



HAMPSHIRE  
**FIRE AND  
RESCUE**  
AUTHORITY

# **HAMPSHIRE FIRE AND RESCUE AUTHORITY**

## **CONSTITUTION**

June 2017



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## **Part 1 – Introduction and Background**

### **1.1 Purpose of Constitution**

The purpose of this constitution is to set out in a single place and in clear language how Hampshire Fire and Rescue Authority (“the Authority”) works and how it makes decisions.

### **1.2 Background**

The Authority is a combined fire and rescue authority constituted under s4 of the Fire and Rescue Services Act 2004. It covers the administrative areas of Hampshire County Council, Portsmouth City Council and Southampton City Council. It is made up of elected members from Hampshire County Council, Portsmouth City Council and Southampton City Council.

The Authority is a statutory corporation, which means it is a body created by government legislation. A statutory corporation can only do things it is specifically authorised to do by legislation or law.

Under Part 2 of the Fire and Rescue Services Act 2004, the Authority is responsible for carrying out the following functions:

- Fire safety – the promotion of fire safety in the Authority’s geographical area.
- Fire fighting – extinguishing fires and protecting property and life in the Authority’s geographical area.
- Road Traffic Accidents - Rescuing people in the event of road traffic accidents (referred to within the Service as “road traffic collisions” or “RTCs”) and protecting people from serious harm in the event of road traffic accidents in the Authority’s geographical area, to the extent considered reasonable.
- Emergencies – such functions as the Secretary of State confers relating to emergencies other than fires and road traffic accidents in the Authority’s geographical area.



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The Authority also has wide powers under the Fire and Rescue Services Act 2004 to do anything it considers appropriate for the purposes of carrying out its functions and anything it considers appropriate for purposes indirectly incidental to or connected with its functions.

The Authority is funded through the Council Tax precept.

## **1.3 Structure and Responsibility for Decision Making**

### **Structure**

The Authority is made up of elected members from its constituent authorities in proportion to the number of electors in each constituent authority, as set out in section 2 below.

Hampshire Fire and Rescue Service (“HFRS”) is the name given to the operational fire and rescue service. HFRS staff and officers are employed by the Authority as the body corporate and are responsible for day to day delivery of the Authority’s operational functions.

### **Decision Making**

The Authority meets 6 times per year. Its role is to take decision on strategic and policy matters and establish the framework within which Hampshire Fire and Rescue Service operates, in accordance with its Terms of Reference which are set out in Part 3.1 of the Constitution. The procedures governing the Authority’s meetings and the decisions it makes are set out in Standing Orders at Part 4.1 of the Constitution.

The Authority has one standing committee – Standards and Governance Committee (“S&GC”), which is responsible for audit and scrutiny functions in accordance with its terms of reference.

The Authority is able to establish sub committees of the Authority for a wide range of purposes and can delegate responsibility for taking certain decisions to sub committees. The Authority is not able to delegate decisions to the Chairman or any other single member of the Authority.

The Authority has established a Scheme of Delegation. This delegates responsibility for a wide range of decisions relating to operational delivery to officers.

The Authority is able to delegate specific decisions to the Chief Fire Officer (or other officers) and can delegate authority to an officer to make a decision “in consultation” with the Chairman or other elected members.

Therefore, all decisions will be taken either by:

- The Authority at one of its six meetings (on all matters that have not been delegated to S&GC, to another sub committee or to Officers through the Scheme of Delegation or otherwise); or



- Standards and Governance Committee (on matters within S&GC's terms of reference); or
- A sub committee of members to which the Authority has delegated responsibility for a decision; or
- By officers pursuant to the Scheme of Delegation; or
- By officers where a specific delegation has been given by the Authority or Standards and Governance Committee.

### **Corporate Management Team**

The Authority has a Corporate Management Team (CMT) made up of Senior Officers and members. CMT does not make any decisions, but acts as a forum for officers to brief members and ensure members are sighted on operational matters of importance. CMT meets six times per year in between Authority meetings. CMT meetings are open to all members and are chaired by the Chief Officer.

## **1.4 The Authority's Vision**

Hampshire Fire and Rescue Authority is committed to ensuring that Hampshire has an efficient and effective fire service which makes life safer for everyone.

## **1.5 The Authority's Policy Framework**

The Authority's Policies are contained within the Policy Framework which can be found on the HFRA internet pages.

## **Part 2 – Members of the Authority**

### **2.1 Composition**

The Authority is made up of elected members from its constituent authorities in proportion to the number of electors in each constituent authority. The maximum number of members is 25. The current membership is 10, comprising 8 members from Hampshire County Council, 1 from Portsmouth City Council and 1 from Southampton City Council.

### **2.2 Appointments/election cycle**

Constituent authorities make appointments to the Authority at their own full Council meetings (usually their annual meeting) in accordance with their own Council's political proportionality. A member ceases to be a member of the Authority if they cease to be an elected member of their appointing constituent authority. Any vacancy on the Authority is appointed to by the relevant constituent authority at its next full Council meeting.

### **2.3 Roles and functions of Members**

Members of the Authority provide political leadership and set the strategic direction for the Service, representing the electorate. Their primary formal function is to participate in and vote on decisions at meetings of the Authority. This includes, in particular, annually setting the council tax precept and agreeing a number of other strategies and policies. The Authority elects individual members to the roles of Chairman and Vice-Chairman of the Authority and makes appointments of Members to any Committees or sub-committees it chooses to establish.



## Part 3 – Arrangements to Perform Functions

### 3.1 Full Authority Terms of Reference

The Authority meets 6 times per year. The Authority's role is to take decisions on strategic and policy matters and establish the framework within which Hampshire Fire and Rescue Service operates.

In considering all matters and in particular in reaching decisions the Authority shall take into account the impact on equalities and on the environment and climate change. Decisions shall be taken with regard to the financial sustainability of the Authority and be underpinned by a commitment to health and safety.

Meetings of the Authority will be conducted in accordance with Standing Orders.

Specific matters upon which the Authority will make decisions include, but are not limited to, the following non exhaustive list:

#### Finance

- To annually determine a revenue budget and capital programme for the Authority and the level of Council Tax precept for the forthcoming financial year.
- To monitor and approve the Authority's medium term financial plan and any proposal to amend the budget.
- To monitor and approve the Authority's treasury management strategy.
- To consider monitoring reports against the Authority's agreed revenue budget and capital programme and to consider and approve the annual budget outturn position as set out in the Authority's final accounts.
- To approve budget virements over £200,000.
- To approve amendments of direct revenue funding or the use of balances.
- To approve virements into an employee budget to appoint new permanent members of staff.
- To approve the write-off of any debt over £10,000.
- To approve one-off expenditure funded from reserves in excess of £200,000.





- To approve the appointment of external audit providers in accordance with the Authority's Financial Regulations.
- To agree and approve procedures for carrying forward under-spends on budget headings.
- To approve potential capital schemes with cost in excess of £1,000,000 before any expenditure is committed.

### **Assets**

- To consider and approve the sale and purchase of land or buildings with a value greater than £250,000, or the disposal of land or buildings by way of lease or license for a period greater than 10 years or at a value greater than £100,000 per annum. For the avoidance of doubt, in exceptional circumstances, the Chief Fire Officer is authorised, following consultation with the Chairman and Chief Financial Officer to pay a deposit of up to £250,000 to secure the Authority's interest in the prospective purchase of land or buildings in circumstances where a decision to pay a deposit cannot wait until the next meeting of the Authority. In these circumstances the payment of the deposit will be reported to the next meeting of the Authority and any consequent decisions regarding proceeding with the transaction will be made by the Authority.

### **Approval of Strategies and Policies (is this section required)**

To review and approve significant strategies and policies, including:

- the Integrated Risk Management Plan
- the Medium Term Financial Plan
- any other significant strategies considered appropriate by the Chairman of the Authority or the Chief Fire Officer.

### **Risk and Performance Management**

- To consider and approve the Risk Management Strategy, review the Strategic Risk Register and receive reports on risk management
- To regularly monitor performance against priorities and aims of the Service Plan
- To consider and approve the Authority's insurance arrangements.
- To consider and approve the Health and Safety Statement of Intent for signature by the Chief Fire Officer and to receive the annual report



## **People and Leadership**

- To be responsible for the process of recruitment, appointment and dismissal of the Chief Fire Officer and the Deputy Chief Fire Officer.
- To appoint to the positions of the Clerk, Monitoring Officer and Chief Financial Officer to the Authority as 'Proper Officers' as set out in the Authority's Scheme of Delegation, Financial Regulations and relevant legislation.
- To consider and approve the annual Pay Policy Statement for publication, in accordance with the Localism Act 2011.
- To complete the process required under the national terms and conditions of service for Principal Officers (Gold Book) for the annual review of performance and determination of local pay awards. For these purposes, the Authority shall establish a member working group to act as a Principal Officer Pay Group to provide recommendations to the Authority.

## **Governance**

- To agree and adopt a Constitution for the Authority including the following elements and approve any revisions or replacements:
  - Standing Orders
  - Committee Terms of Reference
  - Contract Standing Orders
  - Scheme of Delegation
  - Financial Regulations
  - Code of Conduct for Members, including Member role profiles
  - Arrangements to be applied for the investigation and determination of allegations of a failure to comply with the Code of Conduct for Members and co-opted Members
- To make appointments of members to committees, sub committees or working groups of the Authority.
- To make appointments to the position of Chairman and Vice-Chairman of the Authority and committees/sub committees or working groups.
- To make appointments to the Authority's Pension Board.
- To appoint an Independent Person to the Authority in accordance with the Localism Act 2011.
- To appoint Directors and a Shareholder representative of 3SFire Ltd.



- To appoint to such other Member roles as the Authority determines from time to time.
- To consider and approve a scheme for the payment of Members' Allowances in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003
- To appoint Members of the Authority to local Crime and Disorder Reduction Partnerships.

### **Scrutiny**

- To carry out joint Member/Officer pre and post implementation scrutiny of any major project, scheme or significant decision taken by the Authority or its Committee.
- To consider outcomes of corporate projects and initiatives.
- To receive a report on any matter considered appropriate by the Chairman (or in their absence the Vice-Chairman) of the Authority or the Chief Fire Officer, Chief Financial Officer or Clerk and Monitoring Officer.
- To consider and approve the settlement of claims by or against the Authority in legal proceedings with a value greater than £100,000.
- To agree action in relation to 3SFire Ltd as the shareholder and to have oversight of other commercial activity.
- To receive reports on urgent Financial actions taken by the Chief Financial Officer in consultation with the Chairman of the Authority and Chief Fire Officer in accordance with the Authority's Financial Regulations.

When necessary, the Fire Authority will establish a working group to enable the fulfilment of any of the above.

## **3.2 Full Authority Timetable and Work Plan**

The Authority's timetable of meetings and work plan for the coming year can be found on the Authority's website.

### **3.3 Standards and Governance Committee – Terms of Reference**

Standards and Governance Committee shall comprise of 6 Members of the Authority. Appointments to Standards and Governance Committee shall be made each year at the Annual Meeting of the Authority.

Standards and Governance Committee's terms of reference are:

#### **Standards**

- To oversee the discharge of the Authority's duty to promote and maintain high standards of conduct by Members and co-opted Members through:
  - Promotion of training and advice on the Code of Conduct and other relevant protocols
  - Making recommendations to the Authority on the revision or replacement of its Code of Conduct
  - Making recommendations to the Authority on the arrangements to be applied for the investigation and determination of allegations of a failure to comply with the Code of Conduct for Members and co-opted Members, including the appropriate involvement of the Independent Person
- To oversee the recruitment of an Independent Person or Persons to the Authority and make a recommendation to the Authority for their appointment.
- To consider and determine any allegation of a failure to comply with the Code of Conduct in accordance with such arrangements described above.
- To consider and determine any application by a Member or co-opted Member for the grant of a dispensation under Section 33 Localism Act 2011, relieving the restrictions on participation in, and voting on, a matter in which the Member or co-opted Member has a disclosable pecuniary interest
- To review the Members' Allowances Scheme in accordance with applicable law and make recommendations to the Full Authority about the scheme.
- To act as the Authority's appeal body for appropriate categories of employees in accordance with agreed policies where it is not possible for an appeal to be heard by officers.



## **Governance**

- To consider and approve the annual Statement of Accounts and the Annual Governance Statement incorporated within it, in compliance with the statutory deadline
- To consider and approve the annual Assurance Statement

## **Audit**

- To consider reports from the Chief Financial Officer on internal audit strategy, planning and delivery and to approve the internal audit plan.
- To receive the annual opinion of the Internal Auditor.
- To consider the External Auditor's management letter to the Authority and any reports from the external auditor and make recommendations to the Authority as necessary.

## **Scrutiny**

- To consider the report of any inspection of the Service and make recommendations as required.

## **Pension Board**

- To act as the Scheme Manager for the Hampshire Firefighters Pension Fund.

Members of the Standards and Governance Committee will establish a working group if required to enable the fulfilment of any of the above.

## **3.4 Standards and Governance Committee Timetable and Work plan**

Standards and Governance Committee's timetable of meetings and work plan for the coming year can be found on the Authority's website.



## **3.5 Terms of Reference for the Pension Board of the Hampshire Firefighter’s Pension Scheme**

### **1. Introduction**

- 1.1. Hampshire Fire and Rescue Authority (“the Authority”) has established a Pension Board (“the Board”) in accordance with the requirements of the Public Service Pensions Act 2013.

### **2. Role and Powers of the Hampshire Firefighter’s Pension Board**

- 2.1. The role of the Board is to:

- Assist the Authority as the administering authority of the Hampshire Firefighter’s Pension Scheme (HFFPS):
  - to secure compliance with the Firefighter’s Pension Scheme (FFPS) Regulations and any other legislation relating to the governance and administration of the FFPS.
  - to secure compliance with requirements imposed in relation to the FFPS by the Pensions Regulator.
- To ensure the effective and efficient governance and administration of the HFFPS by the Authority.
- To consider how discretionary and other pension related issues are being addressed from an operational viewpoint.
- To present an annual report to the Authority on the exercise of its functions.

- 2.2. The Board shall have the power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions.

### **3. Members of the Hampshire Firefighter’s Pension Board**

- 3.1. The Board shall initially consist of 6 members and be constituted as follows:

- 3 employer representatives;
- 3 scheme member representatives;

- 3.2. The Chairman of the Board will be elected by the Board, from amongst its number at the first meeting of the Board following the Annual Meeting of the Authority in each year.



- 3.3. With regard to 3.4, the Vice Chairman of the Board will be elected by the Board from amongst its number at the first meeting of the Board following the Annual Meeting of the Authority in each year.
- 3.4. If the Chairman is a scheme representative then the Vice Chairman will be an employer representative and vice versa.
- 3.5. The employer representatives will be appointed by the Authority at its Annual Meeting.
- 3.6. Scheme member representatives will be appointed by the Authority in accordance with the recruitment policy agreed by the relevant Committee with responsibility for Scheme Management. Scheme member representatives must be active, deferred or pensioner members of the FFPS.
- 3.7. The term of office of the Chairman and Vice Chairman will be one year from the date of appointment, but either can be re-elected by the Board up to a maximum of four years.
- 3.8. Each employer representative and scheme member representative so appointed shall serve for a fixed four year period from the date of appointment which can be extended for a further period of four years.
- 3.9. Employer representatives and scheme member representatives will remain as members of the Board during their appointed term of office unless they become incapable of acting, cease to represent their constituency, resign by giving written notice to the Chairman of HFRA or are removed from the Board pursuant to Paragraph 4 of the Board's Code of Conduct.
- 3.10. Employer representatives and scheme member representatives may also be removed from office during their term of appointment by a majority decision of a quorate meeting of the HFFPS Board if they do not comply with the requirements of paragraph 3.9. The removal of any Board member also requires the agreement of the Authority.
- 3.11. The Chairman and employer representatives will be appointed by the Authority at the Annual Meeting and may be replaced at any time during the year by the Authority.
- 3.12. Any vacancies arising for the scheme member representatives will be recruited in line with the recruitment policy approved by the relevant Committee with responsibility for Scheme Management and will be formally appointed by the Authority at any time during the year.
- 3.13. Each Board member should endeavour to attend all Board meetings during the year and is required to attend at least half of the meetings held in each year.



#### **4. Quorum**

- 4.1. Half of the members of the Board will represent a quorum for Board Meetings.
- 4.2. In the absence of both the Chairman and the Vice-Chairman the members of the Board shall appoint a Chairman for that meeting who shall while presiding have any power or duty of the Chairman in relation to the conduct of the meeting.

#### **5. Advisers to the Board**

- 5.1. The Board will be supported in its role and responsibilities by officers of the Authority and it will consult with such officers to help better perform its duties. In the event that specialist professional advice is not available from the officers of the Authority then the Board may ask the Director of Professional Services to seek independent professional advice through the appointment of advisers on their behalf, subject to financial and legal considerations.

#### **6. Knowledge and Skills**

- 6.1. A member of the Board must be conversant with:
  - The legislation and associated guidance of the FFPS.
  - Any document recording policy about the administration of the FFPS which is for the time being adopted by Authority.
- 6.2. A member of the Board must have knowledge and understanding of:
  - The law relating to pensions, and
  - Any other matters which are prescribed in regulations.
- 6.3. A member of the Board representing employers or scheme members must have the relevant experience and capacity to represent employer and scheme members respectively on the Board.
- 6.4. Notwithstanding the requirements set out above, it is anticipated that training will be given to Board Members to help them fulfil their role and to keep them updated on changes in the FFPS.

#### **7. Board Meetings**

- 7.1. Meetings of the Board will be conducted in accordance with the Standing Orders of the Authority and for all purpose including but not limited to notice of meetings, publication of agendas and reports, recording and publication of minutes of meetings and consideration of urgent items meetings of the Board shall be treated as if they were a meeting of a Committee of the Authority.
- 7.2. There will be a minimum of two Board meetings a year and the Chairman of the Board, with the consent of the Board, may call additional meetings. Urgent business of the Board between meetings





may, in exceptional circumstances, be conducted via communications between members of the Board including telephone or video conferencing and e-mails.

## **8. Voting**

- 8.1. Each member of the Board will have an individual vote and items will be decided by a simple majority of members attending the meeting but it is expected the Board will as far as possible reach a consensus. The Chairman shall determine when consensus has been reached.
- 8.2. Where consensus is not achieved, this should be recorded by the Chairman who shall then have a casting vote.
- 8.3. In support of its core functions, the Board may make a request for information from the Scheme Manager, with regard to any aspect of the Scheme Manager's function. Any such request should be reasonable in both scope and timing.
- 8.4. In support of its core functions the Board may make recommendations to the Scheme Manager which should be considered and a response made to the Board on the outcome within a reasonable period of time.

## **9. Standards of Conduct**

- 9.1. The role of Board members requires the highest standards of conduct and therefore the 'seven principles of public life' apply to all Board members, these are:

Selflessness  
Integrity  
Objectivity  
Accountability  
Openness  
Honesty  
Leadership

- 9.2. The Code of Conduct for Board Members set out in Annex A shall apply to all members of the Board. Members of the Board who are also a member of other authorities also remain bound by the Members' Code of Conduct of their own authority.

## **10. Publication of Pension Board Information**

- 10.1. Up to date information will be posted on the Authority's website showing:
  - The names and information of the Board members.
  - How the scheme members are represented on the Board.
  - The responsibilities of the Board as a whole.
  - The full terms of reference and policies of the Board and how they operate.
  - The Board appointment process.



- Who each individual Board member represents.
- Any specific roles and responsibilities of individual Board members.

**11. Accountability**

11.1. The Board will be collectively and individually accountable to the relevant Committee with responsibility for Scheme Management and the Authority.

**12. Reporting Breaches**

12.1. Any potential or actual Breach that comes to the attention of the Board shall be dealt with in accordance with the Protocol for Reporting Breaches agreed from time to time between the Board and the Authority.

**13. Expense Reimbursement**

13.1. No basic allowance is payable to Board members although employer and scheme member representatives shall be entitled to claim Travelling Allowances on the terms set out in the then current Member’s Allowance scheme, or HFRS employees’ scheme as appropriate.

**14. Definitions**

14.1. The undernoted terms shall have the following meaning when used in this document:

<i>Breach</i>	Means non-compliance with a duty relevant to the administration of the FFPS which is likely to be of material significance to the Pensions Regulator in the exercise of any of its functions
<i>‘Hampshire Firefighter’s Pension Board’, ‘Fire Pension Board’, ‘Pension Board’ or ‘Board’</i>	Means the Pension Board of Hampshire Fire and Rescue Authority for the Hampshire Firefighters’ Pension Scheme as required under the Public Service Pensions Act 2013.
<i>‘HFFPS’, ‘FFPS’ or Regulations</i>	The Firefighters’ Pension Scheme as constituted by the Firefighter’s pension scheme 1992, as amended, the Firefighters’ Pension Scheme



	2006, as amended and the Firefighters' Pension Scheme Regulations 2014 as amended.
<i>'Scheme'</i>	Means the Firefighters' Pension Scheme as defined under 'HFFPS' above.
<i>'Scheme Member'</i>	Means active, deferred or pensioner members of the Firefighters' Pension Scheme

## **15. Interpretation**

- 15.1 Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the Authority's Monitoring Officer.

## **Annex A to the Terms of Reference of the Pension Board**

### **Code of Conduct for Members of the Hampshire Firefighter's Pension Board Members**

#### **1. Introduction**

This Code of Conduct for the Hampshire Firefighter's Pension Board has been adopted by the Authority pursuant to its statutory duty to appoint a Pension Board for the HFFPS.

This Code applies to members of the Hampshire Firefighter's Pension Board when acting in their capacity as members of the Board. For the avoidance of doubt, members of the Board who are also members of other authorities also remain bound by the Member's Code of Conduct of their own authority.

This Code is based on and is consistent with the principles of;

- Selflessness
- Integrity
- Objectivity
- Accountability
- Openness
- Honesty and
- Leadership

#### **2. Obligations of Members of the Board**

As a Member of Hampshire Firefighter's Pension Board, your conduct will address the principles of the Code of Conduct by:

- a. Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing the interests of the HFFPS, or the good governance of the HFFPS in a proper manner.
- b. Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties.
- c. Listening to the interests of all parties, including relevant advice from statutory and other professional officers of the HFRA (or those acting on



their behalf), taking all relevant information into consideration, remaining objective and making decisions on merit.

- d. Being accountable for your decisions and co-operating when scrutinised internally and externally.
- e. Contributing to making the Board's decision-making processes as open and transparent as possible.
- f. Restricting access to information when the wider public interest, the Board's Terms of Reference or the law requires it.
- g. Valuing your colleagues and Officers of the Authority and engaging with them in an appropriate manner.
- h. Always treating all people with respect and propriety.

### **3. Conflicts of Interest**

- a. No member of the Board may participate in any business of the Board if they have a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board (this does not include a financial or other interest arising merely by virtue of membership of the Scheme or any connected Scheme) ('Conflict of Interest').
- b. All Board members must before becoming a member of the Board declare any potential Conflict of Interest to the Monitoring Officer of the Authority.
- c. After appointment all Board members must within 14 days of becoming aware of any new potential Conflict of Interest declare that potential Conflict of Interest to the Monitoring Officer of the Authority.
- d. A member of the Board must at any time provide the Monitoring Officer of the Authority with such information as he or she requires for the purpose of establishing whether or not the Board member has a Conflict of Interest.
- e. A Board member should disclose any Conflict of Interest in any business of the Board either at the commencement of the meeting, the commencement of the consideration of the item or when the Conflict of Interest becomes apparent.
- f. If a Board member has a Conflict of Interest in any business of the Board then that Member may not participate in any discussion of, vote on or discharge any function in relation to the matter. In addition the Board member should withdraw from the room where the meeting is being held.

#### **4. Non-Compliance with the Code of Conduct**

Any alleged non-compliance with this Code of Conduct shall be referred to the relevant Committee with responsibility for Scheme Management for consideration. In the event that the relevant Committee finds that a member of the Board has failed to comply with the provisions of this Code then the Committee may determine that the Member is to immediately cease to be a member of the Board or take such other action as the Committee regard as appropriate. This can include but is not limited to requiring the member to apologise or requiring the member to undertake such training as they feel is appropriate.

## 3.6 Scheme of Delegation

### 1. Introduction

- 1.1 This Scheme of Delegation has been approved by Hampshire Fire and Rescue Authority (“the Authority”) and was drawn up in consultation with the Chief Fire Officer of Hampshire Fire and Rescue Service (the Chief Fire Officer”).
- 1.2 In accordance with the provisions of Section 101 of the Local Government Act 1972 the Authority may, subject to any express provision in any Act of Parliament, arrange for the discharge of any of its functions by a committee, a sub-committee or an officer of the Authority.<sup>1</sup>
- 1.3 Where the Chief Fire Officer is authorised to discharge any functions on behalf of the Authority and is for any reason unable to discharge those functions the Authority’s Deputy Chief Fire Officer.
- 1.4 Where the Clerk of the Authority (“the Clerk”) or the Authority’s Chief Financial Officer (“Chief Financial Officer”) are authorised to discharge any functions on behalf of the Authority and are for any reason unable to discharge those functions, those authorised to deputise for them in respect of their office within their local authority may discharge those functions.
- 1.5 Where the discharge of a function is delegated to an officer under this Scheme of Delegation and that officer is for any reason unable to discharge those functions that officer may arrange for the discharge of that function to be undertaken by another officer nominated by him/her.<sup>2</sup>
- 1.6 The Authority has appointed a Clerk and a Chief Financial Officer to the Authority who are responsible for the general administration of the Authority. The Chief Financial Officer is also the officer appointed by the Authority to be responsible for its financial affairs.
- 1.7 Various duties are conferred by legislation on the “Proper Officer” of the Authority. The term proper officer in relation to any person is interpreted as meaning the officer appointed for that purpose by the Authority or if not specifically appointed, the Clerk, Chief Financial Officer or Chief Fire Officer as

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<sup>1</sup> A Committee which is authorised to discharge an function on behalf of the Authority may delegate that power to a sub-committee or an officer, where arrangements have been made for a sub-committee to discharge any function it may delegate that function to an officer, arrangements may also be made between two or more fire authorities for the discharge of their functions.

<sup>2</sup> The term “officer” refers to people appointed to posts within the Authority. They may be directly employed or working for the Authority under Service Contracts.



appropriate. For the avoidance of any doubt, the Clerk, Chief Financial Officer and the Chief Fire Officer (where stated) are appointed as Proper Officers for the purposes set out in the table in the Annex hereto.

- 1.8 For the purposes of the Proper Officer provisions referred to in the Annex hereto the deputy to the Clerk, the Deputy Chief Financial Officer, and/or Deputy Chief Fire Officer are authorised to act in the event of the Clerk or Chief Financial Officer being unable to act as the Proper Officer.

## **2. The Chief Fire Officer**

- 2.1 The Chief Fire Officer is authorised to act on behalf of and exercise all the powers of the Authority, except for those matters specifically reserved for decision by the Authority or its Standards and Governance Committee as set out in the Terms of Reference of the Authority and the Terms of Reference of the Standards and Governance Committee, provided that any such action is in accordance with relevant legislation, the policies laid down by the Authority, the Authority's approved budget and the Authority's Constitution, in particular the Authority's Financial Regulations.

## **3. The Clerk of the Authority**

- 3.1 The Clerk or the Chief Fire Officer are authorised to institute, defend or participate in any legal proceedings in any case where the institution or defence of such proceedings is necessary to give effect to decisions of the Authority (or any committee, sub-committee or officer) or in any other case where the Clerk or Chief Fire Officer considers that the institution or defence of or participation in proceedings is necessary to protect the Authority's interests, except for legal proceedings with a value greater than £100,000.
- 3.2 Either the Clerk or Chief Fire Officer is authorised to take action in connection with the Authority's statutory functions as exercised by the Chief Fire Officer in proceedings in magistrates and crown courts and in any other judicial or quasi judicial proceedings including laying information, making complaints and otherwise representing the Authority.
- 3.3 Where any document will be a necessary step in any legal procedure or legal proceedings on behalf of the Authority it shall be signed by the Clerk or Chief Fire Officer unless any enactment otherwise requires or authorises, or the Authority gives authority to, some other person for the purpose of such procedure or proceedings. Where any document is to be signed by a Solicitor it shall be signed by the Clerk.





#### **4. The Chief Financial Officer**

- 4.1 The financial responsibilities of the Authority's Chief Financial Officer are set out in the Authority's Financial Regulations.

#### **5. The Monitoring Officer**

- 5.1 The Authority is required to appoint an officer to perform the functions of the "Monitoring Officer" under Section 5 of the Local Government and Housing Act 1989 ("the Act") and does so hereby appoint the Clerk to the Authority to fulfil that role.
- 5.2 In accordance with the provisions of Section 5 of the Act the Monitoring Officer is required to prepare a report to the Authority with respect to any proposal, decision or omission by the Authority, any of its committees, officers or employees which has given rise to, or is likely to, or would give rise to, a contravention of any enactment or rule of law or any code of practice made or approved by or under any enactment.
- 5.3 In performing the duty conferred by Section 5 of the Act the Monitoring Officer will take account of reports made by any other officer and whether a matter is being resolved by other means including other reporting procedures.
- 5.4 The Monitoring Officer in performing the duties arising under Section 5 of the Act is authorised to incur expenditure where this is necessary in seeking advice outside the Authority.



## Annex to Scheme of Delegation- Purposes of the Proper Officer

<b>Legislation</b>	<b>Purpose</b>	<b>Proper Officer</b>
Section 100B (2) Local Government Act 1972	Access to Agenda and connected papers	The Clerk/Monitoring Officer
Section 100 (B) (7) (c) Local Government Act 1972	Determination of whether any reports or parts should be excluded from those supplied in accordance with a request from any newspaper	The Clerk/Monitoring Officer
Section 100C (2) Local Government Act 1972	Inspection of minutes and other documents after meetings	The Clerk/Monitoring Officer
Section 100 D (1) (a) Local Government Act 1972	Compilation of lists of background papers for the report or the part of the report.	The Clerk and/or the Chief Financial Officer depending on which officer is reporting to the Authority. In the case of joint reports, whose title first appears at the head of the report.
Section 100D (5) (a) Local Government Act 1972	Identification of background papers to reports	The Clerk and/or Chief Financial Officer (as in the previous delegation)
Section 100F (2) Local Government Act 1972	Determining which documents are available for public inspection	The Clerk/Monitoring Officer
Section 115 Local Government Act 1972	Responsibility for the receipt of money due from officers	The Chief Financial Officer in respect of officers under their respective direction and control
Section 229 Local Government Act 1972	Certification of documents	The Clerk/Monitoring Officer and/or the Chief Financial Officer within delegated powers
Section 234 (1) Local Government Act 1972	Authentication of documents	The Clerk/Monitoring Officer and/or the Chief Officer
Section 30 Local Government Act 1974	Reports on investigation/issued by a Local Commissioner	The Clerk/Monitoring Officer

## **Part 4 - Rules of Procedure**

This section of the Constitution contains the rules of procedure, responsibilities and governance framework governing decision making by elected members at Authority meetings or Committee meetings and decision making by officers under the Scheme of Delegation.

Section 4.1 contains the Authority's Standing Orders. These set out the rules of procedure that govern meetings of the Authority (i.e. members) and meetings of Committees and Sub Committees.

Section 4.2 contains the Authority's Financial Regulations. These identify the financial responsibilities of Hampshire Fire and Rescue Authority, Members, the Chief Fire Officer; the Clerk and Monitoring Officer; the Chief Financial Officer; and other officers. Financial Regulations set out the responsibilities and framework within which all financial matters relating to the Authority are dealt with.

Section 4.3 contains the Authority's Contract Standing Orders. These set out the administrative procedures that have been adopted by the Authority and must be followed in relation to the procurement and award of contracts for goods, services or works with third parties.

## **4.1 Hampshire Fire and Rescue Authority - Standing Orders**

### **1. Meetings of the Authority**

- 1.1 The Authority shall hold an annual meeting between 1 April and 30 June each year. The first items of business on the agenda for the annual meeting shall be the appointment of Chairman and Vice-Chairman for the ensuing year to the next annual meeting.
- 1.2 In addition to the annual meeting of the Authority and any meeting convened by the Chairman or by members of the Authority, meetings for the transaction of general business shall be held on such days as may be determined by the Authority at its annual meeting provided that any such date may be varied at a subsequent meeting.
- 1.3 The Chairman of the Authority may cause a special meeting of the Authority to be called at any time.
- 1.4 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 Clerk and specifying the business for which the meeting is to be called. After receipt of such request, the Clerk shall arrange for the special meeting to take place not less than 21 days and not more than 35 days after the receipt of the request.
- 1.5 In these Standing Orders “ordinary meeting” means a meeting described in paragraph (1) or (2) above other than a meeting convened by the Chairman or by members of the Authority. Unless otherwise specified, the term “year” means the period from the annual meeting in one calendar year to the start of the annual meeting in the following year.
- 1.6 Unless the Authority otherwise determines, all meetings of the Authority other than a special meeting of the Authority arranged in accordance with Standing Order 1.4 shall be held at 10.00 a.m. All meetings of the Authority, including special meetings arranged under Standing Order 1.4 shall take place on a weekday.
- 1.7 The Police and Crime Commissioner for Hampshire shall be invited to attend the public part of meetings of the Authority and shall be entitled to speak to any of the items on the public agenda during debate under Standing Order 6(1). For the avoidance of doubt, the Police and Crime Commissioner for Hampshire shall not be a Member of the Authority and shall not have a right to vote on any matter. Standing Order 10 shall apply to the Police and Crime Commissioner for Hampshire when in attendance at meetings of the Authority. Standing Order 19 shall not apply to the Police and Crime Commissioner for



Hampshire when in attendance at meetings of the Authority pursuant to the invitation contained in this Standing Order.

- 1.8 The Authority may from time to time appoint deputy members from any of the Constituent Authorities. Duly appointed deputy members may, after giving notice in advance to the Clerk, deputise for their Authority's substantive member at a meeting of the Authority, in the event their substantive member is unable to attend such meeting. Only a Constituent Authority's substantive member or their deputy member (and not both) may attend and vote at a particular meeting. Standing Orders shall apply to a deputy member when attending a meeting of the Authority in the same way as they apply to substantive members. Deputy Members shall not be entitled to receive allowances under the Authority's Members' Allowance Scheme.

## **2. Appointment of Committees and Sub-Committees**

- 2.1 The Authority shall appoint at its annual meeting such committees or sub-committees as it deems necessary; committees and sub-committees shall meet as and when required.

## **3. Chairman of the Meeting**

- 3.1 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.

## **4. Quorum**

- 4.1 At a meeting of the Authority the quorum shall be as set out in the Hampshire Fire Services (Combination Scheme Order) 1996, as amended from time to time.
- 4.2 The quorum for every meeting of a committee or sub-committee of the Authority, unless a special quorum is otherwise prescribed shall be at least one third of the whole number of the committee or sub-committee provided that in no case shall a quorum of a committee or sub-committee be less than three members.
- 4.3 If within thirty minutes from the time appointed for the commencement of any meeting of the Authority or of a committee or sub-committee a quorum (that is one third of the whole number of members or three members, whichever is the greater) is not present, the meeting may be dissolved.



## **5. Circulation of Agenda and Confirmation of Minutes of the Authority\***

- 5.1 A copy of the summons and agenda for the forthcoming meeting of the Authority, a committee or sub-committee and the minutes of the previous meeting shall be despatched by the Clerk at least six clear days before such forthcoming meeting to each member, and such minutes shall be taken as read when submitted to the Authority for confirmation unless a majority of the members then present otherwise order. Unless similarly ordered, any document which comes up for consideration at any meeting, and which has been printed and circulated to each member at or prior to such a meeting, shall be taken as read.

## **6. Motions and Amendments Generally\***

- 6.1 After calling each item on the Agenda (other than Minutes) and after any introductory remarks by the Clerk/Chief Fire Officer or other Officer of the Authority, the Chairman shall first call for questions and after these have been disposed of, shall call "any debate?" A member desiring to ask questions or to debate shall indicate by raising his/her hand.
- 6.2 If there is no debate, the Chairman shall put the printed Recommendation to the vote, or in the case of an item for information only, that it be noted and no seconder shall be required.
- 6.3 A member shall not, without the permission of the Chairman, speak more than once on any motion or amendment except on a point of order or by way of personal explanation.
- 6.4 Where the Agenda item contains a Recommendation, it shall be deemed at the commencement of debate on that item, unless the Chairman indicates otherwise, that the Recommendation has been formally moved by him/her and seconded and any subsequent motion shall be treated as an amendment to the Recommendation.
- 6.5 The Chairman may require the mover of a motion or amendment to put the same into writing and submit it to the Chair before speaking about it. Subject to this, no motion or amendment shall be debated until the mover has spoken to it and it has been seconded.
- 6.6 A member may not propose or second a motion or amendment on which he/she is disqualified from voting, and neither may a member move or second more than one amendment on the same motion.



## **7. Motions Affecting Persons Employed by the Authority\***

- 7.1 If any matter arises at a meeting of the Authority, or a committee or sub-committee as to the appointment, promotion, dismissal, salary, superannuation, condition of service or the conduct of any person employed by the Authority, such matter shall not be the subject to discussion until the Authority, committee or sub-committee, as the case may be, has decided whether or not the power of exclusion of the public under Part 1 of Schedule 12A of the Local Government Act 1972, shall be exercised.

## **8. Amendments to Motions\***

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

- 8.1.1 to refer a subject of debate to a committee or sub-committee for consideration or reconsideration;
- 8.1.2 to leave out words;
- 8.1.3 to leave out words and insert or add others;
- 8.1.4 to insert or add words;

but such omission, insertion or addition of words shall not have the effect of introducing a materially new issue into or of negating a motion before the Authority.

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

## **9. Alterations or Withdrawal of Motion or Amendment\***

- 9.1 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 put into writing and handed to him/her before the consent of the Authority to the alteration is sought.
- 9.2 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 asked permission for its withdrawal, unless such permission has been refused.

- 9.3 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.

## **10. Conduct of Members\***

- 10.1 A member who has a disclosable pecuniary interest in any matter being considered at a meeting of the Authority must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless he or she has obtained a dispensation from the Standards and Governance Committee. The member may, however, make representations on the matter to the meeting, in accordance with the Authority's deputations procedure, provided that he or she withdraws from the room when those representations are concluded and before any discussion or vote takes place.
- 10.2 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.
- 10.3 If any member in the opinion of the Chairman misconducts himself/herself by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Authority, or by tedious repetition or unbecoming language in his/her speech, 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.
- 10.4 If the member named continues his/her misconduct after a motion under the previous paragraph has been carried, the Chairman shall either:-
- 10.4.1 move "that the member named is to leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
- 10.4.2 Adjourn the meeting of the Authority for such period as he/she in his/her discretion shall consider expedient.
- 10.5 In the event that a motion under Standing Order 10.4.1 has been carried and the named member refuses to leave the meeting the Chairman may order the removal of that member from the room in which the meeting is being held.

## **11. Questions\***





- 11.1 A member may, if the question has been given to the Clerk in writing by 10.00 a.m. three clear working days before the meeting of the Authority, ask the Chairman of the Authority or the Chairman of any committee, any question relating to the business of the Authority or the committee.
- 11.2 The question given to the Clerk shall set out in full the question to be asked and the notice shall be signed and dated by the member giving the notice. The requirement for the notice to be signed by the member shall not apply in the case of an electronic copy being received by the Clerk.
- 11.3 The Clerk shall record any questions submitted in the order in which they are received and the questions in that order shall be put to the appropriate meeting of the Authority.
- 11.4 Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer. The member asking the question may ask one supplementary question arising out of the reply.
- 11.5 Where a reply to any question cannot conveniently be given orally, it shall be deemed as sufficient reply if a written answer is circulated to the member asking the question and to all other member of the Authority as soon as reasonably practicable after the meeting.
- 11.6 The amount of time devoted to questions under this Standing Order shall not exceed 30 minutes.

## **12. Agenda Items\***

- 12.1 A member may, by giving 10 working days notice, require an item to be placed on the agenda either for an Authority or committee meeting. For the avoidance of doubt, the Authority or committee at which the agenda item is considered will determine what, if any, action it is proposed to be taken with the agenda item. If either the Authority or the committee determine that further action is required on the agenda item, the Authority or the committee will request officers to submit a full report on the agenda item to the next appropriate meeting of the Authority or committee.

## **13. Points of Order and Explanation\***

- 13.1 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.

13.2 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

#### **14. Formal Motion\***

14.1 A member who has not spoken may, at the conclusion of a speech of another member, move without comment “that the question be now put” or “that the Authority now adjourn”, upon the seconding of which the Chairman shall put that motion to the vote without amendment or discussion and, if it is carried, the question before the meeting shall be put to the vote or the meeting shall stand adjourned, as the case may be; provided that if on the moving and seconding of any such formal motion as aforesaid the Chairman is of the opinion that the matter has not been sufficiently discussed, he/she may either refuse to accept the motion at that time or he/she may indicate how many more member he/she will permit to speak before putting the motion.

#### **15. Relevance of Speeches\***

15.1 A member shall direct his/her speech to the question under discussion or to an explanation or to a point of order.

#### **16. Voting\***

16.1 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.

16.2 In taking the votes on any proposition, only those members who are present in the room when the proposition is put from the Chair shall be entitled to vote.

16.3 After a proposition is put from the Chair, but before the vote is taken, any five 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/her vote for or against that proposition or abstained from voting.

16.4 Where, immediately after a vote is taken at a meeting of the Authority or any committee, any member so requires, there shall be recorded in the minutes of



the proceedings of that meeting whether that person cast his or her vote for the question or against the question or whether he or she abstained from voting.

16.5 The Chairman or person chairing meetings of the Authority and committees shall have a second or casting vote. For the avoidance of doubt, the Chairman may use such a second or casting vote on an equality of voting despite not having voted when the motion was put to the meeting for voting upon.

## **17. General Disturbances\***

17.1 If a member of the public interrupts the proceedings at meetings 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.

17.2 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 30 minutes.

## **18. Adjourned Meeting\***

18.1 When a meeting is adjourned to a future day, notice of the adjournment shall be sent to each member specifying the business to be transacted at the resumed meeting.

## **19. Deputations\***

19.1 Subject to the provisions of this Standing Order, the Authority, and any of its committees or sub-committees shall receive deputations on any business that is properly within its terms of reference and the Deputation shall be allowed to address the meeting.

19.2 For the purposes of this Standing Order:-

19.2.1 Notice in writing shall be given to the Clerk that a Deputation wishes to address the meeting and the notice shall specify the subject before the meeting upon which the Deputation wishes to speak. In the case of a



meeting of the Authority, committees and sub-committees the notice shall be given by noon two clear days in advance.

19.2.2 Deputations shall consist of not more than 4 people who shall be Local Government electors in the area of the Authority.

19.2.3 Any member of a Deputation may address the meeting.

19.2.4 The total time taken by the Deputation in addressing the meeting shall not exceed ten minutes.

19.2.5 Deputations shall be taken at the beginning of the meeting (after the Minutes) and the total time for all deputations shall not exceed one hour in duration.

19.2.6 No Deputation shall appear before the Authority at successive meetings or at any committee or sub-committee within six months of any previous appearance, on the same or similar topic.

## **20. Minority Order Procedure\***

20.1 If Members numbering at least one quarter of the voting Members present at a meeting of a Committee so request immediately after the vote is taken on any matter which is otherwise within the delegated powers of the Committee, the decision shall take the form of a Recommendation to the Authority and shall not be effective unless and until approved by the Authority. Where any matter is for the time being delegated to a sub-committee, Members numbering at least one quarter of the voting Members present at the meeting of the sub-committee may in the same manner require that the decision shall take the form of a Recommendation to the appropriate Committee.

20.2 This Standing Order shall not apply to:-

20.2.1 Sub-Committees established to appoint officers of the Authority.

20.2.2 Any decisions of a quasi judicial nature.

20.2.3 Decisions where delay could put the Authority in breach of the law or in breach of legally binding obligations.



## **21. Canvassing of and Recommendations by Members**

- 21.1 Canvassing of members of the Authority, or any Committee or Sub-Committee of the Authority, directly or indirectly for any appointment under the Authority shall disqualify the candidate concerned for that appointment. The purpose of this paragraph of this Standing Order shall be included in any form of application.
- 21.2 A member of the Authority shall not solicit for any person any appointment under the Authority 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.

## **22. Relatives of Members or Employees**

- 22.1 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.
- 22.2 Every member and senior officer of the Authority shall disclose to the Clerk 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.
- 22.3 The purpose of this Standing Order shall be included in any form of application.
- 22.4 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.

## **23. Custody of Seal**

- 23.1 The common seal of the Authority shall be kept in a safe place in the custody of the Clerk.



## **24. Sealing of Documents**

24.1 The common seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a committee or sub-committee or a decision of an officer to which the Authority has delegated its powers on its behalf, but a resolution of the Authority (or of a committee, sub-committee or officer where that committee, sub-committee or officer 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, issuing a levy or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the authorisation.

24.2 The seal shall be attested by the Clerk 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 had attested the seal.

## **25. Special meetings of Committees and Sub-Committees**

25.1 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.

25.2 A special meeting of the 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 and signed by them and given to the Clerk and specifying the business for which the meeting is to be called. After receipt of such request, the Clerk shall arrange for the special meeting to take place not less than 21 days and not more than 35 days after the receipt of the request.

## **26. Proceedings of the Authority, Committees and Sub-Committees**

26.1 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 a 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.

26.2 Subject to the provision of Section 100 of the Local Government Act 1972, all Authority 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.

26.3 No act of a committee or sub-committee shall have effect until approved by the Authority except to the extent that the committee or sub-committee has of itself power to act without the approval of the Authority and the power so to act has been conferred upon the committee or sub-committee.

26.4 In addition, to those Standing Orders which expressly related to the Authority, committees and sub-committees, Standing Orders 5 to 20 inclusive shall apply with any necessary modification to committee and sub-committees. These Standing Orders are highlighted by an asterisk. At any meeting of a committee or sub-committee, the Chairman of the committee or sub-committee shall have discretion to follow a more informal debating process than that set out at Standing Orders 6, 8.2 and 9 as he/she considers appropriate to enable the efficient conduct of business.

## **27. Chairman and Vice-Chairman of Committees and Sub-Committees**

27.1 The Chairman and Vice-Chairman of each committee or sub-committee established by the Authority shall be appointed at the time the committee or sub-committee is first established and thereafter shall be appointed by the Authority at each annual meeting. A Chairman or Vice-Chairman so appointed 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.

27.2 Subject to paragraph 27.1, 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.

27.3 In the absence of the Chairman or Vice-Chairman at any meeting of a committee or sub-committee, the members present shall choose one of their number to preside over the meeting, subject to paragraph 27.4.

27.4 If the 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 after any question under discussion on his/her arrival has been disposed of but not before then.

## **28. Rescission of previous Resolution**

28.1 No motion to rescind any resolution passed within the preceding six months, and no motions or amendments to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice



thereof bears the names of at least four members of the Authority. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any member to propose a similar motion within a further period of six months. This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

## **29. Audio or Visual Recordings at Meetings**

29.1 Audio or visual recording equipment may only be used in accordance with the Authority's protocol for the filming, photographing and audio-recording of all public meetings, which complies with the Openness of Local Government Bodies regulations 2014

## **30. Display of Banners at Meetings**

30.1 Except with the consent of the Chairman of the meeting, no member or members of the public shall display banners, posters or signs at meetings.

## **31. Variation and Revocation of Standing Orders**

31.1 Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

## **32. Suspension of Standing Orders**

32.1 Subject to paragraph 32.2, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.

32.2 A motion to suspend any of the preceding Standing Orders shall not be moved unless there are at least one-half of the whole number of the members of the Authority present.





### **33. Interpretation of Standing Orders**

- 33.1 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 not be challenged at any meeting of the Authority.
- 33.2 In these Standing Orders, references to the Clerk shall be taken to include such persons as time to time are authorised by him/her to act on his/her behalf.

## 4.2 Financial Regulations

### Introduction and overview

#### What are financial regulations?

- 1.1 The regulations set out at A to E below identify the financial responsibilities of Hampshire Fire and Rescue Authority, Members, the Chief Fire Officer; the Clerk and Monitoring Officer; the Chief Financial Officer; and other officers.
- 1.2 The Authority and its officers should maintain a written record of any decision-making that has been delegated to members of staff, including seconded staff. When decisions have been delegated or have been devolved to other bodies or responsible officers, references to members or officers in these regulations should be read as referring to them.

#### Who should read this document?

- 1.3 These regulations and the procedures they contain apply to all staff and members of the Authority. The prime audience for financial regulations are:
  - Members of the Authority
  - Chief Fire Officer
  - finance officers
  - staff with financial responsibilities.
- 1.4 More detailed guidance on how the regulations should be implemented in practice is contained in Financial Procedures, which apply to all members and all staff.

#### Why have financial regulations?

- 1.5 Financial regulations form part of the means by which the Authority manages its business. They clarify responsibilities and provide a framework for decision-making about financial matters. Where there are specific statutory powers and duties, the financial regulations seek to ensure that these are duly complied with, as well as setting out best professional practices and processes for all activities and decisions of the Authority, its committees and the Fire and Rescue Service.
- 1.6 In summary, financial regulations are the regulatory framework within which the financial affairs of the Authority operate.



## **Corporate governance and financial regulations**

- 1.7 All staff and members must comply with the fundamental “principles of public life” as set out in the Committee on Standards in Public Life (the Nolan Committee): which include openness, integrity and accountability.
- 1.8 These regulations also reinforce the corporate governance “standards”, as recommended by the Nolan Committee, governing:
- organisational structures and processes
  - financial reporting and internal controls
  - standards of behaviour.

## **What do financial regulations cover?**

- 1.9 The regulations apply to all the Authority’s activities. In practice, this means all budgets, money and funds administered by members and officers in carrying out their duties across all the Authority’s services and activities. This also includes:
- funds managed on behalf of third parties such as trust funds, community accounts and unofficial funds
  - partnership arrangements where the Authority is the accountable body.
  - External providers such as outsourced services, contractors and consultants who are managed through the contract process. The contract document will set out the financial requirements. These include, for example, compliance with key control procedures; performance standards and statistics; attendance at service client meetings; and access to accounts.

## **Awareness and access**

- 1.10 The Chief Fire Officer is responsible for ensuring that all employees with financial responsibilities are made aware of and have access to these regulations, and to the Financial Procedures that set out in more detail how they should implement and comply with the regulations.

## **Non-compliance with financial regulations**

- 1.11 Failure to comply with these regulations and the accompanying financial procedures may have the following consequences:
- For employees, these regulations supplement the employee code of conduct so a breach will be considered a disciplinary offence that will invoke disciplinary procedures (and can lead to dismissal).



- For members, these regulations supplement the code of conduct for members, so a breach may be reported to the Standards and Governance Committee.

## **Review of financial regulations**

1.12 The Chief Financial Officer is responsible for maintaining a continuous review of these regulations.

## **Other rules**

1.13 Apart from these regulations, all members and officers must comply with certain other rules. These include:

### the law:

- relevant local government legislation
- relevant civil and criminal law
- the Hampshire Fire Services (Combination Scheme) Order 1996

### Other Authority rules:

- Standing Orders
- the Scheme of Delegation
- Contract Standing Orders
- human resources policies and procedures
- service orders
- Financial Procedures

## **List of financial regulations**

- A – Financial accountabilities and management
- B – Financial planning
- C – Risk management and control of resources
- D – Systems and procedures
- E – External arrangements

## **Financial regulation A – Financial accountabilities and management**

### **Introduction**

- A.1 Financial management covers all financial accountabilities in relation to the running of the Authority and Service, including the policy framework and budget.
- A.2 The Authority delegates day to day financial management to the Chief Fire Officer so that, as far as possible, the financial management of the Service takes place within the Service.
- A.3 The Authority, advised by its Chief Financial Officer, must be satisfied that the Chief Fire Officer exercises delegated financial responsibilities in a proper and effective manner.
- A.4 The Authority encourages the Service itself to devolve financial management so far as possible to local officers.
- A.5 Authority has the following specific responsibilities:

### **Finance**

- To annually determine a revenue budget and capital programme for the Authority and the level of Council Tax precept for the forthcoming financial year.
- To monitor and approve the Authority's medium term financial plan and any proposal to amend the budget.
- To monitor and approve the Authority's treasury management strategy.
- To consider monitoring reports against the Authority's agreed revenue budget and capital programme and to consider and approve the annual budget outturn position as set out in the Authority's final accounts.
- To approve budget virements over £200,000.
- To approve virements into an employee budget to appoint new permanent members of staff.
- To approve the write-off of any debt over £10,000.



- To approve one-off expenditure funded from reserves in excess of £200,000.
- To approve the appointment of external audit providers in accordance with the Authority's Financial Regulations.
- To agree and approve procedures for carrying forward under and over-spends on budget headings.
- To approve potential capital schemes with cost in excess of £1,000,000 before any expenditure is committed.

### Assets

- To consider and approve the sale and purchase of land or buildings with a value greater than £250,000, or the disposal of land or buildings by way of lease or license for a period greater than 10 years or at a value greater than £100,000 per annum. For the avoidance of doubt, in exceptional circumstances, the Chief Fire Officer is authorised, following consultation with the Chairman and Chief Financial Officer to pay a deposit of up to £250,000 to secure the Authority's interest in the prospective purchase of land or buildings in circumstances where a decision to pay a deposit cannot wait until the next meeting of the Authority. In these circumstances the payment of the deposit will be reported to the next meeting of the Authority and any consequent decisions regarding proceeding with the transaction will be made by the Authority.

**Commented [RL1]:** As per comments in the Scheme of Delegation.

### Governance

- To agree and adopt a Constitution for the Authority including the following elements and approve any revisions or replacements;
  - Standing Orders
  - Committee Terms of Reference
  - Contract Standing Orders
  - Scheme of Delegation
  - Financial Regulations
  - Code of Conduct for Members, including Member role profiles
  - Arrangements to be applied for the investigation and determination of allegations of a failure to comply with the Code of Conduct for Members and co-opted Members

### Legal Proceedings



- To consider and approve settlements or other payments made by the Authority in legal proceedings with a value greater than £100,000.

### **Chief Fire Officer and his staff**

- A.6 The Chief Fire Officer and his staff should have as much day to day responsibility for financial management of the Service as is possible within the framework of the agreed budget and rules of virement.
- A.7 The Chief Fire Officer shall control expenditure and income, monitor performance, and take the necessary action to avoid exceeding any financial allocation. He may authorise other officers to act on his behalf in sanctioning orders for payments, but such delegation does not in any way reduce the overall responsibilities of the Chief Fire Officer.
- A.8 Where expenditure or income involves a contract with a third party, the Chief Fire Officer must follow procedure laid down in Contract Standing Orders.

### **Clerk and Monitoring Officer**

- A.9 The Clerk is designated as the Monitoring Officer under section 5 (1) of the Local Government and Housing Act 1989, with responsibility for reporting any illegal action, breach of any code of practice, maladministration or injustice, by:
- The Authority or any of its committees
  - Any officer of the service
  - Any employee of the service including any fire officer, or other local authority or organisation providing services to the Authority
- A.10 The Clerk or Chief Fire Officer is authorised to instigate, defend or appeal legal proceedings in any court or tribunal to protect the Authority's interests and interests of the Chief Fire Officer.
- A.11 The Clerk is authorised to settle all claims made against the Authority subject to appropriate financial approvals being obtained.
- A.12 The Clerk shall in any circumstances which he or she considers urgent, take any action that he or she considers appropriate to protect the interest of the Authority and Chief Fire Officer.



## **Chief Financial Officer**

A.13 The Chief Financial Officer has statutory duties in relation to the financial administration and stewardship of the Service. This statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounts and Audit Regulations 1996.

A.14 The Chief Financial Officer is responsible for:

- the proper administration of the Authority's financial affairs
- reporting both to members of the Authority and to the external auditors any unlawful, or potentially unlawful, expenditure by the members or officers of the Authority or Service
- reporting both to the Authority and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure
- preparation of statutory and other accounts
- setting and monitoring compliance with accounting and financial management procedures and standards
- maintaining an effective and adequate internal audit and all audit arrangements
- advising on budgetary matters including any consequent long term implications
- key financial controls necessary to secure sound financial management
- providing financial information
- providing financial advice on all aspects of activity, including strategic planning and policy making process
- treasury management and banking arrangements

A.15 In carrying out these responsibilities, the Chief Financial Officer will:

- assist members in seeking to obtain best value for money
- advise the Authority on financial propriety
- advise, in consultation with the Clerk, on the safeguarding of assets, including risk management and insurance
- arrange for the notification to the collecting authorities of precepts
- issue Financial Procedures and guidance to the Service containing general accounting and audit practices to be observed in the maintenance of their records





- oversee the accounting procedures and financial records of the Authority and its officers (in consultation with the Chief Fire Officer). Such procedures shall have regard to section 115 of the Local Government Act 1972, the Accounts and Audit Regulations 1996 and appropriate Accounting Standards.
- set schemes of financial delegation and/or authorisation
- oversee financial and related IT systems
- set out procedures and controls for ordering services, supplies and works
- make arrangements for the payment of accounts and collection of income
- make arrangements for pay and pensions.

A.16 Section 114 of the Local Government Finance Act 1988 requires the Chief Financial Officer to report to the members and external auditor if the Authority or one of its officers:

- has made, or is about to make, a decision that involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action that has resulted or would result in a loss or deficiency to the Authority
- is about to make an unlawful entry in the Authority's accounts.

A.17 Section 114 of the 1988 Act also requires:

- that the Deputy Chief Financial Officer performs these functions in the absence of the Chief Financial Officer
- that the Authority provides the Chief Financial Officer with sufficient staff, accommodation and other resources – including legal advice when this is necessary – to carry out the duties under section 114.

## **Other financial accountabilities**

### **Virement**

A.18 Once the annual revenue and capital budgets are approved, and subject to the provisions of these Financial Regulations and Standing Orders, the budgets will give authority to the Chief Fire Officer in consultation with the Chief Financial Officer to incur expenditure without the need to obtain further approval from the Authority, except where:

- the Chief Fire Officer proposes a change in policy and/or the objectives and targets in the Fire and Rescue Service Plan and/or
- there is a proposed virement of over £200,000. In this case the Authority would be required to authorise the adjustment.



A.19 Virement shall not be made from a capital budget to a revenue budget except where the Authority has approved an amendment of direct revenue funding or the use of balances.

A.20 The Chief Fire Officer shall identify officers to whom he or she proposes to delegate responsibility to manage and control budgets under delegated arrangements and such officers shall manage and control the budgets so delegated.

A.21 Virement into an employee budget to appoint new permanent members of staff is not permitted without the specific approval of the Authority.

### **Treatment of year-end balances**

A.22 The Authority is responsible for agreeing procedures for carrying forward under and overspendings on budget headings on the advice of the Chief Financial Officer.

### **Accounting policies**

A.23 The Chief Financial Officer is responsible for determining accounting policies and financial systems and ensuring that they are applied consistently.

### **Accounting records and returns**

A.24 The Chief Financial Officer is responsible for determining the accounting procedures and records for the Authority.

The annual statement of accounts

A.25 The Chief Financial Officer is responsible for ensuring that the annual statement of accounts is prepared and certified in accordance with *the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The Finance and General Purposes Committee is responsible for approving the annual statement of accounts on the recommendation of the Chief Financial Officer.

### **Debt write-offs**

A.26 The Chief Fire Officer is authorised to write off debts up to £5,000 and in consultation with the Chief Financial Officer is authorised to write off any debt up to £10,000. Details of all write-offs must be maintained in a central register by the Chief Fire Officer. The write-off of any debt over £10,000 must be approved by the Authority.



## **Use of Reserves**

A.27 The Chief Fire Officer in consultation with the Chief Financial Officer is authorised to approve one off expenditure to be funded from reserves up to a value of £200,000 per discreet item. Amounts in excess of £200,000 must be reported to the Authority for approval.

## **Financial regulation B – Financial planning**

### **Introduction**

B.1 The Authority is responsible for agreeing the policy framework and budget, which will be proposed by the Chief Fire Officer. In terms of financial planning, the key elements are:

- the Service Plan
- the Medium Term Financial Plan
- the revenue budget
- the capital programme.

### **Budgeting**

#### Budget format

B.2 The general format of the budget and budget guidelines will be approved by the Authority and proposed by the Chief Fire Officer on the advice of the Chief Financial Officer. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

#### Budget preparation

- B.3 The Chief Financial Officer is responsible for ensuring that a revenue budget and a forward financial forecast for three years is prepared each year for consideration by the members. The Authority may amend the budget or ask the members to reconsider it before approving it.
- B.4 The members, in consultation with the Chief Financial Officer, are responsible for issuing guidance on the general content of the budget as soon as possible following approval by the Authority.
- B.5 The Chief Fire Officer is responsible for ensuring that budget estimates reflecting agreed service plans are submitted to the members, and that these estimates are prepared in line with members' guidance.
- B.6 The precept has to be notified to the collecting authorities by the end of February in respect of the ensuing financial year. It must be supported by a balanced budget approved by the Authority in consultation with the Chief Fire Officer and Chief Financial Officer.

#### Budget monitoring and control

B.7 The Chief Financial Officer is responsible for providing appropriate financial systems to enable budgets to be monitored effectively. The Chief Financial Officer must monitor expenditure against budget allocations and report regularly to the members on the overall position.

B.8 The Chief Fire Officer is responsible for controlling income and expenditure on their budgets and for monitoring performance, taking account of financial information provided by the Chief Financial Officer. The Chief Fire Officer should report on variations and take any action necessary to avoid exceeding budgets, and should alert the Chief Financial Officer to any problems. Any new proposal containing significant financial implications must take note of the Chief Financial Officer's advice.

### **Capital expenditure**

B.9 The Chief Financial Officer is responsible for ensuring that a capital programme is prepared each year for consideration, before submission to Members.

B.10 The Chief Fire Officer, in consultation with the Chief Financial Officer, shall prepare a draft capital programme for the ensuing year and following two years, which indicates the assumed financing for each year. Due regard should be given to the provisions of the Prudential Code.

B.11 Potential schemes, with cost in excess of £1,000,000 must be formally appraised and a report submitted to the Authority for approval, before any expenditure can be committed.

B.12 The draft capital programme for the ensuing year should be submitted to the Authority for approval and include:

- details of all schemes, showing the total cost and the phased cost to completion
- method of funding
- an estimate of the revenue implications and confirmation as to whether this can be contained within the agreed revenue budget.

B.13 The Chief Fire Officer shall be responsible for the control of expenditure against the approved capital programme and for the provision of timely and complete and accurate financial information as required by the Authority and Chief Financial Officer.

B.14 Capital expenditure is defined by Part IV of the Local Government and Housing Act 1989.

B.15 The Chief Financial Officer shall be notified of all proposed finance and operating lease arrangements to ensure they are appropriate.

B.16 The Chief Fire Officer and Chief Financial Officer may approve an increase in the capital programme of up to £50,000 and the Chief Fire Officer and Chief Financial Officer in consultation with the Chairman of the Authority may approve an increase of up to £100,000. In both cases the approved

expenditure must be subsequently reported to the full Authority.

B.17 The Chief Fire Officer, in consultation with the Chief Financial Officer and Chairman of the Authority is authorised to make changes within the overall approved capital programme limits where it is in the Authority's interests, with the changes being reported back to the full Authority.

### **Maintenance of balance and reserves**

B.18 The Chief Financial Officer is responsible for advising the members and/or the Authority on prudent levels of balances and reserves for the Authority.

### **Urgent Decisions**

B.19 Where an urgent financial decision is required that falls outside of the defined process or limits within Financial Regulations or Financial Procedure Rules, but is felt to be in the wider interests of the Authority, the Chief Financial Officer in consultation with the Chief Fire Officer and Chairman of the Authority can make the decision subject to it being reported back to the Authority.



## **Financial regulation C – Risk management and control of resources**

### **Introduction**

- C.1 It is essential that robust systems are developed and maintained for identifying and evaluating all significant financial and operational risks to the Authority on an integrated basis. This should include the active participation of all staff associated with planning and delivering services.

### **Risk management**

- C.2 The Authority is responsible for approving the service plan and strategy and for reviewing the effectiveness of risk management.
- C.3 The Chief Fire Officer is responsible for ensuring that proper insurance exists where appropriate.
- C.4 The Chief Fire Officer is responsible in consultation with the Clerk for preparing Authority's Risk Management Policy and for promoting it throughout the Service, and for advising the Authority on proper insurance cover where appropriate.
- C.5 The Chief Fire Officer is responsible for reviewing risks at least annually.

### **Internal control**

- C.6 Internal control refers to the systems of control to ensure that the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- C.7 The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.8 The Chief Finance Officer is responsible for establishing sound arrangements for planning, appraising, authorising and controlling operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving financial performance targets.

### **Audit requirements**

- C.9 The Accounts and Audit regulations 1996 require the Chief Finance Officer to maintain an adequate and effective internal audit.



C.10 The Authority is responsible for appointing external auditors, but this may be delegated to a third party with the approval of the Authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.

C.11 The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies which have statutory rights of access, such as HM Revenue and Customs.

### **Preventing fraud and corruption**

C.12 The Chief Financial Officer is responsible for developing and maintaining procedures to prevent fraud and corruption.

### **Assets**

C.13 The Chief Fire Officer should ensure that all records and assets are properly maintained and securely held. He should also ensure that contingency plans are in place for the security of assets and continuity of service in the event of disaster or system failure.

### **Treasury management**

C.14 The Chief Financial Officer shall be responsible for advising the Authority on all matters relating to treasury management and shall have control of all aggregated monies and securities of the Authority.

C.15 The Authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities and accordingly will create and maintain:

- A treasury management policy statement, stating the policies and objectives of its treasury management activities
- Suitable treasury management policies (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

C.16 The Chief Financial Officer is responsible for reporting to the Authority on its treasury management policies, practices and activities. The Authority will approve, before the start of the financial year, an annual treasury management strategy and an annual investment strategy. The Authority will receive a mid-year review and annual report at the end of the financial year.

C.17 The Authority delegates responsibility for the execution and administration of treasury management decisions to the Chief Financial Officer, who will act in accordance with the Authority's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.





## **Banking arrangements**

C.18 All arrangements with bankers must be made only by the Chief Financial Officer, who is authorised to operate such bank accounts as are considered necessary.

## **Staffing**

C.19 The Chief Fire Officer is responsible for determining how officer support will be organised for the members and for all other member roles within the Authority.

C.20 The Chief Fire Officer is responsible for providing overall management to staff and for ensuring that there are systems for the proper evaluation of pay for all staff.

C.21 The Chief Fire Officer is responsible for controlling total staff numbers by:

- advising the Authority on the budget necessary in any given year to cover estimated staffing levels
- adjusting the staffing numbers within approved budget provision, varying the provision as necessary within that constraint to meet changing operational needs



## **Financial regulation D – Systems and procedures**

### **Introduction**

D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

### **General**

D.2 The Chief Financial Officer is responsible for the operation of the Authority's IT systems for financial and business-related purposes, for accounting systems, the form of accounts and the supporting financial records. Any changes made by officers to the existing financial systems or the establishment of new systems must be approved by the Chief Financial Officer. However, officers are responsible for the proper operation of financial processes within their own areas of budgetary control.

D.3 Any changes to agreed procedures by officers to meet their own specific service needs should be agreed with the Chief Financial Officer.

D.4 The Chief Fire Officer should ensure that their staff receive relevant financial training which has been approved by the Chief Financial Officer.

D.5 The Chief Fire Officer must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Officers must ensure that staff are aware of their responsibilities under data protection and freedom of information legislation.

### **Income and expenditure**

D.6 The Chief Fire Officer is responsible for ensuring that a proper scheme of authorisation has been established and is operating effectively. The scheme of authorisation should identify staff authorised to act on the Chief Fire Officer's behalf, in respect of payments, income collection and placing orders. It must also identify the limits of their authority. As part of the overall control framework of accountability and control, the Chief Financial Officer is responsible for specifying procedures for ordering, making payments and for collecting income, and for approving procedures for writing off debts.

### **Payments to employees, members and pensioners**

D.7 The Chief Financial Officer is responsible for paying all allowances to employees, members and pensioners.

### **Taxation**

D.8 The Chief Financial Officer is responsible for advising officers on all taxation issues that affect the Service in the light of guidance issued by appropriate



bodies and relevant legislation.

D.9 The Chief Financial Officer is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date.

D.10 In accordance with advice received from Customs and Excise, the Authority will not accept settlement in cash of any transaction above the value of 15,000 euros equivalent (approximately £10,000).

### **Stocks, stores and inventories**

D.11 Inventories shall be kept at each location of:

- all items of operational equipment
- all vehicles and plant with purchase value of over £500
- all items of non-operational equipment and moveable furniture with purchase value over £500. However local managers should also include attractive items of a lower value.

D.12 The Chief Fire Officer shall be responsible for maintaining proper security of all assets and should aim to achieve the maximum utilisation of such assets in the provision of services.

D.13 The advice of the Chief Fire Officer should be sought on the disposal of surplus or obsolete assets, which should normally be by competitive tender or public auction.

D.14 The sale of land is subject to different procedures as described in the Scheme of Delegation and the advice of the Chief Fire Officer must first be sought.

### **Information technology systems**

D.15 The Chief Fire Officer must ensure there is a corporate approach to systems development in line with the IT and e-government strategy.

### **Devolved Budget arrangements**

D.16 The Chief Financial Officer will agree standards, systems and procedures for all budget holding officers within the Service, and the Chief Fire Officer will ensure that all budget holding officers are accountable to the Chief Financial Officer on all financial matters.

## **Financial regulation E – External arrangements**

### **Introduction**

- E.1 The Authority must develop and contribute to local community plans and act to achieve the promotion or improvement of the economic or social or environmental well-being of its area.

### **Partnerships**

- E.2 The Authority has oversight of partnership arrangements with other local public, private, voluntary and community sector organisations to address local needs, including participation in Community Plans.
- E.3 The Authority can delegate functions – including those relating to partnerships – to officers. Delegated functions are set out in the Scheme of Delegation. When functions are delegated, the Authority remains accountable for them.
- E.4 The Chief Fire Officer is responsible for ensuring due diligence and legality for all partnership arrangements.
- E.5 The Clerk and Monitoring Officer are responsible for promoting and maintaining the same high standards of conduct with regard to partnerships that apply throughout the Authority.
- E.6 The Chief Financial Officer must ensure that accounting arrangements adopted for partnerships and joint ventures are satisfactory, and that the overall corporate governance arrangements are satisfactory when contracts are arranged with external bodies. The Chief Financial Officer must ensure that the risks have been fully appraised before partnership agreements are made with external bodies.
- E.7 The Chief Fire Officer is responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

### **External funding**

- E.8 The Chief Financial Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.



## **Work for third parties**

- E.9 The Chief Financial Officer and Clerk and Monitoring Officer are responsible for approving the contractual framework for any work for third parties or external bodies.

## 4.3 Contract Standing Orders

### Contract Standing Order 1: Interpretation/glossary of terms

In these Contract Standing Orders, the following terms have the following meanings:

“Advance Works Order” means an advance works order issued under CSO 12.10

‘Authorised Officer’ is an officer who has the authority to give such approval under the Authority’s Scheme of Delegation and/or Financial Regulations.

“Contract” means

- (i) any agreement for the supply of goods, services, or the execution of works to or for the Fire Authority including the use of consultants;
- (ii) any Framework Agreement; or
- (iii) any agreement where no payment is made by the Fire Authority but which is of financial value to the Contractor
- (iv) but does not include (without exception)
- (v) an employment contract: or
- (vi) a Grant Agreement

"Contract Lead Officer" means a Hampshire Fire and Rescue officer nominated to deal with contracts

“Contractor” means the party or potential party to a Contract

“Contracts Finder” means a web-based portal provided for the purposes of the UK Regulations by or on behalf of the Cabinet Office

“Authority” means Hampshire fire and Rescue Authority

“CSO”/ "CSOs" means Contract Standing Order/ Contract Standing Orders



“EC Treaty” means the Treaty establishing the European Community signed on 25 March 1957 as amended by subsequent treaties

“EU Public Procurement Directives “ means EU Directive 2014/24/EU and European Council Directive 89/665/EEC Any Directives and Regulations by which it is applied, extended, amended, consolidated or replaced and any re-enactment thereof

“EU Thresholds” means the thresholds for public advertisement of goods, works and services contracts as provided for in the EU Public Procurement Directives and advised by the Government

“Evaluation Report” means a report on the evaluation of tenders prepared under CSO 12

"Framework Agreement" means an agreement between one or more contracting authorities ( bodies governed by public law) and one or more Contractors as defined in CSO 5.1

“Grant Agreement” means an agreement giving financial assistance to an individual or organisation with no supply of goods or services, or execution of works, in return

"OJEU" means the Official Journal of the European Union

“UK Regulations” means the Public Contracts Regulations 2015

“Works” “supplies” & “services” are as defined in the EU Public Procurement Directives



## **Contract Standing Order 2: Status of, and Compliance with, Standing Orders**

- 2.1 By law, Hampshire Fire and Rescue Authority (“the Authority”) is required to make standing orders with respect to contracts for the supply of goods or materials or for the execution of works which provide for securing competition and regulation of the manner in which tenders are invited.
- 2.2 The Authority is a contracting authority for the purposes of the EU Public Procurement Directives, and is thereby legally bound to comply with certain practices and procedures in the award of Contracts.
- 2.3 The Authority has therefore adopted these Contract Standing Orders (CSOs), setting out the administrative procedures that must be followed in relation to the procurement and award of a Contract. CSOs provide a framework to:
- Ensure the Authority uses its resources efficiently in making purchasing decisions to obtain best value in public services.
  - Comply with the laws that govern the spending of public money, and
  - Provide a means of safeguarding the reputation of the Authority and its staff from any implication of dishonesty or corruption.
- 2.4 The Chief Financial Officer and the Clerk are the joint custodians of these CSOs and are responsible for keeping them under review. This includes giving advice on their implementation and interpretation.
- 2.5 Every Contract made by the Authority or on its behalf (irrespective of the source of funding) shall comply with the EC Treaty, the EU Public Procurement Directives, all other applicable EU, and domestic legal requirements, CSOs and Financial Regulations. In the event that there is any conflict or inconsistency between the provisions of CSOs and any legal requirement, the legal requirement shall apply.
- 2.6 The EC Treaty provisions and Treaty-based principles, including non-discrimination, equal treatment, transparency, and proportionality, apply generally in the award of public contracts – including those of a value below the EU Thresholds. Care must be taken at all times to ensure that nothing is done which is discriminatory, improper or which distorts competition.





- 2.7 It is the role of the Director of Professional Services to achieve Best Value for the Authority by publishing a Corporate Procurement Strategy and maintaining a purchasing network for the Authority.
- 2.8 These CSOs are supplemented by the procurement Best Practice Guide published and maintained by Hampshire County Council. In the event that there is any conflict or inconsistency between the provisions of the Procurement Best Practice Guide and the CSOs, then CSOs shall apply.
- 2.8 These CSOs supplement the Employee Code of Conduct and a failure to comply will normally be regarded as a disciplinary offence. Where a person who is not a Hampshire Fire and Rescue Service employee is contracted to a position where they are authorised to carry out purchasing functions, it is a condition of their contract that they comply with CSOs.
- 2.9 These CSOs shall always be interpreted and applied in a way that supports the achievement of the Authority's identified business objectives, within relevant legal frameworks.
- 2.10 Any contracts procured and awarded by way of collaboration with other public bodies where a competitive process has been followed that complies with the equivalent of these CSOs of the leading organisation (but does not necessarily comply with these CSOs) will be deemed to comply with these CSOs and no waiver in accordance with CSO 13 will be required.

### **Contract Standing Order 3: Approval to procure**

- 3.1 The procurement of a Contract (not including a Framework Agreement) is subject to the approval of the relevant decision maker who has the authority to give approval for the relevant expenditure under the Authority's Financial Regulations and/or the Scheme of Delegation. The giving of approval is subject to the expenditure involved having been included in approved estimates and sufficient budgetary provision having been made in the Authority's capital programme or revenue budget.
- 3.2 In estimating the value of the Contract, the principles of CSO 4 shall be applied.
- 3.3 In all cases, the Authorised Officer shall designate a Contract Lead Officer for the Contract. It shall be the responsibility of the Contract Lead Officer to ensure that the processes followed in relation to the procurement and award of the Contract are compliant with these CSOs.

## **Contract Standing Order 4: Contract Value and Aggregation**

- 4.1 The estimated value of a Contract shall be the total value of the Contract net of VAT. This is the total consideration estimated to be payable over the full term of the Contract by the Authority to the Contractor which shall include any option to extend the term under the contract. Where the Contract is one where no payment is made by the Authority (e.g. a concession) a best estimate of the financial value to the Contractor shall be ascertained.
- 4.2 Where the Contract period is indefinite or uncertain, the estimated value shall be calculated on the basis that the Contract will be for a period of four years.
- 4.3 The estimated value of a Framework Agreement is the total value of all the Contracts which could be entered into by the Authority and other contracting authorities, further to that Framework Agreement.
- 4.4 Purchases of the same or similar goods or services must be aggregated wherever practicable. Contracts must not be artificially separated so as to circumvent the application of any part of CSOs, the EU Public Procurement Directives, or UK Regulations.
- 4.5 Contracts which are each of a value below the relevant EU Threshold may nevertheless be subject to full EU Public Procurement Directives tendering requirements, where they constitute a series of related or repeat purchases. Advice should be sought where this is the case, in order that the relevant procurement route can be adopted.

## **Contract Standing Order 5: Framework Agreements**

- 5.1 A Framework Agreement is an agreement between one or more contracting authorities (bodies governed by public law) and one or more Contractors, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Framework Agreements may be established by the Authority, or by other public bodies, or public sector buying consortia, as arrangements through which the Authority, along with other public bodies, may make specific purchases.
- 5.2 Where appropriate a Framework Agreement that has been approved as suitable by the Director of Professional Services in consultation with the Clerk and Monitoring Officer should be used for the making of the proposed purchase. A suitable Framework Agreement shall be appropriate for the specific requirement and procured in compliance with the UK Regulations, and the terms and conditions applicable shall meet the minimum requirements of the Authority.
- 5.3 Provisions contained in the UK Regulations which govern Framework Agreements must be complied with when concluding a Framework Agreement or awarding a contract based on a Framework Agreement.



## **Contract Standing Order 6: Suitability of Contractors**

6.1 In all cases where a Contract is awarded under these CSOs, a Contractor can only be appointed who, as a minimum:

- a) is registered for tax and holds a valid certificate (where appropriate) can confirm a business contact address and telephone number
- b) has an acceptable level of public liability, product, professional indemnity and/or employer's liability as appropriate, based on an assessment of risk for the Contract)

## **Contract Standing Order 7: Publication of Notices**

- 7.1 In all cases where, by virtue of these CSOs or by UK Regulations, a public notice is required, it shall be placed on the corporate tendering opportunities portal on Contracts Finder.
  
- 7.2 Where the estimated total value of a proposed Contract is £100,000 or above, the notice shall additionally be placed in at least one relevant local publication and/or journal circulating among Contractors who undertake Contracts of that nature. However, this is not required where the relevant Authorised Officer is satisfied that to do so would not be value for money.
  
- 7.3 Where the value of the contract is £25,000 or greater the information regarding the Contract award is required to be placed on Contracts Finder.
  
- 7.4 Where the value of the Contract exceeds the relevant EU Threshold, the Contract notice and Contract award notice shall also be placed in the OJEU in accordance with the UK Regulations.



## **Contract Standing Order 8: Purchasing Procedures for Contracts of a Value less than £100,000**

- 8.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is less than £100,000 and there is a suitable Framework Agreement approved by the Director of Professional Services and Clerk under CSO 5.2, that Framework Agreement shall be used.
- 8.2 Where no suitable Framework Agreement is available, and the estimated value of the Contract, calculated in accordance with CSO 4, is less than £10,000, then one written quotation should be obtained. These CSOs do not limit the number of quotations and more should be obtained where appropriate.
- 8.3 Where no suitable Framework Agreement is available, and the estimated value of the Contract calculated in accordance with CSO4, is £10,000 or greater and less than £100,000 three written quotations should be obtained against the same written request for quotation in accordance with the procedure set out in the Procurement Best Practice Guide. These CSOs do not limit the number of quotations and more should be obtained, or a full tendering exercise should be undertaken if appropriate.
- 8.4 In the selection of the Contractor, the Contract Lead Officer shall bear in mind the need to seek best value for money and be able to demonstrate that they have achieved this.
- 8.5 The Contract shall be evidenced in writing, by submission of an order in accordance with the Framework Agreement or, where a Framework Agreement is not used, by the placing of an order on the basis that the price in the written quotation received shall apply.



## **Contract Standing Order 9: Tendering Procedures for Contracts of a Value of £100,000 or greater but less than relevant EU Threshold**

- 9.1 Where the estimated value of the Contract, calculated in accordance with CSO 4, is £100,000 or greater but less than the relevant EU Threshold, and there is a suitable Framework Agreement approved by the Director of Professional Services and Clerk under CSO 5.2, that Framework Agreement shall be used.
- 9.2 Where no suitable Framework Agreement is available, tenders shall be invited using a procedure comparable/similar to the open procedure under the Public Contract Regulations.
- 9.3 Where the estimated value of the contract is £100,000 or greater but less than £1 million approval of the Clerk and Monitoring Officer shall be sought to the use of the negotiated procedure without prior publication, competitive dialogue procedure or innovation partnership procedure.
- 9.4 The procedure requires the publication of a notice in accordance with CSO 7. The public notice shall specify (i) a time period within which interested parties may express an interest in tendering and (ii) the method by which such interest shall be expressed. At the end of this period, an invitation to tender shall be sent to all parties who have expressed an interest, specifying a reasonable period for tenders to be returned.
- 9.5 In all cases, every invitation to tender shall include the following:
- A statement that the tendering process will be conducted within the Authority's corporate electronic tendering system;
  - Full instructions on how to submit their tender to this system;





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- Advice that tenders, once received in the system, will be anonymous until the time specified for their opening;
  - Advice as to the deadline for submission of tenders to this system
- 9.6 In exceptional circumstances, and with the prior approval of an Authorised Officer, an invitation to tender may be sent to tenderers in hard copy paper form, rather than through the electronic tendering system.
- 9.7 The invitation to tender shall state the evaluation criteria, including sub-criteria and sub-sub-criteria (where used), weightings and scoring criteria that will be applied in the award of the Contract. These criteria must be capable of objective assessment, include price and any other relevant factors, and be weighted by relative importance. The invitation to tender shall also include the terms and conditions that will apply to the Contract.
- 9.8 The Contract shall be evidenced in writing by the completion of a formal written Contract, the terms of which have been approved by the Clerk and Monitoring Officer or other person authorised by him for this purpose.



## **Contract Standing Order 10: Tendering Procedures for Contracts above EU Thresholds**

- 10.1 The EU Public Procurement Directives set a financial threshold beyond which prescribed tendering procedures must be followed. The EU Thresholds are reviewed every two years.
- 10.2 Where the estimated value of the Contract is in excess of the relevant EU Threshold, the procedures set out in the EU Public Procurement Directives must be followed. In most cases, the open procedure, restricted procedure or competitive procedure with negotiation will be used, but in certain specialist cases, the negotiated procedure without prior publication, competitive dialogue procedure or innovation partnership procedure shall apply. Advice on which procedure is appropriate to the specific case should be sought from the Clerk and Monitoring Officer.
- 10.3 Where the estimated value of the contract is £100,000 or greater but less than £1 million approval of the Clerk and Monitoring Officer shall be sought to the use of the negotiated procedure without prior publication, competitive dialogue procedure or innovation partnership procedure.
- 10.4 Where the estimated value of the contract is £1 million or greater approval of the Authority shall be sought to the use of the negotiated procedure without prior publication, competitive dialogue procedure, or the innovation partnership procedure.
- 10.5 Any proposed modifications to existing contracts which have not been provided for in the initial procurement documents in clear, precise and unequivocal review clauses shall be approved by the Clerk and Monitoring Officer where the value of the modification is less than £1 million and by the Authority where the value of the modification is £1 million or greater prior to agreement of such modification.



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## **Contract Standing Order 11: Receipt and Opening of Tenders**

- 11.1 Subject to CSO 11.2 – 11.3, all tenders shall be opened at the same time, by an officer appropriately trained to open tenders on the electronic tendering system as soon as reasonably practicable on or after the date for return of tenders. People under contract to the Authority, but not permanent employees of the Authority shall not open tenders unless approved by an Authorised Officer or the Clerk and Monitoring Officer.
- 11.2 For a Contract of a value of £100,000 or greater, the officer opening tenders shall be certified as having completed the required training and the officer's name shall appear on a list held by the Clerk and Monitoring Officer and authorised for that purpose.
- 11.3 The officer opening tenders shall record, in respect of each tender opened, the name of the tenderer and, where applicable, the total value.

## **Contract Standing Order 12: Evaluation of Tenders and Award of Contract**

- 12.1 The Contract Lead Officer (who should normally be an employee of the Authority) shall ensure that the tenders received are evaluated in accordance with the evaluation criteria that have been adopted for the Contract, and stated in the invitation to tender. These criteria must be capable of objective assessment, include price and other relevant factors, and be weighted by relative importance.
- 12.2 The Contract Lead Officer shall produce a written report evaluating each tender received against the evaluation criteria. The report shall identify the tenderer who has submitted the most economically advantageous tender i.e. the tender that achieves the highest score in the evaluation, and recommend the award of the Contract to that tenderer. This report shall be submitted to the person authorised to award the Contract under CSO 12.4.
- 12.3 No contract may be awarded unless the expenditure involved has been included in approved estimates and sufficient budgetary provision made in the Authority's capital or revenue accounts in accordance with CSO 3.1. The Evaluation Report shall confirm how this requirement is met.
- 12.4 An Authorised Officer is authorised to award and sign any contract entered into on the Authority's behalf, where it relates to their Area of Responsibility, and where the value of the Contract is less than £100,000. The Contract may be awarded and signed by an Officer who is authorised to do so on behalf of the Authorised Officer, as documented in the Chief Fire Officer's Scheme of Financial Delegation. All other Contracts shall be awarded by the Chief Fire Officer in consultation with the Clerk and Monitoring Officer. They should then be signed by the Clerk and Monitoring Officer or a senior officer nominated by the Clerk and Monitoring Officer.
- 12.5 Where the value of a Contract is above the relevant EU Threshold, the Contract shall be awarded in accordance with the UK Regulations and in



particular the requirements relating to a “standstill” period prior to the Contract being entered into.

12.6 All Contracts, including an arrangement subject to a purchase order, must be made in writing under English Law, and must clearly and carefully specify the supplies,

services, or works to be provided, the agreed programme for delivery and the price and terms for payment together with all other terms and conditions.

12.7 Where purchases of a value less than £100,000 are made for which standard terms and conditions have been approved by the Clerk and Monitoring Officer those standard terms should be used. Where a Contract is estimated at a value £100,000 or above or is of an unusual or complex nature, the Clerk and Monitoring Officer shall be consulted to produce a suitable set of conditions of contract or to advise on existing conditions for use under a Framework Agreement

12.8 Every contract must also include certain clauses, in a form approved by the Clerk and Monitoring Officer, to protect the Authority from fraud and to ensure that Contractors understand their responsibilities when they are acting on the Authority’s behalf as well as clauses required to comply with the UK Regulations.

12.9 The Authorised Officer shall allocate to an officer the responsibility for the ongoing management of the Contract.

12.10 In exceptional circumstances, where a Contract has been awarded under CSO 12.4, but it is considered necessary in the best interests of the Authority to initiate the provision of goods or services under that Contract prior to the Contract being signed, the issue of an Advance Works Order by the Clerk and Monitoring Officer may be requested. Issue will be subject to confirmation that a decision to award the Contract has been made in accordance with CSOs, the necessary funding for the Contract having been approved, and the value of the Advance Works Order not exceeding £100,000.



## Contract Standing Order 13: Waiver of Contract Standing Orders

13.1 Any of the requirements of these CSOs may be waived in an individual case, by the person authorised as follows:

Where the estimated value of the Contract is less than £100,000	the Authorised Officer within whose Area of Responsibility the Contract falls
Where the estimated value of the Contract is £100,000 or greater but less than £1m	The Authorised Officer within whose Area of Responsibility the Contract falls in consultation with the Clerk and Monitoring Officer
Where the estimated value of the Contract is £1m or greater	The Authority

13.2 A request for the issue of a waiver must be made in writing to the person authorised under CSO 13.1, with full reasons as to why the waiver is required, and evidence that the issue of a waiver will not prevent best value from being obtained. The decision in response to the request must also be in writing. No action shall be taken to enter into the Contract until such request has been submitted and the decision made.

13.3 The Authority is subject to legal requirements to ensure fair competition for Contracts of a value exceeding the EU Thresholds, and subject to obligations under the EU Treaty to ensure that all Contracts (regardless of value) are awarded having regard to the need to avoid any action that is discriminatory, improper or which distorts competition.

13.4 It is understood that waiver may be utilised where it can be demonstrated that the ability to act quickly to engage a single supplier would make economic sense and fit with service requirements, in circumstances where there is no more effective way to secure the capacity.



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## **Part 5 – Appendices, Codes and Protocols**

## Appendix 1

### Hampshire Fire and Rescue Authority Members' Allowances Scheme 2018/19

This scheme is made by Hampshire Fire and Rescue Authority (HFRA) in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 and is effective from 13 June 2017 as agreed by HFRA at its meeting of 5 December 2017. Updated with effect from 1 April 2018 to reflect the increase in basic and special responsibility allowances indexed according to the national Local Government Pay Award.

1. A Basic Allowance of £6120 per annum shall be paid to each properly appointed Member of HFRA (excluding Deputy Members, where appointed).
2. A special responsibility allowance shall be paid to those Members who hold the offices of special responsibility listed in the table below and the amount of each allowance shall be the amount specified.
  - 2.1 Should a Member be appointed to more than one role for which an SRA is payable, only one (the higher) SRA may be claimed.

<b>Role</b>	<b>SRA 2017/18</b>
Chairman of the Authority	£12,240
Vice-Chairman of the Authority	£3060
Standards and Governance Committee Chairman	£1530
Standards and Governance Committee Vice-Chairman	£765
Liberal Democrat Opposition Spokesperson	£3060
Labour Opposition Spokesperson	(£765*)

\* The Labour Opposition Spokesperson allowance is not claimed as the post holder is in receipt of an SRA as vice-chairman of Standards and Governance Committee

3. Travel and other expenses, including childcare and dependent carers' allowances accrued whilst undertaking HFRA duties to be claimed by each Member through and in





accordance with the Members' Allowances Scheme of their respective appointing Authority.

## **Appendix 2**

### **HAMPSHIRE FIRE AND RESCUE AUTHORITY**

#### **Arrangements for dealing with the Assessment, Investigation and Determination of Complaints that a Member or Co-opted Member of Hampshire Fire and Rescue Authority has failed to comply with the Code of Conduct for Members**

1. Introduction
  - 1.1. These arrangements set out the procedure to be followed when a complaint is received that a Member or Co-opted Member of the Authority has failed to comply with the Authority's Code of Conduct for Members.
  - 1.2. The Code of Conduct for Members is attached at Appendix 3 to this Constitution, and is available for inspection and on the Authority's website and on request to the Clerk to the Authority at the address detailed in paragraph 2 below.

2. Making a Complaint

- 2.1. A complaint must be made in writing by post to:

The Monitoring Officer (HFRA)  
c/o Democratic and Member Services,  
Hampshire County Council  
The Castle  
Winchester  
SO23 8UJ



or e mail : [members.services@hants.gov.uk](mailto:members.services@hants.gov.uk)

- 2.2. The standard complaints form should be used, which is attached to this procedure and can also be obtained on request from the Monitoring Officer.
  - 2.3. Anonymous complaints will not be considered unless the complaint is accompanied by documentary or photographic evidence indicating an exceptionally serious or significant matter.
  - 2.4. The Monitoring Officer will acknowledge receipt of a complaint within five working days of receipt of a completed complaint form.
- 3. Initial Validation of Complaint**
- 3.1. Once a complaint has been received the Monitoring Officer will carry out an initial validation of the complaint. In carrying out this initial validation three tests will be applied. These are:
    - 3.1.1 Is it a complaint against one or more named Members or Co-opted Members of the Authority?
    - 3.1.2 Was the named Member or Co-opted Member in office, and acting or purporting to act in his official capacity as a Member or Co-opted Member of the Authority at the time of the alleged conduct; and
    - 3.1.3 Would the complaint, if proven, amount to a breach of the Members' Code of Conduct.
  - 3.2. The Monitoring officer will normally make an initial validation within 20 working days of receipt of a complaint, and the complainant will be notified of the outcome within five working days of the decision being made.
- 4. Initial Assessment of Validated Complaint**
- 4.1. Once a complaint has been validated by the Monitoring Officer, an initial assessment of the complaint will be carried out by the Monitoring Officer, in consultation with the Chairman of the Standards and Governance Committee and an Independent Person. The Subject Member will be informed of the complaint. A copy of the complaint will be forwarded to the Subject Member, unless the Complainant is an officer of the Authority, and the Monitoring Officer, in consultation with the Chairman of the Standards and Governance Committee, considers it appropriate to withhold the specific details of the complaint at this stage.
  - 4.2. An Independent Person is a person other than a Member or Co-opted Member of the Authority whose views must be sought and taken into



account before the Authority makes any decision about an allegation that a Member or Co-opted Member of the Authority has breached the Code of Conduct for Members which the Authority has decided to investigate, and whose views may be sought by the Authority in relation to an allegation in other circumstances, or by a Member or Co-opted Member of the Authority against whom an allegation has been made.

- 4.3. The purpose of the initial assessment by the Monitoring Officer is to determine whether the complaint should be accepted for further consideration by an Assessment Panel, or rejected.
- 4.4. In determining whether a complaint should proceed the Monitoring Officer, in consultation with the Chairman of the Standards and Governance Committee and an Independent Person will apply the following criteria:
  - 4.4.1 Sufficiency of information – Is there sufficient information or evidence provided with the allegation? If it appears that substantiating evidence may be available, but has not been provided, the Monitoring Officer may ask for additional evidence, but the onus is on the complainant to ensure that all relevant information is provided.
  - 4.4.2 Seriousness of the complaint – is the complaint trivial, vexatious, malicious, politically motivated, or ‘tit for tat’? Would the resources/cost involved in investigating and determining the complaint be disproportionate to the allegation if proven?
  - 4.4.3 Duplication – Is the complaint substantially similar to a previous allegation considered by the Standards and Governance Committee, or subject of an investigation by another relevant authority?
  - 4.4.4 Length of time – Did the events or behaviour to which the complaint relates take place more than six months prior to receipt of the complaint. Does the time lapse mean that those involved are unlikely to remember matters clearly, or does the lapse of time mean that there would be little benefit in taking action.
  - 4.4.5 Public Interest – Is the public interest served in referring the complaint further. Has the Subject Member offered an apology or other remedial action?
  - 4.4.6 Anonymous – Is the complaint anonymous? Anonymous complaints will not normally be considered unless there is additional documentary or photographic evidence to support the complaint, and the complaint is sufficiently serious to consider.
- 4.5 The Complainant and the Subject Member will normally be informed by the Monitoring Officer of the initial assessment decision within ten working days of it being made. Should it be determined by the Monitoring Officer, in consultation with the Chairman of the Standards and Governance Committee and an Independent Person that the complaint should not proceed, then that is the end of the matter.



## 5. Assessment Panel

- 5.1 Should it be determined, having regard to the criteria referred to at Paragraph 4.4 above, that the complaint be accepted for further consideration, a meeting of an Assessment Panel will be convened.
- 5.2 The Assessment Panel will include three members of the Standards and Governance Committee, and will be proportionally constituted. An Independent Person will be invited to attend the meeting of the Assessment Panel.
- 5.3 A meeting of an Assessment Panel will not be open to the press or public if the Panel resolve in accordance with Part VA and Schedule 12A to the Local Government Act 1972 that this is appropriate.
- 5.4 The Assessment Panel will determine how the complaint should thereafter proceed. The views of the Independent Person will be sought by the Assessment Panel in making any decision.

## 6. Outcome of Assessment Panel

- 6.1. The Assessment Panel will make one of the following three decisions:
  - 6.1.1 Refer the complaint to the Monitoring Officer for investigation; or
  - 6.1.2 Refer the complaint to the Monitoring Officer for 'other action'; or
  - 6.1.3 Determine that no further action should be taken in respect of the allegation.

The Complainant and the Subject Member will normally be informed by the Monitoring Officer of the decision within ten working days of the meeting of the Assessment Panel. Where the decision of the Assessment Panel is that no further action should be taken, then that is the end of the procedure.

## 7. Other Action

- 7.1. On occasions the Assessment Panel might consider that action other than a formal investigation is the most appropriate way of dealing with a complaint. An example might be where it is considered that the Subject Member requires training on the Code of Conduct for Members and/or the Authority's procedures. 'Other action' might constitute but is not limited to the following:
  - 7.1.1 Arranging for the Subject Member to receive training from the Monitoring Officer.
  - 7.1.2 Arranging for the Complainant and the Subject Member to engage in a process of conciliation.



7.1.3 Any other steps (other than investigation) which appear appropriate.

## **8. Investigation**

- 8.1. Where the decision of the Assessment Panel is to investigate the complaint, the Monitoring Officer, in consultation with the Chairman of the Standards and Governance Committee, will appoint an Investigating Officer. The Investigating Officer may be an Officer of the Authority, or an external investigator.
- 8.2. The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints, and the investigation will be carried out in accordance with such guidance.
- 8.3. At the end of the investigation, the Investigating Officer will produce a draft report and send copies of the draft to both the Complainant and the Subject Member for comment. The Investigating Officer will take the comments of the Complainant and Subject Member into account, before issuing his final report to the Monitoring Officer.
- 8.4. The Subject Member may take the views of an Independent Person at any stage in the investigation.

## **9. Investigation Consideration Panel**

- 9.1. Following completion of the investigation by the Investigating Officer, the Monitoring Officer will prepare a report for consideration by an Investigation Consideration Panel. The Investigation Consideration Panel will comprise three Members of the Standards and Governance Committee and will be proportionally constituted. Membership of the Investigation Consideration Panel should be drawn, where possible, from the Membership of the Assessment Panel.
- 9.2. An Independent Person will be present at the Investigation Consideration Panel, and Members of the Investigation Consideration Panel will take the views of the Independent Person into account in its determination.
- 9.3. A meeting of an Assessment Panel will not be open to the press or public if the Panel resolve in accordance with Part VA and Schedule 12A to the Local Government Act 1972 that this is appropriate.



- 9.4. The Investigation Consideration Panel shall reach one of three conclusions. These are:
- 9.4.1 That the matter should be referred to a hearing of the Standards and Governance Committee; or
  - 9.4.2 That the complaint can be disposed of by informal resolution; or
  - 9.4.3 That there was no failure by the Subject Member to observe the Code of Conduct for Members.
- 10. Informal Resolution:**
- 10.1 If the Investigation Consideration Panel, having consulted with the Independent Person, consider that the matter can be resolved without the need for a formal hearing, the Panel may determine that the matter may be disposed of by way of informal resolution. “Informal Resolution” might constitute but is not limited to the following:
- 10.1.1 Arranging for the Subject Member to receive training from the Monitoring Officer.
  - 10.1.2 Requesting that the Subject Member offer an apology, and / or other remedial action.
  - 10.1.3 Any other steps (other than a formal hearing) which appear appropriate.
- 10.2 Where a decision to seek informal resolution of a complaint is made, this means that the Investigation Consideration Panel consider that the conduct of the Subject Member was not in accordance with the Code of Conduct for Members. Thus, if the Subject Member refuses informal resolution, or to engage with the agreed outcome, the matter will be referred by the Monitoring Officer for a hearing. Where the Investigation Consideration Panel consider that an apology is appropriate, the wording shall be agreed by the Monitoring Officer, in consultation with the Chairman of the Panel.
- 10.3 Where the decision of the Investigation Consideration Panel is that the complaint may be disposed of by way of Informal Resolution, and the Subject Member co-operates with the requests of the Investigation Consideration Panel, the Monitoring Officer will report the outcome to the Investigation Consideration Panel, and that is the end of the matter.
- 11. Hearing**
- 11.1 Where the Investigation Consideration Panel consider that the matter should be referred to a hearing, or Informal Resolution has been declined by the Subject Member, a Hearing Panel will be arranged. The Hearing Panel will



comprise three members of the Standards and Governance Committee and will be proportionally constituted.

- 11.2 An Independent Person will be present at the Hearing Panel, and members of the Hearing Panel will take the views of the Independent Person into account in its determination.
- 11.3 A Hearing Panel meeting will normally be open to the press and public, unless the Panel decide in accordance with Part V A and Schedule 12 A to the Local Government Act 1972, that the matter should be considered in private session.
- 11.4 The Investigating Officer shall present his report to the Hearing Panel, and call such witnesses as he considers necessary to substantiate his conclusions. The Subject Member may also make representations to the Hearing Panel, and call such witnesses as he considers necessary, and shall be entitled to take the views of an Independent Person at any stage in the Hearing. Should the Subject Member decline to attend the Hearing, the hearing will proceed in the Subject Member's absence, unless the Hearing Panel is satisfied with the Subject Member's reasons for not being able to attend, in which case it may arrange for the Hearing to take place on another date.

## 12 Action following Hearing

12.1 The Hearing Panel will reach one of two conclusions :

- 12.1.1 That the Subject Member failed to comply with the Code of Conduct for Members; or
- 12.1.2 That there was no failure by the Subject Member to comply with the Code of Conduct for Members.

12.2 Where the decision of the Hearing Panel is that there was a failure by the Subject Member to comply with the Code of Conduct for Members the Hearing Panel may:

- 12.2.1 Publish its findings in such manner as the Panel considers appropriate
- 12.2.2 Report its findings to the Authority for information
- 12.2.3 Recommend to the Authority that the Subject Member be censured by resolution of the Authority



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12.2.4 Recommend to the Subject Member's Group leader that the Subject Member be removed from Committees of the Authority and / or other appointed positions (as appropriate).

12.2.5 Instruct the Monitoring Officer to arrange such training for the Subject Member as the Panel considers appropriate.

NB:- A Hearing Panel has no power to suspend or disqualify a Member or to withdraw a Member's allowances. Removal of a Member from a Committee will require a formal decision of the Authority.

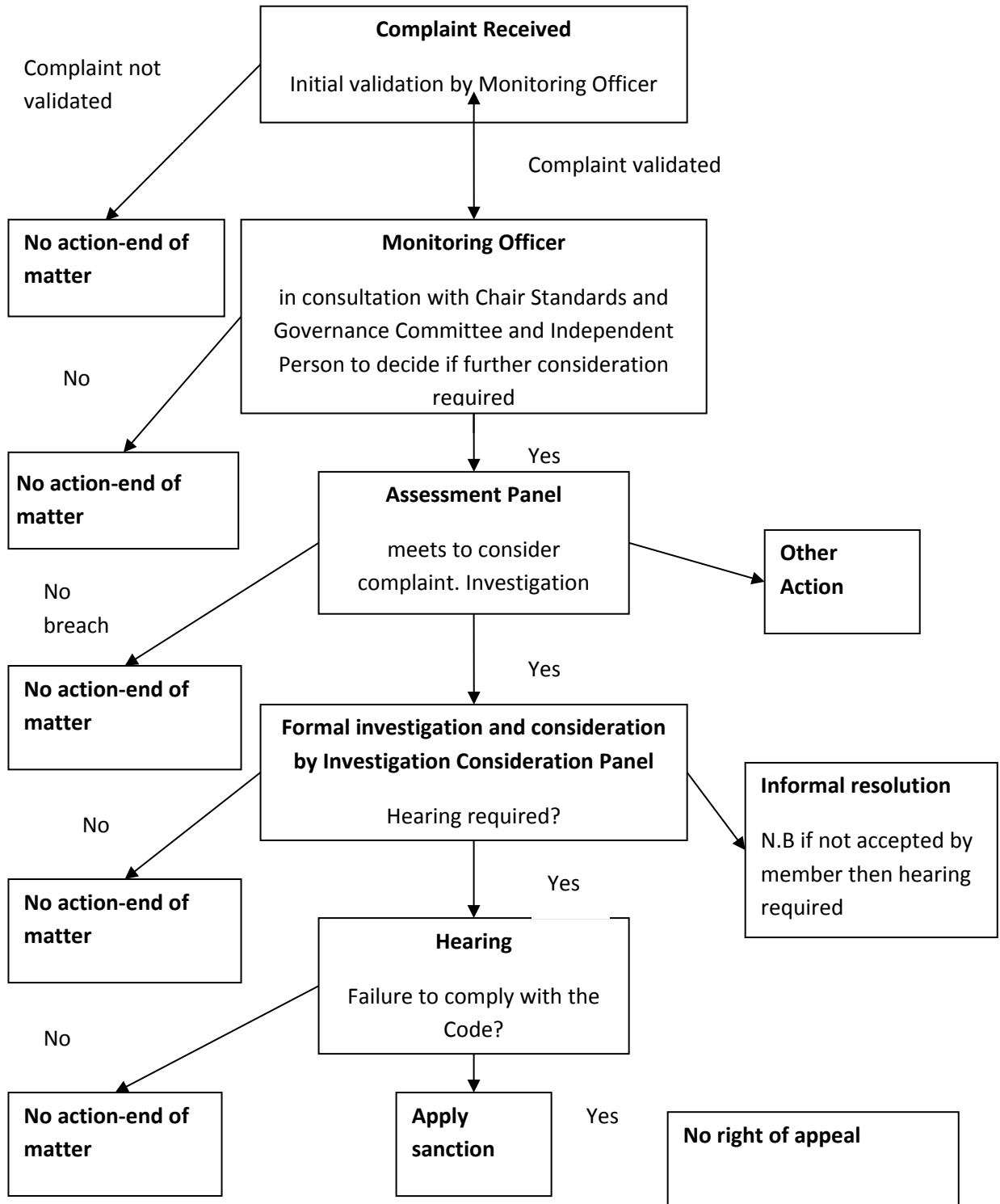
12.3 Where the decision of the Hearing Panel is that there has been no breach of the Members' Code of Conduct, then that is the end of the procedure.

### 13. Appeals

13.1 There is no right of appeal against any decision in respect of a Code of Conduct complaint, except through the Courts by way of judicial review.



## Procedure for the Assessment, Investigation and Determination of Complaints of Breach of the Code of Conduct





## HAMPSHIRE FIRE AND RESCUE AUTHORITY COMPLAINT FORM

To be used if you wish to make an allegation that a Member of the Authority has failed to comply with the Members Code of Conduct.

### Your details

1. Please provide us with your name and contact details

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Telephone number:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- The Member(s) you are complaining about
- The Clerk to the Authority

We will tell them your name and give them a summary of your complaint; We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

2. Please tell us which complainant type best describes you:

Member of the public

An elected or co-opted member of an authority

An independent member of the standards committee



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Member of Parliament

Local authority monitoring officer

Council officer or authority/service employee

Other

### 3. Equality monitoring questions

We want to find out if we are giving as good a service as we can to everyone. To help us do this, please complete this section of the form. The information that we ask for in this part of the form will remain confidential and will not affect the way that your complaint is dealt with

Gender                      male / female

Age                              please state

Ethnic origin

White

Mixed – please state

Asian / Asian British

Black or Black British

Chinese

Other ethnic group – please state

Disability

Are you a disabled person      Yes / No



## Making your complaint

Once you have submitted your complaint, it will be considered in accordance with the published Arrangements for dealing with the Assessment, Investigation and Determination of Complaints that a Member or Co-opted Member of Hampshire Fire and Rescue Authority (“the Authority”) has failed to comply with the Code of Conduct for Members.

4. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority.

Title	First name	Last name	Council or authority name

5. Please explain in this section (or on separate sheets) what the member has done that you believe breached the code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breached the Code of Conduct.

A copy of the Authority Code of Conduct for Members can be found online at <https://www.hantsfire.gov.uk/about-us/who-we-are/fire-authority/code-of-conduct-for-the-fire-authority/>

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.



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- You should provide any relevant background information.

Please provide us with the details of your complaint and the outcome from this complaints process that you would like to see happen. Continue on a separate sheet if there is not enough space on this form.

**Only complete this next section if you are requesting that your identity is kept confidential.**

6. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or details of your complaint unless you have good reason to justify the Authority doing so.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Clerk to the Authority will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.



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Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

### **Additional Help**

7. Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

This complaint should be submitted to the Clerk to the Authority by sending to the following contact addresses:

By post to :  
The Clerk to the Authority,  
Hampshire Fire and Rescue Authority,  
c/o Democratic and Member Services,  
Hampshire County Council  
The Castle  
Winchester  
SO23 8UJ

Or by e-mail to: [members.services@hants.gov.uk](mailto:members.services@hants.gov.uk)

## Appendix 3

# Hampshire Fire and Rescue Authority Members' Code of Conduct

This Code is adopted pursuant to the Authority's statutory duty to promote and maintain high standards of conduct by members and co-opted members of the Authority. It applies to all members and co-opted members, when acting in their role as a member or co-opted member of the Authority.

This Code is not intended to be an exhaustive list of all the obligations placed on members and co-opted members of this Authority. It is your responsibility to comply with the following provisions of this Code as well as other legal obligations beyond the scope of this Code.

This Code is based on and consistent with the following principles:

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.  
**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

## Part 1: General obligations of members and co-opted members

1. You must treat others with respect.
2. You must not do anything which may cause the Authority to breach equalities legislation.
3. You must not bully any person.
4. You must not intimidate, or try to intimidate, anyone who has complained about you or who may be involved with a complaint about you.
5. You must not do anything which compromises the impartiality of the Authority's officers.
6. You must not disclose confidential information (other than in very limited circumstances permitted by law, and following consultation with the Authority's Monitoring Officer).
7. You must not prevent a person from gaining access to information to which they are entitled.
8. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute.
9. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
10. You 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 the resources are not used improperly for political purposes.
11. You must have regard to the Code of Recommended Practice on Local Authority Publicity.
12. When reaching decisions, you must have regard to relevant advice from the Authority's officers, and give reasons for decisions.

## Part 2: Registration and Disclosure of Interests

### Disclosable Pecuniary Interests

13. You must, within 28 days of becoming a member or co-opted member, notify the Authority's Monitoring Officer of any disclosable pecuniary interest as set out in Part 3 of the Code, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living as a husband or wife, or as if you were civil partners, and where you are aware that that other person has that





interest. The Authority's Monitoring Officer will cause the interest notified to be entered in the Authority's Register of Interests.

14. Where a disclosable pecuniary interest has not been entered in the Register of Interests, and it is a disclosable pecuniary interest in any matter being considered at a meeting of the Authority, committee or sub-committee at which you are present, you must disclose the interest to the meeting, except where the matter is a 'sensitive interest'<sup>3</sup>. Where the interest is a 'sensitive interest', you must disclose merely the fact that you have a disclosable pecuniary interest in the matter concerned.
15. Where you have a disclosable pecuniary interest in any matter being considered at a meeting of the Authority, committee or sub-committee, you must not participate in discussion of, or vote on, that matter, and must withdraw from the room where the meeting is being held, unless you have obtained a dispensation from the Standards and Governance Committee. However, this does not prevent you from making representations on the matter to the meeting, in accordance with the Authority's deputations procedure, provided that you withdraw from the room when those representations are concluded and before any discussion or vote takes place.
16. Following any disclosure of an interest not on the Authority's Register of Interests maintained by the Authority's Monitoring Officer, or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.

#### Personal Interests

17. You have a "personal interest" in an item of business where it relates to or is likely to affect any of the following bodies of which you are a member: a public or charitable body, any body to which you have been appointed by the authority, any political party, trade union or other body one of whose principal purposes is to influence public opinion or policy.
18. You also have a personal interest in an item of business where a decision in relation to it might reasonably be regarded as affecting the well being or financial position of you, a member of your family or person with whom you have a close association, more than other council tax payers, ratepayers or inhabitants of the authority's area.
19. You must disclose a personal interest at a meeting of the Authority, committee or sub-committee, where you consider that interest to be relevant to an item of business being considered at that meeting. The disclosure shall be made at the commencement of the meeting, or when the interest becomes apparent, and shall be recorded in the minutes of the meeting.

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<sup>3</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.



20. Disclosure of a personal interest does not affect your ability to participate in discussion or vote on the relevant item, provided it is not also a disclosable pecuniary interest.

#### Gifts and Hospitality

21. You must enter in the Authority's register of interests the receipt of any gift or hospitality, where you estimate the value to be at least £50, within 28 days of receipt.

#### Part 3: Disclosable Pecuniary Interests

22. In accordance with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, the pecuniary interests required to be disclosed are set out below:

<b>Subject</b>	<b>Prescribed description</b>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	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(2).
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.



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### 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.

## Appendix 4

### **Hampshire Fire and Rescue Authority: Protocol for the filming, photographing and audio-recording of all public meetings, and reporting on all public meetings**

1. The Openness of Local Government Bodies Regulations 2014 came into force on 6th August 2014. The new Regulations give the public and press new legal rights to record and report at public meetings of Hampshire Fire and Rescue Authority (“the Authority”) and/or its committees and/or sub-committees, including the use of digital and social media.
2. The Authority is committed to being open and transparent in the way it conducts its business. Any persons, including professional, citizen journalists or members of the public, are welcome to take photographs, film and audio-record the proceedings, and report on the proceedings at any meetings of the Authority and its committees and sub-committees, that are open to the public. The Authority also welcomes the use of social media (such as Twitter, YouTube and Facebook) and micro blogging to communicate with people about what is happening, as it happens.
3. This Protocol provides practical information to assist anyone considering filming, photographing or making audio recordings of public meetings, and reporting of those meetings, including the use of digital and social media.
4. Whilst no prior permission is required to carry out the recording and reporting, as a courtesy to the public, officers and members, we encourage anyone intending to film, photograph or audio record, or report a public meeting of the Authority and/or its committees/sub-committees to contact the Committee Clerk for advice and guidance within 48 hours of the meeting. Reasonable advance notice will enable practical arrangements to be made and special requirements to be discussed, such as space to view and hear the meetings, seats, and a desk. In addition the Committee Clerk can inform the relevant Chair of what is to take place on the day.
5. Flash photography, additional lightning or large equipment will not be permitted, unless it can be accommodated without causing disruption to the proceedings. Requests to use equipment of this nature will be subject to consideration of the



constraints of the meeting rooms. Anyone filming, photographing and/or audio-recording, or reporting a meeting of the Authority shall bear all the costs of doing so themselves.

6. The Chair of the meeting will be informed of any intention to film, photograph and/or audio-record, or report and s/he will, at the beginning of each meeting, make an announcement that the meeting may be filmed, audio-recorded or photographed, or reported and will ask if anyone actively objects to this. Anyone who remains at the meeting after the Chair's announcement will be deemed to have consented to the broadcast of their image and anything they say.
7. In addition to the right of persons to film, photograph and/or audio-record, as set out above, the Authority may film and live stream full Authority meetings on its own website. Such recordings may also be made available for repeated viewing on the website for a period following the meeting.
8. A note will also be posted on the door of the meeting room advising anyone who attends the public meeting that the meeting may be live streamed on the Authority's website (in the case of full Authority meetings) and that they may be filmed, photographed and audio-recorded, and reported on and that by attending the public meeting they are consenting to the broadcast of their image and anything they say. Meeting agendas will also include the following statement:

"The Openness of Local Government Bodies Regulations are in force, giving a legal right to members of the public to record (film, photograph and audio-record) and report on proceedings at meetings of the Authority, and its committees and/or its sub-committees. The Authority has a protocol on filming, photographing and audio-recording, and reporting at public meetings of the Authority which is available on our website. This includes, in the case of full Authority meetings, live streaming of the meeting on the Authority's website. At the start of the meeting the Chair will make an announcement that the meeting may be recorded and reported. Anyone who remains at the meeting after the Chair's announcement will be deemed to have consented to the broadcast of their image and anything they say."

9. It should be noted that the Chair of a meeting will have absolute discretion to terminate or suspend the meeting for a period not exceeding 30 minutes, if, in their opinion, continuing to exercise any of the above activities would distract or disrupt the meeting, and this could result in expulsion of the person. Essentially, disruptive behaviour can, for the purposes of this protocol, include:



- a. Moving to areas outside the areas designated for the public without the consent of the Chair;
  - b. Excessive noise in recording or setting up or re-siting equipment during the debate/discussion;
  - c. Intrusive lighting and the use of flash photography;
  - d. Asking for people to repeat statements for the purpose of recording.
10. In allowing filming, photography or audio-recording, or reporting to take place, the Authority requires those participating not to edit the film, photograph or audio-recordings, and reporting in a way that could lead to misinterpretation of the proceedings of the meeting. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed, filmed or recorded. When published or broadcast, recordings and reportings to be accompanied by information including when and where the recording and/or reporting was made and the context in which the discussion took place.
11. Deputations will be invited to declare their names before speaking. In making a deputation individuals will by doing so, give their consent to be filmed, photographed, audio-recorded, or reported.
12. The Authority may wish to maintain its own record of proceedings to ensure a comparison copy is available. It may choose to publish this via its own web- site. No copies or transcripts will, however, be made available from the Authority's own records.
13. Written minutes of meetings, once confirmed, will remain the formal record of all decisions taken.
14. All meetings of the Authority, committees and sub-committees are open to the public except in limited circumstances where the Authority is legally required, or allowed, to close the meeting to the public. Any recording or reporting of such meetings should cease immediately if and when the Chair of the meeting agrees to formally exclude the Press and public due to the business of an Exempt or confidential nature.
15. Recording and reporting of the Authority's meetings 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. The Authority accepts no liability whatsoever for such breaches.

## Appendix 5

### Protocol for Member – Officer Relations

#### 1 Introduction

- 1.1 An effective and professional relationship between Members and Officers in which both understand each others role is essential in the success of the Hampshire Fire and Rescue Authority and Service. The roles are complementary to each other and ensure effective governance which is transparent and accountable.
- 1.2 The purpose of this protocol is to give clarity to the role and expectations of Members and Officers to ensure mutual respect and trust. It is also intended to help Members and Officers perform effectively in their roles and ensure an understanding of the relationship.
- 1.3 The protocol applies to Members of Hampshire Fire and Rescue Authority (including any co-opted Members) and Officers of Hampshire Fire and Rescue Service.
- 1.4 The protocol is approved by the Hampshire Fire and Rescue Authority and forms part of the Constitution.
- 1.5 The protocol must be read in conjunction with the Hampshire Fire and Rescue Authority Members Code of Conduct, the Hampshire Fire and Rescue Service Employee Code of Conduct and all documents contained within the HFRA constitution.
- 1.6 The protocol is not prescriptive and does not cover every situation. The intention is to give guidance as to how to deal with certain issues and to be used as a reference point in maintaining high standards of conduct.
- 1.7 Breaches of this protocol and of the Members and Officer Codes of Conduct may result in disciplinary action.

#### 2 Role of Officers

- 2.1 Officer (and staff) means any person employed by the Authority. Officers are accountable to the Chief Fire Officer.
- 2.2 Officers:
  - should seek to assist a Member when required but must not exceed the powers which have been delegated to the Chief Fire Officer set out in the Scheme of Delegation.



- can provide support services to Members (typing, stationary, printing, photocopying, transport) but only for Authority business and not in connection with party political campaigning activity.
- will not provide advice or information to a party group and should not be asked to brief a party group meeting or discussion.
- are accountable to the Authority for the implementation of policies, the delivery of services to communities and for the day to day management of services.
- will provide professional and technical advice to Members to assist with their policy and decision making functions

2.3 In fulfilling these roles, Officers can expect Members;

- to treat them with respect and courtesy
- to act with integrity, mutual support and confidentiality
- not to put Officers under any undue or unnecessary pressure
- not to ask Officers to take part in any work of a party political nature
- to be aware that support cannot extend beyond providing support, information and advice on Fire Authority matters
- to show commitment and attend public meetings and events (including Members Awareness Sessions)
- to demonstrate political leadership and direction
- to recognise the fact that Officers have delegated authority within the Scheme of Delegation
- not to use their positions or relationships to advantage or disadvantage a personal interest or to influence a decision improperly
- to obtain agreement in advance from the Station Manager if visiting a station so as to avoid adverse impact on operational activities or planned training
- to comply with the Members Code of Conduct
- to have due regard to any advice, guidance and training on Members' roles and responsibilities
- to be committed to Member Development and the use of Moodle for this
- to never act in a way which cannot be justified to the public

2.4 Officer representation at Fire Authority meetings will consist of the Clerk or his representative, the Chief Fire Officer and/or Deputy Chief Fire Officer and Chief Financial Officer Other Directors will attend if required to present a report.

Officer representation at Standards and Governance meetings will consist of: the Clerk or his representative, or his/her representative members of the Executive Team as appropriate and such other officers as are required depending on the agenda.

Commented [RL2]: I need to clarify who this will be.





### **3 Role of Members**

3.1 Members of the Authority are appointed by Hampshire County Council (HCC), Portsmouth and Southampton City Council (PCC and SCC).

3.2 The responsibilities of the Authority are set out in the Constitution.

3.3 Members:

- should not involve themselves in the day to day management of the Service but are entitled to be listened to when raising issues on behalf of the people they represent.
- can approach the Chief Fire Officer, Clerk or Chief Financial Officer to provide them with information required to fulfil their role as a Member
- follow Authority policies for the access to documents and information held (adhering to the Data Protection and Human Rights Acts)

3.4 In fulfilling their roles, Members can expect Officers to:

- provide objective unbiased information and advice on matters of the Authority
- act with integrity and respect confidentiality within the limits of each own Officer's responsibility
- respect and support the role of each Member along with associated workloads and pressures
- not copy any correspondence provided to them to another Member without making it clear that they are doing this
- behave professionally perform their duties effectively and efficiently
- be aware of and sensitive to the political environment
- support the Member role and development of the role
- comply with the Hampshire Fire and Rescue Service Employee Code of Conduct

### **4 Role of Chairman and Vice Chairman**

4.1 The Chairman and Vice Chairman of the Authority are elected by the Authority. They are responsible for visibly leading the Authority. The Chairman, and in his/her absence the Vice Chairman will have the following roles and functions:

- Chairing Authority meetings – the Chairman will preside over Authority meetings and ensure that they are conducted in accordance with the Standing Orders of the Authority, set out in this Constitution;



- Ensuring that Authority meetings are a forum for the debate of matters of concern to Members and a place at which Members are able to hold Officers and the Authority to account;
- Promoting public involvement in the Authority's activities;
- Representing the Authority at such Civic and ceremonial functions as may be appropriate
- Upholding the Constitution of the Authority.

4.2 The Chairman will have regular one to one briefings with the Chief Fire Officer.

4.3 The Chairman and Vice Chairman of the Authority will not hold the Member Development role but can form part of a working group.

## **5 Role of all other Members**

5.1 Members can request a briefing with the Chief Fire Officer or another Officer if required.

5.2 All Members are entitled to attend Corporate Management Team (CMT) meetings.

5.3. Role of the Chair and Vice Chair of the Standards and Governance Committee is to chair meetings of the Standards and Governance Committee and ensure that they are conducted in accordance with the Authority's Standing Orders.

5.4 Role of Working Groups:

Working Groups are set up when there is a requirement for Members to work together on a specific area of Authority business. The working group will then feed back to the Fire Authority. A Member Working Group will not exercise any decision making functions.

5.5 The Member Development Role:

The Member Development role is responsible for ensuring the learning and development of all Members of the Authority is catered for.

6 The operation of this protocol will be monitored by the Authority and reviewed as required.

7 The Clerk to the Authority, when required, will offer advice on the implementation and operation of the protocol.



## Appendix 6 – Communications Protocol

### Key STAKEHOLDER communication groups:

- HFRA Chairman and/or Deputy Chairman
- Police and Crime Commissioner
- HFRA political groups
- County, district and borough councillors
- The wider Fire Authority
- Members of Parliament

### Key OFFICER leadership groups:

- Chief Fire Officer
- Directors
- Heads of Service Team
- Wider SMT
- Leadership Forum

### Current established governance, communication and engagement routes:

- Monthly Members' update – Chief Officer and Chairman
- HFRA Chairman's Briefing
- Corporate Management Team
- All HFRA member email updates – as required by events/incidents
- Members Awareness Sessions
- Members Induction – as required
- Regular communications meetings between Head of Communications and Media and HFRA Chairman
- Members and MPs copied in on HFRS news releases when sent out to the media
- Social media

Members will be updated accordingly about significant incidents.

### COMMUNICATION PROTOCOL FOR HFRS OFFICERS

This protocol considers key areas of interaction in order to ensure that HFRA Members and other key stakeholders are made aware of, and appropriately updated/involved in relation to, key HFRS corporate events and significant fire incidents.

This is a framework to guide and prompt timely information sharing with relevant and appropriate HFRA Members and key stakeholders.





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## **COMMUNICATIONS GUIDANCE FOR HFRA MEMBERS**

This document has been produced to provide guidance on how to use information and intelligence provided to you by HFRS officers and advise on ways it can be distributed.

Our Control Room can be contacted on the number below at any time to enquire about an incident or to be put through to an officer:

**Tel: 0203 162 0063**



#### The 10 guiding principles:

1. Members play a pivotal role in advocating the work of HFRS and this should not be constrained in any way.
2. Information provided by HFRS officers should be used and disseminated in an appropriate manner.
3. The use of any provided information should reflect the Members Code of Conduct and the values of the Fire Authority.
4. Consider - what is the purpose or public benefit of the information you are sharing?
5. When information is provided, seek clarity from officers, if necessary, on how that information should be used.
6. Information shared may be personal or sensitive, so seek clarity on its use if unsure.
7. Think before posting on social media - be aware of the speed information travels online.
8. If approached by the media or a constituent to discuss an issue, speak to an officer to be clear on the facts (if necessary)
9. Be aware of the context in which you are responding and be clear on the difference between factual information or a personal opinion.
10. To the public, you are always a Member of the Fire Authority.

#### Why information is shared with Members by HFRS officers:

- To help you fulfil your role as Members
- To provide you with suitable information to be a community touchpoint for your residents
- To ensure you are briefed ahead of any enquiries from the media or public

#### Ways information can be shared:

- Media
- Social media
- Press releases
- Printed material (leaflet, newsletter etc)
- Comments made in public
- Conversations with constituents
- Public meetings
- Local authority meetings
- Any occasion when you can be seen to be acting as a HFRA Member

## Appendix 7 – Code of Corporate Governance

### Code of Corporate Governance

#### 1. Introduction

- 1.1. Governance is about how **we make sure that we are doing the right things, for the right people, in a way which is timely, open, honest and accountable.**

Governance comprises the arrangements put in place to ensure that intended outcomes for stakeholders are defined and achieved.

- 1.2. The HFRA have key statutory responsibilities as set out in this Constitution.
- 1.3. The HFRA have approved and adopted this Code of Corporate Governance in accordance with the core principles set out in the Chartered Institute for Public Finance and Accountancy (CIPFA) Delivering Good Governance in Local Government Framework (2016 edition). The Framework defines the principles that should underpin the governance of each local government organisation and provides a structure to assist with the approach to governance. To achieve good governance, each local government organisation should demonstrate that they comply with the core principles set out below.
- 1.4. The Clerk who is also the monitoring officer will be responsible for monitoring and reviewing the operation of the Code of Corporate Governance and reporting annually to the Standards and Governance Committee.

The Clerk will be assisted by the Chief Financial Officer and Chief Internal Auditor. The Code of Corporate Governance links to the Annual Governance Statement which is included within the Authority's Statement of Accounts.

- 1.5. The seven core principles from the Good Governance in Local Government Framework (2016 edition) form the basis on which effective governance should be built:
- Behaving with integrity, demonstrating string commitments to ethical values and respecting the rule of law
  - Ensuring openness and comprehensive stakeholder engagement
  - Defining outcomes in terms of sustainable economic, social and environmental benefits
  - Determining the interventions necessary to optimise the achievement of the intended outcomes
  - Developing the entity's capacity including the capability of its leadership and the individuals within it



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- Managing risks and performance through robust internal control and strong financial management
- Implementing good practices in transparency, reporting and audit to deliver effective accountability

1.6. This Code of Corporate Governance relates to how the HFRA carries out their role. It does not directly relate to the role and responsibilities of the Hampshire Fire and Rescue Service (HFRS). However, the HFRA recognises that they have a responsibility for ensuring the Service also adheres to the core principles within the Local Government Framework and will require the Chief Fire Officer to demonstrate this.

## **2. The Code of Corporate Governance**

- 2.1. The HFRA have developed a local Code of Corporate Governance which incorporates the core good governance principles. The HFRA Code of Corporate Governance demonstrates how they commit to the core principles and how they will achieve the commitment.
- 2.2. The way in which each of the core principles of good governance are put into practice by HFRA is set out in the Authority's Annual Governance Statement which is published on the Authority's web pages. To support the Annual Governance Statement, a table is created which provides evidence as to how the core principles of good governance are being met. This table is found on the HFRA internet pages.

## **3. Review**

- 3.1. The Annual Governance Statement is reviewed annually.

## APPENDIX 8

### THE AUTHORITY'S KEY STATUTORY RESPONSIBILITIES

The table below summarises the key statutory responsibilities of Hampshire Fire and Rescue Authority. It is not intended to be an exhaustive list of all pieces of legislation that apply to the Authority. It is an aide memoir in respect of key statutory provisions.

Legislation	Key points	Key responsibilities within HFRA
Hampshire Fire Services (Combination Scheme) Order 1996	<p>Established a fire authority for the combined areas of the councils of Portsmouth, Southampton and Hampshire County Council.</p> <p>Also established a fire brigade for the combined areas, now known as 'Hampshire Fire and Rescue Service'.</p> <p>Sets out high level constitution of HFRA</p>	<p><b>Clerk and Monitoring Officer:</b> Advises on constitutional issues/compliance.</p> <p><b>Chief Fire Officer:</b> Understands principles and ensures compliance within the Service.</p> <p><b>Members:</b> understand structure/key principles</p>
Fire and Rescue Services Act 2004	<p>Sets out HFRA's statutory duties/powers. The main duties/powers include:</p> <ul style="list-style-type: none"> <li>• Fire safety – the promotion of fire safety in the Authority's geographical area.</li> <li>• Fire fighting – extinguishing fires and protecting property and life in the Authority's geographical area.</li> <li>• Road Traffic Accidents - Rescuing people in the event of RTAs and protecting people from serious harm in the event of RTAs in the Authority's geographical area, to the extent considered reasonable.</li> </ul>	<p><b>Chief Fire Officer:</b> Understands the functions and ensures the Service discharges them</p> <p><b>Clerk/Monitoring Officer:</b> Advises on functions and compliance.</p> <p><b>Members:</b> Understand functions and scrutinises compliance</p>





	<ul style="list-style-type: none"> <li>Emergencies – such functions as the Secretary of State confers relating to emergencies other than fires and road traffic accidents in the Authority’s geographical area.</li> </ul>	
Local Government Act 1972	A fire and rescue authority is a “principal council” for the purposes of various provisions in the Local Government Act 1972 – E.g. public access to meetings, agenda papers and minutes, discharge of functions etc.	<p><b>Clerk and Monitoring Officer:</b> advises on responsibilities and compliance</p> <p><b>Members:</b> Understand at appropriate level the framework within which HFRA operates.</p>
Regulatory Reform (Fire Safety) Order 2005	<p>HFRA is the Enforcing Authority for fire safety duties in respect of relevant premises in the Authority’s geographical area.</p> <p>HFRA is responsible for appointing inspectors for the purposes of enforcement.</p>	<p><b>Chief Fire Officer:</b> Operational responsibility for enforcement/ appointing inspectors.</p> <p><b>Clerk/MO:</b> advises on functions/legal issues associated with enforcement.</p>
Policing and Crime Act 2017	<p>Introduces a duty to keep collaboration with other blue lamp services under consideration.</p> <p>Introduces a duty to have regard to the Policing and Crime Plan for the area.</p> <p>Introduces new powers in respect of governance of Fire and Rescue functions.</p>	<p><b>Chief Fire Officer:</b> Understands duties and ensures compliance within the Service.</p> <p><b>Members:</b> Understand new governance arrangements and provide strategic direction.</p> <p><b>Clerk/MO:</b> Advises on functions and compliance.</p>
Fire and Rescue National Framework	<p>Issued by the Secretary of State pursuant to the 2004 Act.</p> <p>HFRA must have regard to the National Framework and as part of this must produce and maintain an Integrated Risk Management Plan, work with communities, collaborate with other FRAs to deliver interoperability etc.</p>	<p><b>Chief Fire Officer:</b> Understands duties and ensures compliance/delivery within the Service.</p> <p><b>Members:</b> Understand obligations and ensure Service is led and managed in a way that meets them.</p> <p><b>Clerk/MO:</b> Advises on responsibilities and compliance.</p>



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