.10 The arrangements made by the Contractor for organising the work to ensure adherence to specifications (including any programmes), quality control and communication with his own workforce and with the HFA.
- 1.11 Whether the Contractor has ascertained details of the service to be provided or the proposed contract conditions.
- 1.12 To the extent that it is considered necessary or expedient, in order to permit or facilitate compliance with the requirements of Part 1 of the Local Government Act 1999 the following matters:
  - (a) The terms and conditions of employment of Contractor employees, or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to employees;
  - (b) The conduct of Contractors in industrial disputes with their employees;
  - (c) Any other matters that the Secretary of State may by Regulation cease to be non-commercial matters for the purposes of the Local Government Act 1988.
- 1.13 Proposals for undertaking the contract.

1.14 Operational energy related costs.

## 2. ENERGY EFFICIENT PRODUCTS

2.1 Highly energy efficient products and services should be purchased where appropriate. The energy efficient standards can be found in the Appendix of PPN 01/15, which can be located on the Gov.uk website.

2.2 HFA should only purchase energy efficient products and services where:

A. It's cost effective; and

B. Consistent with considerations as to economic feasibility, wider sustainability, technical sustainability and ensuring sufficient competition.

2.3 The following exemptions apply when considering purchasing highly energy efficient products and services:

A. Minimum Cost thresholds - the above requirements and standards only apply where the contract value exceeds the minimum national procurement thresholds set out in the Specified Amounts; and

B. Where priority is given to the overall energy efficiency of product packages over the efficiency of individual energy labelled products.

## 3. FINANCIAL INFORMATION AND REFERENCES

3.1 Whether any directors, partners or associates have been involved in any firm which has been liquidated or gone into receivership.

3.2 Outsourcing procurement projects should include a proportionate assessment of the risk of the Contractor going out of business during the life of the contract.

3.3 Authorised Officers should request corporate resolution planning information from Contractors of contracts that are considered to be critical service contracts so that HFA are prepared for any risk to the continuity of the service deliver posed by insolvency.

3.4 Whether any group or ultimate holding company would be prepared to guarantee the Contractors' contract performance as its subsidiary.

3.5 Whether the Company is financially viable.

3.6 Consideration of audited accounts. This may extend to the previous three years accounts. The following documents are also acceptable to demonstrate and assess the potential provider's economic and financial standing:

(a) Parent company accounts (if applicable);

(b) Deeds if guarantee;

(c) Bankers statements and references;

(d) Accountants' references;

(e) Management accounts;

(f) Financial projections, including cash flow forecasts;

- (g) details and evidence of previous contracts, including contract values; and
  - (h) Capital availability.
- 3.7 Insurance arrangements, to include:
- (a) Employers' liability insurance;
  - (b) Public indemnity insurance; or
  - (c) Professional indemnity insurance.
- 3.8 Authorised Officers should accept requests for references, particularly if the Contractor has performed well and/or exceed expectations.

#### 4. EQUAL OPPORTUNITIES

- 4.1 Ensure compliance with the Equality Act 2010 and Disability Discrimination Act 1955 and the working time directive. HFA is obliged to comply with its duty under the Public Sector Equality Duty (PSED), HFA should ensure goods and services meet the diverse needs of all users and have due regard to the following aims of the duty:
- (a) Eliminate unlawful discrimination, harassment, victimisation and any other prohibited conduct under the Equality Act 2010;
  - (b) Advance equality of opportunity between people who share a protected characteristic and people who don't share it; and
  - (c) Foster good relations between people who share a protected characteristic and people who do not share it.

The PSED applies where a service is contracted out and HFA will need to consider whether the contractor would need to meet the certain requirements of the PSED in carrying out the service so that HFA can fulfil its duty under the PSED.

Where a public function is contracted out, the successful contractor will need to meet the requirements of the PSED in respect of the public function. HFA must also remain compliant with the PSED as the duty is non-delegable.

#### 5. HEALTH AND SAFETY

- 5.1 Previous health and safety performance.
- 5.2 Whether the HFA will be allowed access to the Contractors' premises for the purpose of inspection of the premises including all plant, equipment and apparatus and working arrangements.
- 5.3 Production of a Health and Safety Policy approved by the HFA.

#### 6. DATA PROTECTION ACT 2018

- 6.1 Compliance with the Data Protection Act 2018 and the GDPR.
- 6.2 Having made an appropriate notification to the Information Commissioner in relation to the operation of the contract (if applicable).



## 7. LEGAL ENTITY

7.1 The legal status of the contractor.

## 8. SOCIAL VALUE

8.1 (Advisory) Evaluate social value when awarding contracts above the national procurement threshold, as set out in the Specified Amounts. This includes whether the an award would achieve to the following outcomes:

- (a) creating new business, new jobs and new skills;
- (b) tackling climate change and reducing waste; and
- (c) improving Contractor diversity, innovation and resilience.

8.2 Implement the social value model when considering tenders, which can be found within PPN 06/20 (advisory).

8.3 Implement bullet points 2, 4, 7, 8, 9, 10, 11, 12 and 14 of PPN 05/21.

8.4 Staff involved in commercial activity should complete the e-learning on social value access via the Government Commercial College.

## 9. MODERN SLAVERY

9.1 Compliance with the Modern Slavery Act 2015.

9.2 Ensure compliance with “Tackling Modern Slavery in Government Supply Chains” to identify and manage risks in both existing contracts and new procurement activity.

9.3 Ensure relevant procurement, commercial and front-line staff receive awareness training on how to identify modern slavery and steps to tackle it effectively, including reporting it through appropriate channels.

## **CRITERIA FOR THE EVALUATION OF TENDERS**

### **1. COMPLIANCE WITH SPECIFICATION AND CONTRACT CONDITIONS**

- 1.1 Each tender checked for any arithmetic errors.
- 1.2 Whether the specification has been met in full and all schedules completed.
- 1.3 Whether the tender complies with any conditions or working methods specified.
- 1.4 Production of a Health and Safety Policy approved by the HFA.
- 1.5 Whether the Contractor has adequate staffing levels/working hours to meet the requirements of the specification, including peak demands and emergencies.
- 1.6 Whether the Contractor has adequate management and organisation to perform the contract.
- 1.7 Whether the Contractor has adequately understood the terms and conditions of the contract and has visited any relevant sites.

### **2. TECHNICAL ANALYSIS**

- 2.1 Technical ability and resources to undertake the work as specified for the duration of the contract.
- 2.2 Ability to recruit and retain labour and the firm's organisational arrangements.
- 2.3 Qualifications of the workforce.
- 2.4 Training of the workforce.
- 2.5 Previous experience and references from users.
- 2.6 Reliability and compatibility of Contractors' equipment.
- 2.7 Risk assessment of each tender to determine the likelihood of the firm failing to deliver the required service.
- 2.8 The tenderers proposals for delivery of the specification. In particular where an output specification has been used any advantages that may be gained by the Contractors' innovative proposals.

### **3. SOCIAL VALUE**

- 3.1 Whether the tender meets HFA's duty to maximise social value effectively.

### **4. FINANCIAL ANALYSIS**

- 4.1 Calculation of net tender prices and avoidable costs.
- 4.2 Appropriate inclusion of funding for risk.
- 4.3 Whether the Company is financially viable.
- 4.4 Viable business plan.
- 4.5 Whether satisfactory bank, insurance cover, performance bond and guarantees from any parent company will be provided.
- 4.6 Whether the costs are realistic.

**HUMBERSIDE FIRE AUTHORITY**

**DECISION RECORD**

**FOR CONTRACTS**

In accordance with the requirements of the Contract Procedure Rules a decision has been taken to award a contract as described below. I can confirm that the award of the contract has been made in accordance with the Contract Procedure Rules and that funding has been authorised by the HFA.

Decision Record No:	
Contract Title:	
Supplier:	
Value:	
Officer Requesting Approval:	

<b>Decision Type Required – Tick as appropriate</b>	
New Contract <input type="checkbox"/>	Contract Extension <input type="checkbox"/>
If extending an existing contract I confirm that the supplier has met all existing performance requirements:	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Or has agreed improvement measures to ensure satisfactory delivery of the goods or services:	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is the contract a result of a direct award to a supplier?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
If 'Yes' to direct award does a RULE 5 exemption apply?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
If 'Yes' please detail exemption. If 'NO' please describe justification for award including any testings undertaken to ensure VFM?	

<b>Purpose of Contract</b> – Please describe the purpose and deliverables of the contract
<b>Background</b> – Please provide details of the proposed award and steps taken.
<b>Budget</b> – Please provide budget code or funding source
<b>Term</b> - Please provide start and end dates for the proposed contract
<b>Terms and Conditions</b> - Please attach the proposed Terms and conditions or forward a copy to the Procurement Section.

<b>PERSON MAKING THE DECISION</b>		
Value	Level Required	Signature
£5 - 25k	GM/HOF	
£25 - NPT	AM/Director	
Above NPT	CFO/DCFO/S.151	
Print Name		
Date		

\*NPT refers to the current National Procurement Threshold value for Goods, Works or Services.

## **ADDITIONAL REQUIREMENTS AND CONSIDERATIONS**

### **1. SECURITY CLASSIFICATIONS**

- 1.1 Authorised Officers will need to consider whether contracts contain sensitive information and whether the contracts should be classified in accordance with the Government's Classification Policy.
- 1.2 Authorised Officers should assess contracts on a case by case basis and adopt a measured and pragmatic approach to aligning with the new classifications. Risk and value for money should be taken into consideration.
- 1.3 The classifications are:
  - OFFICIAL;
  - SECRET; and
  - TOP SECRET.
- 1.4 It's suggested that contact and tender information published should be marked as OFFICIAL.
- 1.5 Information that is commercially sensitive is suggested to be marked OFFICIAL SENSITIVE.
- 1.6 Government information that is attached to ITTs or contracts that if shared present a significant risk should be marked either SECRET or TOP SECRET, as appropriate following an assessment of the information to be shared

### **2. INVOICING**

- 2.1 Undisputed invoices must be paid in accordance with the payment terms of the contract and in any event within 30 days from the date of receiving the later of Contractor's invoice; receiving the goods/services; or verification or acceptance of the goods or services.
- 2.2 Authorised Officers should accept "unstructured" electronic invoices if Contractors choose to submit such invoices.
- 2.3 Future contracts must not prohibit e-invoicing, or include terms which implicitly or explicitly require invoices only in paper form.
- 2.4 The above requirements are not required where certain security requirements or handling measures are in place to deal with the processing of e-invoices for reasons of national security.
- 2.5 If a Contractor decides to submit an e-invoice, HFA are to require Contractors to be aware of the requirements of VAT Notice 700/63 and any subsequent VAT Notice in relation to e-invoicing.
- 2.6 Ensure acceptance of undisputed invoices that comply with the e-invoicing standard.

### **3. WHISTLEBLOWING**

- 3.1 If an individual is concerned about perceived wrongdoing within a procurement activity then they should in the first instance refer to HFA's Whistle-blowing Procedure.

## CONFLICTS OF INTEREST IN PROCUREMENT

### 1. Conflict of interests

- 1.1 A conflict exists where relevant staff members have direct or indirect financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the procurement process.
- 1.2 HFA should ensure that all commercial interactions, pre and post contract, are suitably protected, as personal interest risk influencing decision-making.
- 1.3 Conflicts of interest in public procurement fall into 3 categories:
  - Actual conflict - a conflict between the public duty and private interest of a public official, in which the public official has private-capacity interest which could improperly influence the procurement decision-making process (e.g. a person owns shares in a company and the company takes part in a procurement panel which the person is a member of the evaluation panel).
  - Potential conflict - arises where a public official has private interest which are such that a conflict of interest would arise if the official were to become involved in relevant (e.g. conflicting) official responsibilities in the future.
  - Perceived conflict - can be said to exist where circumstances are such that it could reasonably appear that a public official's private interest could improperly influence the procurement decision-making process but this has not in fact occurred (e.g. a senior person within the department has known connection with a company that is taking part in a procurement process; however, they have no direct involvement in the procurement or influence over the award decision).
- 1.4 HFA must take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of procurement procedures, so as to avoid any distortion of competition and to ensure equal treatment of all Contractors.
- 1.5 When a conflict of interest arises during the procurement process HFA should consider it on a case by case basis, and remedies will vary following consideration of the circumstances, but it is recommended that the conflicted staff member is removed from the organisation's team engaged in the procurement process.
- 1.6 Any measures taken by HFA in relation to an internal conflict of interest should be documented and included in a procurement report
- 1.7 Where a bidder has acted in an advisory capacity to the procurement procedure the following steps should be taken by HFA:
  - Ensure that competition is not distorted by the participation of that bidder;
  - It must communicate to other bidders any relevant information exchanged in the context of or resulting from the involvement of the bidder in preparation for the procurement process and setting adequate time limits for the receipt of tenders;
  - The bidder should only be excluded from bidding where there is no other way to treat all bidders equally;
  - If bidder is to be excluded then the bidder must be given an opportunity to provide their previous involvement would not be capable of distorting competition;
  - Any measures taken by the contracting authority should be documented in a

procurement report; and

- To manage conflicts the contracting authority should have an internal framework of procedure and guidance including appropriate checks and balances. An effective framework will include:

#### 1.8 Declarations of interests

- Relevant persons (i.e. a person within HFA who has the opportunity or perceived opportunity to influence decision making) should be asked to complete a conflict of interest declaration form, which confirms whether or not an actual or perceived conflict exists or whether such a conflict has the potential to exist in the future.
- Declarations must be updated once a new interest arises.
- If a relevant person is likely to access commercially confidential data from a bidder as part of the procurement then an undertaking of confidentiality should be given.
- If partners (married, civil partnership or not), siblings or children work for or have a major interest in a bidder or potential bidder then this must be declared. This is not an exhaustive list.
- When a declaration is being made by a relevant person they should consider the following:
  - Nature of the interest – could it compromise or be perceived to compromise their impartiality and independence.
  - Relevance of the interest – is the connection between the interest and procurement procedure sufficiently close to assume that a conflict exists.
  - Scope in the interest – whether an interest should be declared even though it extends beyond the defined scope of partners, siblings and children (i.e. if a close friend was a CEO of a bidding company).
- If the person making the declaration is uncertain then they should seek advice and/or err on the side of full disclosure.
- If an individual is regularly involved in procurements then a declaration should be refreshed annually.
- If an individual is involved in a new procurement then they should declare their interests at the preparation and planning stage.
- Declarations should be audited and monitored in accordance with the relevant data protection legislation.

#### 1.9 Conflict identification and resolution

- The role of managing conflicts should be agreed at the preparation and planning stage, the the Section 151 Officer/Executive Director of Finance will need to ensure that conflicts of interests have been considered and the necessary declarations are obtained. the Section 151 Officer/Executive Director of Finance is responsible for managing the disclosure of procurement information and conflicts of interest, including the approval of any mitigating actions.
- Conflicts will primarily be highlighted through declarations, but they might also be highlighted through the media, open data sources, or whistleblowing.
- A record of any conflicts should be kept and a Regulation 84 report should be



produced for procurement to which that requirement applies (i.e. an above threshold public-contract and framework agreement is awarded). Records should include the nature and category of the interest (actual, potential, and perceived), any remedy or action and the rationale for doing so.

- As a minimum, reviews should be undertaken at key stages in the commercial lifecycle and should be signed off by the accounting officer or an appointed nominee.

#### 1.10 Audit and sanctions

- HFA are responsible for assuring the integrity of their management of conflicts of interest and may include an audit of their internal process, internal data, commercial data, commercial decisions and contract implementation. Audits should be independent and outside the commercial team.

#### 1.11 Supply-side requirements

- HFA should satisfy themselves that bidders have equivalent systems in place to prevent, identify, and remedy conflicts of interest. They should assure themselves that bidders have ethical codes which address conflicts in place and a conflict of interest policy. The level of assurance should be proportionate to value, nature and complexity of the procurement.
- Bidders should be routinely asked to make a declaration that they are unaware of any conflicts of interest.

#### 1.12 Special situations

- HFA should have suitable provisions in place to address conflicts in situations such as direct awards and pro-bono work.

## PART 5

### CONDUCT AND PROBITY

#### SECTION A – HUMBERSIDE FIRE AUTHORITY MEMBERS’ CODE OF CONDUCT

##### PART I - GENERAL PROVISIONS

###### Introduction and Interpretation

###### Definitions

In this Code of Conduct:-

**Member** means a member or co-opted member of the fire authority; “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “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;

(c) and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

This includes members of the Governance Audit and Scrutiny committee.

**Relative** means Spouse, Civil partner, any person with whom you are living as a spouse or civil partner, parent, grandparent, child, grandchild or sibling.

###### Purpose of the Code of Conduct

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

The public expect Councillors to act in an open and transparent manner, which reinforces public confidence in the Authority

###### Application of the Code of Conduct

This Code applies to you as a Councillor on the Fire Authority when you act in your role as a Councillor. It is your responsibility to comply with the provisions of this Code.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- you misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

and references to your official capacity are construed accordingly.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Where you act as a representative of the Authority:

- on another relevant authority, you must when acting for that other authority, comply with that other authority's code of conduct; or
- on any other body, you must, when acting for that other body, comply with your Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **Standards of Member conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a Member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **1. You must treat others with respect and courtesy.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online. Intimidatory or threatening behaviour which may amount to a criminal offence can be reported to the Police. You may also report any such behaviour to the relevant social media provider. This also applies to fellow Members, where action could then be taken under the Code of Conduct, and authority employees, where concerns should be raised in line with the protocol for member and officer relationships.

### **2. You must not bully or harass any person.**

### **3. You must not do anything which may cause the Authority to breach any equality laws.**

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

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

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

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services

**4. You must not conduct yourself in a manner that could reasonably be regarded as bringing your office or Authority into disrepute.**

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

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

**5. You must not**

**a. Disclose information:**

- i. given to you in confidence by anyone**
- ii. acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature,**
- iii. which consists of the personal data of another person, unless**
  - 1. You have received the consent of a person authorised to give it;**
  - 2. You are required by law to do so;**
  - 3. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - 4. the disclosure is:**
    - a. reasonable and in the public interest; and**
    - b. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - c. You have consulted the Monitoring Officer prior to its release.**

- b. Improperly use knowledge gained solely as a result of your role as a Councillor for the advancement of you, your close associates, members of your family, your employer or your business interests.**

**Prevent anyone from getting information that they are not entitled to by law.**

The Authority must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the Authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**6. You must act solely in the public interest and not use, or attempt to use, your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage.**

Your position as a Member provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not

take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly

**7. You must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, Humberside Fire and Rescue Service.**

Officers work for the Fire and Rescue service as a whole and must be politically neutral. They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

**8. You must not misuse the resources of the Authority**

**9. When using the resources of the Authority or authorising their use by others you must:**

- a. act in accordance with the Authority's requirements
- b. ensure that such resources are not used improperly for political purposes (including party political purposes)

You may be provided with resources and facilities by the Authority to assist you in carrying out your duties as a Member.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of Authority buildings and rooms.

These are given to you to help you carry out your role as a Member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the Authority's own policies regarding their use.

**10. You must –**

- a. undertake Code of Conduct training provided by your Authority.
- b. co-operate with any Code of Conduct investigation and/or determination.
- c. comply with any sanction imposed on you following a finding that you have breached the Code of Conduct.

**11. You must not –**

- a. intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- b. make any trivial or malicious complaint against any other Member alleging a breach of any of the provisions of this Code of Conduct.

It is extremely important for you as a Member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the Authority or its governance. If you do not understand or are concerned about the Authority's processes in handling a complaint you should raise this with your Monitoring Officer.

**12. You must within 28 days of receipt, register offers of gifts or hospitality with a value of £25 or more which have been offered to you in your capacity as a Councillor from any person or body other than the authority.**

**13. You must not accept gifts and hospitality regardless of value where it may lead any reasonable person with knowledge of the relevant facts to believe that you might be influenced by the gift or hospitality given.**

In order to protect your position and the reputation of the Authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a Member. If you are unsure, do contact your Monitoring Officer for guidance.

**14. You must before the end of 28 days beginning on the day on which you become a Member or within 28 days of any change in an interest or becoming aware of any new interest notify the Monitoring Officer of:**

**a. The following Pecuniary Interests of yourself, your spouse or civil partner, any person with whom you are living as husband or wife or any person with whom you are living as if they were a civil partner:**

- i. Any employment, office, trade, profession or vocation carried on for profit or gain.**
- ii. Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.**
- iii. Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director\* or a body that such person has a beneficial interest in the securities of\*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.**
- iv. Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.**
- v. Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer**
- vi. Any tenancy where (to the councillor's knowledge) — (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director\* of or has a beneficial interest in the securities\*\*of.**
- vii. Any beneficial interest in securities\*\* of a body where — (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either — (i) ) the total nominal value of the securities\*\* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the**

councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

b. The following Non-Pecuniary interests of yourself:

- i. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the authority
- ii. Any voluntary work undertaken by you
- iii. Any bodies –
  - a. exercising functions of a public nature
  - b. directed to charitable purposes or
  - c. whose principal purposes include influence of public opinion of policy (including any political party or trade union) of which you are a member or in a position of general control or management

15. You need only notify the Monitoring Officer of any interests of which you are aware pursuant to paragraph 13 above.

16. Where the nature of the interest is such that you consider that the disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation, (and the Monitoring Officer agrees) details of the interests will not be included in any published version of the register of interests save that the register will state you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the Authority. You need to register your interests so that the public, employees of the Fire and Rescue Service and fellow Members know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a pecuniary interest as set out at paragraph 13 above is a criminal offence under the Localism Act 2011.

#### **Actions on Interests**

17. Where a matter arises at a meeting which directly relates to one of your Pecuniary Interests as set out at paragraph 13 above, you must disclose the interest, not participate in any discussion or vote on the matter and must leave the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you

have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a pecuniary interest.

**18. You have a non-pecuniary interest in any business of the authority where either:**

- a. it is likely to affect any of the bodies listed in paragraph 13 (b) above;**
- b. it is likely to affect any person or body from whom you have within the last six years and in your capacity as a Member accepted an offer of gifts or hospitality with a value of £25.00 or more, or**
- c. the decision in relation to that business might reasonably be regarded as affecting your wellbeing, or financial position, or the wellbeing or financial position of a relevant person to a greater extent than the majority of other Council tax payers, rate payers or inhabitants of the Ward affected by the decision.**

**19. A relevant person is:**

- a. A relative or any person with whom you have a close association, or**
- b. A person or body who employs or has appointed such persons any firm of which they are a partner or any company of which they are Directors.**

**20. Where you have a non-pecuniary interest in any business of the Authority, and you attend a meeting of the Authority at which that business is considered you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.**

**21. Paragraph 19 only applies where you are aware or ought reasonably to be aware of the existence of the interest.**

**22. Where you have an interest but by virtue of paragraph 15 it is not registered in the Authority's register of interests you must indicate you have a non-pecuniary interest but need not disclose the sensitive information to the meeting.**

**23. Subject to sub-paragraph (a) below where you have a non-pecuniary interest in any business of the Authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest**

- a. You do not have a prejudicial interest in any business of the authority where that business relates to the functions of your Authority in respect of –**
  - i. an allowance, payment or indemnity given to members;**
  - ii. setting the precept under the Local Government Finance Act 1992**

**24. Where a matter arises at a meeting in which you have a prejudicial interest, you must disclose the interest, not participate in any discussion or vote on the matter and must leave the room. Where you have an interest but by virtue of paragraph 15 it is not registered in the Authority's register of interests you must indicate you have a prejudicial interest but need not disclose the sensitive information to the meeting.**



## SCHEDULE

## Regulation 2

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(2)</sup>.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant Authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant Authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

## **SECTION B(i) – OFFICERS’ CODE OF CONDUCT**

### **General Principles – Why a code is needed**

1. The HFA is a large public authority, which expects the highest standards of conduct and integrity, both from its Senior Officers as well as from all of its employees who work within the Humberside Fire and Rescue Service. The HFA is mindful of the high expectations of the public and the degree of scrutiny to which its affairs are subjected. It has therefore determined that the culture and tone of the organisation should embody the FRS Code of Ethics.

### **Fire & Rescue Service 5 Ethical Principles**

#### **Putting our communities first**

- We put the interests of the public, the community, and service users first.

#### **Integrity**

- We act with integrity including being open, honest, and consistent in everything that we do.

#### **Dignity and respect**

- We treat people with dignity and respect, making decisions objectively based on evidence, without discrimination or bias.

#### **Leadership**

- We are all positive role models, always demonstrating flexible and resilient leadership.
- We are all accountable for everything we do and challenge all behaviour that falls short of the highest standards.

#### **Equality, diversity, and inclusion (EDI)**

- We continually recognise and promote the value of EDI, both within the FRS and the wider communities in which we serve.
- We stand against all forms of discrimination, create equal opportunities, promote equality, foster good relations, and celebrate difference.

In addition, honesty, fairness and opposition to any form of corruption and dishonesty. It follows that every director, manager and employee has a duty to ensure their actions are ethically correct and in the best interest of the service and the communities we serve.

### **Code of Conduct**

2. The HFA Principles of Good Conduct for Employees is set out in Schedule 1 to Part 5. This should be read in conjunction with this Section B.

### **Accountability**

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

### **Political Neutrality**

4. Even if you are in a post that is not designated as ‘politically restricted’, you must follow the policies of the HFA and not allow your own personal or political opinions to interfere with your work. Where you are politically restricted post-holder (by the nature of the

work you do, or the salary you are paid), you must comply with any statutory restrictions on your political activities.

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

5. Mutual respect between you as an employee of the HFA and elected Members is essential to good governance, and working relationships should be kept on a professional basis.
6. You should deal with the public, Members and other employees sympathetically, efficiently, and without bias.

### **Equality and Diversity**

7. At all times you should comply with policies relating to equality and diversity, as agreed by the HFA, in addition to the requirements of the law.

### **Stewardship**

8. You must ensure that you use the public funds that are entrusted to you in a responsible and lawful manner as directed by the Financial Procedure Rules. Additionally, you must not utilise property, vehicles or other facilities of the HFA for personal use unless you are specifically authorised to do so.

### **Personal Interests**

9. Whilst your private life is your own concern, you must not allow your private interests to conflict with your public duty. You must not misuse your official position or information acquired by you in the course of your employment to further either your private interests, or the interests of others. In particular, you must comply with:
  - (a) the HFA's requirements for the registration and declaration of any financial and non-financial interest;
  - (b) the HFA's policies on the declaration of hospitality or gifts offered to or received by you, from any person or organization doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the HFA. As a general principle, you must not accept benefits from a third party unless authorised to do so by the HFA.

### **Whistle-blowing**

10. If you become aware of activities which you believe to be illegal, improper, unethical or otherwise inconsistent with this Code, you should report the matter, acting in accordance with your rights under the Public Interest Disclosure Act 1998, and with the HFA's Whistle-blowing Procedure.

### **Treatment of Information**

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

## **Appointment of Staff**

12. If you are involved in the recruitment and appointment of staff you must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, you must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom you are related, or with whom you have a close personal relationship outside work.

## **Investigations by the Monitoring Officer**

13. Where the Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 you must comply with any requirement made by that Monitoring Officer in connection with such an investigation.

## SECTION B(ii) – CODE OF CONDUCT FOR STRATEGIC MANAGERS

### Code of Conduct for Strategic Managers

The public are entitled to expect the highest standards of behaviour from officers of Humberside Fire and Rescue Service. As Strategic Managers you are required to act in accordance with the FRS Code of Ethics which is based on the Nolan principles (the seven principles of public life) and which this Code of Conduct is based on. This Code of Conduct sets out what you must do to ensure that you are acting in accordance with the FRS Code of Ethics and Nolan principles.

This Code of Conduct applies to all Strategic Managers.

### Definitions

**Close Associate** - a person who is more than a colleague or an acquaintance someone a reasonable person might think you would be prepared to favour or disadvantage when dealing with a matter.

**Conflict of Interest** - A conflict of interest exists where you have an outside interest which a reasonable person knowing all the relevant facts would consider likely to influence you in the performance of your duties.

**Decision Maker** - Any individual or body that has the authority to make a decision such as other officers, Fire Authority and Committees of the Fire Authority.

**Freedom of information legislation** - The Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

### General

You must display the FRS Code of Ethics when carrying out your Service role or when representing the Service in any way.

You must seek to perform effectively against the National Fire Chief's Council (NFCC) Leadership Framework as adopted by Humberside Fire Authority.

### 1.1 Selflessness

**You must put the interests of the public, the community, and service users first.**

To demonstrate this, you must:

- put the interests of the residents you serve first.
- act with empathy, compassion, and respect, caring equally for everyone you deal with.
- consider the diverse needs of your communities and tailor your work to best meet their specific needs.
- understand and evaluate the impact you have on the public's safety and wellbeing.
- continuously improve your performance to better serve the public and my communities.
- be an ambassador for the Fire and Rescue Service and a role model in your communities.
- identify and remove barriers to people joining or accessing the service.

- serve all Councillors regardless of political affiliation and ensure the individual rights of all Councillors are respected.
- support your colleagues in their work.
- discharge your duties to the best of your ability.

## 1.2 Integrity

### **You must act with integrity including being open, honest, and consistent in everything that you do**

To demonstrate this you must:

- be honest , open and fair when dealing with everyone.
- evidence your decisions and be able to explain your behaviour.
- build trusting relationships and demonstrate an understanding of everyone’s roles and responsibilities welcome challenge and adapt the way you work and your behaviour as a result of what you learn.
- challenge behaviour that does not comply with our Code or your service’s values.
- never behave in a way that may cause others to act outside our ethical principles.
- remain impartial and objective.
- never act in an improper way, or in a manner that could create a perception of improper behaviour for personal gain. You must declare relevant interests and relationships and maintain personal and professional boundaries.
- declare the following interests of yourself and your spouse , civil partner or person you are living with as if they were your spouse or civil partner:
  - Details of any paid employment held other than with Humberside Fire and Rescue Service;
  - Any role as a trustee;
  - Name and address of any business you or they have an interest in and the nature of the interest;
  - Details of any directorship or consultancy whether remunerated or not;
  - Details of any contract between any business they have an interest in and Humberside Fire and Rescue Service;
  - Details of any shareholding or other financial interest in any company where the total nominal value of any securities exceeds £25,000 or 1% of the total nominal value of the issued share capital, whichever is less;
  - Description and location of any property owned, leased or mortgaged within the area of the authority other than a home address.
- never act or take decisions in order to gain financial or other material benefits for you, your family, or your friends.
- in any situation where there is a conflict of interest arising from an interest declared by yourself or otherwise resolve the conflict of interest for example by not taking part in the decision-making process in relation to the matter.

- not be involved in the recruitment of or decisions relating to disciplinary actions, decisions on promotions or regrading in relation an officer who is a member of your family or who is a close associate or with whom you have a business relationship.
- ensure that your relationships at work do not create an actual or perceived conflict of interest.

### 1.3 Objectivity

**You must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.**

To demonstrate this, you must:

- keep an open mind and not be biased or have a closed mind when dealing with situations.
- make decisions taking into account only relevant factors and discounting irrelevant considerations.
- provide information and advice to decision makers on the basis of the evidence and accurately present the facts and the options.
- offer the advice you consider proper even when it is not advice that a decision maker wants to hear.

### 1.4 Accountability

**You are accountable to the public for your decisions and actions and must submit yourself to the scrutiny necessary to ensure this.**

To demonstrate this, you must:

- ensure that decisions are properly recorded and reasons for decisions are clear.
- be open and honest when answering questions at any meetings, internal or external, including meetings of the Fire Authority and its committees.
- respond to complaints from the public in an open and honest manner.
- take responsibility for you own performance and acknowledge any failings in your performance.

### 1.5 Dignity and respect

**You must treat people with dignity and respect, making decisions objectively based on evidence, without discrimination or bias**

To demonstrate this, you must:

- use unbiased judgment and behaviour and act respectfully.
- act with decency and impartiality, recognising that your unconscious bias can prevent you considering all perspectives and needs when you are making decisions.
- do the right thing when delivery services, using the ethical principles set out in this Core Code and your service's values.

- support the development and opportunity of yourself and your colleagues.
- create an environment of openness and trust.
- treat people with respect and without discrimination, harassment, or bullying; you must actively reject these inappropriate behaviours
- challenge all inappropriate behaviour when you are at work.
- respond to requests for information under freedom of information legislation in an open manner and only withhold information in accordance with exemptions set out in legislation and in accordance with guidance issued by the Information Commissioner's Office.
- ensure that you share information within the organisation so that staff know what decisions are being made and the rationale for decisions that are made.
- share information with external organisations in accordance with relevant legislation and guidance when required in order to promote shared objectives.
- give open and honest feedback.

## 1.6 Honesty

**You must be truthful.**

To demonstrate this, you must:

- challenge and be prepared to be challenged.
- not knowingly make false, misleading or inaccurate statements.
- encourage the raising of concerns either through whistleblowing or other routes.
- stick to commitments that you have given.

## 1.7 Equality, diversity, and inclusion

**You must continually recognise and promote the values of EDI, both within FRSs and the wider communities in which you serve. You must stand against all forms of discrimination, create equal opportunities, promote equality, foster good relations and celebrate difference**

To demonstrate this you must:

- acknowledge and care about people's diverse needs so they can access the services they need from you and the service.
- provide an environment where everyone has an equal voice.
- acknowledge your own unconscious bias and consider everyone's perspective.
- behave in a way that celebrates diversity in all its forms, everywhere.
- tackle discriminatory behaviour, policy and procedure.



- do all you can to encourage people from underrepresented groups to join your Service and feel welcome.
- help everyone to be their best and to always learn from one another.

## **1.8 Leadership**

**You must be a positive role model, always demonstrating flexible and resilient leadership.**

**You are accountable for your behaviour, decisions and actions, and you must challenge all behaviour that falls short of the highest standards**

To demonstrate this, you must:

- challenge behaviour that does not comply with this Code of Conduct or the FRS Code of Ethics.
- address inappropriate behaviour in ways appropriate to your role.
- take responsibility for continuously improving your own performance and the performance of the service.
- be accountable to the public , your employer and your colleagues for your decisions and actions.
- take responsibility for your actions and their consequences.
- recognise leaders exist at all levels in your organisation and communities.
- always demonstrate the principles of a positive culture of equality, diversity, and inclusion.
- be committed to implementing and working by this Code of Conduct.
- lead by example demonstrating by your actions that you are committed to implementing and working by this Code of Conduct and the FRS Code of Ethics.
- communicate clearly with staff in the organisation.
- take charge and provide clear direction when circumstances require it.

## SECTION C - PENSION BOARD - CONFLICTS OF INTEREST POLICY

### 1. Introduction

- 1.1. The Public Service Pensions Act 2013 (“the 2013 Act”) requires that any member of a pension board must not have a conflict of interest, which is defined as a “financial or other interest which is likely to prejudice the person's exercise of functions as a member of the board (but does not include a financial or other interest arising merely by virtue of membership of the scheme or any connected scheme).”<sup>3</sup>
- 1.2. The 2013 Act sets out the legal requirements for scheme managers and pension boards in relation to conflicts of interest.
  - 1.2.1. Scheme managers must be satisfied:
    - 1.2.1.1. That a person to be appointed as a member of the pension board does not have a conflict of interest<sup>4</sup>; and
    - 1.2.1.2. From time to time, that none of the members of the pension board has a conflict of interest<sup>5</sup>.
  - 1.2.2. Pension board members must provide the scheme manager with such information as they reasonably require for the purposes of meeting the legal requirements in relation to conflicts of interest<sup>6</sup>.
  - 1.2.3. The pension board must include employer representatives and member representatives in equal numbers<sup>7</sup>.
- 1.3. ‘The 7 principles of public life’ (attached at Appendix A) should be applied to all pension board members in the exercise of their functions.

### 2. What is a conflict or potential conflict?

- 2.1. Conflicts of interest may arise when pension board members must fulfil their legal duty to assist the scheme manager<sup>8</sup> and at the same time, they have either:
  - 2.1.1. A separate personal interest (financial or otherwise);
  - 2.1.2. Another responsibility in relation to that decision, giving rise to a possible conflict with their first responsibility.
- 2.2. Legal duties include securing compliance with:
  - 2.2.1. Scheme regulations;
  - 2.2.2. Other legislation relating to the governance and administration of the scheme;
  - 2.2.3. Requirements imposed by the regulator; and
  - 2.2.4. Any other matter for which they are responsible.
- 2.3. Actual conflicts of interest are those which actually materialise, and are likely to prejudice a pension board member’s exercise of their functions. Where an actual conflict exists, there is a risk that the board member could be biased in favour of a particular decision which favours their interests, or they could place undue weight on the arguments opposing their interests in an attempt to address the conflict. This bias could be conscious or unconscious.
- 2.4. Actual conflicts of interest are prohibited by the 2013 Act, and cannot be managed. Only potential conflicts of interest can be managed.

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<sup>3</sup> Section 5(5) of the 2013 Act.

<sup>4</sup> Section 4(a)(i), *ibid.*

<sup>5</sup> Section 4(a)(ii), *ibid.*

<sup>6</sup> Section 5(4)(b), *ibid.*

<sup>7</sup> Section 5(4)(c), *ibid.*

<sup>8</sup> Section 5(2), *ibid.*

2.5. Potential conflicts of interest may arise where a person has dual interests and responsibilities which may conflict with their role as pension board member but either:

- 2.5.1. The potential conflict has yet to materialise into an actual conflict; or
- 2.5.2. The person declares it, and it is managed so that it does not materialise into an actual conflict.

2.6. Examples of potential conflicts of interest are listed at Appendix B.

### **3. Identifying and recording potential conflicts**

3.1. All appointments to the Pension Board will be kept under review by the Scheme Manager.

3.2. All members of the Pension Board must declare to the Scheme Manager on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Pension Board. This includes any potential conflicts of interest that:

- 3.2.1. Exist already;
- 3.2.2. May arise in the future;
- 3.2.3. Are perceived by others whether or not they are conflicts of interest.

3.3. If the pension board suspects any conflict of interest it should report its concerns to the Scheme Manager.

3.4. The pension board shall record all potential conflict of interests in a register of interests (attached at Appendix C).

3.5. Education on identifying and dealing with conflicts of interest will be included as part of the training requirement in the knowledge and understanding policy and framework<sup>9</sup>.

### **4. Monitoring potential conflicts**

4.1. The register of interests will be circulated to the Pension Board and the Scheme Manager for ongoing review, and for publication on the Humberside Fire & Rescue Service website.

4.2. Conflicts of interest will be included as an opening agenda item at Pension Board meetings, and revisited during the meeting where necessary.

4.3. Discussions about conflicts, details of conflicts reported, and actions taken regarding conflicts will be recorded in the Pension Board minutes.

### **5. Managing potential conflicts**

5.1. The action taken will depend upon the nature and severity of the conflict. Any actual conflict cannot be managed, and must be reported to the Scheme Manager.

5.2. Possible courses of action in relation to potential conflicts include:

- 5.2.1. The conflicted Pension Board member taking no part in the discussion of the matter giving rise to the conflict;
- 5.2.2. The conflicted Pension Board member leaving the meeting for some or part of the time;
- 5.2.3. A sub-committee being established, excluding the conflicted Pension Board member, to consider the matter outside of the formal meeting (where the terms of reference permit this to happen);
- 5.2.4. The Scheme Manager seeking independent legal advice as to the way in which to manage the conflict;

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<sup>9</sup> Article 10A.10 of the Humberside Fire Authority Constitution

5.2.5. The Scheme Manager seeking independent advice from other professionals, for example an accountant or actuary, on the matter in question.

5.3. Where the conflict of interest is considered to be so fundamental that it cannot be effectively managed, or where a Pension Board member has an actual conflict of interest as defined in the 2013 Act, the individual will be required to resign from their position on the Pension Board.

**The 7 Principles of Public Life**

**1. Selflessness**

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

**2. Integrity**

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

**3. Objectivity**

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

**4. Accountability**

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

**5. Openness**

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

**6. Honesty**

Holders of public office should be truthful.

**7. Leadership**

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

**Examples of potential Conflicts of Interest:**

1. Investing to improve scheme administration versus saving money

An employer representative, who may be a Permanent Secretary, finance officer or local councillor, is aware that system X would help to improve standards of record-keeping in the scheme, but it would be costly to implement. The scheme manager, for instance a central government department or local administering authority, would need to meet the costs of the new system at a time when there is internal and external pressure to keep costs down. In order to meet the costs of the new system, the scheme manager would need to find money, perhaps by using a budget that was intended for another purpose. This decision could prove unpopular with taxpayers. A conflict of interest could arise where the employer representative was likely to be prejudiced in the exercise of their functions by virtue of their dual interests.

2. Outsourcing an activity versus keeping an activity in-house

In an extension of the previous example, a member representative, who is also an employee of a participating employer, is aware that system X would help to improve standards of record-keeping in the scheme, but it would mean outsourcing an activity that is currently being undertaken in-house by their employer. The member representative could be conflicted if they were likely to be prejudiced in the exercise of their functions by virtue of their employment.

3. Representing the breadth of employers or membership versus representing narrow interests

An employer representative who happens to be employed by the administering authority and is appointed to the pension board to represent employers generally could be conflicted if they only serve to act in the interests of the administering authority, rather than those of all participating employers. Equally, a member representative, who is also a trade union representative, appointed to the pension board to represent the entire scheme membership could be conflicted if they only act in the interests of their union and union membership, rather than all scheme members.

4. Assisting the scheme manager versus furthering personal interests

4.1. A pension board member, who is also a scheme adviser, may recommend the services or products of a related party, for which they might derive some form of benefit, resulting in them not providing, or not being seen to provide, independent advice or services.

4.2. A pension board member who is involved in procuring or tendering for services for a scheme administrator, and who can influence the award of a contract, may be conflicted where they have an interest in a particular supplier, for example, a family member works there.

5. Sharing information with the pension board versus a duty of confidentiality to an employer

An employer representative has access to information by virtue of their employment, which could influence or inform the considerations or decisions of the pension board. They have to consider whether to share this information with the pension board in light of their duty of confidentiality to their employer. Their knowledge of this information will put them in a position of conflict if it is likely to prejudice their ability to carry out their functions as a member of the pension board.

<b>Pension Board Register of Potential and Actual Conflicts of Interest</b>									
<b>Date Identifie</b>	<b>Name of Person</b>	<b>Role of Person</b>	<b>Details of Conflict</b>	<b>Actual or Potential</b>	<b>How Notified</b>	<b>Action Taken</b>	<b>Follow up Required</b>	<b>Date Resolve</b>	

## **SECTION D – PROTOCOL RELATING TO THE DUTIES OF THE MONITORING OFFICER AND S.151 OFFICER**

The Monitoring Officer and S.151 Officer undertake to discharge their statutory responsibilities outlined in this Constitution, which will enhance the reputation of the HFA. The role of the statutory officers is set down in Article 11.

The following arrangements and understandings between the Monitoring Officer and the S.151 Officer and colleagues and Members are designed to help ensure the effective discharge of their functions:

- (a) The Monitoring Officer and S.151 Officer will have advance notice of all HFA meetings and receive agenda, reports and minutes in electronic format sent to them direct.
- (b) The Monitoring Officer and S.151 Officer (where relevant) are expected to develop good liaison and working relationships with Internal Audit, External Auditor and the Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
- (c) The Monitoring Officer and S.151 Officer will have a special relationship with the Chairperson of the HFA, Chairperson of the, Governance, Audit and Scrutiny Committee and will ensure the Chief Fire Officer & Chief Executive has up to date information regarding emerging issues.
- (d) The Chief Fire Officer & Chief Executive, S.151 Officer and the Monitoring Officer will meet as necessary, and at least on a quarterly basis, to consider and recommend action in connection with current governance issues and other matters of concern regarding probity, legality and ethical standards.
- (e) In carrying out any investigation (whether under rules or otherwise) the S.151 Officer and Monitoring Officer will have unqualified access to any information held by the HFA and any employee who can assist in the discharge of their functions.
- (f) The Monitoring Officer will be responsible for preparing a training programme for Members on the ethical framework subject to the approval of the HFA on the recommendation of the Governance, Audit and Scrutiny Committee.

## **SECTION E – COMPLAINTS PROCEDURE**

### **POLICY STATEMENT**

1. It is the policy of Humberside Fire and Rescue Service to take seriously all complaints and concerns made by members of the public and to thoroughly investigate them.
2. Whilst the Humberside Fire and Rescue Service is committed to providing a quality service and continually strives to meet public expectations, from time to time things can go wrong or are perceived by others to have gone wrong. When this happens we will:
  - (a) Treat all complainants with respect and dignity and deal with their complaint in a fair and sympathetic manner;
  - (b) Deal with the complaint swiftly, thoroughly and impartially and with confidentiality;
  - (c) View the complaint as a useful source of information about how others see us, and how we are serving the public;
  - (d) Adopt a positive approach by using the complaint as an opportunity to improve the service we provide;



- (e) Provide an effective response and ensure, where possible, the cause of the complaint is addressed.
3. Complaints can be a useful source of information about how others see us and how we are serving our customers. Whether the complaint is justified or not, the person making the complaint feels aggrieved with the Humberside Fire and Rescue Service. Dealing with complaints courteously and effectively can do much to restore the complainant's confidence in the Humberside Fire and Rescue Service in the future.
4. Likewise, compliments are a useful source of information as to how satisfied others are with the service we provide.
5. Whilst it is important to treat complaints seriously, compliments should be treated in a similar fashion.

## **SECTION F – ANTI-FRAUD AND CORRUPTION**

### **WHISTLE BLOWING**

1. The Authority has approved an Anti-Fraud and Corruption Policy, together with a Whistleblowing Policy.
2. You will find these policies on the HFA website at [www.humbersidefire.gov.uk](http://www.humbersidefire.gov.uk).
3. The HFA recognised its responsibility for the spending of public money, the folding of public assets and ensuring that the Service at all times acts lawfully. The policies exist to provide an effective means by which legitimate concerns can be raised and investigated.
4. The HFA will ensure that the rights of people raising legitimate concerns are properly protected.
5. The HFA's general belief and expectation is that those associated with it (Officers, Members, service users, contractors and voluntary bodies) will act with honesty and integrity. In particular, Members and Officers will lead by example and will be accountable for their actions.
6. You are encouraged to make use of the policies and help the Authority to ensure that potential fraud, corruption or breaches of legislation are identified quickly and remedied. For guidance in the first instance, you may wish to speak with either the Secretary/Monitoring Officer or the S.151 Officer.

## **SECTION G – PROTOCOL FOR MEMBER AND OFFICER RELATIONSHIPS**

### **1. INTRODUCTION**

- 1.1 The purpose of this protocol is to guide Members and Officers of the HFA in their relations with one another and with employees of the Fire and Rescue Service in such a way as to ensure the smooth running of the HFA.
- 1.2 The basis of the protocol is common-sense, openness and trust. It is not designed to stifle or temper any genuine disagreement about policy or strategy but rather to clarify the mechanics of running the HFA. At the heart of the protocol is the importance of mutual respect.
- 1.3 Given the variety and complexity of such relations, the protocol does not seek to be either prescriptive or comprehensive. It simply offers guidance on some of the issues that most commonly arise.
- 1.4 The protocol should ensure that Members of the HFA receive objective and impartial advice and that Officers are protected from accusations of bias and any other undue influence from Members.
- 1.5 The protocol also seeks to reflect the principles underlying the Codes of Conduct that apply to Members and Officers.
- 1.6 Advice on the interpretation of this protocol should be obtained from the Secretary or Monitoring Officer (if different Officers).
- 1.7 The following paragraphs outline the most commonly occurring situations.

### **2. OFFICERS' ADVICE TO MEMBERS AND PARTY GROUPS**

- 2.1 It must be recognised by all Officers that they serve the HFA as a whole and not any part of the HFA, political groups or individual Member.
- 2.2 Whilst it is recognised that political groups will give preliminary consideration to matters of HFA business in advance of such matters being considered by the relevant decision making body and Officers may be requested to advise such groups, those Officers must at all times maintain political neutrality. The rules for group briefings shall be as set out in paragraph 7.1 of this protocol.
- 2.3 Officers in dealing with individual Members must treat them all in a fair and even handed manner.
- 2.4 The following key points must be understood by both Members and Officers:
  - Officer support must not extend beyond providing information and advice in relation to matters of HFA business.
  - Officers must not be involved in advising on matters of party political business and must not be present at meetings or parts of meetings when party business is discussed.
  - Party group meetings are not empowered to make decisions on behalf of the HFA and decisions made thereat must not be interpreted or acted upon as such.
  - Officers advice to a party group meeting in relation to a matter of HFA business cannot act as a substitute for providing advice and information to the relevant decision making body.

- The Chief Fire Officer & Chief Executive/Secretary/S.151 Officer will determine which officers attend party group meetings and will attend personally where they consider that appropriate.
- 2.5 Officers may not attend or give advice to group meetings which include persons who are not Members of the HFA, as such persons are not bound by the HFA's Code of Conduct.
  - 2.6 Groups may request private briefings from the Chief Fire Officer & Chief Executive/ Secretary/S.151 Officer on specific issues and these will remain confidential to the Group making the request. It remains the responsibility of the Chief Fire Officer & Chief Executive/Secretary/S.151 Officer to exercise their professional judgement and to make sure that all relevant matters are brought to the attention of the Authority or relevant Committee(s) and that information is not suppressed or distorted. When the Chief Fire Officer & Chief Executive/Secretary/S.151 Officer receive a request for such a briefing the appropriate Group Secretaries will be informed of the subject area but not of the details of the actual discussion that took place.
  - 2.7 It must not be assumed by any party group or Member that any officer is supportive of any policy or strategy because of that officer's assistance in the formulation of that policy or strategy.
  - 2.8 Any particular cases of difficult or uncertainty in this area of officer advice to party groups should be raised with the Chief Fire Officer & Chief Executive/ Secretary/S.151 Officer who will discuss them with the relevant Group Secretaries.

### **3. SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS**

- 3.1 The only basis on which the HFA can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc.) to Members is to assist them in discharging their role as Members of the HFA. Such support services must therefore only be used on HFA business. They should never be used in connection with party political or campaigning activity or for private purposes.

### **4. OFFICER/CHAIRPERSON RELATIONSHIPS**

- 4.1 Whilst it is acknowledged that there should be a close working relationship between Chairperson/Vice Chairperson of the HFA/Chairpersons of Committees and Officers, such relationships should not be allowed to bring into question the officer's ability to deal impartially with other Members.
- 4.2 It must be recognised that there are circumstances where officers will be under a professional duty to submit a report to the HFA or a Committee without the agreement of Members.
- 4.3 Where the HFA or any Committee delegates authority to an Officer to make a decision in consultation with relevant Members it must be recognised that the Officer must make the decision, having taken into account the views of the Members consulted, and be accountable for it.
- 4.4 Officers are responsible to the Chief Fire Officer & Chief Executive/ Secretary/S.151 Officer and whilst they will always seek to assist a Member they must not exceed the authority given to them by the Chief Fire Officer & Chief Executive/ Secretary/S.151 Officer.

### **5. CORRESPONDENCE**

- 5.1 Where correspondence between an individual Member and an Officer contains confidential or exempt information that information must not be released to any other person without the consent of the writer.

5.2 Official letters on behalf of the HFA should be sent in the name of the appropriate Officer, rather than in the name of a Member. It will be appropriate in limited circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the HFA should never be sent out in the name of a Member.

5.3 It is the responsibility of the Member to clear and sign any letter produced for signature.

## 6. GUIDELINES FOR THE INVOLVEMENT OF LOCAL MEMBERS

6.1 Appropriate local Members should be informed as a matter of routine of:

- ‘Sensitive’ issues within their areas involving, for example, items which may appear in the press;
- Major incidents covered by an Emergency Plan.;
- Events organised by the Humberside Fire and Rescue Service within their area (e.g. Fire Station ‘Open Days’).

Notification of issues must be done by the quickest means which should include e-mail.

6.2 In addition the Chief Fire Officer & Chief Executive/Secretary/S.151 Officer will regularly brief Group Secretaries on issues.

## 7. BRIEFING OF MEMBERS

7.1 The following arrangements will apply to briefings for Members.

Chairperson/Vice Chairperson of the Authority Agenda Briefings	These meetings are normally held at least 10 days before the HFA meeting. The Chairperson and Vice Chairperson of the HFA and the Chief Fire Officer & Chief Executive/ Secretary/S.151 Officer or their representatives will attend.
Group Briefings	Any group may ask for a briefing on any HFA related (not party political) issue at any time through the Chief Fire Officer & Chief Executive/Secretary/S.151 Officer when any matter will be discussed in general terms without revealing to the Group being spoken to any specific information that has been requested by another Group who have had a similar briefing. When the Chief Fire Officer & Chief Executive/ Secretary/S.151 Officer receives the request for such a briefing, the Group Secretaries will be informed of the subject area but again, not of the details of the actual discussions that took place.
Full HFA Briefing	During the year, there will be arranged a number of Member Days.

## 8. PUBLICITY

8.1 When the HFA is asked to respond by the media to a new initiative or event which has not yet been debated by the HFA or a Committee, it shall be the practice to refer the media to the Group Secretaries and when responding they should make it clear that they speak on behalf of their individual Groups, unless

they have already agreed a common approach to the particular issue or event under discussion.

- 8.2 When the issue or event has been before a Committee or the HFA, the media should be able to speak to the Chairperson of the meeting, Group Secretaries or officers.
- 8.3 The Chief Fire Officer & Chief Executive/Secretary/S.151 Officer may deal with any request for information or questions from the media and may accept invitations to broadcast or appear on television in order to give the facts of a situation or explain the HFA's policies.
- 8.4 The Chief Fire Officer & Chief Executive/Secretary/S.151 Officer shall have authority to approve and issue all official publicity, press statements and official communications relating to their sphere of responsibilities.

## **9. MATTERS RELATING TO OFFICER CONDUCT OR CAPABILITY**

- 9.1 A Member must not raise matters relating to the conduct or capability of an officer in a manner which is incompatible with paragraph 2.2 of this protocol. Any matters of concern should be raised initially with the officer concerned. If that fails to resolve the issue, the matter should be raised with the Chief Fire Officer & Chief Executive. If the concern relates to the Chief Fire Officer & Chief Executive the matter should be raised with the Chair of the Authority who will deal with the matter in line with the Chief Fire Officer's contract and the Service's Conduct and performance Policy.
- 9.2 If a Member remains dissatisfied after the procedure outlined in 9.1 above, the matter should be raised with the Secretary.
- 9.3 Any action taken against an officer as a result of a complaint will be dealt with in accordance with the HFA's disciplinary rules and procedure.
- 9.4 Officers should not raise with a Member matters relating to the conduct or capability of another Officer or the management of a service unit.

## **10. MATTERS RELATING TO MEMBER CONDUCT**

- 10.1 Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, he should raise the matter with the Chief Fire Officer & Chief Executive/S.151 Officer/ Secretary as appropriate.
- 10.2 In these circumstances, the Chief Fire Officer & Chief Executive/S.151 Officer/Secretary will either:
  - (i) take appropriate action to resolve the complaint by discussing the matter with the individual Member and/or Group Secretary, or
  - (ii) refer the matter to the Governance, Audit and Scrutiny Committee.
- 10.3 This section should be read in conjunction with the HFA's Code of Conduct for Members.

# SECTION H - HUMBERSIDE FIRE AUTHORITY CODE OF CORPORATE GOVERNANCE

## 1. What is this Code?

This Code of Corporate Governance outlines the governance arrangements of the Fire Authority and the good governance principles upon which this Code is based.

The Code also sets out the commitment of the Fire Authority to governance and how the Authority will take steps to achieve the highest standards of corporate governance.

As such the Code is a public statement, which forms part of our Constitution.

## 2. What is Governance?

Corporate Governance is the system by which an Authority directs and controls its functions and relates to its communities. Good governance requires authorities to carry out their functions in a way that demonstrates accountability, transparency, effectiveness, integrity, impartiality and inclusivity. Corporate governance is also the structure through which the strategic objectives are set and performance monitored.

The Audit Commission defines good governance as:

“Ensuring the organisation is doing the right things, in the right way, for the right people, in an open, honest, inclusive and timely manner”.

Our communities have the right to expect the highest standards of governance from the Humberside Fire Authority. This Code of Corporate Governance sets down the standards of governance adopted by the Humberside Fire Authority.

## 3. Status of this Code

This Code applies to the Humberside Fire Authority (HFA), its Members and Officers.

The Code is integral to the Constitution adopted by the HFA

The Code underpins and forms part of the governance arrangements of the HFA.

The full Code can be found at [www.humbersidefire.gov.uk](http://www.humbersidefire.gov.uk), which outlines how the Authority will achieve the principles set out.

## 4. Review of this Code

This Code will be reviewed on an annual basis by the HFA

## 5. The CIPFA/SOLACE 6 Key Principles of Good Governance

The CIPFA/SOLACE six key principles are set out below. Humberside Fire Authority has adopted these six principles as its principles of good governance.

- Focusing on the purpose of the Authority and on outcomes for the community and creating and implementing a vision for the local area;
- Members and Officers working together to achieve a common purpose with clearly defined functions and roles;
- Promoting values for the Authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk;

- Developing the capacity and capability of Members and Officers to be effective;
- Engaging with local people and other stakeholders to ensure robust public accountability.

The HFA has set down below how it will achieve those good governance standards.

## **6. HFA Governance Statement**

Humberside Fire Authority is committed to achieving the highest standards of governance.

The Code meets the FRS Code of Ethics adopted by the Service. The Code also meets the Vision and Mission of the Humberside Fire Authority, and is integral to the Strategic Plan.

## **7. Other Relevant Documents**

This Code should be read in conjunction with the Constitution of the Fire Authority. This provides the detailed governance framework of the HFA.

## **8. Comments Upon this Code**

The HFA welcomes feedback upon its Code of Corporate Governance and its commitments accordingly.

## **HUMBERSIDE FIRE & RESCUE SERVICE**

### **PRINCIPLES OF GOOD CONDUCT FOR EMPLOYEES**

#### ***Honesty, Integrity, Impartiality and Objectivity***

1. An employee must perform their duties with honesty, integrity, impartiality and objectivity.

#### ***Accountability***

2. An employee must be accountable to the authority for their actions.

#### ***Respect for Others***

3. An employee must –
  - a) treat others with respect;
  - b) not discriminate unlawfully against any person; and
  - c) treat members and Independent Co-opted Members of the authority professionally.

#### ***Stewardship***

4. An employee must –
  - a) use any public funds entrusted to or handled by them in a responsible and lawful manner; and
  - b) not make personal use of property or facilities of the authority unless properly authorised to do so.

#### ***Personal Interests***

5. An employee must not in their official or personal capacity –
  - a) allow their personal interests to conflict with the authority's requirements; or
  - b) use their position improperly to confer an advantage or disadvantage on any person.

#### ***Registration of Interests***

6. An employee must comply with any requirements of the authority –
  - a) to register or declare interests; and
  - b) to declare hospitality, benefits or gifts received as a consequence of their employment.

#### ***Reporting procedures***

7. An employee must not treat another employee of the authority less favourably than other employees by reason of what they have already done, intend to do, or are suspected of doing under or by reference to any procedure the authority has for reporting misconduct.

#### ***Openness***

8. An employee must –



- a) not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and
- b) not prevent another person from gaining access to information to which that person is entitled by law.

#### ***Appointment of staff***

9. (1) An employee must not be involved in the appointment of or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.

(2) In this paragraph –

- a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
- b) “partner” in sub-paragraph (a) above means a member of a couple who live together.

#### ***Duty of trust***

10. An employee must at all times act in accordance with the trust that the public is entitled to place in him.

## PART 6

### MEMBERS' ALLOWANCES SCHEME

The Local Authorities (Members' Allowances) (England) Regulations 2003 made provision for Combined Fire Authorities to establish Member Allowances Schemes from May 2003.

The Fire Authority, at its meeting of 10 February 2023, agreed that the allowances for Elected Members be frozen at their current level for 2023/24 as set out below.

	£
<b>1. Basic Allowance (per annum)</b>	
All Members	4,457
<b>2. Special Responsibility Allowances:</b>	
a. The Chair of the Authority	11,137
b. The Vice Chair of the Authority	8,356
c. The Chairs of Committees	561
<b>3. Independent Co-opted Members of the Governance, Audit and Scrutiny (GAS) Committee</b>	
a. Chairperson of the Committee	£1,680/year (£140 per month)*
b. All other Members of the Committee	£1,480.50 each/year (£123.375 per month)*
<b>4. Childcare &amp; Dependant Carer Allowances (per hour)</b>	
a. Childcare	5.80
b. Dependant	10.40
<b>5. Travel Allowances</b>	
a. Car Allowances - In accordance with the National Joint Council for Local Government Services casual user rate:	
Up to 999cc	0.469**
Over 999cc	0.522**
(up to first 8,500 miles per annum, thereafter £0.144*)	
b. Motorcycle	0.240
c. Bicycle (per mile)	0.05
d. Public Transport	Actual Cost
<b>6. Subsistence Allowances</b>	
Actual cost not exceeding	
a. Breakfast - more than 4 hours before 11.00am	6.46
b. Lunch - more than 4 hours including 12noon to 2.00pm	8.92
c. Tea - more than 4 hours including 3.00pm to 6.00pm	3.50
d. Dinner - more than 4 hours ending after 7.00pm	11.03
e. Overnight (covering 24 hours)	
London #	136.40
Outside London	120.42
f. Out of Pocket Expenses (per night)	4.92
<b>Notes</b>	
* Based on 7 meetings a year it recognises that Members of the Joint Independent Audit Committee (JIAC) for Humberside Police and the Office of the Police and Crime Commissioner for Humberside are paid an attendance allowance based on the rates set by the Home Office for attendance at Appeals Tribunals. The Authority has agreed that the Independent Co-opted Members of the GAS) Committee should be paid on a similar basis, and that they receive an annual allowance (paid monthly rather than an as attendance allowance) calculated on the same basis as that adopted for the JIAC. Mileage and bridge toll costs will continue to be met as before. The only exceptions to the above remuneration arrangements for Independent Co-opted Members of the GAS Committee will be on the very rare occasions when they might be asked to attend training arranged for them in support of their role e.g. Treasury Management training when such attendance will qualify for the one-off £26 hourly rate + travel expenses + bridge tolls. In addition, for attendance at HFA Member Days/HFA meetings, GAS Committee Members will be reimbursed for their travel expenses and bridge tolls.	
** Not increased by NJC since 1 April 2010	
# Includes Local Government Association and Annual Fire Conferences overnight attendances outside London.	

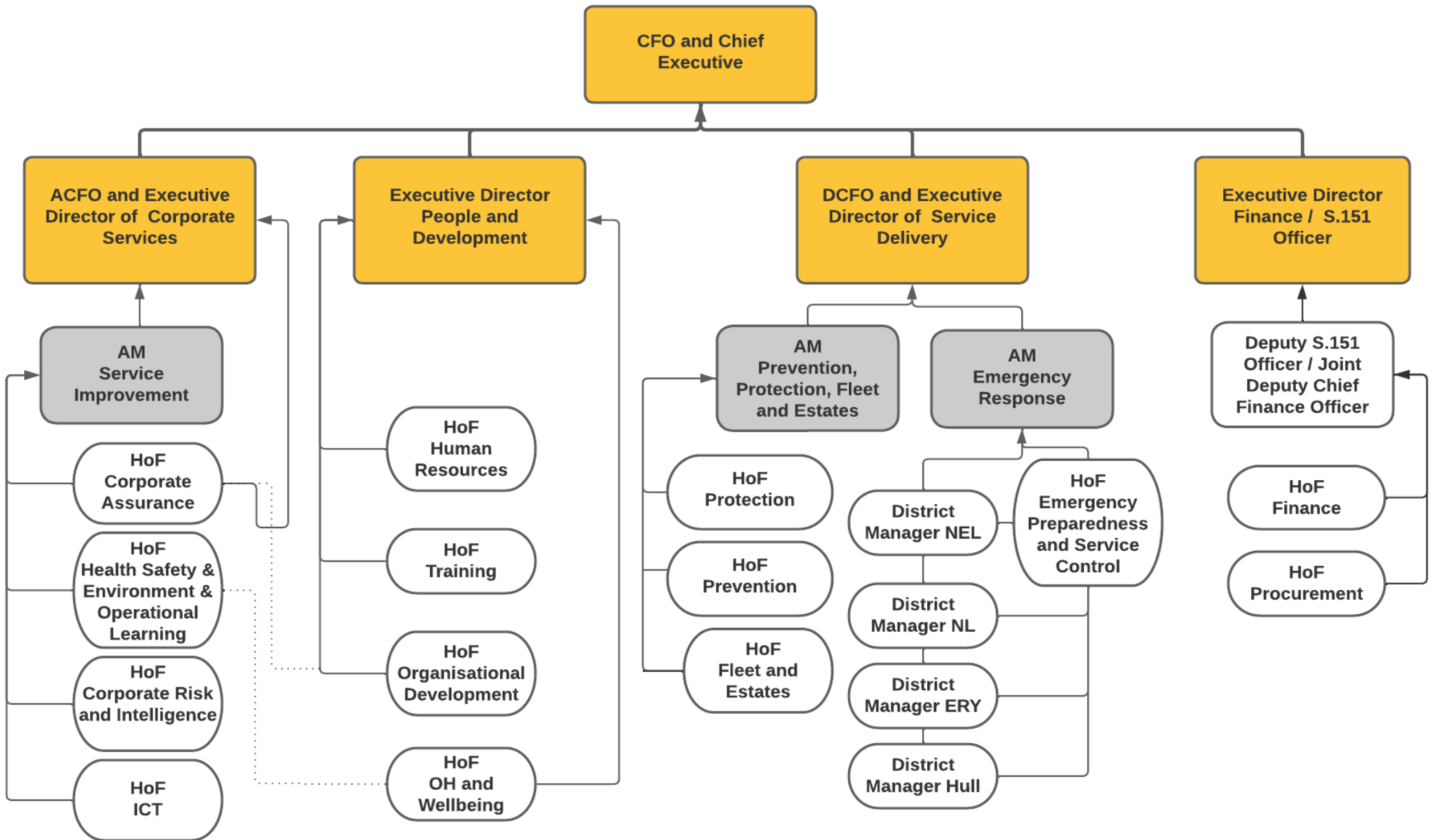
## PART 7

### MANAGEMENT STRUCTURE

The Senior Officers who make up the Strategic Leadership Team are:

<b>Post</b>	<b>Name</b>
Chief Fire Officer & Chief Executive (Head of Paid Service)	Phil Shillito
Deputy Chief Fire Officer & Executive Director of Service Delivery	Niall McKiniry
Assistant Chief Fire Officer & Executive Director of Corporate Services	Matt Sutcliffe
Executive Director of Finance & S.151 Officer	Kevin Wilson
Executive Director of People and Development	Christine Cooper
Area Manager of Service Improvement	Steve Duffield
Area Manager of Prevention and Protection	Jon Henderson
Area Manager of Emergency Response	Jason Kirby
<u>Other Senior Appointments</u> Monitoring Officer & Secretary to Fire Authority	Lisa Nicholson (East Riding of Yorkshire Council)

# ORGANISATIONAL STRUCTURE



## PART 8

### SPECIFIED AMOUNTS

Provision	Amount
Article 11.4.2 Compensation	Up to £1,000
Part 3 – Section B 2 (e) Write off	Up to £15,000
<b>Financial Procedure Rules – Section D Part 4</b>	
Rule 12.2 – Exceeding capital programme approval	5% or £50,000
Rule 18.2 – Virements by the Chief Fire Officer & Chief Executive	Up to £20,000
Rule 18.2 – Virements by the Chief Fire Officer & Chief Executive in consultation with the S.151 Officer	Up to £50,000
Rule 18.3 – Virements by the Chief Fire Officer & Chief Executive in consultation with the Chairperson and Vice Chairperson	£50,000 to £100,000
Rule 18.4 – Virements by the HFA	Above £100,000
Rule 18.6 – Transfer from Reserves	
- with approval of S.151 Officer	Up to £50,000
- with approval of HFA	Above £50,000
Rule 19.1 – Supplemental Estimates	
: HFA	Up to £100,000
: HFA	Above £100,000
Rule 24.3 – Additions or variations to accepted tender	5% of total value
Rule 30.9 – Orders prior to budget approval	Above £10,000
Rule 36.1 – Inventory – minimum value of items to be included	£250
Rule 36.4 – Disposal of stock authorised by Chief Fire Officer & Chief Executive	Up to £15,000
Rule 36.4 – Disposal of stock by Chief Fire Officer & Chief Executive in consultation with S.151 Officer	Above £15,000
Rule 38.1 – Write offs – delegated to Chief Fire Officer & Chief Executive under Part 3, Section B. Above specified amount: HFA	Up to £15,000
Rule 55 – Ex-gratia payments	Up to £500
<b>Contract Procedure Rules – Section E Part 4</b>	
Rule 6.1 (b), (c) and Rule 11	£10,000
Rule 12	£10,000 - £50,000
Rule 13	£50,000 – EU threshold
Rule 14	Above EU threshold

#### Current EU Procurement Thresholds – Rule 14 Contract Procedure Rules

Supplies	£181,302
Services	£181,302
Works	£4,551,413

## PART 9

### REFERENCE

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#### STATUTORY INSTRUMENTS

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1995 No. 3132

#### FIRE SERVICES

The Humberside Fire Services (Combination Scheme) Order 1995

Made	4th December 1995
Coming into force	5th 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 fire authorities referred to in paragraph 3 of the scheme set out in the Schedule hereto ("the scheme"), and a scheme has not been submitted to him by those authorities;

And whereas notice of the general nature of the scheme has been given in accordance with section 6(2) of the Fire Services Act 1947<sup>[1]</sup> ("the 1947 Act");

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

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

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

#### **Citation**

1. This Order may be cited as the Humberside Fire Services (Combination Scheme) Order 1995 and shall come into force on the day after the day on which it is made.

#### **Combination scheme**

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

*Blatch*

Minister of State

Home Office

4th December 1995

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Notes:

[1] 1947 c. 41. Sections 6 and 10 of the 1947 Act were amended respectively by paragraphs 1 and 2 of Schedule 3 to the Local Government Act [1992 \(c. 19\)](#). For the purposes of making the scheme set out in the Schedule to this Order, sections 5(2) and 10 of the 1947 Act have effect as indicated in article 12 of the Humberside (Structural Change) Order 1995 (S.I. [1995/600](#)).

[2] 1946 c. 36.

[3] 1959 c. 44.

SCHEDULE  
THE HUMBERSIDE FIRE SERVICES COMBINATION SCHEME

PART 1

CITATION, COMMENCEMENT AND INTERPRETATION

**Citation and commencement**

1. This scheme may be cited as the Humberside 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 Humberside Fire Services (Combination Scheme) Order 1995<sup>[4]</sup> comes into force, and

(b) for all other purposes, on 1st April 1996.

**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 East Riding of Yorkshire District Council, Kingston upon Hull City Council, North East Lincolnshire District Council and North Lincolnshire District 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 Humberside Fire Authority.

(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 Humberside Fire Brigade.

(2) The first chief officer of the fire brigade shall be R. Williamson 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<sup>[5]</sup>.

**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 terms unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies) the total number of unfilled vacancies in the membership of the Authority exceeds one third of the number of members of the Authority referred to in paragraph 11.

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

(2) The chairman and, if a vice-chairman is elected, the vice-chairman, shall, subject to paragraphs 13 to 16, hold office for a period of one year from the date of their election.

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

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

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

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

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

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

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

## 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 payments 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) above the interim payments payable thereafter under sub-paragraphs (3) or (4) above shall, subject to sub-paragraph (5) above, be so increased or reduced as to adjust to the difference.

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

(9) For the purposes of this Paragraph the net expenses of the Authority, in respect of any financial year, shall be the amount of its expenditure in respect of that year less all income which is credited to the combined fire service fund in respect of that year, other than contributions paid or payable under sub-paragraph (1), but may, for the purposes of preparing the estimate referred to in sub-paragraph (2) and if the Authority

so resolve, include such amount or amounts as the Authority consider appropriate with a view to minimising any upward revision of an estimate under sub-paragraph (6).

(10) In this Paragraph—

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

"council tax base" means the council tax base for the year calculated by the Secretary of State for the Environment for Revenue Support Grant purposes in accordance with the local government finance report for that year made under section 78A of the Local Government Finance Act 1988<sup>[7]</sup>;

"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<sup>[8]</sup> in England and Wales.

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

## PART V

### OFFICERS AND EMPLOYEES OF THE AUTHORITY

**23.** There shall be transferred—

(a) to the fire brigade members of the fire brigade maintained by the Council of the County of Humberside, and

(b) to employment by the Authority persons employed by that council wholly or mainly for the purposes of the fire brigade maintained by that council.

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

## PART VI

### PROPERTY, RIGHTS AND LIABILITIES

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

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

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#### Notes:

[4] S.I. [1995/3132](#).

[5] 1959 c. 44.

[6] 1972 c. 70.

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

[8] 1971 c. 80.

[9] S.I. [1992/129](#).