



**NORTH YORKSHIRE
FIRE & RESCUE AUTHORITY**

Members' Handbook

2017 - 2021

**Enquiries relating to this Handbook please contact
Ruth Gladstone Tel: 01609 532555
or e-mail Ruth.Gladstone@northyorks.gov.uk**

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

Name, Constituent Council, Political Group and Term of Appointment	Postal Address	Telephone Numbers, Fax Number and Email address
<p>Arnold, Val</p> <p>North Yorkshire County Council</p> <p>Conservative</p> <p>17.5.2017 – NYCC elections 2021</p>	<p>Low Farm Beadlam Rigg Pockley York YO62 7TG</p>	<p>Tel: 01439 770904</p> <p>Email: cldr.val.arnold@northyorks.gov.uk</p>
<p>Aspden, Keith</p> <p>City of York Council</p> <p>Liberal Democrat</p> <p>24.5.2018 – CYC Annual Meeting 2019</p>	<p>22 Heath Moor Drive Fulford York YO10 4NF</p>	<p>Tel: 01904 659028</p> <p>Email: cldr.kaspden@york.gov.uk</p>
<p>Backhouse, Andrew</p> <p>North Yorkshire County Council</p> <p>Conservative</p> <p>17.5.2017 – NYCC elections 2021</p>	<p>5 West Park Avenue Newby Scarborough YO12 6HH</p>	<p>Tel: 01723 362427</p> <p>Email: cldr.andrew.backhouse@northyorks.gov.uk</p>
<p>Barrett, Philip</p> <p>North Yorkshire County Council</p> <p>Cllr Barrett is not a member of any NYFRA Political Group. (He is a member of North Yorkshire Independent Political Group within the County Council.)</p> <p>17.5.2017 – NYCC elections 2021</p>	<p>14 Beanlands Drive Glusburn Keighley BD20 8PZ</p>	<p>Tel: 01535 636910</p> <p>Email: cldr.philip.barrett@northyorks.gov.uk</p>

Name, Constituent Council, Political Group and Term of Appointment	Postal Address	Telephone Numbers, Fax Number and Email address
<p>Blades, David</p> <p>North Yorkshire County Council</p> <p>Conservative</p> <p>17.5.2017 – NYCC elections 2021</p>	<p>Greenways Bullamoor Road Northallerton North Yorkshire DL6 3QW</p>	<p>Tel: 07889 747325</p> <p>Email: cllr.david.blades@northyorks.gov.uk</p>
<p>Ireton, David</p> <p>North Yorkshire County Council</p> <p>Conservative</p> <p>17.5.2017 – NYCC elections 2021</p>	<p>Westfields Chapel le Dale Ingleton via Carnforth North Yorkshire LA6 3JG</p>	<p>Tel: 01524 242435</p> <p>Email: cllr.david.ireton@northyorks.gov.uk</p>
<p>Kramm, Lars</p> <p>City of York Council</p> <p>Cllr Kramm is not a member of any NYFRA Political Group. (He is a member of the Green Group within the City of York Council.)</p> <p>24.5.2018 – CYC Annual Meeting 2019</p>	<p>12 Manor Heath Copmanthorpe York YO23 3SJ</p>	<p>Email: cllr.lkramm@york.gov.uk</p>
<p>Lumley, Stanley</p> <p>North Yorkshire County Council</p> <p>Conservative</p> <p>17.5.2017 – NYCC elections 2021</p>	<p>Lyndene Bewerley Pateley Bridge Harrogate North Yorkshire HG3 5HS</p>	<p>Tel: 01423 712036</p> <p>Email: cllr.stanley.lumley@northyorks.gov.uk</p>

Name, Constituent Council, Political Group and Term of Appointment	Postal Address	Telephone Numbers, Fax Number and Email address
<p>Martin, Stuart, MBE North Yorkshire County Council Conservative 17.5.2017 – NYCC elections 2021</p>	<p>12 Deep Ghyll Walk Ripon North Yorkshire HG4 1RL</p>	<p>Tel: 01765 601218 Email: cllr.stuart.martin@northyorks.gov.uk</p>
<p>Myers, Danny City of York Council Labour 24.5.2018 – CYC Annual Meeting 2019</p>	<p>c/o West Offices City of York Council Station Rise York YO1 6GA</p>	<p>Tel: 07419209928 Email: cllr.dmyers@york.gov.uk</p>
<p>Pearson, Chris North Yorkshire County Council Conservative 17.5.2017 – NYCC elections 2021</p>	<p>31 Fir Tree Lane Thorpe Willoughby Selby North Yorkshire YO8 9PG</p>	<p>Tel: 01757 704202 Email: cllr.chris.pearson@northyorks.gov.uk</p>
<p>Randerson, Tony North Yorkshire County Council Labour 17.5.2017 – NYCC elections 2021</p>	<p>32 Ashville Avenue Scarborough North Yorkshire YO12 7NF</p>	<p>Tel: 07926 226904 Email: <u>cllr.tony.randerson@northyorks.gov.uk</u></p>
<p>Richardson, Tony City of York Council Conservative 24.5.2018 – CYC Annual Meeting 2019</p>	<p>153 York Road Haxby York YO32 3EU</p>	<p>Tel: 07889 428528 Email: cllr.trichardson@york.gov.uk</p>

Name, Constituent Council, Political Group and Term of Appointment	Postal Address	Telephone Numbers, Fax Number and Email address
<p>Swiers, Helen</p> <p>North Yorkshire County Council</p> <p>Conservative</p> <p>17.5.2017 – NYCC elections 2021</p>	<p>Bickley Gate House Langdale End Bickley Scarborough North Yorkshire YO13 0LL</p>	<p>Tel: 01723 882438</p> <p>Email: cllr.helen.swiers@northyorks.gov.uk</p>
<p>Webber, Geoff</p> <p>North Yorkshire County Council</p> <p>Liberal Democrat</p> <p>17.5.2017 – NYCC elections 2021</p>	<p>1 Burnside Drive Harrogate North Yorkshire HG1 2BH</p>	<p>Tel: 01423 560378</p> <p>Email: cllr.geoff.webber@northyorks.gov.uk</p>
<p>Windass, Robert</p> <p>North Yorkshire County Council</p> <p>Conservative</p> <p>17.5.2017 – NYCC elections 2021</p>	<p>12 Harness Lane Boroughbridge York North Yorkshire YO51 9PF</p>	<p>Tel: 01423 323928</p> <p>Email: cllr.robert.windass@northyorks.gov.uk</p>

There are two non-voting Members on the Authority. They are:-

1. Howley, Steve (North Yorkshire Fire Brigades Union)
2. Mulligan, Julia (North Yorkshire Police and Crime Commissioner)

AUTHORITY MEMBERS' AND SUBSTITUTE MEMBERS' NAMES AND POLITICAL GROUPS

1. Membership:

County Councillors (12)	
1. Arnold, Val	Conservative
2. Backhouse, Andrew (Chairman)	Conservative
3. Barrett, Philip	<i>Not in a NYFRA Political Group*</i>
4. Blades, David	Conservative
5. Ireton, David	Conservative
6. Lumley, Stanley	Conservative
7. Martin, Stuart, MBE	Conservative
8. Pearson, Chris	Conservative
9. Randerson, Tony	Labour
10. Swiers, Helen	Conservative
11. Webber, Geoff	Liberal Democrat
12. Windass, Robert	Conservative
City Councillors (4)	
1. Aspden, Keith	Liberal Democrat
2. Kramm, Lars	<i>Not in a NYFRA Political Group**</i>
3. Myers, Danny	Labour
4. Richardson, Tony (Vice-Chairman)	Conservative
Non-voting Members (2) ***	
1. Howley, Steve (North Yorkshire Fire Brigades Union)	
2. Mulligan, Julia (North Yorkshire Police and Crime Commissioner)	

* *County Councillor Philip Barrett is a member of North Yorkshire Independent Political Group at North Yorkshire County Council.*

** *City Councillor Lars Kramm is a member of the Green Political Group at City of York Council.*

*** *NYFRA decided, on 13 December 2017, that the two non-voting Members and their Substitutes:- (a) shall not be eligible to claim the Basis Allowance or travelling and subsistence allowances under NYFRA's Members' Allowances Scheme; and (b) shall not be required to complete an undertaking to be bound by the NYFRA's Code of Conduct or to register their interests in NYFRA's Register of Members' Interests.*

Voting Members' Political Composition:

Conservative	10
Labour	2
Liberal Democrat	2
Members not in a NYFRA Political Group	<u>2</u>
Total	<u>16</u>

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

2. **Substitute Members – North Yorkshire County Council**

Substitutes for Conservative County Councillors 1. Jeffels, David 2. Moorhouse, Heather 3. Patmore, Caroline	Substitute for County Councillor Geoff Webber 1. Griffiths, Bryn
Substitute for County Councillor Tony Randerson 1. Colling, Liz	Substitute for County Councillor Philip Barrett 1. Blackie, John

3. **Substitute Members – City of York Council**

Substitute for City Councillor Tony Richardson 1. Steward, Chris	Substitute for City Councillor Keith Aspden 1. Waller, Andrew
Substitute for City Councillor Danny Myers 1. Funnell, Tina	Substitute for City Councillor Lars Kramm 1. D'Agorne, Andy

4. **Non-voting Substitute for Steve Howley (North Yorkshire FBU)**

Lee, Adam

5. **Non-voting Substitute for Julia Mulligan (North Yorkshire PCC)**

Naylor, Will

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

AUDIT AND PERFORMANCE REVIEW COMMITTEE

1. Membership:

	Name	NYFRA Political Group	Constituent Council
1.	Arnold, Val	Con	NYCC
2.	Barrett, Philip	<i>Not in a NYFRA Political Group</i>	NYCC
3.	Blades, David (Chairman)	Con	NYCC
4.	Ireton, David	Con	NYCC
5.	Kramm, Lars	<i>Not in a NYFRA Political Group</i>	CYC
6.	Lumley, Stanley	Con	NYCC
7.	Myers, Danny	Lab	CYC
8.	Richardson, Tony (Vice-Chairman)	Con	CYC
9.	Swiers, Helen	Con	NYCC
10.	Webber, Geoff	Lib Dem	NYCC
11.	Windass, Robert	Con	NYCC

Political Composition:	Conservative	7
	Labour	1
	Lib Dem	1
	Members not in a NYFRA Political Group	<u>2</u>
	Total	<u>11</u>

Quorum: 4. If it is not possible for any Authority Member from a constituent Council to be present at a meeting of a Committee or Sub-Committee, any Authority Member from that Council may request that particular business is not considered at that meeting. Such requests must be made to the Secretary to the Authority by no later than midday on the working day prior to the meeting. Where such a request is received, the business will not be considered until a Member from that constituent Council can be present. (Standing Order 27(3))

2. Audit and Performance Review Committee Substitute Members:

Conservative Group		Lib Dem Group	
1.	Pearson, Chris	1.	Aspden, Keith
2.	Martin, Stuart, MBE		
3.	Backhouse, Andrew		
Labour Group			
1.	Randerson, Tony		

Term of Reference of Audit and Performance Review Committee

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

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

Schedule of Meetings and Business of the Audit and Performance Review Committee

Timing of Meeting	Specific Business
Late April	<ul style="list-style-type: none"> • External Audit Plan • Internal Audit Plan • Corporate Governance Monitoring Report • Annual Governance Statement • Annual Review of Risk Management • Work of the Governance Groups • Actions taken under delegated authority • Internal Audit Progress report (including Annual Opinion) • Treasury Management • LGA Fire Services Management Committee Minutes (subject to requests for confidentiality)
Late June	<ul style="list-style-type: none"> • Members' Meeting with the Head of Internal Audit (to be held either before or after the Committee's formal meeting) • Members' Meeting with External Audit (to be held either before or after the Committee's formal meeting) • Outturn Performance Report • Outturn Corporate Work Plan • Annual feedback on the Environmental Strategy • Internal Audit Progress report • Treasury Management Outturn • LGA Fire Services Management Committee Minutes (subject to requests for confidentiality)
Late September	<ul style="list-style-type: none"> • Statement of Final Accounts • Annual Completion Report – External Auditor • Reviews of Standing Orders, Financial Regulations • Review of Members' Development Programme • Risk Register • Performance Progress report • Corporate Work Plan Progress • Internal Audit Progress Report • Annual Report on Members' Attendance Records • Treasury Management • LGA Fire Services Management Committee Minutes (subject to requests for confidentiality)
Early December	<ul style="list-style-type: none"> • Annual Audit Letter – External Auditor • Partnership Evaluation • Performance Progress Report • Corporate Work Plan progress • Risk Register • Internal Audit Progress Report • Treasury Management mid year review • LGA Fire Services Management Committee Minutes (subject to requests for confidentiality)

Amended 22 June 2016

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

STANDARDS SUB-COMMITTEE OF THE AUDIT AND PERFORMANCE REVIEW COMMITTEE

1. Membership:

Note: Sub-Committee Members and Substitute Members must be Members of the Audit and Performance Review Committee

	Name	NYFRA Political Group	Constituent Council
1.	Blades, David (Vice-Chairman)	Con	NYCC
2.	Richardson, Tony (Chairman)	Con	CYC
3.	Webber, Geoff	Lib Dem	NYCC

Note: The Authority, on 20 June 2012, resolved “That the Independent Persons not be co-opted members on any committee or sub-committee which has standards functions delegated to it under the new framework, but be invited to its meetings” and “That the Independent Persons be reimbursed for travelling and expenses”.

The Authority appointed, for a term of four years with effect from 1 July 2016, Mr Phil Beavers and Mrs Shirley Chapman as Independent Persons for standards and Mr Ronald Humphrys as Substitute Independent Person for Standards to act in any absence of both Mr Phil Beavers and Mrs Shirley Chapman, and to attend meetings of the Standards Sub-Committee in the absence of either Mr Phil Beavers or Mrs Shirley Chapman.

2. Substitute Membership: see overleaf

Political Composition:	Conservative	2
	Labour	0
	Lib Dem	1
	Members not in a NYFRA Political Group	<u>0</u>
	Total	<u>3</u>

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

2. Standards Sub-Committee Substitute Members:

Note: Sub-Committee Substitute Members must be Members of the Audit and Performance Review Committee.

Conservative Group	Lib Dem Group
1. Arnold, Val 2. Ireton, David	1. Kramm, Lars <i>(who is not in a NYFRA political group but was appointed to this position, having been nominated by NYFRA's Lib Dem Group)</i>

Terms of Reference of the Standards Sub-Committee of the Audit and Performance Review Committee

1. To be responsible for standards and standards complaint handling issues.
2. To have a role in relation to issues raised by or in relation to persistent and/or vexatious complainants.
3. To grant dispensations to Members and Co-opted Members under the Local Ethical Framework, after consultation with the Independent Person. (Power to grant dispensations has been delegated to the Monitoring Officer, after consultation with the Independent Person, where the timescales are such that a Standards Sub-Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards Sub-Committee, all of whom consent to the granting of the dispensation.)

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

APPEALS COMMITTEE

1. **Membership:**

	Name	NYFRA Political Group	Constituent Council
1.	Arnold, Val	Con	NYCC
2.	Blades, David	Con	NYCC
3.	Randerson, Tony	Lab	NYCC

2. **Substitute Membership:** see overleaf

Political Composition:	Conservative	2
	Labour	1
	Lib Dem	0
	Members not in a NYFRA Political Group	<u>0</u>
	Total	<u>3</u>

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

2. **Appeals Committee Substitute Members:**

Conservative Group	
1.	Ireton, David
2.	Lumley, Stanley
Labour Group	
1.	Myers, Danny

Terms of Reference of the Appeals Committee

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

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

Notes:

- 1. No Member who has previously been involved in the consideration of a particular case shall sit on the Appeals Committee which hears the appeal against the decision.
- 2. Members' time commitment – See Minute 16 of 26 June 2013

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

APPOINTMENTS COMMITTEE

1. **Membership:**

	Name	NYFRA Political Group	Constituent Council
1.	Aspden, Keith	Lib Dem	CYC
2.	Backhouse, Andrew	Con	NYCC
3.	Blades, David	Con	NYCC
4.	Randerson, Tony	Lab	NYCC
5.	Richardson, Tony	Con	CYC

2. **Substitute Membership:** see overleaf

Political Composition:	Conservative	3
	Labour	1
	Lib Dem	1
	Members not in a NYFRA Political Group	<u>0</u>
	Total	<u>5</u>

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

2. Appointments Committee Substitute Members:

Conservative Group	Lib Dem Group
1. Swiers, Helen 2. Windass, Robert 3. Ireton, David	1. Webber, Geoff
Labour Group	
1. Myers, Danny	

Terms of Reference of the Appointments Committee

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

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

COLLABORATION COMMITTEE

Membership:

Voting:-

Chairman of NYFRA (with one vote)

North Yorkshire Police and Crime Commissioner who, on becoming a member of NYFRA, shall have one vote. Her Substitute is Will Naylor. Note: A formal process needs to be undertaken by NYFRA to accept the PCC onto the Authority and appoint her to the Collaboration Committee once the legislation is enacted to allow that to happen. In the meantime, the arrangements are being operated in a 'shadow' form.

Three Non-voting Members of NYFRA:-

One Conservative NYFRA Member – County Councillor David Blades
One Labour NYFRA Member – City Councillor Danny Myers
One Liberal Democrat NYFRA Member – City Councillor Keith Aspden

Substitutes:-

Conservative – City Councillor Tony Richardson
Labour – County Councillor Tony Randerson
Liberal Democrat – County Councillor Geoff Webber

Non-voting representatives from other organisations:-

North Yorkshire Police and Crime Commissioner or her representative. Her Substitute is Will Naylor
North Yorkshire Chief Constable or his representative
One representative from Yorkshire Ambulance Service
Steve Howley (North Yorkshire Fire Brigades Union). His Substitute is Adam Lee
One representative from the local NYFRS branch of UNISON plus a Substitute.
(Nominations awaited as at 23 May 2018)
Representatives from other partners eg other Fire and Rescue Authorities, health sector, local authorities

Notes:

- (a) The Collaboration Committee has authority to make decisions on behalf of NYFRA.
- (b) The Police and Crime Commissioner, the Chief Constable, and all partners will continue to be sovereign for their own decision making. The Collaboration Committee enables them to influence NYFRA's decision making.
- (c) It is not envisaged that decision-making from the Police and Crime Commissioner, the Chief Constable or partner organisations will be delegated to the Collaboration Committee.
- (d) The Committee meets frequently to enable decisions to be taken quickly and to ensure that the focus on delivering collaboration is maintained.

- (e) The Committee has a wider remit than the statutory duty to collaborate across emergency services. It therefore allows NYFRA to explore collaboration as wide and as deep as possible.
- (f) The Committee has an informal style of meeting in which partners can fully contribute to the decisions to allow a more integrated approach to collaboration.
- (g) NYFRA has agreed to waive its Standing Order and other requirements relating to the Collaboration Committee's membership, political composition and quorum.

Proposed Terms of Reference for the Collaboration Committee:

The following proposed terms of reference are subject to changes requested by partner organisations. NYFRA has delegated authority to its Monitoring Officer to change the terms of reference, if necessary, should a partner organisation make such a request.

1. Act as a Strategic Board to deliver the Fire Service's Collaboration Mission of realising the full potential of collaboration by the FRS with a wide range of partners to deliver excellent public safety and wellbeing outcomes for the citizens of York and North Yorkshire in the most efficient and effective way.
2. To oversee collaboration by the Fire Service with blue light services and other partner organisations and to oversee the collaboration work strategy.
3. To consider reports on progress towards budget savings created by collaboration on operational issues and shared premises.
4. To consider proposals created by an Officer led project group to collaborate wherever possible and to have decision making powers from the Authority to authorise collaboration projects regarding:
 - a. Public Safety
 - b. Estates
 - c. Support Services
 - d. Procurement
5. To consider any potential opportunities to make savings by short or long term proposals and enter into collaboration agreements.
6. To make decisions on behalf of and to make recommendations to the Authority about potential collaboration opportunities.
7. To act as a forum to consider the statutory duty to collaborate.

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

PENSION BOARD

North Yorkshire Fire and Rescue Authority's Pension Board was established wef 1 April 2015 in accordance with statutory requirements set out in the Public Service Pensions Act 2013.

The purpose of the Board is to assist the Authority in its role as a scheme manager of the Fire Fighters' Pension Scheme. Such assistance is to:

- (a) 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) ensure the effective and efficient governance and administration of the Scheme.

The Pension Board comprises six members (3 employer and 3 employee representatives). Substitutes are permitted. The members and substitutes are listed below:-

1. Membership:

	Name	Representing
1.	Bell, Alan	Member representative – Fire Officers' Association
2.	Foster, Jonathan	Employer representative
3.	Howley, Steve	Member representative – Fire Brigades Union
4.	Rushworth, Jez (Chair)	Employer representative
5.	Simpson, Stuart	Employer representative
6.	Wall, Simon	Member representative – Fire Brigades Union

2. Substitute Membership:

	Name	Representing
	Biggs, Alistair	Fire Brigades Union
	Blades, Andrew	Fire Officers' Association
	Dryburgh, Dave	Employer

The Board's meeting papers, excluding any personal or confidential information, are published on North Yorkshire Fire and Rescue Service's website.

The Board is not a committee constituted under Section 101 of the Local Government Act 1972.

Terms of Reference of the Pension Board

Statement of purpose

1. The purpose of the Board is to assist North Yorkshire Fire and Rescue Authority in its role as a scheme manager of the Fire Fighters Pension Scheme. Such assistance is to:
 - (a) 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) ensure the effective and efficient governance and administration of the Scheme.

Duties of the Board

2. The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members:
 - (a) Should act always in the interests of the scheme and not seek to promote the interests of any stakeholder group above another.
 - (b) Should be subject to and abide by the Code of Conduct for Pension Board Members.

Membership

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

Member representatives

3. Three member representatives, nominated by the representative bodies, shall be appointed to the Board. For the start of each term of office described in paragraph 23, one seat shall be offered to each of the three representative bodies listed below except that, in the event that one or more representative bodies chooses not to take the seat offered, the Chief Fire Officer/Chief Executive is empowered to offer that seat to one of the other representative bodies.
 - Fire Brigades Union
 - Retained Firefighters Union
 - Fire Officers Association.
4. Member representatives shall either be members of the scheme administered by North Yorkshire Fire and Rescue Authority or have experience of representing pension scheme members in a similar capacity.
5. Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

Employer representatives

6. Three employer representatives shall be appointed to the Board.
7. Employer representatives shall be office holders or senior employees of North Yorkshire Fire and Rescue Authority or have experience of representing scheme employers in a similar capacity. Office holders or employees of North Yorkshire Fire and Rescue Authority with delegated responsibility for discharging the scheme manager function of North Yorkshire Fire and Rescue Authority may not serve as employer representatives.
8. Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
9. Employer representatives shall be appointed by North Yorkshire Fire and Rescue Authority in a manner which it considers best promotes the purpose of the Board.

Substitute Members

10. Named Substitute Members may be appointed by North Yorkshire Fire and Rescue Authority to attend and vote at meetings of the Pension Board in the absence of a Member Representative or an Employer Representative. Training will be provided for named Substitute Members.

Other members

11. No other members shall be appointed to the Board by North Yorkshire Fire and Rescue Authority or the Board

Appointment process

12. The Chief Fire Officer/Chief Executive, or his nominee, will contact all office holders and senior employees of the Authority who meet the eligibility criteria in paragraphs 6-9, or the relevant representative body listed at paragraph 3, to inform them of the Pension Board arrangements and to canvass interest whenever appointments to the Pension Board are required. Following the receipt of applications from office holders and senior employees of the Authority, the Administering Authority will arrange an independent as possible appointment process. This process will include assessing information supplied by candidates in support of their application and may be supplemented by interviews as appropriate. Successful applications, and nominations from the representative bodies, will be submitted to North Yorkshire Fire and Rescue Authority for formal appointment.

Appointment of Chair

13. The Chair of the Pension Board will be an employer representative. The first Chair will be appointed by the Board from amongst its own membership. Thereafter North Yorkshire Fire and Rescue Authority shall, annually in June, appoint the Pension Board's Chair.
14. The Board shall not have a Vice-Chair.

15. The Chair shall be responsible for ensuring that the Board meets its purpose, that meetings are properly conducted, decision making is clear, and professional advice is followed. The Chair shall agree the agenda and approve the minutes for each meeting. The Chair will also be responsible for ensuring that Board members have the knowledge and understanding specified in paragraph 20 of these terms of reference.

Conflicts of interest

16. The Pension Board shall always act within its terms of reference.
17. The Pension Board shall have a Conflicts Policy for its members for identifying, monitoring and managing conflicts of interest. Members of the Pension Board shall abide by the Conflicts Policy and provide information specified in paragraphs 18 and 19 of this terms of reference.
18. All members of the Board must declare to North Yorkshire Fire and Rescue Authority on appointment and at any such time as their circumstances change any potential conflict of interest arising as a result of their position on the Board.
19. On appointments to the Board and following any subsequent declaration of potential conflict North Yorkshire Fire and Rescue Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of North Yorkshire Fire and Rescue Authority and the requirements of the Pensions Regulators codes of practice on conflict of interest for Board members.

Knowledge and understanding (including Training)

20. Knowledge and understanding must be considered in light of the role of the Board to assist North Yorkshire Fire and Rescue Authority in line with the requirements outlined in section 2 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.
21. 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.
22. 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.

Term of office

23. Member Representatives and Employer Representatives appointed to the Pension Board during 2015 shall serve on the Board until the date of the local government elections in 2017. Thereafter, Pension Board Members will serve for a term of four years, ceasing on the date of the local government elections during that fourth year. Pension Board Members may either retire from the

Board or seek appointment/nomination for an additional term if they continue to fulfil the eligibility criteria set out in paragraphs 4 - 5 for Member Representatives or paragraphs 7 - 8 for Employer Representatives.

24. Any casual vacancies which arise on the Pension Board shall be filled for the remainder of the term set out in paragraph 23.
25. Board membership may be terminated prior to the end of the term of office due to:
 - (a) A member representative appointed on the basis of their membership of the scheme no longer being a member of the scheme
 - (b) A member representative no longer being a member of the body on which their appointment relied
 - (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied
 - (d) where there is a conflict of interest which cannot be managed in accordance with the Pension Board's Conflicts of Interest Policy
 - (e) The representative fails to attend meetings, undertake training or otherwise comply with the requirements of being a Pension Board Member.

Meetings

26. The Board shall as a minimum meet once a year.
27. The Scheme Manager, or the Chair of the Board with the consent of three other Board Members, may call a special meeting. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails. The Secretary to North Yorkshire Fire and Rescue Authority, or his nominee, shall be included in all such communications between Pension Board Members.

Quorum

28. The total number of members required to be present for a meeting to be quorate is four (which includes an equal number of member and employer representatives)

Voting

29. Each Pension Board Member who is a Member Representative or an Employer Representative will have an individual voting right but it is expected that the Pension Board will, as far as possible, reach a consensus.
30. The Chair shall determine when consensus has been reached.
31. Where consensus is not achieved this should be recorded by the Chair.
32. In support of its core functions the Board may make a request for information to the Fire and Rescue Authority with regard to any aspect of the scheme manager function. Any such a request should be reasonably complied with in both scope and timing.

33. In support of its core functions the Board may make recommendations Fire and Rescue Authority which should be considered and a response made to the Board on the outcome within a reasonable period of time.

Role of Advisors

34. The Board will be supported in its role and responsibilities by North Yorkshire Fire and Rescue Authority through advice and support as appropriate. Any requests made by the Board shall be considered in accordance with paragraph 33 of these terms of reference.

Role of Officers

35. Officers will support the Pension Board.

Board Meetings – Notice, Minutes and Reporting

36. The Secretary to North Yorkshire Fire and Rescue Authority shall give notice to all Pension Board Members of every meeting of the Pension Board and shall ensure that a formal record of Pension Board proceedings is maintained. Following the approval of the minutes by the Chair of the Board, the minutes shall be circulated to all Pension Board Members.
37. The Pension Board is a committee of North Yorkshire Fire and Rescue Authority which is a FOIA public authority. Minutes should be carefully dealt with and separated as appropriate into open and closed business, so that open minutes can be published promptly.
38. The minutes of each meeting of the Pension Board will be submitted for consideration at the next available meeting of North Yorkshire Fire and Rescue Authority. In addition, if the Pension Board has concerns which are sufficiently serious, those concerns will be reported immediately to the Chief Fire Officer/Chief Executive and North Yorkshire Fire and Rescue Authority's Monitoring Officer. Such concerns may include a fundamental breach of the Regulations or a fundamental failure by the Scheme Manager to ensure the effective governance of the Scheme. The Pension Board may escalate concerns via the Scheme Advisory Board or the Responsible Authority where internal channels are not appropriate. It may be appropriate for the Pension Board to report serious concerns to the Regulator.
39. The Pension Board has no power to set up working groups or sub-boards.

Resources and Funding

40. The Pension Board shall be provided with adequate resources to fulfil its task.
41. Pension Board Members' expenses shall be met from other budgets.
42. North Yorkshire Fire and Rescue Authority shall meet the cost of secretarial support to the Pension Board and any necessary advisory support.
43. The Pension Board may access any budget it requires for professional advice, training, or for other relevant purpose, by making application,

submitted by the Chair on behalf of the Board, to the Chief Fire Officer/Chief Executive.

Data Protection

44. North Yorkshire Fire and Rescue Authority is a 'data controller' under data protection legislation. The Pension Board is not a separate legal entity and shall comply with the Authority's data protection policies. The Pension Board shall also ensure personal data processing by the Pension Board is within the Authority's notification registered with the Information Commissioner. Information records created or obtained by the Pension Board are accessible under the Freedom of Information Act 2000.

Updating the Pension Board Terms of Reference

45. These terms of reference will be reviewed regularly by the Pension Board. Significant amendments must be agreed by North Yorkshire Fire and Rescue Authority. General updating and housekeeping can be approved by the Chief Fire Officer/Chief Executive without the need to seek the Authority's approval.

Interpretation

46. In these terms 'the Scheme' means the Firefighters' Pension Scheme.
47. In these terms Regulations means the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended and the Firefighters' Pension Scheme Regulations 2014 as amended.
48. In these terms 'regulations' include the Firefighters' Pension Scheme 1992, as amended, the Firefighters' Pension Scheme 2006, as amended, the Firefighters' Pension Scheme Regulations 2014 as amended, the Pension Regulators Codes of Practice as they apply to the scheme manager and pension board and any other relevant legislation applying to the Scheme.

23 September 2015

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

THE APPROVED SCHEME

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

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

MEMBER FORUMS, INFORMAL WORKING GROUPS AND LEAD MEMBERS

1. Member Forums:

At present, there are no Member Forums.

Note:

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

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

2. Informal Working Groups:

Informal Working Group to Appraise the Chief Fire Officer:-

- Authority Chairman
- Authority Vice-Chairman

3. Lead Members:

- Risk Assessment – Chairman of Audit and Performance Review Committee
- Equality and Diversity – City Councillor Danny Myers
- Health and Safety – City Councillor Tony Richardson
- Collaboration – County Councillor David Blades

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**OUTSIDE BODIES TO WHICH
NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY
MAKES APPOINTMENTS**

**Representatives appointed to serve until the date of
the Authority's meeting in June 2018**

Outside Body	Number of Seats	2016/17 Representative
Yorkshire and Humber (Local Authorities) Employers' Association	1	Chairman of the Authority
North Yorkshire Police and Crime Panel	2 (non-voting)	Chairman and Vice-Chairman of the Authority
LGA's Fire Commission	1	Chairman of the Authority
Craven (Community Safety) Local Delivery Group	1	County Councillor David Ireton
Hambleton and Richmondshire (Community Safety) Local Delivery Team	1	County Councillor David Blades
Harrogate District Community Safety Group	1	County Councillor Stuart Martin MBE
Ryedale (Community Safety) Local Delivery Team	1	County Councillor Val Arnold

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DATES OF AUTHORITY, COMMITTEE AND SUB-COMMITTEE MEETINGS AND MEMBERS' SEMINARS

(as at 24 May 2018)

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

Authority:-

- Friday 16 February 2018 at 11.00am
- Wednesday 27 June 2018 at 11.00am
- Friday 28 September 2018 at 11.00am
- Wednesday 19 December 2018 at 11.00am
- Friday 22 February 2019 at 11.00am

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

- Friday 16 February 2018 at 9.30am and concluding at 10.30am
- Wednesday 27 June 2018 at 9.30am and concluding at 10.30am
- Friday 28 September 2018 at 9.30am and concluding at 10.30am
- Thursday 6 December 2018 at 10.00am and concluding at 12.30pm
- Friday 22 February 2019 at 9.30am and concluding at 10.30am

Note: There is no Members' Seminar in December in each year.

Audit and Performance Review Committee:-

- Wednesday 25 April 2018 at 2.30pm, or on the rising of the Standards Sub-Committee, whichever is the later
- Wednesday 25 July 2018 at 2.30pm, with a private informal meeting with the auditors at 2pm
- Friday 28 September 2018 at 1.00pm, or immediately following lunch after the Authority's meeting, whichever is the later
- Wednesday 19 December 2018 at 1.00pm, or immediately following lunch after the Authority's meeting, whichever is the later

Standards Sub-Committee:-

- Wednesday 25 April 2018 at 2.00pm
- Wednesday 19 December 2018 at 10am

Steering Group (*not open to the public*):-

- Monday 5 February 2018 at 3.00pm
- Wednesday 13 June 2018 at 10.30am
- Monday 17 September 2018 at 3.00pm
- Thursday 6 December 2018 at 1.30pm

Collaboration Committee:-

- Thursday 15 February 2018 at 10.00am
- Thursday 12 April 2018 at 10.00am
- Monday 30 July 2018 at 2.00pm

Appeals Committee) meetings are arranged when necessary
Appointments Committee)

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ETHICAL STATEMENTS

Statement of the Authority's stance on Ethical Standards:-

'North Yorkshire Fire and Rescue Authority believes in a strong ethical organisational culture. It aims to promote the highest levels of conduct by its members and officers, to increase public trust in the delivery of its vision and objectives, by:

- maintaining openness and transparency in conducting its business;
- being accountable for all it says and does;
- ensuring everyone knows what is expected of them;
- offering appropriate training and development programmes; and
- promoting the work of its Standards Sub-Committee.'

Chief Fire Officer/Chief Executive and Leading Member Statement on Ethical Standards:-

'Standards of behaviour within the Authority are regulated by Codes of Conduct and the ethical framework introduced under the Localism Act 2011. The Authority is proactive in promoting and maintaining high standards of conduct through its Standards Sub-Committee.

Whilst standards of behaviour within the Authority are generally excellent, there is no room for complacency. We fully subscribe to the principles underpinning the ethical framework and expect all members and officers to do the same. We are both committed to working together to lead by example and to upholding the ethical wellbeing and effective governance of the Authority.'

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CODE OF CONDUCT FOR MEMBERS OF NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

This Code sets out the standards of behaviour required of you whenever you are acting as a Member of North Yorkshire Fire and Rescue Authority or as a voting co-opted Member on one of its committees ("Members").

You must sign an Undertaking to comply with this Code of Conduct before acting as a Member or voting co-opted Member.

The Code has been adopted by the Authority and also requires compliance with the general principles of public life set out at the end of the document. The Authority's Audit and Performance Review Committee has established a Standards Sub-Committee, consisting of Members of the Authority, to deal with any allegations of breaches of the Code.

1. You must not treat others with disrespect.
2. You must not do anything which may cause the Authority to breach any equality enactment.
3. You must not bully or intimidate any person, or attempt to bully or intimidate them.
4. You must not do anything which compromises the impartiality of anyone who works for or on behalf of the Authority, or do anything that is likely to compromise their impartiality.
5. You must not disclose information which is given to you in confidence or which you believe is of a confidential nature, or ought reasonably to be aware is of a confidential nature, unless:
 - You have the permission of a person authorised to give it; or
 - You are required by law to disclose the information; or
 - You disclose it to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - The disclosure is reasonable; and is in the public interest; and is made in good faith; and is only made after having complied with any reasonable requirements of the Authority to delay disclosure or to maintain confidentiality.

Before disclosing any information under this paragraph, you must consult the Monitoring Officer and/or the Chief Fire Officer/Chief Executive.

6. You must not prevent another person gaining access to information which that person is entitled to by law.
7. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority into disrepute, or your position as a Member into disrepute.

8. You must not use your position as a Member improperly to obtain any advantage or disadvantage for yourself or any other person, or attempt to do so.
9. You must not take part in the scrutiny of any decision you have been involved in making – except that you may provide evidence or opinion to those undertaking any scrutiny process.
10. You must not accept any gift or hospitality which could reasonably be perceived as creating an obligation upon the Authority, or upon yourself as a Member, If you do accept any gift or hospitality which might be attributable to your membership of the Authority (other than the refreshments which might usually be expected at an Authority meeting or civic function) you must disclose this, or any offer of such gift or hospitality, to the Monitoring Officer.
11. You must act in accordance with the Authority's guidance or requirements when using the resources of the Authority (such as officer time, IT and copying equipment, or physical materials), or when authorising others to use them, and must ensure that those resources are not used improperly for political or other purposes.
12. You must have regard to relevant advice given by the Authority's Chief Financial Officer or Monitoring Officer when making decisions and must give reasons for those decisions, in accordance with any requirements imposed by statute or the Authority.
13. You must comply with the following sections of this Code, which relate to registering and declaring in meetings certain interests you may have. This includes complying with any standing order adopted by the Authority which requires Members to leave the room during any meeting at which a matter in which they have a disclosable pecuniary interest is being discussed.

INTERESTS

Disclosable Pecuniary Interests

14. (1) A pecuniary interest is a "disclosable pecuniary interest" in relation to you if it is of a description specified in regulations (and listed in Appendix 1) and either:
 - (a) it is your interest; or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you are civil partners;

and you are aware that that other person has the interest.

Disclosure of pecuniary interests on taking office

15. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Authority, notify the Monitoring Officer of any disclosable pecuniary interests which you have at the time when the notification is given.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards disclosable pecuniary interests not entered in the Authority's register when the notification is given.
- (3) Where you give a notification for the purposes of sub-paragraph (1), the Monitoring Officer is to cause the interests notified to be entered in the Authority's Register of Members' Interests ("the Register") (whether or not they are disclosable pecuniary interests).
- (4) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new disclosable pecuniary interest or change to any interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.

Pecuniary interests in matters considered at meetings

16. (1) Sub-paragraphs (2) to (4) apply if you:
- (a) are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority;
 - (b) have a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting; and
 - (c) are aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the Authority's Register, you must disclose the interest to the meeting, but this is subject to this Code's provisions on sensitive interests.
- (3) If the interest is not entered in the Authority's Register and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.
- (4) You may not:
- (a) participate, or participate further, in any discussion of the matter at the meeting; or
 - (b) participate in any vote, or further vote, taken on the matter at the meeting;

but this is subject to this Code's provisions on dispensations.

- (5) Where you give a notification for the purposes of sub-paragraph (3), the Monitoring Officer is to cause the interest notified to be entered in the Register (whether or not it is a disclosable pecuniary interest).
- (6) The Authority's Standing Orders provide for the exclusion of a member or co-opted member of the Authority from a meeting while any discussion or vote takes place in which, as a result of the operation of sub-paragraph (4), the member or co-opted member may not participate.
- (7) An interest is "subject to a pending notification" if:
 - (a) the interest has been notified to the Monitoring Officer, but
 - (b) has not been entered in the Register in consequence of that notification.

Other Interests

- 16A. (1) You must, before the end of 28 days beginning with the day on which you become a member or co-opted member of the Authority, notify the Monitoring Officer of any interests other than disclosable pecuniary interests of a type set out in Appendix 2 which you have at the time when the notification is given. This relates only to your *own* interests.
- (2) Where you become a member or co-opted member as a result of re-election or re-appointment, sub-paragraph (1) applies only as regards interests other than disclosable pecuniary interests of a type set out in Appendix 2 not entered in the Authority's register when the notification is given.
- (3) Subject to paragraph 17 (regarding sensitive interests), you must, within 28 days of becoming aware of any new interests other than disclosable pecuniary interests of a type set out in Appendix 2 or change to any such interest already registered, register details of that new interest or change by providing written notification to the Monitoring Officer.
- (4) Members involved in making a decision on particular business must always bear in mind the rules relating to bias and predetermination and must not participate in, or seek to influence, Authority business where their interests (including those other than disclosable pecuniary interests of a type set out in Appendix 2) may prejudice, or appear to prejudice, their views.

Sensitive interests

17. (1) Sub-paragraphs (2) and (3) apply where:
 - (a) you have an interest (whether or not a disclosable pecuniary interest); and
 - (b) the nature of the interest is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

- (2) If the interest is entered in the Register, copies of the Register that are made available for inspection, and any published version of the Register, must not include details of the interest (but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011).
- (3) If paragraph 16(2) applies in relation to the interest, that provision is to be read as requiring you to disclose not the interest but merely the fact that you have a disclosable pecuniary interest in the matter concerned.

DISPENSATIONS FROM NON-PARTICIPATION

- 18. (1) The Authority may, on a written request made to the Monitoring Officer by you, grant a dispensation (in accordance with the relevant statutory provisions) relieving you from either or both of the restrictions in paragraph 16(4) in cases described in the dispensation.
- (2) Paragraph 16(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

OFFENCES

- 19. (1) You commit a criminal offence if, without reasonable excuse, you:-
 - (a) fail to comply with an obligation imposed on you by paragraph 15(1) or 16(2) or (3); or
 - (b) participate in any discussion or vote in contravention of paragraph 16(4).
 - (2) You commit an offence if under paragraph 15(1) or 16(2) or (3) you provide information that is false or misleading and you:
 - (a) know that the information is false or misleading; or
 - (b) are reckless as to whether the information is true and not misleading.
 - (3) A person who is guilty of such an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
20. **If you are in any doubt as to your position under the Code of Conduct, please consult the Monitoring Officer.**

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APPENDIX 1 TO MEMBERS' CODE OF CONDUCT

DISCLOSABLE PECUNIARY INTERESTS

The pecuniary interests which are specified in regulations as disclosable pecuniary interests are the interests specified in the second column of the Schedule below:

SCHEDULE

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the 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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.**

For these purposes:-

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member (entitled to vote);

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act (the corresponding provision in this Code is paragraph 15(1));

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act (corresponding provision in this Code is paragraph 14(1)(b)), namely:

- M’s spouse or civil partner;
- a person with whom M is living as husband and wife; or
- a person with whom M is living as if they were civil partners;

“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.

APPENDIX 2 TO MEMBERS' CODE OF CONDUCT

INTERESTS OTHER THAN DISCLOSABLE PECUNIARY INTERESTS

The interests other than pecuniary interests which are required by the Authority to be registered in the Register of Members' Interests are set out below:

Membership of Trade Unions/Professional Associations

In accordance with DCLG Guidance, Members are required to register, in the Register of Members' Interests, their membership of any trade union or professional association.

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The Seven Principles of Public Life

Principle	Description
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	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.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	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.
<i>Openness</i>	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.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	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.

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BRIEFING NOTE FOR MEMBERS

Code of Conduct and Ethical Framework under Localism Act 2011

The Authority has implemented a standards regime under the Localism Act 2011 ("the Act") and supporting regulations regarding Member interests.

Authority Members and voting co-opted members on Authority committees ("Members") must comply with the Authority's ethical framework in discharging their duties.

This Briefing Note highlights the key features of the framework.

A. Ethical Framework

Highlights of the ethical framework are as follows:

- (a) The Authority has a statutory duty under the Act to promote and maintain high standards of conduct: This is discharged through mechanisms such as the publication of ethical statements, provision of Member training and Standards Bulletins, promotion of the framework on the Fire Service website, and working with neighbouring authorities where appropriate.
- (b) The Standards Sub-Committee: the Authority's standards functions are delegated to the Audit and Performance Review Committee, with a Sub-Committee of that Committee being responsible for standards and standards complaint handling issues.
- (c) The Members' Code of Conduct: This is consistent with the seven principles of public life, and incorporates the statutory interests regime, governing elected and (voting) co-opted members' conduct when acting in that official capacity (not conduct in private life). Key features of the Code include:
 - general conduct obligations, such as not treating others with disrespect, no bullying, not bringing the Authority into disrepute etc;
 - a requirement for consultation with the Monitoring Officer and/or Chief Fire/Officer/Chief Executive before any disclosure of confidential information permitted by the Code;
 - a requirement to keep the Register of Members' Interests up to date (under the Localism Act, Members must register their interests within 28 days of election/appointment but there is no specific provision under the Act for them to register any changes within 28 days of the change occurring); and
 - a requirement to sign an undertaking to comply with the Code.
- (d) Interests: Members with a Disclosable Pecuniary Interest ("DPI"), described further at B. below, must withdraw from the meeting room.
- (e) Register of Members' Interests: The Register is open to public inspection and records DPis and any other interests specified by the Authority. Currently the

only interests other than DPIs which must be registered are those relating to membership of trade unions or professional associations. By law, the Register must also be published on the Authority's website.

- (f) Independent Persons: Two may be appointed by the Authority (one plus a substitute). The Independent Person's views:
- are sought, and taken into account, by the Authority before it makes its decision on an allegation that it has decided to investigate, and
 - *may be sought—*
 - ❖ by the authority in relation to an allegation in circumstances other than where being investigated;
 - ❖ by a subject member or co-opted member.
- (g) Complaints about Breaches of the Code: The complaint handling process has the following features:
- on the receipt of a written complaint, initial assessment by the Monitoring Officer in consultation with the Independent Person as to whether the complaint requires investigation or whether it could be resolved informally. This enables the filtering out of vexatious and trivial matters and enable matters where, for example, there has been a misunderstanding, or the need for a simple apology, to be dealt with swiftly and effectively. The matter would be referred to the Standards Sub-Committee if the Monitoring Officer considered it inappropriate that s/he should deal with the matter at that stage, for example if there was a conflict of interest, or if there was disagreement between the Monitoring Officer and the Independent Person as to whether the matter required investigation;
 - if it is considered that the matter merits investigation, the complainant be invited within a set timescale to submit all information they wish to submit. The Member subject to the complaint would then be invited to submit all information they wish to be considered in response. The Monitoring Officer would consider whether any further information is needed and take steps so far as possible to secure its production. A report would be prepared;
 - the report would be referred to the Sub-Committee. They would consider whether there has been a breach of the Code. The Independent Person's views would need to be taken into account at this stage and the Monitoring Officer or her representative would advise. The Sub-Committee may consider that the complainant and subject Member could be invited to attend the meeting of the Sub-Committee. The Sub-Committee would then decide upon the matter.
- (h) Dispensations: The Monitoring Officer is the Proper Officer to receive dispensation requests and the Authority has delegated power to the Standards Sub-Committee to deal with them. Power is also delegated to the Monitoring Officer to grant dispensations where the timescales are such that a Standards Sub-Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards Sub-Committee, all of whom consent to the granting of the dispensation.

- A dispensation may be granted to a Member, relieving him/her from either or both of the restrictions upon participation in the discussion and/or participation in the vote, only if, after having had regard to all relevant circumstances, the Sub-Committee:
 - ❖ considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
 - ❖ considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
 - ❖ considers that granting the dispensation is in the interests of persons living in the authority's area; or
 - ❖ considers that it is otherwise appropriate to grant a dispensation.

B. The Interests' Regime

The Act and supporting Regulations prescribe a statutory interests regime, which is reflected in the Code of Conduct for Members.

Key features of the interests' regime are as follows:

- (a) The Code of Conduct must include the provision the authority thinks appropriate in respect of the registration in the Register of Members' Interests and the disclosure of 'pecuniary interests' and 'interests other than pecuniary interests'.
- (b) A pecuniary interest is a "**disclosable pecuniary interest**" if it is of a description below (specified in the regulations):

Any employment, office, trade, profession or vocation carried on for profit or gain.

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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

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—

(a) under which goods or services are to be provided or works are to be executed; and

(b) which has not been fully discharged.

Any beneficial interest in land which is within the area of the relevant authority.

Any licence (alone or jointly with others) to occupy land in the area of the

relevant authority for a month or longer.

Any tenancy where (to M's knowledge)—

(a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

and either —

(a) it is the Member's interest or

(b) an interest of—

(i) the Member's spouse or civil partner

(ii) a person with whom the Member is living as husband and wife, or

(iii) a person with whom the Member is living as if they were civil partners

and the Member is aware that that other person has the interest.

For these purposes, the Regulations provide certain definitions:-

"the Act" means the Localism Act 2011;

"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

"director" includes a member of the committee of management of an industrial and provident society;

"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

"M" means a member of a relevant authority;

"member" includes a co-opted member;

"relevant authority" means the authority of which M is a member;

“*relevant period*” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“*relevant person*” means M or any other person referred to in section 30(3)(b) of the Act;

“*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.

- (c) Registering Member interests: On taking office, the Member/co-opted Member must register their interests within 28 days of election/appointment. On subsequent re-election or re-appointment, only any new interests or changes to interests need be registered (ie there is no need to totally re-register all interests).
- (d) Former Interests and Former Members: An entry does not need to be retained in Register once the person concerned —
- (i) no longer has the interest, or
 - (ii) is (otherwise than transitorily on re-election or re-appointment) no longer a Member/co-opted Member.
- (e) Sensitive Interests: The Act provides for the withholding of publication of ‘**sensitive interests**’ (an interest (whether or not a disclosable pecuniary interest) the nature of which is such that the Member and Monitoring Officer consider that disclosure of the details of the interest could lead to the Member, or a person connected with the Member, being subject to violence or intimidation):
- if the interest is entered in the Register, copies of the Register which are available for inspection and published must not include details of the interest (but may state that the Member has an interest the details of which are withheld under section 32(2) of the Act);
 - if the Member needs to declare a sensitive interest to a meeting (and the interest is not registered in the Register), s/he need only disclose the fact that s/he has a disclosable pecuniary interest in the matter concerned (not the sensitive details).
- (f) Disclosure at meetings (of authority/Committees etc.):
- if a Member is present at a meeting, has a disclosable pecuniary interest in a matter to be/being considered and is aware that s/he has the interest then –
 - ❖ if the interest is not in the Register of Members’ Interests, the Member must disclose it to the meeting (subject to the provisions re sensitive interests) and –
 - ❖ if the interest is also not the subject of a pending notification (where an interest has been notified to the Monitoring Officer but not yet entered

in Register), the Member must notify the Monitoring Officer of the interest within 28 days of disclosure to the meeting.

- In addition, the Member may not:
- ❖ participate/participate further in any discussion on the matter at the meeting;
 - ❖ participate in any vote/further vote taken on the matter at the meeting;
 - ❖ remain in the meeting room whilst the discussion or vote takes place;

unless s/he has a dispensation.

C. **Criminal offences**

A Member commits a criminal offence if, without reasonable excuse, s/he:-

- fails to notify the Monitoring Officer of a disclosable pecuniary interest where required by the Code;
- fails to disclose a disclosable pecuniary interest to a meeting where required by the Code;
- participates in any discussion or vote in contravention of the Code; or
- takes any steps in contravention of the Code (when s/he has a disclosable pecuniary interest in a matter which may be discharged by the member acting alone).

A Member also commits a criminal offence if, in relation to the notification to the Monitoring Officer of a disclosable pecuniary interest or disclosure of such an interest to a meeting, s/he provides information that is false or misleading and s/he –

- knows that the information is false or misleading, or
- is reckless as to whether the information is true and not misleading.

A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Should Members have any queries, please do not hesitate to contact me.

CAROLE DUNN
Monitoring Officer

12 February 2014

DISPENSATIONS GRANTED UNDER PARAGRAPH 18 OF THE CODE OF CONDUCT

Dispensations have been granted to the Members and Substitutes listed below, for the period ending on the date of the County Council elections in 2021, to enable each to speak, vote and be included within the quorum at meetings of the Authority when it is determining issues relating to the award of contracts or service level agreements between the Authority and the Member's/Substitute's constituent authority, or Veritau Ltd, for the provision of work/services.

- *For a current list of Members and Substitutes for whom the above dispensations have been granted, please email Moira.Beighton@northyorks.gov.uk*

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PROTOCOL FOR FIRE AUTHORITY MEMBER VISITS TO OPERATIONAL WORKPLACES

Introduction

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

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

Protocol

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

(Approved by the Authority on 18 December 2006)

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

PROTOCOL FOR MEMBER/OFFICER RELATIONS

1. INTRODUCTION AND PRINCIPLES

Principles

The underlying principles of this Protocol are:

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

Introduction

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

2. **General Points**

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

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

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

Personal and Business Relationships

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

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

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

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

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

5. Use of the Authority's Resources

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

6. Members' Access to Information and Documents

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

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

A Member must not:

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

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

7. Correspondence

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

8. Publicity and Press Releases

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

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

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

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

9. Involvement of Members

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

10. Redress

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

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

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

11. Arbitration

When necessary, the Monitoring Officer will arbitrate on the interpretation of this Protocol following such consultation with the Chairman of the Standards Sub-Committee, Independent Person(s) for Standards and the Chief Fire Officer/Chief Executive Officer as the Monitoring Officer deems to be appropriate.

Amended by the Authority on 22 June 2016

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

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

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

SCHEDULE

THE NORTH YORKSHIRE FIRE SERVICES COMBINATION SCHEME

PART II

GENERAL

The Combined Area

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

Combined Fire Authority

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

PART III

CONSTITUTION OF COMBINED FIRE AUTHORITY

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

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

- (5) The election to replace the chairman under sub-paragraph (4) above shall take place not later than the next following ordinary meeting of the Authority.
- 18. The first meeting of the Authority shall be held ...
- 19. At a meeting of the Authority the quorum shall be one third of the total number of members of the Authority, or such greater number of members as the Authority may determine, including at least one representative from each constituent authority.
- 20.
 - (1) The following provisions of the Local Government Act 1972, 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) *Note: Sub-paragraph (2) related to the former combined fire service fund into which the two constituent authorities paid.*

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

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STANDING ORDER 1

Meetings of the Authority

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

STANDING ORDER 2

Chairman of the Meeting

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

STANDING ORDER 3

Quorum

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

STANDING ORDER 4

Minutes of the Authority

- (1) At a meeting of the Authority at which minutes of a previous meeting are submitted for approval as a correct record, the Chairman shall move that those minutes be so approved.
- (2) No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.
- (3) If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

STANDING ORDER 5

Questions by Members

- (1) Subject to Standing Order 5(3), at a meeting of the Authority a Member may ask the Chairman of the Authority any question relating to the business of the Authority.
- (2) At ordinary meetings of a Committee, any Member of the Authority who is present may ask the Chairman of that Committee any question on any matter in relation to which that Committee has delegated or referred functions.
- (3) The text of any question shall be submitted in writing to the Secretary not less than five clear days before the meeting at which the Member proposes to ask the question subject to paragraph (4) of this Standing Order (urgent business).
- (4) The Chairman of the meeting may allow the asking of a question which has not been submitted as required by paragraph (3) above, if he/she considers that it relates to urgent business. The text of any such question shall, if possible, be delivered to the Secretary not later than 10.00 am on the working day immediately before the meeting at which the question is to be asked.
- (5) After a question has been replied to, the Member who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. A Member asking such a supplementary question shall confine himself/herself to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of the original question. In paragraphs (6)-(9) of this Standing Order, the word "question" shall include a supplementary question.
- (6) Every question shall be put and answered without discussion.

- (7) No resolution shall be moved with reference to any question or reply to a question.
- (8) If the Chairman of a meeting is of the opinion that the question is out of order, or of a personal character, or in the interests of the Authority it is undesirable, he/she shall so inform the Member and shall not allow the question to be put.
- (9) Questions asked in pursuance of the above paragraphs of this Standing Order shall be recorded in the minutes of the meeting, and the Secretary shall supply the questioner with a copy of the replies thereto within seven working days after the meeting.

STANDING ORDER 6

Questions and Statements by the Public

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

- (d) requires the disclosure of confidential or exempt information; or
 - (e) it concerns a matter which is, or matters which are, or which has or have been, complaints about Members/former Members of the Authority or employees/former employees of North Yorkshire Fire and Rescue Service.
- (6) The Secretary to the Authority will enter each question and statement in a book open to public inspection and will immediately send a copy of any question to the Member to whom it is to be put. Rejected questions or statements will include reasons for rejection. Copies of all questions and statements will be emailed to all Members by the Secretary to the Authority as soon as reasonably possible in advance of the meeting and hard copies will be made available to Members and the public attending the meeting.
- (7) At the meeting in question:
- (a) the Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with;
 - (b) the Chairman will invite the person to make their statement. If they are unable to be present they may ask the Chairman to make the statement on their behalf. The Chairman has discretion whether or not to do so;
 - (c) no person asking a question or making a statement may speak for more than three minutes, with the exception of a representative of a recognised trade union who may speak for up to ten minutes at the Chairman's discretion. The total time allowed at any meeting for questions and statements by the public shall be half an hour. These timescales may be extended in the discretion of the Chairman;
- (8) A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply and is permitted solely for the purpose of clarifying the information provided in response to the original question. In these circumstances the speaking time for the questioner asking a supplemental question will be limited to one minute. The Member responding to the supplemental question has unlimited time to respond. The Chairman may reject a supplementary question on any of the grounds in paragraph (5) above.

- (9) Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put or because the required notice was not given, will be dealt with by a written answer within two weeks of the date of the meeting.
- (10) Unless the Chairman decides otherwise, no discussion will take place on any question or statement, but any Member may move that a matter raised by a question or statement be deferred to the next meeting or referred to the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion. No other decision may be taken in relation to any question or statement.

STANDING ORDER 7

Agenda Items

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

STANDING ORDER 8

Motions and Amendments Generally

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

STANDING ORDER 9

Motions Affecting Persons Employed by the Authority

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

STANDING ORDER 10

Amendments to Motions

- (1) An amendment shall be relevant to the motion and shall be either:-
 - (a) to refer a subject of debate to a Committee for consideration or re-consideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others;
 - (d) to insert or add words;

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

- (2) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- (3) Every amendment shall be relevant to the motion to which it is moved.
- (4) Any number of amendments may be moved, but when an amendment to an original motion has been moved and seconded no second or subsequent amendment shall be moved until the first amendment has been disposed of.

STANDING ORDER 11

Alterations or Withdrawal of Motion or Amendment

- (1) A proposer of a motion may, with the concurrence of the seconder and the consent of the Authority, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chairman be reduced into writing and handed to him/her before the consent of the Authority to the alteration is sought.
- (2) A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Authority, withdraw the motion or amendment which he/she has proposed, and no Member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.

- (3) The giving or refusal of the consent of the Authority to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

STANDING ORDER 12

Conduct of Members

- (1) A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order and shall not impute motives or use offensive expressions to or about any other Member.
- (2) If any Member in the opinion of the Chairman signified to the Authority, misconducts himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, or by tedious repetition or unbecoming language, the Chairman or any other Member may move "That the Member named be not further heard", and such motion if seconded shall be put and determined without discussion.
- (3) If the Member named continues such misconduct after a motion under Standing Order 12(2) has been carried, the Chairman shall either:-
 - (a) move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
 - (b) adjourn the meeting of the Authority for such period as he/she in his/her discretion shall consider expedient.

STANDING ORDER 13

Points of Order and Explanations

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

STANDING ORDER 14

Next Business, etc

- (1) A Member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another Member, unless the Chairman considers that the matter has been insufficiently discussed, move "that the Authority proceed to the next business" or, if there is no other business to be transacted, "that the Authority adjourn".
- (2) The proposer of such a motion may speak thereon but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion.
- (3) On the seconding of the motion, the Chairman shall first give the mover of the original motion an opportunity to speak on it and then put to the vote the motion to proceed to the next business or to adjourn the Authority.
- (4) If the motion is carried, the original motion shall be treated as withdrawn.

STANDING ORDER 15

Adjournment of Debate

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

STANDING ORDER 16

Closure

- (1) A Member may at the conclusion of the speech of another Member move "that the proposition under discussion be now put" (which is in these Standing Orders referred to as "the closure").

- (2) The proposal and seconding of the closure shall be formal and without comment and there shall be no debate on it. The closure shall be put immediately to the vote unless it appears to the Chairman that the proposition to which it is sought to apply the closure has not been sufficiently discussed.
- (3) If the closure is carried, the motion or amendment which is the subject of the interrupted debate shall be put without further discussion, subject to the mover of the original motion, first having a right of reply.

STANDING ORDER 17

Appointments by the Authority

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

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

STANDING ORDER 18

Voting

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

STANDING ORDER 19

General Disturbance

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

STANDING ORDER 20

Members' Interests

- (1) Members must at all times observe the Members' Code of Conduct adopted by North Yorkshire Fire and Rescue Authority. Whilst observance of the Code is the individual responsibility of each Member, advice may be sought from the Monitoring Officer or the Director of Finance and Information as to the requirements of the Code.
- (2) Where a Member has a disclosable pecuniary interest in a matter in accordance with the Members' Code of Conduct, the Member must withdraw from the meeting room prior to any discussion and vote.

STANDING ORDER 21

Canvassing of and Recommendation by Members

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

STANDING ORDER 22

Relatives of Members or Employees

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

STANDING ORDER 23

Record of Attendances

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

STANDING ORDER 24

Custody of Seal

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

STANDING ORDER 25

Sealing of Documents

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

STANDING ORDER 26

Meetings of Committees and Sub-Committees

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

STANDING ORDER 27

Proceedings of Committees and Sub-Committees

- (1) The membership of all Committees and Sub-Committees shall include at least one representative of each constituent authority with the exception of:-
 - the Appeals Committee for such time as it comprises a total of three Members;
 - the Standards Sub-Committee for such time as it comprises a total of three Members.

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

STANDING ORDER 28

Chairman and Vice-Chairman of Committees and Sub-Committees

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

- (2) The appointment of the Chairman and Vice-Chairman of a Committee or Sub-Committee shall be conducted in the same way as an appointment is required to be made by the Authority under Standing Order 17.
- (3) Subject to paragraph (1) of this Standing Order, the Chairman and Vice-Chairman of a Committee or Sub-Committee appointed by the Authority shall hold office until the next annual meeting of the Authority after his/her appointment or, if appointed by a Committee or Sub-Committee, until the first meeting of that Committee or Sub-Committee after the next annual meeting of the Authority.
- (4) If the Chairman and Vice-Chairman of a Committee or Sub-Committee is absent from a meeting of the Committee or Sub-Committee, the Members present shall choose one of their number who is a Member of the Authority to preside over the meeting, subject to paragraph (5) of this Standing Order.
- (5) If the Chairman (or, if the Chairman is absent, the Vice-Chairman) of a Committee or Sub-Committee arrives at a meeting of the Committee or Sub-Committee, after the time for which the meeting has been summoned, he/she shall preside over the meeting, notwithstanding the appointment of any Chairman for the meeting by virtue of Standing Order 28(4).

STANDING ORDER 29

Variation and Revocation of Standing Orders

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

STANDING ORDER 30

Suspension of Standing Orders

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

STANDING ORDER 31

Interpretation of Standing Orders

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

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

PROTOCOL ON AUDIO/VISUAL RECORDING AND PHOTOGRAPHY AT MEETINGS

The Authority is committed to being open and transparent in the way it conducts its decision making. Recording is welcomed at Authority, committee and sub-committee meetings which are open to the public. The Authority understands that some members of the public attending its meetings may not wish to be recorded. The Chairman of the meeting will facilitate this by ensuring that any such request not to be recorded is respected by those making the recording.

The Authority encourages the following as good practice:-

1. Anyone wishing to record is asked, prior to the start of the meeting, to notify the officer whose details are at the bottom of the first page of the Agenda.
2. We ask that the recording be overt (ie clearly visible to anyone at the meeting) but non-disruptive.
3. All those visually recording a meeting are requested to focus only on recording councillors, officers and those members of the public speaking at the meeting.
4. Any member of the public has the right not to be recorded. Agendas for meetings will make it clear that recording can take place. If any member of the public at the meeting does not wish to be recorded, the Chairman will ask them to make this clear.
5. Any children or young people clearly under the age of 18 who are present at the meeting are not to be filmed unless their parents/guardians have given their written consent.
6. The Chairman of the meeting will ask anyone filming/recording to suspend recording and, if needed, call for an adjournment of the meeting if, in his/her opinion, continuing to record/film would prejudice proceedings. The circumstances in which this might occur include:-
 - recording is disrupting the business of the meeting;
 - there is public disturbance or a suspension of the meeting;
 - the meeting has resolved to exclude the public for reasons which are set down in the Authority's Standing Orders;
 - a member of the public participating in the meeting objects to being recorded.
7. Recording and reporting on meetings of the Authority, its committees and sub-committees is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act and the laws of libel and defamation. We ask that the recording should not be edited in a way that

could lead to misinterpretation or misrepresentation of the proceedings or infringement of the Authority's values or in a way that ridicules or shows a lack of respect for those in the recording. The Authority asks that any recording in breach of this be removed from public view. The Authority will have no liability for material published by any other person unless it is itself undertaking the publication through its offices.

8. Please contact the Secretary to the Authority in advance of the meeting if the recording you wish to make involves equipment which is larger than a smart phone, tablet or compact camera or special requirements eg need to move around the room to record or film from different angles. The use of lighting for filming/flash photography will be allowed but we ask that this is arranged with the Secretary to the Authority prior to the meeting. The Authority requests contact in advance to ensure the meeting runs smoothly and there is a safe environment in which to transact the business.

24 June 2015

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

CONVENTIONS

1 Steering Group

Political guidance outside of the Authority or its Committees shall be sought from the Steering Group, which, for the time being, shall comprise the Leader of NYFRA's Conservative Group, the Leader of NYFRA's Labour Group and the Leader of NYFRA's Liberal Democrat Group.

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

2. Substitute Members

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

3 Chair and Vice-Chair

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

4 Briefing Meetings

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

5 Preparation and Arrangements for CFA Meetings

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

6 Inter-Authority Liaison

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

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

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

7 Confidential Information

If Members require that advice or factual information given to them by Officers be treated confidentially, this request should be respected and neither the fact that the Members have asked for advice or information, nor the advice or information given, shall be relayed to another Member or Members. However, this would not prevent Officers from disclosing such information to other Officers of the Authority so far as that is necessary to performing their duties.

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

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

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

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

8 Press Releases

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

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

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

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

9 Petitions

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

**APPENDIX 1(a)
TO CONVENTIONS**

PREPARATIONS AND ARRANGEMENTS FOR CFA MEETINGS

1. Key Objectives

- 1.1 To ensure that the agenda and all reports for CFA meetings can be sent out six working days before the meeting, as required by the Authority.
- 1.2 To ensure that the Steering Group is adequately briefed on issues before the agenda and papers are despatched.
- 1.3 To ensure that officers of the CFA, including the Chief Fire Officer, the Secretary/Legal Adviser and Treasurer, have an opportunity to consider and comment on issues, and on draft reports, prior to the Steering Group briefing.

2. CFA/Committee Meetings

- 2.1 The CFA will have four ordinary meetings per annum which shall normally be held on Wednesday mornings. These should be agreed with the Steering Group well in advance: by mid October the Secretary should have arranged dates for the following calendar year. These will then be formally adopted at the annual CFA meeting in December, in accordance with Standing Orders.
- 2.2 Special meetings of the CFA may need to be organised from time to time to consider particular issues: the principles in this paper and in Appendix 1(b) with regard to the preparation of draft reports and briefing of Members and officers will be followed in relation to special meetings so far as the timescale permits.
- 2.3 The Audit and Performance Review Committee shall normally meet four times per year. The Standards Sub-Committee shall normally meet twice per year and on an ad hoc basis to deal with any alleged breach of the Members' Code of Conduct. Officers will seek to ensure adequate consultation with Members on issues to be raised at meetings of the CFA's Committees but it is recognized that some Committees, by their very nature, will only meet on an ad hoc basis.

3. Briefing Meetings

- 3.1 At the same time as dates for CFA meetings are arranged, the Secretary will arrange dates for briefing meetings for the Steering Group. These meetings will be held not less than eight working days before meetings of the CFA.
- 3.2 Draft reports, where they are available, will be sent by the Secretary to relevant officers and to the Steering Group at least four days prior to the briefing meeting.

**APPENDIX 1(b)
TO CONVENTIONS**

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

Arrangements for the Preparation of Reports

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

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

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

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

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

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

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

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FINANCIAL REGULATIONS

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1. INTRODUCTION

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

2. DEFINITIONS

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

“Authority” means the North Yorkshire Fire and Rescue Authority

“Chair” means the Chair of the Authority

"Steering Group" means the Steering Group of the Authority

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

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

“Principal Officers” means the Chief Fire Officer / Chief Executive, Assistant Chief Fire Officer (Service Development), Assistant Chief Fire Officer (Operations), the Director of Finance and Information

“Function Heads” means those members of the Corporate Management Board that are not Principal Officers

“Section Heads” means officers with an immediate reporting line to a Function Heads

“Person” shall include a Company however constituted

3. POWERS AND DUTIES OF THE AUTHORITY

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

4. GENERAL

Regulations

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

Responsibilities

- 4.4 The Treasurer will, for the purposes of Section 112 and 114 of the Local Government Finance Act 1988, be responsible for the proper administration of the Authority's financial affairs and the submission of reports to the Authority on the discharge of that responsibility.
- 4.5 The Treasurer has a statutory responsibility for ensuring that adequate systems and procedures exist to account for all income due and expenditure payments made on behalf of the Authority and that controls operate to protect the Authority's assets from loss, waste, fraud or other impropriety.
- 4.6 In addition to these Regulations the Treasurer may discharge that responsibility in part by the issue and maintenance of Financial Instructions with which all officers of the Authority, together with any person employed by an organisation contracted to the Authority, shall comply.
- 4.7 The Treasurer shall be responsible for the production and certification of the Statement of Final Accounts in accordance with the Accounts and Audit (England) Regulations 2011. The Treasurer shall also be responsible for all arrangements relating to the external audit of the Accounts in accordance with those regulations. This responsibility also extends to financial information contained within any statutory plan issued by the Authority.
- 4.8 The nature and format of all accounting procedures and financial records shall be determined by the Treasurer.
- 4.9 All accountancy systems and related financial procedures and records shall be in a form agreed with the Treasurer. The Treasurer shall be consulted at an early stage and his/her approval obtained regarding any proposed changes to these systems or

procedures. This will include any proposals for the performance of any financial tasks covered by these Regulations by any person other than an officer of the Authority.

4.10 The Treasurer shall be responsible for monitoring adherence to these Regulations

4.11 The Treasurer shall, in compliance with section 114 of the Local Government Finance Act 1988, report to the Authority if the Authority, a Committee of the Authority, any Member or Officer of the Authority or a joint Committee on which the Authority is represented:-

- i) has made or is about to make a decision which involves or would involve the Authority incurring expenditure which is unlawful;
- ii) has taken or is about to take a course of action which, if pursued to its conclusion would be unlawful and likely to cause a loss or deficiency on the part of the Authority or
- iii) is about to enter an item of account, the entry of which is unlawful

and shall comply with the procedures set out in section 114 of the 1988 Act including consulting as required with the Head of Paid Service and the Monitoring Officer.

4.12 The Treasurer shall also make report if it appears that the expenditure proposed by the Authority is likely to exceed the resources available to it to meet the expenditure.

4.13 Where a report is made under regulations 4.11 and 4.12 above, the Treasurer shall send a copy of it to the External Auditor and each Member of the Authority.

4.14 All Principal Officers, Function Heads and Section Heads are individually responsible for the proper financial management of all resources allocated to them and for the identification of income arising from activities within their operational areas.

4.15 All Principal Officers, Function Heads and Section Heads shall ensure that staff comply with the requirements contained in these Financial Regulations and any related Financial Instructions and be responsible for the training of staff under their supervision to enable them to comply with these Regulations.

4.16 It is a requirement of these Financial Regulations that all suspected irregularities are reported to the Director of Finance and Information.

4.17 Failure to comply with these Regulations, and any related Financial Instructions, may lead to disciplinary action being taken against individual employees.

4.18 Any such failure will be reported to the Audit and Performance Review Committee as part of the Authority's Corporate Governance arrangements.

4.19 Where appropriate, breaches will be dealt with under the terms of the Authority's Anti-Fraud and Corruption Policy.

4.20 The Authority's Disciplinary Procedures will be used where the outcome of any Audit Investigation conducted as part of that policy indicates improper behaviour.

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

5. REVENUE BUDGET

Introduction

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

Regulations

5.1 Setting a Budget

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

5.2 Expenditure against the Revenue Budget

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

5.3 Monitoring of the Revenue Budget

- 5.3.1 Throughout the financial year each Function and Section Head shall monitor income and expenditure against those specific budgets for which they are responsible.
- 5.3.2 Where an officer orders goods or services which are to be charged against the budget(s) managed by another officer they will be required to gain the consent of that other officer before committing any expenditure against that budget.
- 5.3.3 The Treasurer shall provide financial advice to assist Function and Section Heads to fulfill their responsibilities.

- 5.3.4 Function and Section Heads shall supply the Treasurer with sufficient information, as and when required, to enable accurate budget profiling and/or financial projections to be undertaken.
- 5.3.5 Any variations to the approved budget, and a forecast for the full financial year, will be included in Budget monitoring reports that shall be submitted by the Treasurer to each regular meeting of the Authority and Steering Group.
- 5.3.6 If expenditure in excess of the approved Budget is incurred due to an emergency, this expenditure must be reported to the Treasurer as soon as practicable and to the Authority as soon as possible thereafter.

5.4 Virement

Introduction

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

Regulations

- 5.4.1 The Treasurer shall ensure that virement is undertaken as necessary to maintain the accuracy of the regular budget monitoring process.
- 5.4.2 Any single virement for expenditure not exceeding £20,000 may be actioned with the agreement of the appropriate Function Head and notification to the Treasurer that such virements have taken place. Thereafter the Treasurer will be responsible for ensuring that notified virements are reflected in the financial ledger as soon as practicable.
- 5.4.3 Any single virement for expenditure exceeding £20,000 shall be subject to approval by the Treasurer and reported to the Authority as part of the Budget Monitoring process.
- 5.4.4 Notwithstanding Regulations 5.4.2 and 5.4.3 above there shall be no virement to/from Staff Budgets and Non Staff Budgets. Any virements between Staff Budgets will be covered by the arrangements for Vacancy Management applying at any one time.
- 5.4.5 Notwithstanding Regulations 5.4.2 and 5.4.3 above there shall be no virement from the budget for 'Pensions and related costs'.
- 5.4.6 The Treasurer may approve any virement where the additional expenditure is directly related to, and fully offset by, fees, income or other contributions from another authority or separate organisation.
- 5.4.7 The Treasurer has the right to refer any virement to the Authority.
- 5.4.8 The approval of the Authority shall be required if the proposed virement includes one or more of the following -
- (a) a change in policy
 - (b) an addition to recurring commitments in future financial years
 - (c) if required by the Treasurer

(d) subject to the delegated authority of the Chief Fire Officer/Chief Executive, is greater than £100,000.

5.4.9 The approval of the Authority will be required for any virement proposed from the Revenue Budget to the Capital Programme.

5.5 Outturn

5.5.1 The Treasurer shall report to the Authority on the outturn of income and expenditure as soon as practicable after the end of the financial year.

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

5.5.3 The Treasurer shall be responsible for the preparation of the Statement of Final Accounts and all arrangements relating to the audit, inspection and publication thereof in accordance with all relevant statutory requirements and/or professional standards or guidelines.

6. FOUR YEAR FINANCIAL FORECAST

Introduction

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

Regulations

6.1 The Treasurer shall, in consultation with Principal Officers and Function Heads, prepare a four year Financial Forecast for submission to the Authority.

6.2 The preparation of the Forecast will be conducted in line with the Authority's approved Financial Management Framework.

6.3 The Treasurer shall determine the format of the Forecast and the timing of reports relating thereto, subject to any overriding requirements of the Authority.

6.4 The Forecast shall include the financial effects of all known commitments together with any proposals for changes to the level of existing services, or for developing new services.

6.5 The Forecast shall cover the implications of both revenue and capital expenditure, and their interaction, for that period and include any implications for the Authority's policy on the level and application of Reserves.

7. CAPITAL PROGRAMME

Introduction

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

Regulations

7.1 Approving a Capital Programme

- 7.1.1 The Treasurer, in consultation with Principal Officers and Function Heads, shall prepare a draft Capital Programme, for submission annually to the Authority.
- 7.1.2 The Treasurer shall determine the format of the Capital Programme and the timing of reports relating thereto, subject to any overriding requirements of the Authority.
- 7.1.3 The Capital Programme shall identify, as a minimum, any expenditure on individual schemes over a five year period together with a statement on the level of current contractual commitments.
- 7.1.4 Project appraisals, in a format determined by the Treasurer, shall be prepared for all proposed schemes and shall be submitted to the Corporate Management Board for consideration before the inclusion of any scheme in the Capital Programme.
- 7.1.5 Project appraisals will be conducted in line with the Authority's approved Business Management Framework. If a project involves building works, the project appraisal must be prepared in consultation with the Authority's Head of Technical Services.
- 7.1.6 Subject to any overriding requirements of the Authority, the project appraisals for those schemes in the Capital Programme that will start in subsequent financial years shall be updated and resubmitted for approval by the Authority prior to the start of the next financial year.
- 7.1.7 The further approval of the Authority is required if:
 - (a) any increase/decrease in the Authority's previously approved Capital expenditure limit for that year is necessary as a result of either
 - (i) the cost variation on an individual scheme exceeding the sum contained in the approved Programme by more than 10% or £30,000 (whichever is the lesser);
 - (ii) the inclusion or deletion of any scheme
 - (b) the committed expenditure in later years of the Authority's Capital Programme is increased for either of the reasons listed under (a) of this Regulation
 - (c) a scheme requires expenditure to be committed well in advance of the year in which the actual costs will be incurred

- (d) the Treasurer determines it is appropriate
- (e) in accordance with Regulation 5.4.9 there is a proposed virement from the Revenue Budget to the Capital Programme.

7.1.8 Once the Capital Programme has been approved by the Authority, the Treasurer shall define budgetary control policy and ensure it is enforced.

7.2 Monitoring of the Capital Programme

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

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

7.3 Outturn

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

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

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

8. DISPOSAL OF BUILDINGS AND MATERIAL ASSETS

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

9. PAY AND PENSIONS

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

9.2 The Chief Fire Officer/ Chief Executive shall be responsible for the certification of all amounts properly payable for pay and pensions in accordance with the arrangements approved by the Treasurer.

9.3 The Treasurer shall be authorised to implement national or local pay awards forthwith, subject to the cost of such awards being reported to the Authority. The Authority will, where necessary, consider authorising additional budget provision subject to the terms of Regulations 5.4.4 and 5.4.5.

10. INCOME

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

11. PETTY CASH AND CREDIT CARD PURCHASES

Introduction

To assist designated officers to purchase minor expenses the Treasurer may grant petty cash advances. In addition, to allow for immediate purchases where best price can be achieved or in an emergency, the Authority holds a Corporate Credit Card available to named officers.

Regulations

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

12. INVENTORIES AND STORES

- 12.1 The Chief Fire Officer/ Chief Executive shall maintain a written inventory of all items of moveable property used in the Service which belong to the Authority and whose individual cost or value exceeds £100.
- 12.2 The Chief Fire Officer/ Chief Executive shall be responsible for the custody of all stores and financial documents related thereto.

- 12.3 The Chief Fire Officer/ Chief Executive may, with the approval of the Treasurer arrange for the disposal of unrequired stock or inventory items, up to a limit of estimated value of £5,000 in each case. Above that figure, disposals shall require Authority approval.
- 12.4 The Chief Fire Officer/ Chief Executive and Treasurer shall be authorised jointly to write off stock and inventory deficiencies up to a limit of £5,000. Above that figure, Authority approval shall be required.

13. BANKING

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

14. TREASURY MANAGEMENT

- 14.1 Treasury Management is regulated by the *CIPFA Code of Practice on Treasury Management 2009*. The primary requirements of the Code are the:
- (a) creation and maintenance of a Treasury Management Policy Statement which sets out the policies, objectives and approach to risk management of an Authority's treasury management activities
 - (b) creation and maintenance of Treasury Management Practices which set out the manner in which the Authority will seek to achieve those policies and objectives and prescribing how it will manage and control these activities
 - (c) receipt by the Authority of details of Treasury Management policies, practices and activities including as a minimum, an annual strategy and plan in advance of the year, a mid year review and an annual report after the year end
 - (d) delegation by the Authority of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions

- (e) the nomination of a Committee to be responsible for ensuring effective scrutiny of the Treasury Management Strategy and Policies (Audit Performance and Review Committee).

14.2 The Authority delegates responsibility for the implementation, monitoring, execution and administration of treasury management decisions to the Treasurer who will act in accordance with the Code of Practice.

14.3 All money in the possession of the Authority shall be under the control of the officer designated for the purposes of Section 112 of the Local Government Finance Act 1988 (i.e. the Treasurer).

14.4 The Treasurer shall periodically review the Treasury Management Policy Statement and associated documentation and report to the Authority on any necessary changes.

14.5 The Treasurer shall be responsible for the arrangements whereby the financial contributions payable by the District Councils and City of York Council together with all properly due grants, income and donations are received by the Authority.

14.6 Notwithstanding the other Regulations relating to Treasury Management, the specific named posts shown below shall carry out the following responsibilities:

Monitoring Officer

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

15. VOLUNTARY FUNDS

Introduction

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

Regulations

15.1 The Treasurer shall be informed of the purpose and nature of all voluntary funds maintained by officers in the course of their duties with the Authority.

15.2 Formal accounts shall be prepared and shall be audited annually by a competent, independent person and shall be submitted with an audit report to the appropriate body within 6 months of the accounting year end.

15.3 A copy of the accounts and audit report shall be supplied to the Treasurer immediately after the meeting of the body. The Treasurer shall be entitled to verify that the reports

have been made and to carry out such checks on the accounts as he/she considers appropriate.

- 15.4 Voluntary Funds shall be operated in accordance with any Financial Instructions issued by the Treasurer.

16. INSURANCE

- 16.1 The Treasurer shall effect all insurance cover on behalf of the Authority.

- 16.2 The relevant Principal Officer or Function Head shall promptly notify the Treasurer of:

- (i) any event which may result in a claim against the Authority and/or its insurers;
- (ii) the terms of any indemnity which the Authority is required to give;
- (iii) any new risks which might require to be insured, together with changed circumstances affecting existing risks.

17. AUDIT

Introduction

The Accounts and Audit (England) Regulations 2011, issued under the provisions of the Local Government Finance Act 1988, apply to the Authority. Under the terms of these Regulations the Authority has specified the Director of Finance and Information as Treasurer and the Responsible Finance Officer to maintain continuous, adequate and effective internal audit of the Authority's accounts. The following Regulations provide the framework for this statutory duty to be discharged.

Regulations

- 17.1 The Treasurer is responsible for the implementation and maintenance of all internal control procedures relating to financial systems. All Principal Officers, Function and Section Heads are jointly responsible for securing the economic, effective and efficient use of resources.
- 17.2 The Treasurer shall maintain an adequate and effective internal audit of the activities of the Authority. In addition the Authority delegates responsibility for the implementation, monitoring, execution and administration of its Anti Fraud and Corruption and Whistleblowing policies to the Treasurer who will act in accordance with those policies.
- 17.3 The Treasurer shall be notified immediately of all financial irregularities or suspected irregularities, or any circumstances which may suggest the possibility of irregularities in the exercise of any of the Authority's functions. Such communications may be oral initially but must be confirmed promptly in writing.
- 17.4 The Treasurer or his/her representative, shall have authority to enter at all times on any premises or land used by the Authority and to have access to all correspondence, documents, books or other records of any officer of the Authority and relevant in anyway to the activities of the Authority.

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

18. PARTNERSHIPS

Introduction

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

Regulations

- 18.1 The Authority will create and maintain
- i) a Partnership Engagement Policy Statement setting out the Authority's policies and objectives;
 - ii) suitable Partnership engagement practices setting out the manner in which the Authority will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.
- 18.2 The Authority delegates the responsibility for the monitoring and evaluation of its Partnership arrangements to the Assistant Chief Fire Officer (Operations).
- 18.3 The Assistant Chief Fire Officer (Operations) shall
- i) maintain a register of all contracts/agreements entered into with partners;
 - ii) report annually to the Authority with an evaluation of its Partnerships.
- 18.4 To allow the Assistant Chief Fire Officer (Operations) to discharge his/her

responsibilities under these Regulations, the Director of Finance and Information shall

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

18.5 To allow the Director of Finance and Information to discharge his/her responsibilities under these Regulations, Principal Officers shall

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

19. REVISION OF FINANCIAL REGULATIONS

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

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

CONTRACT REGULATIONS

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These Regulations set out the arrangements under which Principal Officers, Function and Section Heads will procure goods, works and services.

1.0 General Regulations

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

1.2 The Chief Fire Officer shall be responsible for

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

1.3 All procurement must meet the requirements of UK law and should be recorded in compliance with the Local Government Code of Practice for Data Transparency and in accordance with the Authority's procurement policy and procedures.

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

- (i) for all items with an aggregated contractual value between £10,000 and £50,000 written price quotations shall be obtained.
- (ii) all items with an aggregated contractual value exceeding £50,000 shall be obtained by tender.
- (iii) all items with an aggregated contract value which exceeds current EU procurement thresholds must be tendered in compliance with the UK and EU Procurement Directives. All purchases which are subject to the EU process must be undertaken electronically. All tenders which exceed EU thresholds must have written approval prior to tender from the Chief Fire Officer or officer approved by the Chief Fire Officer.
- (iv) for all items with an aggregated contractual value of up to £10,000 an official purchase order signed by the Chief Fire Officer, or an officer approved by the Chief Fire Officer, shall be issued.
- (iv) for all items with an aggregated contractual value exceeding £10,000 a written contract with the supplier must be entered into.

- 1.5 The financial limits and procedures specified in these Regulations for the procurement of goods, works and services shall also apply to the disposal of any assets of the Authority.
- 1.6 The aggregated value refers to whichever is the greater of:
- The full contract value over the term of the contract (including extensions and renewals) or;
 - The 12 month value of the contract multiplied by a 48 month period. Aggregation also applies to renewals and extension of contracts.

2.0 Exceptions to Procurement Procedures

- 2.1 In the following circumstances quotations or tenders will NOT be required, provided value for money is obtained. In such circumstances, authorisation prior to procurement is required from the Chief Fire Officer or an officer approved by the Chief Fire Officer;
- (i) purchases through a framework contracts provided it meets the requirements of the relevant Public Procurement Regulations;
 - (ii) purchases through a Government contract, a contract of another Local Authority or other public Contracting Authority (as defined under the relevant Public Procurement Regulations) which has been procured in accordance with that organisation's own Standing Orders and is available to this Authority;
 - (iii) purchases at public auction or other public bidding process through which best value can be clearly demonstrated and which meets the requirements of the relevant Public Procurement Regulations;
 - (iv) purchases of goods, works or services of a special nature which can only be obtained from one supplier;
- 2.2 For the following items an order will NOT be issued;
- (i) public utility services, rents and rates;
 - (ii) petty cash purchases which must not exceed £50 per purchase; (iii) any other items agreed by the Treasurer

3.0 Quotation Procedures

- 3.1 For those items for which quotations are required (see Regulation 1.3(i)) a minimum of three written quotations should be obtained.
- 3.2 For items with an aggregated contractual value in excess of £10,000, invitations to quote (ITQs) must be advertised on the Authority's website and advertised in other suitable media as proportionate to the value of the contract.

- 3.3 Quotations must meet the requirements of the Authority's Procurement Policy and procedures.
- 3.4 Quotations should be returned to the Authority in electronic form and in compliance with the procedures set out in the Procurement – Quotations - Standard Operating Procedure (SOP). Hard copy tenders may be permissible in certain circumstances, but prior written approval for this is required.
- 3.5 Quotations should be based on a mix of quality and cost requirements to ensure the procured goods, works and/or services meet the requirements of the Authority. The allocation of scores should be on a 60:40 ratio, where 60% of the points are awarded for cost and 40% for quality. Where there is a need to derogate from this ratio, prior written approval will be required (see s.3.7).
- 3.6 A quotation can be accepted where all of the above criteria have been met. Where this is not the case, then written approval prior to the acceptance of the quotation will be required as set out in s.3.7.
- 3.7 All permissible derogations from the above regulations (3.1 - 3.6) must be approved, in writing by the Chief Fire Officer, or officer designated by the Chief Fire Officer, in consultation with the Secretary and subject to such action reported to the Authority.

4.0 Tender Procedures (including Procurement above EU Thresholds)

- 4.1 For those items for which tenders are required (see Regulation 1.3 (ii)), a proportionate and appropriate public notice of the opportunity through an Invitation to Tender (ITT) should take place which must include as a minimum a notice of the forthcoming tender on the Authority's website and should consider other forms of media advertising (e.g. newspapers, specialist press etc.)
- 4.2 Where the contract value will exceed the procurement thresholds set by the European Union, a notice in the Official Journal of the European Union (OJEU) will be required and the OJEU process followed (subject to a fully European Procurement compliant exemption specified in paragraph 2.1). Approval to carry out an OJEU tender process must be sought from the Chief Fire Officer or an officer appointed by the Chief Fire Officer.
- 4.3 All notices of tenders should, as a minimum, set out brief details of the contract into which the Authority wishes to enter, and invite suppliers to express an interest in submission of a tender. The duration of the notice period will depend on the value of the goods, works and services being procured. All tenders must comply with the requirements of the Authority's Procurement – Tenders Standard Operating Procedure.
- 4.4 After the expiry of the period specified in the Public Notice, invitations to tender shall be sent to -

- (i) not less than 4 suppliers who applied to tender and who are selected by the Lead Officer on the specific procurement project in and in line with the requirements of the Authority's Procurement – Tenders Standard Operating Procedure (SOP).
 - or (ii) where fewer than four persons applied, or are considered suitable, the Lead Officer for the procurement will make a recommendation to the Chief Fire Officer or officer appointed by the Chief Fire Officer for authority to proceed to procurement.
- 4.5 Where the Chief Fire Officer and the Treasurer agree that it is inadvisable or inexpedient to advertise, tenders may be invited from not less than three persons capable of fulfilling the contract, subject to such action being reported to the Authority (see also Regulation 4.14).
 - 4.6 Where invitation to tender is required, every notice of such invitation shall state the details of the tender, including the instructions for bidders in line with the Authority's procurement policy and procedures.
 - 4.7 Where possible, tenders should be undertaken through means of electronic tendering in line with the procurement policies and procedures. Electronic tenders must be secure and submissions must meet the requirements of the relevant Public Procurement Regulations.
 - 4.8 Hard copy tenders may be permissible in certain circumstances. Prior written approval is required in accordance with s. 4.16. Hard copy tenders must be compliant with the Authorities procurement policy and procedures. The Authority shall maintain a record of all tenders.
 - 4.9 No tender other than the lowest in price (or the highest for income) shall be accepted until the Authority has considered a report from the Chief Fire Officer outlining why the lowest price (or highest for income) should not be accepted. Express note that the tender accepted was not the lowest (or the highest for income) shall be recorded in the minutes of the Authority.
 - 4.10 Tenders should be based on a mix of quality and cost requirements to ensure the procured goods, works and/or services meet the requirements of the Authority. The allocation of scores should be on a 60:40 ratio, where 60% of the points are awarded for cost and 40% for quality. Where there is a need to derogate from this ratio, prior written approval will be required (see s.4.16).
 - 4.11 Any non-compliant tenders, including those received late shall be excluded unless the Authority is satisfied there is adequate mitigating evidence and the other tenders have not been opened. Notwithstanding the provisions of Regulation 4.4 and 4.5 the tender may be opened to ascertain the name and details of the tenderer for return but no details of the tender shall be disclosed.
 - 4.12 Tenders must be compliant with the Authority's instructions in the tender and not be qualified. Negotiations are only permitted when utilising the negotiated procurement route and only with prior written approval as set out in s. 4.16. Such post tender negotiation may only happen when permitted by the relevant Public Procurement Regulations.

- 4.13 Authority approval shall be required where the preferred tender price exceeds the original budget provision by 10% or £10,000 whichever is the greater. For schemes included in the Capital Programme, the thresholds are 10% or £30,000 whichever is the lesser.
- 4.14 Except in the case of schemes included in the Capital Programme, where the Chief Fire Officer and the Treasurer agree that:-
- (i) market conditions make genuine competition impossible, or
 - (ii) the proposed contractor is in contract with the Authority and, there is financial benefit in negotiating an extension for further work and subject to the cost of the further work not exceeding 10% of the value of the original work or £3,000 whichever is the greater, or
 - (ii) demonstrable benefits in service or value for money are likely to be obtainable, or
 - (iii) the expenditure is to be reimbursed by a third party, or
 - (v) the original contract makes specific provision for the extension of goods, works and/or services, or
 - (vi) it is clearly demonstrable that only a single supplier can deliver goods, works or services

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

- 4.15 For schemes included in the Capital Programme, the thresholds are 10% or £30,000 whichever is the lesser.
- 4.16 All derogations from this process require prior written approval by the Chief Fire Officer, or Officer appointed by the Chief Fire Officer subject to such action being reported to the Authority.

5.0 Contract Procedures

- 5.1 All contracts should be in writing and shall include as a minimum the items below. Contracts should be signed on behalf of the Authority by a Principal Officer or an Officer appointed for the purpose by a Principal Officer.
- (i) the work to be done;
 - (ii) the full price to be paid, with a statement of discounts or other deductions;
 - (iii) the period within which the contract is to be performed including any extension options;

- (iv) a performance bond must be required for every contract exceeding £1,000,000 except where the Chief Fire Officer considers it unnecessary, after consultation with the Treasurer;
- (v) recompense where the contractor fails to deliver goods or services specified in the contract for the Authority to make good the default or replace the purchase from another contractor and recover the cost from the contractor;
- (vi) insurance cover.

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

6.0 Leasing Contracts

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

7.0 Joint Procurement

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

7.2 Due diligence must be carried out on all joint procurements.

8.0 Disposal of Buildings and Material Assets

8.1 All disposals of buildings and material assets shall be agreed by the Authority. For this purpose a "material asset" should be defined as any single asset that, at the time of its proposed disposal, has an estimated disposal value exceeding £10,000.

8.2 The procedures defined in the previous section of these Regulations for the procurement of goods and services should apply to the disposal of any assets of the Authority. (Regulation 1.4 specifically refers). Regulation 8.3 also applies, but approval is required from the Chief Fire Officer or the Treasurer, in consultation with the Secretary, for disposal at "Less than best" consideration.

8.3 No quotations or tenders for the disposal of material assets for other than the highest price shall be accepted without prior written approval from the Chief Fire Officer, or officer designated by the Chief Fire Officer, in consultation with the Secretary and subject to such action being reported to the Authority.

9.0 Revision of Contract Regulations

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

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

MEMBERS' ALLOWANCES SCHEME

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

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

2. In this scheme

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

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

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

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

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

Basic Allowance

3. Subject to paragraph 10, for each year, a basic allowance of £4,042.89 shall be paid to each member (*this amount effective from 1 April 2018*).

Special Responsibility Allowances

4. Subject to paragraphs 5 and 10, for each year, a special responsibility allowance shall be paid to those members who hold the special responsibilities in relation to the Authority as are specified in column A of Table 1. The amount of such allowance shall be the amount specified against that special responsibility in column B of Table 1. (*These amounts are effective from 1 April 2018.*)

TABLE 1

Column A	Column B
Chairman of the Authority	£3,538.56
Each Steering Group Member who is a voting Member of the Authority, excluding the Chairman of the Authority	£2,729.69
Audit and Performance Review Committee Chairman	£1,213.20

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

Childcare and Dependant Carers' Allowance

6. With effect from 1 January 2015, a childcare and dependant carers' allowance shall be paid to Members based on that set out in North Yorkshire County Council's Members' Allowances Scheme.

Co-optees' Allowance

7. Subject to paragraph 10, for each year, a co-optee is entitled to claim payment of the co-optees' allowance of £1,010.93 (*this amount effective from 1 April 2018*).

Travelling and Subsistence Allowance

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

Table 2

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

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

Elections to Forego Allowances

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

Part-year Entitlements

10. (a) The provisions of this paragraph shall have effect to regulate the entitlements of a person to basic, special responsibility and co-optees' allowances where, in the course of a year, that person becomes, or ceases to be, a member or co-optee, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
- (b) Where the term of office of a member begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of the proportion of basic allowance for a year that is equivalent to the proportion of a year of the number of days during which his/her term of office as member subsists.
- (c) Where a member who receives a special responsibility allowance does not have the special responsibilities in question throughout a year, that member's entitlement to special responsibility allowance shall be such proportion of that allowance for a year as is equivalent to the proportion of a year of the number of days of that year during which that member has such special responsibilities.
- (d) Where the appointment of a co-optee begins or ends otherwise than at the beginning or end of a year, his/her entitlement shall be to payment of the proportion of basic allowance for a year that is equivalent to the proportion of a year of the number of days during which his/her appointment subsists.

Claims and Payments

11. (a) A member wishing to claim travelling and subsistence allowances must submit a claim for any such allowances within three months from the date on which his/her entitlement arises.
- (b) Payments shall be made:-
- In respect of basic, special responsibility and co-optees' allowances, in instalments of one-twelfth of the amount specified in this scheme on the last working day of each month.
 - In respect of travelling and subsistence allowances, on the last working day of each month in respect of claims received up to the day 14 days before that date.

Amendment or Revocation of this Scheme

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

Annual Adjustment to Allowance Levels

13. (a) An annual adjustment shall continue to be made to the allowances set out in this scheme by reference, from 1 April 2018, to the annual pay settlement for Non-Uniformed Staff, with the exception that any “non-consolidated” payments shall not be applied. Where the only change made to the scheme in any year is that effected by such annual adjustment in accordance with that index, the scheme shall not be deemed to have been amended.
- (b) The annual pay settlement for Non-Uniformed Staff shall not be relied on for longer than a period of four years before the Authority reconsiders the application of that index to this scheme. *(Note: The basis of annual indexation was last agreed by the Authority on 16 February 2018.)*

Records of Allowances

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

Publicity

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

**APPENDIX 1
TO MEMBERS' ALLOWANCES SCHEME**

TRAVELLING AND SUBSISTENCE ALLOWANCES PAYABLE

The travel and subsistence allowances are based on NJC Rates for Fire Services

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

SCHEME OF DELEGATION TO OFFICERS

1.0 PREAMBLE

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

2.0 GENERAL CONDITIONS OF DELEGATION AND DEFINITIONS

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

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

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

2.3 Officers shall exercise any delegated power in accordance with:

- the approved policies and procedures of the Authority;
- the Authority's Financial Regulations and Contract Regulations;
- the Authority's agreed budget;
- any legal requirements and restrictions;
- any instructions given by the Chief Fire Officer;
- any relevant advice given by the Monitoring Officer to the Authority and the Chief Finance Officer (Section 151 Officer).

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

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

- 2.6 The operation of the Scheme shall be kept under review by the Secretary and its provisions amended from time to time by the Authority, subject to consultation with appropriate Committees in the case of matters specifically related to their powers. Financial limits contained in the Scheme shall be revised annually by the Treasurer having regard to price fluctuations.
- 2.7 Where the Chief Fire Officer is authorised to discharge a function on behalf of the Authority, and is for any reason unable to discharge those functions, the Assistant Chief Fire Officer (Service Development) or the Assistant Chief Fire Officer (Operations) or the Director of Finance and Information/Treasurer, or any other officer nominated by the Chief Fire Officer, may discharge those functions.
- 2.8 A delegation to an Officer includes authority for any officer within his/her area of managerial responsibility to carry out the delegation of the function on behalf of the authorised Officer, subject to the requirements of this delegation Scheme.

3.0 CHIEF FIRE OFFICER

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

- 3.1 To exercise any power of the Authority, except the powers of the Authority to determine policy related matters, and any powers specifically reserved to the Authority or delegated to any Committee of the Authority.
- 3.2 After consultation with the Steering Group Members of the Authority, to determine any matter which the Chief Fire Officer considers to be of such urgency that it is not practicable to refer the matter to the Authority or the relevant Committee of the Authority for determination.
- 3.3 In cases of emergency, to take any decision that could be taken by the Authority or any Committee of the Authority and report back such decisions at the earliest opportunity.
- 3.4 To incur expenditure in the event of a civil emergency.
- 3.5 To exercise the functions of the Authority for civil aid and emergency planning.
- 3.6 The Chief Fire Officer is designated Head of Paid Service, and have the following powers and duties in accordance with statute:
- a) functions relating to the grant and supervision of exemptions from political restriction (*Section 3A Local Government and Housing Act 1989*);
 - b) duty to prepare a report regarding proposals as to the co-ordination of the Authority's functions and the number and grades, the organisation,

and the appointment and proper management of the Authority's staff
(*Section 4 Local Government and Housing Act 1989*).

- 3.7 Without prejudice to the generality of the delegations set out at paragraphs 3.1 to 3.3 above, to manage and promote the services for which the Authority is responsible. This will include taking and implementing decisions which help to maintain the operational effectiveness of the Service and which fall within a policy decision made by the Authority. It includes all powers and duties under all legislation present and future and all powers and duties incidental to that legislation.
- 3.8 To manage and co-ordinate budget processes (subject to Financial Regulations), strategic planning and information.
- 3.9 To enter into any contracts to facilitate service delivery or procure works, services and supplies which are incidental to service delivery, or necessary for the operation of the Service.
- 3.10 To undertake the management of the human, financial and material resources (subject to the Finance Regulations) made available for the Authority's services and functions.
- 3.11 To take any action with respect to the recruitment, appointment, promotion, training, grading and discipline of staff.
- 3.12 Except in relation to those matters concerning employee terms and conditions which are decided in accordance with the statutory Pay Policy Statement agreed by the Authority or are otherwise decided in accordance with the Authority's policies and regulations, the Chief Fire Officer in consultation with the Chairman of the Authority shall have authority to determine the Authority's establishment and the terms and conditions of employment of the Authority's workforce and any changes to them.
- 3.13 To authorise the taking of any enforcement action in accordance with any legislation by which the Authority is empowered, and any steps in relation to such action or its cancellation or withdrawal.
- 3.14 To authorise, in consultation with the Legal Adviser, the institution, prosecution, conduct, defence, withdrawal, settlement or compromise of any criminal or civil proceedings or claims in accordance with any legal powers by which the Authority is empowered, including proceedings or claims:
 - a) in respect of any offence against any legislation or bye-laws where the Authority is empowered to enforce or prosecute (including, but not limited to, the Fire and Rescue Services Act 2004 and the Regulatory Reform (Fire Safety) Order 2005); and
 - b) in respect of any civil matter which the Authority is empowered to bring or defend in accordance with any statute or legislation, or at common law.
- 3.15 To make a formal response on behalf of the Authority following appropriate consultation to any White Papers, Green Papers, Government consultation papers or other consultative document, where it is appropriate that the response should be an officer response. Consultation should first be

undertaken with the Chairman of the Authority to determine whether an officer or Member response is most appropriate.

- 3.16 To agree that the Authority shall undertake work on behalf of and provide services to external bodies in accordance with the Authority's legal powers and duties.
- 3.17 To authorise attendance at meetings by Members of the Authority as an approved duty, and the payment of Members' allowances in relation thereto.
- 3.18 To make payments or provide other benefits in cases of maladministration and Section 92 Local Government Act 2000.
- 3.19 The Chief Fire Officer in consultation with the Chairman of the Authority, the Assistant Chief Fire Officer (Service Development), the Assistant Chief Fire Officer (Operations), and the Director of Finance and Information/Treasurer shall have authority to agree operational policies regulating the internal operations and working practices of the Authority which shall include but not exclusively policies in relation to health and safety, information governance and IT policies.
- 3.20 To exercise the Authority's powers as consultee under any legislation including objecting to the issue of licences, consents, registrations or permissions under, or submitting responses or representations.
- 3.21 Agree with other Fire and Rescue Authorities terms of reciprocal arrangements for the mobilization, deployment or use of resources and to exercise the Authority's powers under any agreement or protocol relating to such matters
- 3.22 Nothing in this Scheme of Delegation shall derogate from the day to day management powers and responsibilities of the Chief Fire Officer.

4.0 LEGAL ADVISER TO THE AUTHORITY

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

- 4.1 To act as solicitor to the Authority and to take any action necessary to give effect to any decision of the Authority, Committee or Officer acting within their authorised powers and duties; and also to exercise all statutory functions of the Monitoring Officer.
- 4.2 Pursuant to authorisation by the Chief Fire Officer in accordance with paragraph 3.13 to take all necessary steps to institute enforcement action in accordance with any legislation empowering the Authority to undertake such action, and to take any steps in relation to such action including its cancellation or withdrawal.

4.3 Pursuant to the authorisation by the Chief Fire Officer in accordance with paragraph 3.14 of this Delegation Scheme, to take any steps to institute, prosecute, conduct, defend, withdraw, settle or compromise any criminal or civil proceedings or claims in accordance with any legislation or other legal powers, including:

- a) proceedings in respect of any offence against any provision of any legislation or bye-laws where the Authority is empowered to enforce or prosecute (including, but not limited to, the Fire and Rescue Services Act 2004 and the Regulatory Reform (Fire Safety) Order 2005);
- b) any civil proceedings which the Authority is empowered to bring or defend in accordance with any statute or legislation, or at common law;

provided that where it is not possible in a situation of urgency to seek the authority of or consult with the Chief Fire Officer, the Legal Adviser may take steps under this provision in any case where s/he considers it necessary to protect the interests of the Authority.

4.4 Following consultation with the Chief Fire Officer, to instruct Counsel or other legal advisers where it is in the interests of the Authority to do so in the conduct of proceedings or to obtain specialist advice.

4.5 To institute on behalf of the Authority such proceedings or take such other steps as he/she may consider necessary to secure the payment of any debt, to recover possession of any land or to enforce the performance of any obligation due to the Authority and to take such steps as he/she may consider necessary to enforce any Judgement or order obtained in any such proceedings after consultation with the Steering Group Members of the Authority, or where the matter is urgent, the Chairman of the Authority.

4.6 To sign an indemnity where required to enable the Authority to exercise any of its functions provided that, where the giving of an indemnity could have significant financial implications not covered by one of the Authority's insurance policies, such indemnity shall be signed only with the approval of the Authority or the responsible Committee.

4.7 To make all necessary determinations and take all necessary steps in connection with any application to the Authority to exercise the right to buy under the Housing Act 1980, as amended, including determining whether the right to buy exists in any particular case, and the taking of necessary steps in connection with mortgage and shared ownership applications. (Action taken to be reported to the Authority).

4.8 To vacate all mortgages or charges held by the Authority upon being satisfied that all capital monies, interest and costs (if any) have been discharged.

4.9 To execute and issue all legal documents necessary to implement decisions made by the Authority or its Committees or Officers in pursuance of delegated powers, except where a Committee has authorised another Officer to take such action or the Legal Adviser has authorised him/her to do so.

4.10 To authorise any person to appear on behalf of the Authority in any Court, Tribunal or Inquiry on any matter relating to the business of the Authority.

5.0 MONITORING OFFICER TO THE AUTHORITY

- 5.1 To grant dispensations, after consultation with the Independent Person for standards, where the timescales are such that a Standards Sub-Committee meeting cannot be convened and where the Monitoring Officer has consulted every available Member of the Standards Sub-Committee, all of whom consent to the granting of the dispensation.
- 5.2 To receive written requests for a dispensation by Members and Co-opted Members under the new standards regime effective from 1 July 2012. (The Monitoring Officer was designated by the Authority, on 20 June 2012, as the Proper Officer for this purpose.)
- 5.3 To grant dispensations, after consultation with the Independent Person for standards, where the request is to enable the Member/Substitute to speak, vote and be included within the quorum at meetings of North Yorkshire Fire and Rescue Authority when it is considering and/or determining issues relating to the award of contracts or service level agreements for the provision of work/services to the constituent Council of which the Member/Substitute is also a Member, or to Veritau Ltd.

6.0 TREASURER

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

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

NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

PROPER OFFICER FUNCTIONS

The following Officers are designated to perform the functions of Proper Officer in relation to the matters set out below:

(a) Local Government Act 1972

SECTION	DUTIES	PROPER OFFICER
84	To receive written notice of resignation from any office under the Local Government Act 1972.	Secretary to the Authority or, in his/her absence, the Chief Fire Officer/Chief Executive.
100B(2) and (6)	To exclude from inspection by members of the public the whole or part of any report which, in his/her opinion, is not likely to be considered in public at an Authority, Committee or Sub-Committee meeting.	Secretary to the Authority or, in his/her absence, the Chief Fire Officer/Chief Executive.
100B(2) and (7)(c)	To determine whether or not a newspaper other media communication should be supplied with copies of any documents supplied to Members of the Authority other than agenda, reports and statements or particulars indicating the nature of agenda items.	Legal Adviser to the Authority or, in his/her absence, the Chief Fire Officer/Chief Executive.
100C(2)	To make (without disclosing exempt information), where required by section 100C(2), a written summary of proceedings to provide members of the public with a reasonably fair and coherent record of the whole or part of proceedings where part of the Minutes of a meeting are not open to inspection by members of the public because they disclose exempt information.	Secretary to the Authority or, in his/her absence, the Chief Fire Officer/Chief Executive.

SECTION	DUTIES	PROPER OFFICER
100D(1)(a)	To compile lists of background papers to reports.	The Monitoring Officer or Chief Fire Officer/Chief Executive or Assistant Chief Fire Officer (Service Development) or Assistant Chief Fire Officer (Operations) or Director of Finance and Information/Treasurer or Legal Adviser to the Authority or Secretary to the Authority as necessary depending on which officer is reporting to the Authority. In the case of joint reports, the officer whose title first appears at the head of the report is the Proper Officer for the purpose of section 100D(1)(a) in that instance.
100D(5)(a)	To identify background papers to reports.	The Monitoring Officer or Chief Fire Officer/Chief Executive or Assistant Chief Fire Officer (Service Development) or Assistant Chief Fire Officer (Operations) or Director of Finance and Information/Treasurer or Legal Adviser to the Authority or Secretary to the Authority as necessary depending on which officer is reporting to the Authority. In the case of joint reports, the officer whose title first appears at the head of the report is the Proper Officer for the purpose of section 100D(5)(a) in that instance.
100F(2)	To determine which documents are not available for inspection by members of the Authority by reason that they disclose exempt information.	Secretary to the Authority or, in his/her absence, the Chief Fire Officer/Chief Executive.
115(2)	To receive, or make directions regarding, the payment of money due from officers under s115 LGA 1972.	Director of Finance and Information/Treasurer.

SECTION	DUTIES	PROPER OFFICER
229(5)	To give a certificate in legal proceedings that a document is a photographic copy of a document or of any part of a document which is in the custody of, or has been destroyed while in the custody of a local authority.	Legal Adviser to the Authority or, in his/her absence, the Chief Fire Officer/Chief Executive.
234(1)	To sign on behalf of the authority any notice, order or other document which the authority is authorised or required to give, make or issue.	Chief Fire Officer/Chief Executive.

(b) Local Government and Housing Act 1989

SECTION	DUTIES	PROPER OFFICER
Section 15	To receive notification from Members of the formation of, and changes to, political groups.	Secretary to the Authority or, in his/her absence, the Chief Fire Officer/Chief Executive.

(c) Localism Act 2011

SECTION	DUTIES	PROPER OFFICER
33(1)	To receive written requests for dispensations from Members and voting co-opted Members from either or both of the restrictions in section 31(4) of the Act.	Monitoring Officer.

Where any other legislation enables or requires the Authority to appoint a Proper Officer for any purpose or function, the Chief Fire Officer/Chief Executive is the designated Proper Officer.

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NORTH YORKSHIRE FIRE AND RESCUE AUTHORITY

OFFICERS OF THE AUTHORITY – CONTACT DETAILS

Chief Fire Officer/Chief Executive

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

Assistant Chief Fire Officer (Service Development)

Owen Hayward
Details as above except:-
Telephone: 01609 788622
Email:
Owen.Hayward@northyorksfire.gov.uk

Assistant Chief Fire Officer (Operations)

Jez Rushworth
Details as above except:-
Telephone: 01609 788622
Email:
Jez.Rushworth@northyorksfire.gov.uk

Section 151 Officer

Gary Fielding
Corporate Director – Central Services
North Yorkshire County Council
County Hall
Northallerton DL7 8AD
Telephone: 01609 532192
Email: Gary.Fielding@northyorks.gov.uk

Legal Adviser, Monitoring Officer and Secretary to the Authority

Barry Khan
Assistant Chief Executive (Legal and
Democratic Services)
North Yorkshire County Council
County Hall
Northallerton DL7 8AD
Telephone: 01609 532173
Email: Barry.Khan@northyorks.gov.uk

Assistant responsible for providing committee services for meetings of the Authority and its Committees and Sub-Committees

Ruth Gladstone
Details as for Secretary to the Authority
except:- telephone: 01609 532555
Email: Ruth.Gladstone@northyorks.gov.uk

Easingwold Training Centre telephone number - 01347 825550

DISTRICT MANAGERS

Scarborough/Ryedale

Group Manager Marc Warren
Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY
Tel: 01723 374433
Email: marc.warren@northyorksfire.gov.uk

York/Selby

Group Manager Stuart Simpson
York Fire Station
Kent Street
York
YO10 4AH
Tel: 01904 616128
Email: stuart.simpson@northyorksfire.gov.uk

Hambleton/Richmondshire

Group Manager Simon Gallagher
Northallerton Fire Station
Crosby Road
Northallerton
North Yorkshire
DL6 1AB
Tel: 01609 751013
Email: simon.gallagher@northyorksfire.gov.uk

Harrogate/Craven

Group Manager Phil Whild
Harrogate Fire Station
Skipton Road
Harrogate
North Yorkshire
HG1 4LE
Tel: 01423 504082
Email: phil.whild@northyorksfire.gov.uk

SERVICE INFORMATION

Stations and Duty Systems

Acomb Fire Station	Boroughbridge Road, Acomb, York, YO26 5SP	Shift and RDS
Bedale Fire Station	Wycar, Bedale, DL8 1EP	RDS
Bentham Fire Station	Bank Rise, Bentham, Lancaster, LA2 7JW	RDS
Boroughbridge Fire Station	Back Lane, Boroughbridge, YO51 9AT	RDS
Colburn Fire Station	Catterick Road, Colburn, DL9 4QQ	RDS
Danby Fire Station	Ainthorpe Lane, Ainthorpe, Danby, YO21 2JT	RDS
Easingwold Fire Station	Oaklands Way, Off Stillington Road, Easingwold YO61 3DX	RDS
Filey Fire Station	Mitford Street, Filey, YO14 9DY	RDS
Goathland Fire Station	Beck Hole Road, Goathland, YO22 5NA	Volunteer
Grassington Fire Station	Old Council Depot, Threshfield, BD23 5EU	RDS
Harrogate Fire Station	Skipton Road, Harrogate, HG1 4LE	Shift
Hawes Fire Station	Hawes Ind. Est, Brunt Acres Rd, Hawes, DL8 3NL	RDS
Helmsley Fire Station	Station Road, Helmsley, YO62 5BZ	RDS
Huntington Fire Station	A1237 Outer Ring Road, Earswick, York, YO32 9LW	Shift and RDS
Kirkbymoorside Fire Station	New Road, Kirkbymoorside, YO62 6DT	RDS
Knaresborough Fire Station	Gracious Street, Knaresborough, HG5 8DT	RDS
Leyburn Fire Station	Grove Square, Leyburn, DL8 5AE	RDS
Lofthouse Fire Station	Nidd View, Lofthouse, Harrogate, HG3 5SE	Volunteer
Lythe Fire Station	Main Street, Lythe, YO21 3RT	RDS
Malton Fire Station	Sheepfoot Hill, Malton, YO17 7DX	D/C and RDS
Masham Fire Station	Red Lane, Masham, HG4 4ES	RDS
Northallerton Fire Station	Crosby Road, Northallerton, DL6 1AB	D/C and RDS
Pickering Fire Station	Malton Road, Pickering, YO18 7JJ	RDS
Reeth Fire Station	Silver Street, Reeth, DL11 6SR	RDS
Richmond Fire Station	Gallowgate, Richmond, DL10 4NE	D/C
Ripon Fire Station	Stonebridgegate, Ripon, HG4 1LH	D/C and RDS
Robin Hoods Bay Fire Station	Thorpe Lane, Fylingthorpe, YO22 4RN	RDS
Scarborough Fire	North Marine Road, Scarborough, YO12 7EY	Shift

Station		
Selby Fire Station	Canal Road, Selby, YO8 8AG	D/C and RDS
Settle Fire Station	Kingsmill Lane, Settle, BD24 9BS	RDS
Sherburn Fire Station	Scarborough Road, Sherburn, YO17 8QB	RDS
Skipton Fire Station	Broughton Road, Skipton, BD23 1RT	RDS
Stokesley Fire Station	North End, Stokesley, TS9 5DY	RDS
Summerbridge Fire Station	The Old Warehouse, Summerbridge, Harrogate, HG3 4BT	RDS
Tadcaster Fire Station	Station Road, Tadcaster, LS24 9JR	D/C and RDS
Thirsk Fire Station	Castle Garth, Thirsk, YO7 1PU	RDS
Whitby Fire Station	Back St Hilda's Terrace, Whitby, YO21 3AE	D/C
York Fire Station	Kent Street, York, YO10 4AH	Shift

North Yorkshire Fire & Rescue Service has 38 fire stations. These include:

- Five shift stations which are crewed 24 hours a day. These are Acomb, Harrogate, Huntington, Scarborough and York. Shift stations are staffed 24/7 and staff are not on-call once they have left work.
- Seven day crewed. These are Malton, Northallerton, Richmond, Ripon, Selby, Tadcaster and Whitby. Day crewed stations are staffed during the daytime and the staff are on-call from home during the night.

Shift and day crewed staff are often referred to as 'wholetime' staff.

- 24 retained stations. Retained Duty System (RDS) stations are staffed by on-call staff only who attend stations only when responding to incidents and once a week for training. One shift station and five day crewed stations have an RDS crewed appliance as well (see station list).
- Two volunteer stations (crewed by volunteers) at Lofthouse and Goathland. Volunteer stations are staffed by members of the community who volunteer to provide a more limited response than wholetime or RDS stations and are used to provide a first strike capability in remote areas.

North Yorkshire Fire & Rescue Service appliances are listed below:

46 Operational pumps (4 of these are 4 x 4 rescue pumps and 4 of these are Tactical Response Vehicles)
 3 Aerial Ladder Platform ALPs
 2 Argocat all terrain vehicles (ATV)
 8 Community Safety vehicles (CSV)
 2 High Volume Pumps (HVP)
 1 Incident Command Unit (ICU)
 1 Incident Response Unit (IRU)
 3 Incident Support Units (ISU)
 2 Water Bowser
 3 Rescue boats
 2 Volunteer Land Rovers

Establishment

Uniformed

CFO/CE	1
Assistant Chief Fire Officer	2
Area Manager	2
Group Manager	8
Station Manager	16
Watch Manager	53
Crew Manager	53
Firefighter	165

Total Uniformed **300**

Retained Duty System 380

Station Manager (Control)	1
Watch Manager (Control)	2
Crew Manager (Control)	6
Firefighter (Control)	8

Total Control **17**

Non-Uniformed

Corporate Management Board	2.5
Grade 14	2
Grade 13	2
Grade 12	5
Grade 11	1
Grade 10	2
Grade 9	13.68
Grade 8	13
Grade 7	6
Grade 6	21
Grade 5	6
Grade 4	2
Grade 3	15.31
Grade 2	4.5
Grade 1	0

Total Non-Uniformed 95.99

Total Establishment 792.99

Strategic Aims 2013/14 to 2015/16

The strategic aims set out what it is North Yorkshire Fire and Rescue Service aims to do over the subsequent 5 years.

The four Strategic Aims are:

- Strategic Aim 1 –The provision of a resilient intervention service
- Strategic Aim 2 –The provision of a resilient and effective protection (technical fire safety) service
- Strategic Aim 3 –The provision of a resilient and effective prevention (community safety) service
- Strategic Aim 4 –The provision of a legally compliant and sustainable organisation with the appropriate level of governance