



# The Commissioners for South Wales Fire and Rescue

## Constitution 2025

Based on Model Welsh Constitution



Gwasanaeth Tân ac Achub  
De Cymru  
South Wales  
Fire and Rescue Service

**RAISING AWARENESS  
REDUCING RISK**

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# 1. Introduction

The Welsh Government, under the direction of the Deputy Minister for Social Partnership, has used powers under Section 29(5) and (6) of the Local Government (Wales) Measure 2009 to transfer the governance functions of the South Wales Fire Authority to four appointed Commissioners.

As set out in S3(a) of WG24-05, The South Wales Fire and Rescue Authority (Exercise of Functions) (Wales) Directions 2024, The Welsh Ministers direct that the South Wales Fire and Rescue authority's functions must only be exercised by the following persons ('the nominees'), as identified by the Welsh Ministers, for the period beginning at 5pm on 6 February 2024 and ending on such date as the Welsh Ministers specify by further direction. The nominees are:

- (i) Carl Jason Foulkes QPM,
- (ii) Vijith Randeniya OBE,
- (iii) The Baroness Wilcox of Newport, and
- (iv) Victoria Kirstyn Williams CBE

For the purposes of this constitution, references to South Wales Fire and Rescue Authority, SWFRA, the Authority and the Commissioners refer to, and may only be exercised by, these nominees.

## 1.1. Purpose and Content of the Constitution

- 1.1.1. The Constitution describes the various bodies that make up the Board of Commissioners, their functions, membership and procedural rules.
- 1.1.2. In Section 3 (Getting Information and Getting Involved) we have provided information for members of the public on how you can get information about the Authority, and how you can get involved. We hope that this will help people who have an interest in the Authority's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to the Authority's activities.
- 1.1.3. You can get a better understanding of what each of the Board of Commissioners Committees do in Sections 4 to 6 of this Constitution. Section 7 provides information on the management and Officer structures of the Authority. Some Officers have a specific duty to ensure that the Authority operates within the law and uses resources wisely. Responsibility for functions at Section 9 says which Committees, and which Officers, have authority to make which decisions.
- 1.1.4. The procedural rules that apply to the different Committees are contained in the sections relating to them. You may find these useful if



you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.

1.1.5. Sections 16 to 17 have the Codes of Conduct and Protocols which Officers and Commissioners have agreed to comply with. They set the standards of behaviour.

1.1.6. The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where you can find it.

## **1.2. How the Board of Commissioners Operates**

1.2.1. The Board of Commissioners is comprised of 4 Commissioners appointed by the Welsh Government under The South Wales Fire and Rescue Authority (Exercise of Functions) (Wales) Directions 2024.

1.2.2. All Commissioners have agreed to follow a Code of Conduct, to ensure high standards in the way they undertake their duties.

1.2.3. All Commissioners meet together regularly as the Board of Commissioners. Meetings of the Board of Commissioners are normally open to the public. Here the Commissioners decide the Board of Commissioners overall Policy Framework and set the Budget each year.

If you need any further help please do not hesitate to contact us.

Monitoring Officer,  
South Wales Fire and Rescue Service Headquarters,  
Forrest View Business Park,  
Llantrisant,  
CF71 8LX  
Tel: 01443 232000

Whilst the Constitution is very long we hope that you will find it easy to use. We have spent a lot of time trying to make it as easy to follow as is possible with such a long and complex legal document.

You may find it helpful to read this Constitution in conjunction with the Constitution Guide, which is available [*insert hyperlink or other information about how to obtain a copy of the Constitution Guide*].

## 2. Purpose, Definition Interpretation and Amendment of the Constitution

### 2.1. Purpose of the Constitution

The purpose of the Constitution is to:

- 2.1.1. enable the Commissioners for South Wales Fire & Rescue to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;
- 2.1.2. support the active involvement of citizens in the process of decision making;
- 2.1.3. enable decisions to be taken efficiently and effectively;
- 2.1.4. create a powerful and effective means of holding decision makers to public account;
- 2.1.5. where practicable no one will scrutinise a decision in which they are directly involved;
- 2.1.6. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 2.1.7. provide a means of improving the delivery of services to the community.

### 2.2. Definitions in the Constitution

- 2.2.1. The Constitution of the Commissioners for South Wales Fire & Rescue is this document (Sections 1 to 18).
- 2.2.2. Within the Constitution the following words and phrases have the meaning set out below:

“Budget”	the overall revenue and capital budget approved by the Board of Commissioners (Section 4).
“Chief Fire Officer (Head of paid Service)”	an Officer who must be appointed by law to carry out certain functions. See Section 79 for more details.
“Principal Officer”	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who: <ul style="list-style-type: none"><li>• reports directly to the Chief Fire Officer in respect of all or most of their duties; or</li><li>• the Chief Fire Officer is directly responsible for.</li></ul>
“Constitution Guide”	a document which explains, in ordinary language, the content of this constitution, published by the Board of Commissioners in accordance with section 37 of the Local Government Act 2000.
“Senior Leadership Team”	includes those Officers designated by the Chief Fire Officer from time to time as Members of the Senior Management Team.

“Commissioner”	a person(s) appointed as a Commissioner for South Wales Fire & Rescue Service and therefore to the Board of Commissioners by Welsh Government.
“Data Protection Legislation”	the Data Protection Act 2018, the UK General Data Protection Regulation (UK GDPR) and all other laws relating to the use, protection and privacy of personal data
“Deputy Chief Fire Officer / Deputy Chief Officer”	a Principal Officer who deputises for the Chief Fire Officer to ensure the Business Continuity of the Service.
“Forward Work Programme”	the Forward Work Programme is a document which lists all of the decisions that the Board of Commissioners and its Committee’s intend to take and what business will be considered and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;
“Local Government (Wales) Measure 2011”	referred to as “The Measure”. Legislation introduced, amongst other things, to strengthen local democracy, deal with changes to Board arrangements, overview and scrutiny, and Commissioner payments.
“Committees”	any of the following: <ul style="list-style-type: none"> <li>• Board of Commissioners;</li> <li>• Finance and Audit Committee;</li> <li>• People Committee;</li> <li>• Local Pension Board</li> <li>• Strategic Change Transformation and Culture Committee</li> </ul>
“Monitoring Officer”	an Officer who must be appointed by law to carry out certain functions. See Section 7 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 7 for which Officer is the Monitoring Officer.
“Policy Framework”	See Section 4.2.
“Public Services Board”	created to improve joint working across all public services in each local authority area in Wales;
“Section 112(2) Officer”	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See section 7 for a description of those functions. The Officer will usually have other duties and a different job title. See section 7 for which Officer is the Section 112(2) Officer;
“the Service”	the Fire and Rescue Service discharges the functions of the Authority

### 2.3. Interpretation of the Constitution

- 2.3.1. We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.
- 2.3.2. During meetings, the person Chairing or presiding at the meeting may interpret the relevant procedure rules.
- 2.3.3. In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution

## **2.4. Duty to Monitor and Review the Constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 112(2) Officer shall be responsible for keeping under review the Financial Procedure Rules set out in Section 12 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. They shall report any amendments made to Section 12 to the next available Board of Commissioners meeting for noting.

## **2.5. Protocol for Monitoring and Review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in this Section. In undertaking this task, the Monitoring Officer may:

- 2.5.1. observe meetings of different parts of the Officer structure;
- 2.5.2. undertake an audit trail of a sample of decisions;
- 2.5.3. record and analyse issues raised with them by Commissioners, Officers, the public and other relevant stakeholders; and,
- 2.5.4. compare practices of the Board of Commissioners with those in comparable authorities, or national examples of best practice.

## **2.6. Changes to the Constitution**

### **2.6.1. Approval**

Subject to paragraphs 2.6.2 and 2.6.3 below, changes to the Constitution will only be approved by the Board of Commissioners after consideration of a proposal by the Monitoring Officer

### **2.6.2. Minor Changes**

If, in the reasonable opinion of the Monitoring Officer, a change is:

- (a) a minor variation; or
- (b) required to be made to remove any inconsistency, ambiguity or typographical correction; or
- (c) required to be made so as to put into effect any decision of the Board of Commissioners or its Committees, in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with

immediate effect. Such changes shall be reported to the next Board of Commissioners meeting for information.

#### 2.6.3. Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Board of Commissioners meeting for information.

### **2.7. Suspension of the Constitution**

#### 2.7.1. Limit to Suspension

Any of the procedure rules contained in the Constitution may be suspended to the extent permitted within these rules and the law.

#### 2.7.2. Procedure to Suspend

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Commissioners is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in this Section.

### **2.8. Publication**

2.8.1. The Monitoring Officer will ensure that copies of this Constitution and associated Guide are available for inspection at Fire and Rescue Service Headquarters and on the Fire and Rescue Service's website.

2.8.2. The Monitoring Officer will provide a link to a copy of this Constitution to each Commissioner and thereafter ensure that an up to date version is available for inspection and published on the Fire and Rescue Service's website.

2.8.3. The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 2.6.

## **3. Getting Information and Getting Involved**

### **3.1. Getting Information**

#### 3.1.1. Information Available to Members of the public

##### a) When Meetings of the Board Will Take Place

A programme of meetings is available by contacting Governance Support or via the Service website.

##### b) Forward Work Programme

From the Forward Work Programme, see what decisions will be taken by the Board of Commissioners and what issues the Committees will be considering and when these matters will be discussed.

##### c) Information Available Prior to a Meeting

Five days before a meeting, the agenda, any report likely to be discussed and background papers to that report shall be available for inspection at the offices of the Authority and on the Service website. If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item is added to the agenda and any report will be made available to the public as soon as it is available and sent to the Commissioners.

##### d) Information Available at a Meeting

Commissioners will make available to members of the public who are physically present at a meeting a copy of the agenda and of the reports for the meeting (except during any part of the meeting to which the public are excluded).

##### e) Information Available After a Meeting

For a period of six years the agenda, reports and the minutes of the meeting shall be available for inspection. The background papers shall remain open for inspection for a period of four years.

##### f) South Wales Fire and Rescue Authority Accounts

The public may inspect South Wales Fire and Rescue Authority accounts and make their views known to the external auditor (sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 2014, the accounts will be available for public inspection for twenty (20) working days after the date appointed by the auditor.

Information which is confidential or exempt (as defined in paragraphs 10.10.3 and 10.10.4) will not be disclosed to members of the public at any time.

#### 3.1.2. Information Available to Commissioners

##### a) Commissioners can see any information, which is available to a member of the public.

##### b) In addition, a Commissioner may see any information which they need to know in order to fulfil their role as a Commissioner (otherwise known as “need to know”). A Commissioner will not make public information which is confidential or exempt (as defined in Section 10) without the consent of the Board of Commissioners or divulge information given in

confidence to anyone other than a Commissioner or person(s) or organisation(s) entitled to know it.

NB. No Commissioner is entitled to see any information relating to a matter in which they have a prejudicial interest.

### 3.1.3. Information Available to Officers

The Monitoring Officer, the Section 112(2) Officer and the Chief Fire Officer may see any papers or records held by any part of the Authority or its Officers. Other Officers may see any information held by the Authority provided:

- a) they need to see the information to do their job; and
- b) that information is processed lawfully in accordance with the Data Protection Legislation.

## 3.2. Getting Involved

**3.2.1.** The Commissioners must encourage local people to participate.

### 3.2.2. Members of the Public

Members of the public can get involved in the following ways:

- a) Taking Part in Meetings
  - i. Members of the public can come to and speak at any meeting which the Commissioners has resolved should include participation by members of the public. The rules on when you may speak and for how long are contained in Section 4.
  - ii. You can also ask formal questions at meetings of Board of Commissioners (Section 4).
- b) Views of the Public

Under the arrangements put in place by the Board of Commissioners under section 62 of the Local Government (Wales) Measure 2011, members of the public may bring to the attention of the relevant Committee their views on any matter under consideration by that Committee. The relevant Committee must take into account any views brought to their attention under these arrangements.
- c) When are Meetings Open to the Public?

Meetings will be open to the public wherever possible. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See section 10.10 for definition of exempt information and section 10.11 for definition of public interest.)
- d) Making Comments/Complaints
  - i. A member of the public may comment or complain about Fire and Rescue Service activities by:

- A. using the Fire and Rescue Service's complaints procedure;
  - B. contacting the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0300 790 0203 or via the website <http://www.ombudsman.wales>.
- ii. Comments or complaints can be made about an Officer or Commissioner by:
- A. Officer  
Contacting the Officer or the Officer's manager.
  - B. Commissioners  
If the complaint is against a Commissioner, then the complaint should be referred to the Monitoring Officer or the Public Services Ombudsman for Wales (contact details above).

### **3.3. Getting Involved – Commissioners**

Commissioners can get involved by:

#### **3.3.1. Suggesting Items of Business for the Agenda**

As a Commissioner, you have the same rights as members of the public. In addition to these rights you also have the right to submit a notice of motion to Board of Commissioners (Section 4) and also ask questions (Section 4).

#### **3.3.2. Participating in Meetings**

- a) All Commissioners are entitled to attend any formal meeting of the Board of Commissioners or its Committees.
- b) Commissioners may attend and speak at any meetings where they are a member of that Committee. Where they are not a member of that Committee, their attendance and right to speak is at the discretion of the Chairperson of the Committee.

#### **3.3.3. Comments and Complaints**

- a) Commissioners may comment, subject to restrictions in the Code of Conduct for Commissioners (Section 14) on any aspect of Board of Commissioners business by:
  - i. talking to Officers;
  - ii. talking to the Chairperson of the Board of Commissioners;
  - iii. talking to the Monitoring Officer.
- b) If a Commissioner wishes to complain about an:
  - i. Officer  
The procedure set out in the Protocol on Commissioner/Officer Relations may be used (Section 16).
  - ii. Commissioner  
The procedure set out in Appendix 3 to Section 14 may be followed.



## **4. Board of Commissioners**

### **4.1. Introduction**

The Board of Commissioners is a formal meeting of all Commissioners for SWFRA. The Board of Commissioners is required by law to take certain important decisions including setting the Budget and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions, and it will carry out some functions itself, but others will be delegated to Committees or named Officers.

### **4.2. The Policy Framework**

The Policy Framework means the following plans and strategies:

- The Constitution
- SWFRS Strategic Plan
- SWFRS Improvement Plan
- SWFRS Policy Statements
- SWFRS Strategic Equality Plan
- SWFRS Carbon Reduction Plan
- SWFRS Welsh Language Scheme
- SWFRS Health and Wellbeing Strategy
- Welsh Government Fire and Rescue National Framework
- SWFRS Medium-Term Financial Plan
- SWFRS Asset Management Plan
- SWFRS People Plan

### **4.3. The Budget**

The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, and decisions relating to the control of SWFRA's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Board of Commissioners will decide SWFRS overall revenue budget and overall capital budget and any changes to these. (See Section 11 for how the Board of Commissioners can change the Policy Framework or Budget.)

### **4.4. Functions of the Board of Commissioners**

Only the Board of Commissioners will exercise the following functions:

- 4.4.1. adopting and changing the Constitution;
- 4.4.2. approving or adopting the Policy Framework and Budget;
- 4.4.3. subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 10 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;

- 4.4.4. appointing and removing the Chairperson;
- 4.4.5. agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Board of Commissioners;
- 4.4.6. making the appointment of the Chief Fire Officer; confirming the appointment of the Principal Officers;
- 4.4.7. all matters which by law must be reserved to the Board of Commissioners. For example, approving the appointment or dismissal of the Chief Fire Officer, determining the level (and any change in the level) of remuneration to be paid to the Chief Fire Officer and approving the pay policy statement;
- 4.4.8. appointing representatives to outside bodies unless the appointment has been delegated by the Board of Commissioners;
- 4.4.9. consulting local people, other persons carrying on a business in the Authority's area, the officers of the Authority and every trade union which is recognised by the Authority about the extent to which the Authority is meeting its performance requirements;
- 4.4.10. preparing an annual report on the extent to which the Authority has met its performance requirements;
- 4.4.11. reviewing, approving and amending the Authority's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations (Wales) Act 2015 and the accompanying statutory guidance issued by the Welsh Government;
- 4.4.12. considering reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of them being made; and
- 4.4.13. keeping under review the extent to which:
  - a) it is exercising its functions effectively;
  - b) using its resources economically, efficiently and effectively; and
  - c) its governance arrangements are effective for securing the matters set out in a) and b) above.

#### **4.5. Membership**

- 4.5.1. All Commissioners shall be Commissioners of the Board of Commissioners.
- 4.5.2. Substitution is not possible at meetings of the Board of Commissioners.
- 4.5.3. Chairing the Board of Commissioners  
Every three months, the Commissioners will appoint a lead Commissioner who will act as Chairperson for the Board of Commissioners. The Chairperson will be called the "Chairperson".
- 4.5.4. Role and Function of the Chairperson  
The Chairperson of the Board of Commissioners will have the following roles and functions:
  - i. to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;

- ii. to preside over meetings of the Board of Commissioners so that its business can be carried out fairly and efficiently and with regard to the rights of Board of Commissioners and the interests of the communities of South Wales;
- iii. to ensure that the Board of Commissioners meeting is a forum for the debate of matters of concern;
- iv. to promote public involvement in the Board of Commissioners activities; and
- v. to attend such civic and ceremonial functions as the Board of Commissioners and they determine appropriate

#### **4.6. Board of Commissioners Meetings**

There are two types of Board of Commissioners meeting:

- 4.6.1. ordinary meetings; and
- 4.6.2. extraordinary meetings.

#### **4.7. Rules of Procedure and Debate**

The Authorities Procedure Rules contained in the Sections below will apply to meetings of the Board of Commissioners, its standing committees and all other committees.

#### **4.8. Ordinary Meetings**

Ordinary meetings of the Board of Commissioners will take place in accordance with a programme decided in January of each year. The order of business at ordinary meetings will be as follows:

- 4.8.1. receive any declarations of interest from Commissioners;
- 4.8.2. receive any announcements from the Chairperson;
- 4.8.3. approve the minutes of the last meeting
- 4.8.4. receive reports from the Board of Commissioners committees and receive questions and answers on those reports;
- 4.8.5. consider any other business specified in the summons to the meeting;
- 4.8.6. consider motions; and
- 4.8.7. deal with questions from Commissioners in accordance with section 4.17;
- 4.8.8. receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chairperson are relevant to the Board of Commissioners functions / the meeting in question.

#### **4.9. Extraordinary Meetings**

##### **4.9.1. Calling Extraordinary Meetings**

The Monitoring Officer may call Board of Commissioners meetings in addition to ordinary meetings. Those listed below may request the Monitoring Officer to call additional Board of Commissioners meetings:

- a) the Board of Commissioners by resolution;
- b) the Chairperson of the Board of Commissioners;

- c) any two Commissioners if they have signed a requisition presented to the Chairperson of the Board of Commissioners and they have refused to call a meeting or have failed to call a meeting within seven days of the presentation of the requisition.

#### 4.9.2. Business

The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc, except that the Chairperson may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Board of Commissioners business.

### **4.10. Time, Place and Duration of Meetings**

#### 4.10.1. Time and Place of Meetings

- a) The time and place of meetings will be determined by the Monitoring Officer and notified in the summons.
- b) Where the meeting is to be conducted in accordance with the Board of Commissioners arrangements for multi-location meetings, the summons will also include details of how to access the meeting by remote means.

#### 4.10.2. Duration of Meetings

At an ordinary meeting of the Board of Commissioners, when three hours have elapsed after the commencement of the meeting, the Chairperson shall adjourn immediately after the disposal of the item of business being considered at the time. Remaining business will be considered at a time and date fixed by the Chairperson. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

### **4.11. Notice of and Summons to Meetings**

The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 10. At least seven days before a meeting, the Monitoring Officer will send a summons signed by them to every Commissioner. The summons will give the date, time and place of each meeting and, where meetings are conducted in accordance with the Authority's arrangements for multi-locations meetings, details of how to access the meeting by remote means. The summons will also specify the business to be transacted and will be accompanied by such reports as are available.

### **4.12. Chairperson of Meeting**

The person presiding at the meeting may exercise any power or duty of the Chairperson. Where these rules apply to committee and sub-committee meetings, references to the Chairperson should instead be read as references to the Chairperson of that committee.

### **4.13. Quorum**

4.13.1. The quorum of a meeting will be two Commissioners. During any meeting if the Chairperson counts the number of Commissioners present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Monitoring Officer. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

4.13.2. The quorum rules for the Committee and the Local Pension Board are specific and are set out within the terms of reference for those committees.

#### **4.14. Remote Attendance**

4.14.1. Commissioners will be regarded as present at a meeting where they attend that meeting by remote means in accordance with the Board's Procedure for Multi-Location Meetings.

4.14.2. For the purposes of section 4.15.1, attendance "by remote means" means attendance in a different physical location to that of other participants and participating through an online meeting platform.

#### **4.15. Multi-Location Meetings Policy**

##### **4.15.1. Introduction**

The Local Government and Elections (Wales) Act 2021 ("the Act"), created new provisions for Local Board Meetings. Some provisions took effect from 1<sup>st</sup> May 2021 and others from 5<sup>th</sup> May 2022. In August 2021, Welsh Government published Interim Statutory Guidance on Multi-Location Meetings which can be found at: <https://gov.wales/sites/default/files/publications/2021-08/interimstatutory-guidance-on-multi-location-meetings.pdf>

##### **4.15.2. What is a Multi-Location Meeting?**

- a) A Multi-Location Meeting (MLM) is a meeting whose participants are not all in the same physical place. Some of the participants may be physically located in the meeting venue whilst others join from their home or other remote location.
- b) Under the Act, Welsh Government provisions confer on Authorities duties to convene MLMs to enable greater accessibility and public participation in the Local Government decision making process.
- c) Meeting participants must not only be able to speak to and hear each other but for meetings which are required to be broadcast under Section 46 of the Act participants actively taking part in the meeting must also be able to see and be seen by each other.
- d) When considering arrangements for MLMs or Remote attendance the Board will also have regard to Welsh Government guidance and / or regulations issued by Welsh Ministers
- e) Section 2 of Welsh Government's Interim Statutory Guidance sets out a number of principles to guide Authorities when developing their meeting arrangements which are transparency, accessibility, good conduct, Welsh Language, local needs and future generations. The Guidance also confirms that the meeting arrangements should be reflected in the procedure rules set out in the Constitution.

#### 4.15.3. Broadcasting of Meetings

Section 46 of the Act requires that Principal Councils shall ensure that meetings of their Board are broadcast live and are available to view electronically save for when the meeting is not open to the public (Part II – confidential or exempt information). When the Board of Commissioners is required to do so, the livestreaming of meetings shall be published on the Service website and archived thereafter for future viewing.

#### 4.15.4. Notice of a Meeting

- a) The Service will ensure that the relevant information shall be included on the Notice of the Meeting (Agenda) advising out how the Committee Commissioners, Officers and the public may attend the meeting.
- b) The Act requires that Notices of Meetings and electronic information relating to meetings (i.e. including notices of meetings, agendas, reports and background papers) must be published on the Service website and must remain available in an electronic format and be available for a minimum of six years following the date of the meeting.

#### 4.15.5. Agendas, Reports, Decision Notices, Minutes and Background Papers

- a) Agendas, Reports, Decision Notices and Minutes of formal meetings will be published on the Service website. A small number of hard copies shall be available to members of the public physically attending a meeting. Agenda papers are normally available five clear working days prior to a meeting.
- b) Decision Notices of a meeting (that came into effect under the Act in May 2021) must show decisions made; names of those present; apologies; declarations of interest and outcome of any votes and must be published on the Service website within seven working days of the meeting taking place, including the day of the meeting.
- c) From May 2021 background papers must also be published on the Service website.
- d) There is no longer a requirement to post Notices of Meetings at the Authority's offices. However, hard copies of agendas and reports must be available for the public if meetings are held physically and the Authority is also required to make public access provision for members of the public who cannot access documents, for example by providing access to computers, limited copies of documents at meetings or via a fee or making documents available for inspection.

#### 4.15.6. How are Physical or Multi-Location Meetings (MLMs) Conducted?

- a) MLMs are meetings of the Board or its Committees whose participants are not all in the same physical place. Such meetings can either be held:

- Hybrid – with some participants joining through remote means and some attending physically in the same place as others; or
  - Entirely Remote – whereby all participants are taking part via remote means.
- b) Hybrid Meetings – will be conducted and broadcasted via the Board’s hybrid meeting solution provider, from the Board Headquarters (save for meetings either partly or wholly confidential in nature).
  - c) Remote only meetings – will be conducted via Microsoft TEAMS and broadcast live (when the Board of Commissioners is required to do so) through YouTube (save for meetings either partly or wholly confidential in nature).
  - d) Entirely physical meetings – will usually be held in the Board Headquarters, Forest View Business Park, Llantrisant, CF72 8IX and broadcast via the Board’s Hybrid meeting solution provider, (save for meetings either partly or wholly confidential in nature).

#### 4.15.7. How Can I Participate or Observe a Board Meeting?

- a) A participant at a meeting of the Board of Commissioners is defined as a person who takes an active part in the meeting. They may be a Commissioner, an officer of the Service, a person giving evidence to a Committee as a witness, a person who has registered to speak at a Committee (in accordance with Board procedures), someone presenting a question (under the Board’s procedure) or a representative from an outside organisation on a Committee.
- b) Members of the public, not participating in a meeting, will be able to observe a meeting by either attending in person where a physical or Hybrid meeting is taking place and/or observing a Remote or Hybrid meeting. An observer at a meeting is defined in the Interim Statutory Guidance as a member of an audience, or otherwise spectating who may be in the same room that a meeting is taking place or they may be observing by remote means.
- c) On occasions where physical space for attendance at a meeting may be limited or where there may be technological issues, the Chairperson of a meeting, essential officers supporting the meeting and simultaneous translators will be afforded priority for attendance. With regard to any further attendees the Monitoring Officer and / or Deputy Monitoring Officer in conjunction with the Chairperson of the Board and / or Committee Chairperson will make any such further determinations. Should technical issues prevent live transmission all efforts will be made to ensure a recording of the meeting is made and uploaded to the Service website.
- d) The Monitoring Officer, in consultation with Facilities Management, shall ensure that the maximum physical numbers permitted is clear and that the following system will be put in place:
  - i. **Commissioners** The Monitoring Officer shall ensure that the Commissioners are physically present where appropriate.

- ii. **Officers** The Monitoring Officer shall ensure that the relevant officers are physically present where appropriate.
  - iii. **Members of the public** Members of the public who wish to attend a physical meeting in the Service Headquarters will be able to observe from an appropriate designated area however, should the number of members of the public that wish to be present exceed the maximum number permitted seats will be allocated on a first come first served basis.
- e) With regard to observing Remote and / or Hybrid meetings, members of the public will be able to view a meeting by accessing the link to the meeting online. Members of the public who do not have access to the internet to view live broadcasted meetings can request to attend a public viewing in a suitable location in the Headquarters by contacting Governance Support at least 48 hours prior to the meeting.
  - f) Commissioners are encouraged to bring electronic devices to physical meetings so that they can view the agenda papers online.
  - g) A participant at a meeting wishing to speak in Welsh or a person wishing to use the Welsh Language translation service, at a meeting is required to contact Governance Support at least 72 hours before the meeting.

#### 4.15.8. Quorum

- a) The quorum of a meeting is half of the Commissioners unless specified otherwise within the Constitution. The quorum shall include those attending Remotely, at a Multi-Location or physically; providing they are able to speak and be heard by each other and to see and be seen by others when actively participating in proceedings.
- b) If the numbers present fall below the quorum required, the meeting ends immediately.
- c) Apologies for absence by a Commissioner for a meeting can be accepted by Governance Support up to the publication of the Decision Notice for the meeting i.e. up to seven days from the meeting (the seven days will include the day of the meeting as per the Act).

#### 4.15.9. Withdrawal from a Meeting due to a Prejudicial Interest

- a) Should a Commissioner declare a Prejudicial Interest at a Physical, Multi-Location or Remote meeting, the Commissioner must withdraw from the meeting. However, where members of the public are able to speak at a meeting, the Commissioner can also remain to make their representations but must leave after their representations are made. (For further information on declarations of interests at meetings see Constitution.)
- b) The Commissioner will be invited back into the meeting once the item relating to the prejudicial item has concluded. Should that



person not respond to the call to re-join, the meeting will continue without them, providing it is quorate.

#### 4.15.10. Voting

- a) Voting will either take place electronically, via a roll call or a mixture of both.
- b) All voting results will be announced by either the Chairperson or the Monitoring Officer before moving to the next item of business.
- c) Should a Commissioner leave the room and not return, their vote will not be able to be provided by another Commissioner. However, if the voting device or audio on the laptop is unavailable the Commissioner may use the message facility in the Remote software to relay their vote to the Chairperson.
- d) Unless a recorded vote is requested in accordance with the Constitution, the Chairperson will seek a consensus from Commissioners. If no objections are received the recommendations will be considered as carried (“no dissent”).
- e) In both a Hybrid or Remote meeting the recorded vote will be carried out and the names of those voting for, against or abstaining will be recorded. If a physical roll call of votes is taken this will be undertaken by the, Monitoring Officer or Deputy Monitoring Officer at Full Board or for any other meeting.
- f) If a Commissioner cannot initially be contacted to provide their vote, the officer will return to the Commissioner and following a second attempt, if no response is received and the meeting remains quorate, the Commissioner will be considered not present for that part of the meeting.
- g) Remote attendees **should** only use the chat facility in the software system to:
  - Alert the Chairperson if they wish to speak; or
  - If their audio fails to advise of the vote they wish to make. It is also important to note that any information recorded in the chat facility will be a matter of public record which may be subject to a Freedom of Information request. N.B. In the Microsoft TEAMS meeting platform Commissioners may also indicate to the Chairperson that they wish to speak by activating the “Raise Hand” function.
- h) The chat facility **is not to be used for discussions** as all discussions must be made verbally in the meeting for the sake of individuals observing the meeting and / or the meeting recording if a recording is being made.

#### 4.15.11. How Will Exempt Matters be Dealt With?

The Chairperson of the meeting shall inform the public when the meeting is moving into private session (Part II). The recording must cease before any discussion on the item commences. The Governance Support Officer will confirm with the Chairperson when the recording has been stopped.

4.15.12. Multi-Location / Remote Attendance – Is a Commissioner “Present”?

- a) Multi-Location and Remote meetings provide additional challenges in terms of meeting attendance. There are a variety of circumstances in which this might become an issue e.g. taking of votes, loss of connection (WiFi or mobile).
- b) To be considered present, the Commissioner must be able to speak and be heard and to see and be seen by others if the meeting is broadcasted. At a meeting the Monitoring Officer shall provide the local determination and will consider issues such as temporary interruptions associated with connection issues.
- c) Any failure in technology / connectivity which results in Commissioners’ loss of contact during the meeting shall not invalidate any part of the deliberations or any vote taken. The Chairperson of the Committee may adjourn the meeting if they consider appropriate whilst any technical issues are resolved.

N.B. The meeting platform(s) operated by the Board have a participants list function which demonstrates to the Chairperson and Governance Support Officer which participants are connected to the meeting at any given time.

4.15.13. Public Questions and Public Speaking Procedures

Should a member of the public wish to ask a question at Board of Commissioner or Committee meetings they must give notice in line with the Authority’s procedure.

4.15.14. Formality and Privacy at Meetings

When attending Remote or Hybrid meetings (MLMs) Commissioners and any participants must ensure that the room from which they are accessing the meeting is secure and must ensure that the door of the room is closed so that no disturbance occurs during the course of the meeting as it is important to ensure a degree of formality in the proceedings.

4.15.15. Etiquette at Remote / Multi-Location Meetings

- a) Participants should:
  - i. Dress appropriately for the meeting and ensure that for online meetings cameras are turned on;
  - ii. Ensure that their microphone is muted if not speaking;
  - iii. Respect the Chairperson and others present;
  - iv. Behave appropriately and be mindful of the Commissioners’ Code of Conduct; and
  - v. Use the chat facility appropriately.
- b) Disruptive Behaviour – If a Member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting. With regard Commissioners, the procedure outlined within the Constitution will apply (see Section 4.27).

4.15.16. All meetings will be facilitated by Governance Support Officer.

4.15.17. The following ICT equipment will be required by participants for Hybrid and Remote meetings –

- Microphones / Headsets;
- Cameras – if meeting is broadcasted;
- Adequate Internet access; and
- Access to the relevant software (Chrome – internet browser) being used for the meeting. – Home Board provision.

4.15.18. Viewing and Attending a Meeting Links

- a) For Members of the public wishing to view the meeting the link to the agenda and to the broadcasting of the meeting will be available on the Service website.
- b) A link will be sent to Participants attending irrespective of whether the meeting will be undertaken via Hybrid or Remote means.

4.15.19. Calendar of Meetings

- a) The Calendar of Meetings is agreed on an annual basis and can be found on the Service website. The Calendar will also include details of the time of the meeting. However meetings can be subject to change or additional meetings included in the Calendar by the Chairperson of a Committee and / or the Monitoring Officer, as and when required. For details of the venues or whether meetings will be held Hybrid or via Remote means members of the public are requested to view the agenda papers online once published in advance of the meeting (see Section 4 above).

4.15.20. Invitations to Meetings for Participants

- a) Invitations will be provided to all meeting participants electronically, and the invitation will detail whether the meeting will be Hybrid, Remote or physical.
  - For meetings taking place on the Services Hybrid meeting solution, Commissioners will receive a calendar meeting reminder for the meeting and will be required to log to join the meeting 15 minutes prior to the commencement time.
  - For meetings taking place on Microsoft TEAMS, the URL joining link for the meeting will be included within meeting invitation itself.
- b) Commissioners and Officers will be provided with a shortcut icon on their South Wales Fire and Rescue desktop to connect to Microsoft TEAMS, whether the meeting is being held Remotely or Hybrid.
- c) Other participants attending remotely – Members of the public and / or witnesses – will be sent a URL link to join the meeting.
- d) Prior to meetings Governance Support Officers who support each of the Board Committees will also get in touch with registered speakers and / or witnesses to provide assistance if required.

N.B. All participants are advised to contact Governance Support at or telephone 01443 232000 at least 48 hours before the meeting should they require assistance prior to the meeting.

4.15.21. Record of Attendance

- a) The attendance of each Commissioner will be recorded by the Governance Support Officer supporting the Committee. These records will be combined or added to the Decision Notice and minutes of the meeting and published on the Service website.
- b) Commissioners are to inform Governance Support no later than seven days (including the day of the meeting) if they are unable to attend a meeting and their apologies will be recorded in the Decision Notice and thereafter the minutes of the meeting.

4.15.22. Broadcasting of Meetings

- (a) The broadcasting of meetings does not replace the formal record of the meeting and together with the decisions taken will be published on the Service website and retained in hard copy in accordance with the Board's retention policy.
- (b) Having regard to section 46 of the Local Government and Elections (Wales) Act 2021 the meetings to be conducted and broadcast on a Hybrid basis, (excluding meetings that are wholly or in part confidential in nature) are Board of Commissioners, Finance and Audit Committee, Local Pension Board, Strategic Change Transformation and Culture Committee and People Committee meetings.
- (c) Other Committee meetings will be conducted and broadcast on a Remote basis (excluding meetings that are wholly or in part confidential in nature) or unless determined otherwise by the Chairperson of the relevant Committee in conjunction with the Monitoring Officer.

Some meetings may be conducted on an 'in person' basis only (e.g. where interviews are being conducted) and as such will not be broadcast where they are wholly or in the main Part II in nature.

N.B. All Committee meetings will be undertaken and the recordings uploaded thereafter for future viewing on the Service website.

- (d) All agendas on the Service website will clearly state whether the meetings will be held via Hybrid or Remote means and / or held physically.

4.15.23. Online Meeting Platforms

The Service will use the Hybrid meeting platform as its primary Remote / Hybrid meeting solution for conducting and broadcasting Hybrid meetings and Microsoft TEAMS for Remote meetings. The logistic and technical requirements for managing video and audio recordings for Commissioners sharing a physical space alongside individuals joining remotely requires specialist technology which is currently being met via the Service's webcast provider. Commissioners are encouraged to use their Service provided devices whilst attending meetings. Commissioners of the Committees will also have access to the Microsoft TEAMS meeting platform for use in Remote meetings and informal day to day discussions and correspondence.

N.B. Commissioners are responsible for ensuring access to adequate high-speed internet when joining remotely. Advice can be provided on minimum standards where required. The Service accepts no responsibility should a Commissioner choose to use a personal device and encounters connectivity issues prior to or during a meeting they wish to attend.

4.15.24. Attendance at Meetings Whilst out of the Service Area

- (a) Commissioners wishing to attend meetings whilst out of the Service area and using their own personal devices will be able to do so by accessing free Wifi facilities as the Service will not be able to reimburse costs.
- (b) Should Commissioners wish to access meetings using mobile phones, due to the cost of international calls the Service would not be able to reimburse call costs with access via phones personal or otherwise then being a matter for the Commissioner.
- (c) Technical support whilst abroad will not be able to be provided by the Service ICT or Governance Support Officers.

4.15.25. Confidential and Exempt Information (Part II)

- (a) Some information, in accordance with Legislation, may not be able to be made publicly available. This is known as confidential or exempt information (Part II). When such information is to be considered at a formal meeting the documents will only be made available to those entitled to view them on the Service internal network. Such matters are usually scheduled at the end of an agenda in order to minimise any inconvenience to observers who will be required to leave the meeting prior to the items being considered. The Chairperson will request that members of the public and press are excluded from the meeting (whether the meeting is being held by Remote, Hybrid or physical means) before continuing with the agenda. Any recording of the meeting will also cease.
- (b) If a meeting is being broadcast the recording will be paused and a notification displayed on the broadcast that the meeting is no longer open to the public.

4.15.26. Training

All Commissioners and officers will receive training to be able to participate at meetings which will include the use of the meeting platform software for joining Remote meetings in the Service Offices when meetings take place physically in the building. Other participants will also receive support from Governance Support regarding how to access the meeting.

4.15.27. Support for Meetings

In the first instance support for meetings will be provided by Governance Support Officers who will ensure the following:

- Agendas to be emailed electronically (normally at least seven days before the meeting);
- Monitor attendance at Remote meetings and will assist any participant to join or re-join the meeting;

- Facilitate the meeting, voting and take the minutes of the meeting. (Voting at the meeting will be undertaken in adherence to the requirements of the Constitution)
- Facilitate the recording and livestreaming of meetings (in conjunction with an ICT officer).

#### **4.16. Questions by the Public**

##### 4.16.1. General

- Members of the public may ask questions of Commissioners at ordinary meetings of the Board of Commissioners.
- The total time allocated for questions by the public should be limited to 30 minutes.

##### 4.16.2. Order of Questions

Questions will be asked in the order notice of them was received, except that the Chairperson may group together similar questions.

##### 4.16.3. Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday 3 working days before the day of the meeting. Each question must give the name and address of the questioner.

##### 4.16.4. Number of Questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

##### 4.16.5. Scope of Questions

The Monitoring Officer may reject a question if it:

- is not about a matter for which the Board of Commissioners has a responsibility, or which affects the Service Area;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Board of Commissioners in the past six months;
- requires the disclosure of confidential or exempt information.

##### 4.16.6. Record of Questions

- The Monitoring Officer will keep a record of each question in a form that enables them to be made available for public inspection and will immediately send a copy of the question to the Board of Commissioners or the Commissioner to whom it is to be put. Rejected questions will include reasons for rejection.
- Copies of all questions will be circulated to all Board of Commissioners and will be made available to the public attending the meeting.

##### 4.16.7. Asking the Question at the Meeting

The Chairperson will invite the questioner to put the question to the Board of Commissioners or the Commissioner named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairperson to put the question on their behalf. The Chairperson may ask the question on the questioner's behalf, indicate that

a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

**4.16.8. Supplementary Question**

A questioner who has put a question in person may also put one supplementary question without notice to the Board of Commissioners or Commissioner who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Chairperson may reject a supplementary question on any of the grounds set out in section 4.17.5 above.

**4.16.9. Written Answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Board of Commissioners Commissioner to whom it was to be put, will be dealt with by a written answer.

**4.16.10. Reference of Question to the Board or a Committee**

Unless the Chairperson decides otherwise, no discussion will take place on any question, but any Commissioner may move that a matter raised by a question be referred to the Board or the appropriate committee. Once seconded, such a motion will be voted on without discussion.

## **4.17. Questions by Commissioners**

**4.17.1. On Reports of the Board or Committees**

A Commissioner may ask the Chairperson of a Committee any question without notice directly arising from an item of the report of the Board or a Committee, when that item is being received or is under consideration by the Board of Commissioners

**4.17.2. Questions on Notice at Board of Commissioners Subject to section 4.18.4, a Commissioner of the Board of Commissioners may ask:**

- a) the Chairperson; a Commissioner of the Board;
- b) the Chairperson of any committee;

a question on any matter in relation to which the Board of Commissioners has powers or duties.

**4.17.3. Questions on Notice at Committees**

Subject to section 4.18.4, a Commissioner of a committee may ask the Chairperson of it a question on any matter in relation to which the Board of Commissioners has powers or duties or which affects the Combined Service Area and which falls within the terms of reference of that committee.

**4.17.4. Notice of Questions**

A Commissioner may ask a question under section 4.18.2 or 4.18.3 if either:

- a) they have given at least five working days' notice in writing of the question to the Monitoring Officer; or
- b) the question relates to urgent matters, they have the consent of the Chairperson or Commissioner to whom the question is to be put and

the content of the question is given to the Monitoring Officer by 09:00 on the day of the meeting.

4.17.5. Maximum Number of Questions

A Commissioner may ask only one question under section 4.18.2 or 4.18.3 except with the consent of the Chairperson of the Committee. The maximum number of questions that may be asked at any meeting of the Board of Commissioners is five and if the number of questions exceeds five the questions to be asked shall be determined by ballot to be conducted by the Monitoring Officer.

4.17.6. Order of Questions

Questions of which notice has been given under section 4.18.2 or 4.18.3 will be listed on the agenda in the order determined by the Chairperson of the Committee.

4.17.7. Content of Questions

Questions under section 4.18.2 or 4.18.3 must, in the opinion of the Chairperson:

- a) contain no expressions of opinion; and
- b) relate to matters on which the Board of Commissioners has or may determine a policy

4.17.8. Response

An answer may take the form of:

- a) a direct oral answer at the meeting;
- b) where the desired information is in a publication of the Board of Commissioners or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated in writing before the next ordinary meeting of the Board of Commissioners.

4.17.9. Supplementary Question

A Commissioner asking a question under section 4.18.2 or 4.18.3 may ask one supplementary question without notice of the Commissioner to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

4.17.10. Length of Speeches

A Commissioner asking a question under section 4.18.2 or 4.18.3 and a Commissioner answering such a question may speak for no longer than five minutes unless the Chairperson consents to a longer period.

4.17.11. Time Allowed for Questions at Board of Commissioners Meetings

- a) The time allowed for consideration of questions submitted under section 4.18.2 shall not, without the consent of the Board of Commissioners, exceed 30 minutes.
- a) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Commissioners has consented) from the time when the first questioner started to speak, the Chairperson shall conclude the meeting.



- b) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Board of Commissioners.

#### **4.18. Motions on Notice**

##### **4.18.1. Notice**

Except for motions which can be moved without notice under section 4.20 and in cases of urgency, written notice of every motion, must be delivered to the Monitoring Officer no later than 12:00 on the seventh working day before the Board of Commissioners meeting at which it is to be considered. Motions received will be kept in a form that enables them to be made available for public inspection.

##### **4.18.2. Motion Set Out in Agenda**

Motions for which notice has been given will be listed on the agenda in the order determined by the Monitoring Officer.

##### **4.18.3. Scope**

Motions must be about matters for which the Board of Commissioners has a responsibility.

##### **4.18.4. Motion to Remove the Chair**

- a) A motion to remove the Chairperson cannot be moved unless the notice of motion is signed by three Board of Commissioners. See Section 5.2.2.
- b) A motion to remove the Chairperson cannot be moved more than once in any rolling 12-month period.

##### **4.18.5. One Motion per Commissioner**

No Commissioner may give notice of more than one motion for any Board of Commissioners meeting, except with the consent of the Chairperson.

##### **4.18.6. Time Allowed for Motions**

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Board of Commissioners, exceed five minutes. At the conclusion of the speech being delivered at the expiry of five minutes (or such longer period to which the Board of Commissioners has consented) from the commencement of the Board of Commissioners consideration of the first such motion, the Chairperson shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- a) if the speech to be concluded is a speech proposing a motion, the Chairperson shall allow the motion to be formally seconded (without comment);
- b) if the speech to be concluded is a speech moving an amendment, the Chairperson shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise their right of reply; and
- c) otherwise, the Chairperson shall allow the mover of the motion to exercise their right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Board of Commissioners and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

#### **4.19. Motions without Notice**

The following motions may be moved without notice:

- 4.19.1. to appoint a Chairperson of the meeting at which the motion is moved;
- 4.19.2. in relation to the accuracy of the minutes;
- 4.19.3. to change the order of business in the agenda;
- 4.19.4. to refer something to an appropriate Committee or individual;
- 4.19.5. to appoint a committee or Commissioner arising from an item on the summons for the meeting;
- 4.19.6. to receive reports or adoption of recommendations of committees or Officers and any resolutions following from them;
- 4.19.7. to withdraw a motion;
- 4.19.8. to amend a motion;
- 4.19.9. to proceed to the next business;
- 4.19.10. that the question be now put;
- 4.19.11. to adjourn a debate;
- 4.19.12. to adjourn a meeting;
- 4.19.13. to suspend a particular Procedure Rule;
- 4.19.14. to exclude the public and press in accordance with the Access to Information Procedure Rules;
- 4.19.15. to not hear further a Commissioner named under section 4.26.5 or to exclude them from the meeting under section 4.26.4; and
- 4.19.16. to give the consent of the Board of Commissioners where its consent is required by this Constitution.

#### **4.20. Rules of Debate**

- 4.20.1. These rules of debate apply to all meetings of the Board of Commissioners and its Committees.
- 4.20.2. The Chairperson of the Board or a Committee meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting.
- 4.20.3. **No Speeches until Motion Seconded**  
No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- 4.20.4. **Right to Require Motion in Writing**  
Unless notice of the motion has already been given, the Chairperson may require it to be written down and handed to them before it is discussed.
- 4.20.5. **Secunder's Speech**  
When seconding a motion or amendment, a Commissioner may reserve their speech until later in the debate.
- 4.20.6. **Content and Length of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order and no speech may exceed five minutes without the consent of the Chairperson.

4.20.7. When a Commissioner may Speak Again

A Commissioner who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another Commissioner;
- b) to move a further amendment if the motion has been amended since they last spoke;
- c) if their first speech was on an amendment moved by another Commissioner, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- d) in exercise of a right of reply;
- e) on a point of order; and
- f) by way of personal explanation.

4.20.8. Amendments to Motions

a) An amendment to a motion must be relevant to the motion and will either be:

- i. to refer the matter to an appropriate Committee or individual for consideration or reconsideration;
- ii. to leave out words;
- iii. to leave out words and insert or add others; or
- iv. to insert or add words

as long as the effect of the above is not to negate the motion.

- b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been decided.
- c) If an amendment is not carried, other amendments to the original motion may be moved.
- d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e) After an amendment has been carried, the Chairperson will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

4.20.9. Alteration of Motion

- a) A Commissioner may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A Commissioner may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment may be made.

4.20.10. Withdrawal of Motion

A Commissioner may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Commissioner may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

4.20.11. Right of Reply

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- c) The mover of the amendment has no right of reply to the debate on their amendment.

4.20.12. Motions which may be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- a) to withdraw a motion;
- b) to amend a motion;
- c) to proceed to the next business;
- d) that the question be now put;
- e) to adjourn a debate;
- f) to adjourn a meeting;
- g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- h) to not hear further a Commissioner named under section 4.27.3 or to exclude them from the meeting under section 4.27.4.

4.20.13. Closure Motions

- a) A Commissioner may move, without comment, the following motions at the end of a speech of another Commissioner;
  - i. to proceed to the next business;
  - ii. to act that the question be now put;
  - iii. to adjourn a debate; or
  - iv. to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Chairperson thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- c) If a motion that the question be now put is seconded and the Chairperson thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed, they will give the mover of the original motion a right of reply before putting their motion to the vote.
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairperson thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on

that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

4.20.14. Point of Order

A point of order is a request from a Commissioner to the Chairperson to rule on an alleged irregularity in the procedure of the meeting. A Commissioner may raise a point of order at any time. The Chairperson will hear them immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The Commissioner must indicate the Rule or law and the way in which they considers it has been broken. The ruling of the Chairperson on the matter will be final.

4.20.15. Personal Explanation

A Commissioner may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Commissioner which may appear to have been misunderstood in the present debate. The ruling of the Chairperson on the admissibility of a personal explanation will be final.

## 4.21. Previous Decisions and Motions

4.21.1. Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Board of Commissioners within the past six months cannot be moved unless the notice of motion is signed by at least 2 Commissioners, except in the case of new information becoming available.

4.21.2. Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Board of Commissioners in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 2 Commissioners. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## 4.22. Voting

4.22.1. Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Commissioners voting and present at the time the question was put.

4.22.2. Chair's Casting Vote

If there are equal numbers of votes for and against, the Chairperson will have a casting vote. There will be no restriction on how the Chairperson chooses to exercise a casting vote.

4.22.3. Method of Voting

Unless a recorded vote is demanded under Rule 4.25.4 the Chairperson will take the vote by show of hands, or by use of the Board of Commissioners electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

4.22.4. Recorded Vote

If any Commissioner present at the meeting requests it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

4.22.5. Right to Require Individual Vote to be Recorded

Where any Commissioner requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.22.6. Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### **4.23. Minutes**

4.23.1. Signing the Minutes

The Chairperson will sign the minutes of the proceedings at the next suitable meeting. The Chairperson will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

4.23.2. No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

4.23.3. Form of Minutes

Minutes will contain all motions and amendments in the form and order the Chairperson put them.

### **4.24. Record of Attendance**

For those Commissioners in attendance their presence will be recorded on their behalf by Officers.

### **4.25. Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 12 of this Constitution or section 4.28 (Disturbance by Public).

### **4.26. Commissioners' Conduct**

4.26.1. Speaking at Meetings

When a Commissioner speaks at Board of Commissioners they must address the meeting through the Chairperson. If more than one Commissioner signifies their intention to speak, the Chairperson will ask one to speak. Other Commissioners must remain silent whilst a Commissioner is speaking unless they wish to make a point of order or a point of personal explanation.

**4.26.2. Chairperson Speaking**

When the Chairperson speaks during a debate, any Commissioner speaking at the time must stop.

**4.26.3. Commissioner not to be Heard Further**

If a Commissioner persistently disregards the ruling of the Chairperson by behaving improperly or offensively or deliberately obstructs business, the Chairperson may move that the Commissioner be not heard further. If seconded, the motion will be voted on without discussion.

**4.26.4. Commissioner to Leave the Meeting**

If the Commissioner continues to behave improperly after such a motion is carried, the Chairperson may move that either the Commissioner leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

**4.26.5. General Disturbance**

If there is a general disturbance making orderly business impossible, the Chairperson may adjourn the meeting for as long as they think necessary.

**4.27. Disturbance by Public**

**4.27.1. Removal of Member of the public**

If a Member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting room [or their removal from the online platform by which they are accessing the meeting from another location].

**4.27.2. Clearance of Part of Meeting Room**

If there is a general disturbance in any part of the meeting room open to the public, the Chairperson may call for that part to be cleared.

**4.27.3. Clearance of Online Meeting Platform**

If there is a general disturbance on the online meeting platform, the Chairperson may call for the online meeting platform to be muted / temporarily suspended / closed.

**4.28. Filming and Use of Social Media During Meetings**

Filming is not permitted during meetings. Meetings are video recorded and will be available via the Service Website.

The use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting.

**4.29. Electronic Broadcasts of Meetings**

- 4.29.1. As soon as the Board has the capability ordinary meetings of the Board of Commissioners will be broadcast live electrically via the Service website so that Members of the public not in attendance at the meeting can see and hear the proceedings. Copies of the meeting will be available for six years after the meeting.

#### **4.30. Suspension and Amendment of Procedure Rules**

4.30.1. Suspension

All of these Rules of Procedure except sections 4.19.4, 4.19.5, 4.23.5 and 4.24.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Commissioners are present. Suspension can only be for the duration of the meeting. Section 4.19.5 can only be suspended by motion on notice and the motion must have the support of at least two thirds of those Commissioners present and voting.

4.30.2. Amendment

Any motion to add to, vary or revoke these Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Board of Commissioners.

#### **4.31. Remote Meetings Procedure Rules**

These Remote Meetings Procedure Rules have been adopted by the Authority and have been made in compliance with Section 47 of the Local Government and Elections (Wales) Act 2021.

- 4.31.1. Meetings of the Board of Commissioners or their Committees that are open to the Public will be live streamed (subject to some exemptions\*), with accessibility for the Public to view meetings being provided via the Service website. Where the Board of Commissioners or their Committees has provision for Public speaking at meetings, persons who have registered to speak together with any expert witnesses required to attend, will be forwarded a direct link to attend a meeting.

N.B. \* Meetings that will be exempted will be those that are for the most part confidential in nature (Part II) e.g. Early Retirement and Redundancy, elements of these meetings will not be live streamed but the minutes of the meetings will be uploaded to the website as soon as possible thereafter.

- 4.31.2. Hybrid meetings have been introduced i.e. a meeting solution that enables persons who are not in the same place to attend meetings, both physically and remotely. Meetings of the Board that are open to the public will be held via this method and the Services website will provide details of accessibility.
- 4.31.3. Time and place – Meetings will be held at the time notified in the agenda but may be held in more than one place and may include electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.



- 4.31.4. Notice of meetings – At least seven days before a meeting, save in cases of urgency and/or where following such notice the meeting is moved or cancelled, the Monitoring Officer (or Deputy in their absence) will send an agenda by electronic means to every Commissioner of the Board or relevant body. The agenda will give the date and time of each meeting together with the details for remote or hybrid access.
- 4.31.5. At such time as sending the notice of the meeting and the agenda, the relevant officer shall arrange for the notice of the meeting and the agenda together with copies of such reports as are available to be published on the Service website.
- 4.31.6. Where a report becomes available after publication of the notice and agenda, the relevant officer shall send it electronically to all Commissioners and arrange for a copy to be published on the Service website as soon as practicable.
- 4.31.7. Quorum – The number of Commissioners required to be present for a quorum includes those in remote attendance. If at any time during the meeting the Chairperson counts the number of Commissioners present and declares that there is not a quorum present, the meeting will adjourn immediately. The remaining business will be considered on a date and time set by the Monitoring Officer in consultation with the Chairperson
- 4.31.8. Declaration of Interests – A Commissioner who would ordinarily be required to leave the room during the consideration of an item of business due to the Commissioner having a disclosable prejudicial interest or to having such other interest as the Authorities Code of Conduct may require the Commissioner to do so, shall be deemed to have done so if the Commissioner disconnects their remote access and remains disconnected until such time as the Chairperson invites the Councillor to re-join the meeting.
- 4.31.9. Discussion of confidential business and disclosure of exempt information - Where a motion is passed to exclude the public and press from the meeting due to the discussion of confidential business or exempt information, the right of the public and the Press to see or see and hear, the meeting shall cease and their electronic access will be disconnected and in the case of physical attendance at an Board meeting be asked to vacate the room.
- 4.31.10. Conduct during meetings – Commissioners in remote attendance or any Member of the public exercising a right to speak in remote attendance shall only speak when called upon to do so by the Chairperson and shall cease to speak when told to so by the Chairperson.

N.B. This Procedure is in addition to the Authorities Procedure Rules as contained within the Constitution and to the Remote Meeting Procedures agreed under Emergency Powers set out within the scheme of delegations.

## **4.32. Electronic Broadcasts of Meetings**

When capability is in place ordinary meetings of the Board will be broadcast live electronically on the Service website so that members of the public not in attendance at the meeting can see and hear the proceedings. Copies of the meeting will be available for six years after the meeting. At present recordings of all meetings are available on the Service Website.

## **5. The Chairperson**

### **5.1. Election**

5.1.1. Every three months, Commissioners will appoint a lead Commissioner who will act as The Chairperson.

5.1.2. The Chairperson shall cease to be Chairperson if they are cease to be a Commissioner for South Wales Fire & Rescue, or, for other such reasons, cannot fulfil the role of Chairperson.

### **5.2. Functions and Delegated Authority**

#### **5.2.1. Role of the Chairperson**

The Chairperson will Chair meetings of the Board of Commissioners

#### **5.2.2. The Scheme of Delegations**

The Monitoring Officer, in consultation with the Chairperson, will prepare and submit for approval a Scheme of Delegations setting out the delegations of Executive Functions, including where the principle has been approved as part of the Authority's Executive arrangements, the delegated authority of each Commissioner and thereafter keep this under review and submit updates to the Scheme, as appropriate.

## **6. Regulatory Committees**

### **6.1. Other Committees**

The Board of Commissioners will appoint the Committees to discharge the functions set out in Section 11 of this Constitution.

### **6.2. The Finance and Audit Committee**

6.2.1. The Board of Commissioners will appoint a Finance and Audit Committee to discharge the functions described in Section 11 of this Constitution and in accordance with sections 81-87 of The Measure.

6.2.2. The Committee shall comprise of one Commissioner

### **6.3. The People Committee**

6.3.1. The Board of Commissioners will appoint a People Committee to discharge the functions described in Section 11 of this Constitution.

6.3.2. The Committee shall comprise of one Commissioner

### **6.4. The Strategic Change Transformation and Culture Committee**

6.4.1. The Board of Commissioners will appoint a Strategic Change Transformation and Culture Committee.

6.4.2. The Committee shall comprise of at least one Commissioner

### **6.5. Other Committees and Sub-Committees**

6.5.1. The Board of Commissioners will appoint such other Committees as it considers appropriate to the exercise of its functions.

6.5.2. Any Committee appointed by the Board of Commissioners may at any time appoint additional working groups and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the appointment Committees terms of reference.

### **6.6. Rules of Procedure and Debate**

6.6.1. The Authority's Procedure Rules in Section 4 will apply.

## 7. Officers

### 7.1. Management Structure

#### 7.1.1. General

Commissioners may engage such staff (referred to as Officers) as they considers necessary to carry out Authority functions.

#### 7.1.2. Principal Officers

Commissioners will engage persons for the following posts, who will be designated Principal Officers, which designation includes persons acting temporarily in such capacity:

Post	Functions and Areas of Responsibility
Chief Fire Officer (Head of Paid Service)	<p>Overall corporate management and operational responsibility including overall management responsibility for all Officers.</p> <p>Principal adviser to the Board of Commissioners on general policy.</p> <p>The provision of professional and impartial advice to all parties in the decision-making process to the Board of Commissioners and other Committees.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Board of Commissioner or Committee decisions.</p> <p>Representing the Board on partnership and external bodies (as required by statute or the Board of Commissioners).</p> <p>Service to the whole Board of Commissioners, on a politically neutral basis.</p>
Deputy Chief (Fire) Officer	<p>To deputise fully for the Chief Fire Officer in their absence and to take such decisions and executive action as may be required to provide an efficient service to the public.</p> <p>To manage a directorate of the Service as appointed by the CFO.</p>

Post	Functions and Areas of Responsibility
Director, Corporate Services	Responsible for Corporate Support Services, Performance Planning, Information Governance, Property, Business Support, Finance & Procurement, Commissioner Support Services, Legal, Insurance, Welsh Language and Governance Support  Senior Information Risk Owner (SIRO), Senior Risk Officer (SRO) and Proper Officer
Director, Technical Services	Fleet Management, Health and Safety, Operational Training, Risk Reduction and ICT
Director Service Delivery	Operations, Operational Risk Management and Fire Control
Director of Strategic Change and Transformation	Transformational Change Programme and Media and Communications
Director of People Services	People Services and Occupational Health
Treasurer	Section 112 (2)  Chief Finance Officer / Chief Finance Officer for the Board of Commissioners

### 7.1.3. Statutory Officers

The Board of Commissioners will designate the following posts as shown:

Post	Designation
Chief Fire Officer	Head of Paid Service
Legal Services Manager	Monitoring Officer
Treasurer	Responsible Finance Officer Chief Finance Officer (Section 112 (2) Officer)

Such posts will have the functions described in Sections 7.2 to 7.4.

## 7.2. Functions of the Chief Fire Officer

The core purpose of the role is to advise the Board of Commissioners in the provision of an effective and efficient Fire and Rescue Service, delivering its services in accordance with all statutory, legal and other obligations.

7.2.1. To take all necessary action within approved budgets to discharge the duties, function and responsibilities of the Service under or in relation to the Fire Services Act 2004 including the power to authorise officers to take action under any provision or supplementary power contained within that Act.

- a) To advise the Board of Commissioners in the discharge of statutory duties and expectations within the Fire and Rescue Services Act 2004, the National Framework and other relevant legislation and guidance. To be accountable to the Board of Commissioners, having due regard to such legislation and guidance.
- b) To act as professional advisor to the Board of Commissioners for all matters relating to the Fire and Rescue Service.
- c) The Chief Fire Officer is responsible for providing strategic leadership, direction, coordination and effective management of people and resources within the Fire and Rescue Service to ensure the highest standards of direct service provision. In doing so the role will ensure appropriate corporate policies are put in place to comply with this measure. The Chief Fire Officer must keep the following matters under review:
  - i. the manner in which the exercise by the Authority of its different functions is co-ordinated;
  - ii. The Authority's arrangements in relation to:
    - A. financial planning,
    - B. asset management, and
    - C. risk management;
  - iii. the number and grades of staff required by the Authority for the exercise of its functions;
  - iv. the organisation of the Authority's staff;
  - v. the appointment of the Authority's staff; and
  - vi. the arrangements for the management of the Authority's staff (including arrangements for training and development).

7.2.2. If the Chief Fire Officer considers it appropriate to do so, they must make a report to the Board of Commissioners setting out their approach to these matters. As soon as possible after preparing a report, the Chief Fire Officer must arrange for a report to be sent to each Commissioner of the Board of Commissioners.

7.2.3. Acting as the Authority's Representative on the Public Services Boards.

7.2.4. Restrictions on Functions

The Chief Fire Officer may not be the Monitoring Officer or the Chief Finance Officer.

### **7.3. Functions of the Monitoring Officer**

These are set out in section 5 of the Local Government and Housing Act 1989 as amended.

**7.3.1. Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Commissioners, staff and the public.

**7.3.2. Ensuring Lawfulness and Fairness of Decision Making**

After consulting with the Chief Fire Officer and Chief Finance Officer, the Monitoring Officer will report to the Board of Commissioners if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

**7.3.3. Receiving Reports**

The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales and decisions of the case tribunals.

**7.3.4. Conducting Investigations**

The Monitoring Officer will conduct investigations into matters referred by the Public Services Ombudsman for Wales and make reports or recommendations in respect of them to the Board of Commissioners

**7.3.5. Proper Officer for Access to Information**

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

**7.3.6. Advising whether decisions of the Commissioners are within the Budget and Policy Framework**

The Monitoring Officer will, in conjunction with the Chief Finance Officer, advise whether decisions of the Board of Commissioners are in accordance with the Budget and Policy Framework.

**7.3.7. Providing Advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to the Board of Commissioners.

**7.3.8. Restrictions on Posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Chief Fire Officer.

**7.4. Functions of the Chief Finance Officer (Treasurer)**

These are set out in section 112 of the Local Government Finance Act 1988 and section 6 of the Local Government and Housing Act 1989.

**7.4.1. Ensuring Lawfulness and Financial Prudence of Decision Making**

After consulting with the Chief Fire Officer and the Monitoring Officer, the Chief Finance Officer will report to the Board of Commissioners and the Authority's external auditor if they considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful



and is likely to cause a loss or deficiency or if the Board of Commissioners is about to enter an item of account unlawfully.

#### 7.4.2. Administration of Financial Affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Authority.

#### 7.4.3. Contributing to Corporate Management

The Chief Finance Officer will contribute to the corporate management of the Authority, in particular through the provision of professional financial advice.

#### 7.4.4. Providing Advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Board of Commissioners and will support and advise Board of Commissioners and Officers in their respective roles.

#### 7.4.5. Give Financial Information

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

#### 7.4.6. Advising whether Decisions of the Board are within the Budget and Policy Framework

The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Board are in accordance with the Budget and Policy Framework.

#### 7.4.7. Restrictions on Posts

- a) The Chief Finance Officer cannot be the Monitoring Officer.
- b) The Chief Finance Officer must be a Commissioner of one or more of the following professional bodies: -
  - i. the Institute of Chartered Accountants in England and Wales;
  - ii. the Chartered Association of Certified Accountants;
  - iii. the Chartered Institute of Public Finance and Accountancy;
  - iv. the Chartered Institute of Management Accountants; or
  - v. any other Committee of accountants established in the United Kingdom and for the time being approved by the Welsh Ministers for this purpose.

### **7.5. Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer, Chief Finance Officer**

The Board of Commissioners will provide the Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

### **7.6. Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Commissioner Relations set out in Sections 15 and 16 of this Constitution.

## **7.7. Employment**

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out below.

## **7.8. Officer Employment Procedure Rules**

### **7.8.1. Restrictions on the Appointment of Commissioners as Officers**

A Commissioner of the Board of Commissioners is disqualified from being appointed to any Officer position at the Service while they remain a Commissioner.

### **7.8.2. Recruitment and Appointment**

#### **a) Declarations**

- i. The Board of Commissioners has drawn up procedures which include a requirement that any candidate for an appointment as an Officer must state in writing whether they have any relationship with any Board of Commissioners Commissioner, or Principal Officer of the Service.
- ii. No candidate so related to a Commissioner or a Principal Officer will be appointed without the authority of the Chief Fire Officer or an Officer nominated by them.

#### **b) Seeking Support for Appointment**

- i. The Board of Commissioners will disqualify any applicant who directly or indirectly seeks the support of any Commissioner for any appointment with the Fire and Rescue Service.
- ii. No Board of Commissioners Commissioner or employee of the Fire and Rescue Service will seek support for any person for any appointment with the Fire and Rescue Service.

### **7.8.3. Recruitment of Principal Officers**

Where the Board of Commissioners proposes to appoint a Principal Officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Board of Commissioners will:

#### **a) draw up a statement including the following:**

- i. the duties of the Officer concerned; and
- ii. any qualifications or qualities to be sought in the person to be appointed;

#### **b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and**

#### **c) make arrangements for a copy of the procedures mentioned in paragraph (a) to be sent to any person on request.**

### **7.8.4. Appointment of Chief Fire Officer**

#### **a) The Board of Commissioners will be responsible for the appointment of the Chief Fire Officer**

- b) The Board of Commissioners may only make or approve the appointment of the Chief Fire Officer where no well-founded objection has been made by any Commissioner of the Board.**

#### 7.8.5. Appointments of Principal Officers

- a) The appointment of Principal Officers is the responsibility of the Finance and Audit Committee.
- b) Where the Finance and Audit Committee is proposing to appoint or dismiss the Chief Fire Officer, the Board of Commissioners must approve that appointment before the offer of appointment is made or must approve that dismissal before notice of dismissal is given.
- c) The Finance and Audit Committee shall not make an offer of appointment in relation to any of the Officers named in (a) above until it has complied with Schedule 3 of the Local Authorities (Standing Orders) (Wales) Regulations 2006.

#### 9.8.6 Disciplinary Action

- a) **Suspension.** The Chief Fire Officer, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than three months.
- b) **Independent Person.** No other disciplinary action may be taken in respect of any of those Officers except in accordance with a recommendation in a report made by a designated independent person.
- c) Commissioners will not be involved in the disciplinary action against any Officer below Principal Officer (unless provided for in the employment contract of that Officer) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Service's disciplinary, capability and related procedures as adopted from time to time.
- d) In accordance with legislation [sub-paragraph 3(2) of part 1 of the Schedule 3 to the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014, as amended by Regulation 10 of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014] the Monitoring Officer is prohibited from dismissing any officer in relation to whom disciplinary action is proposed and who was, but at the time of the proposed disciplinary action no longer is, an officer referred to in the Regulations.

#### 9.8.7 Dismissal

Commissioners will not be involved in the dismissal of any Officer below Principal Officer (unless provided for in the employment contract of that Officer) except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Service's disciplinary, capability and related procedures as adopted from time to time. Where in the case of the dismissal of:

- the Chief Fire Officer;
- a Principal Officer;

a Committee or sub-committee is discharging the function of the dismissal. The Board of Commissioners will be responsible for a decision to dismiss the Chief Fire Officer.

#### 9.8.8 Procedure for Dealing with Allegations of Misconduct which may Lead to Disciplinary Action Against the Chief Fire Officer, Monitoring Officer or Chief Finance Officer.

- 9.8.8.1 An investigation committee be appointed to consider the alleged misconduct which must consist of a minimum of three Commissioners of the Board; and which must, within one month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.
- 9.8.8.2 For the purpose of considering the allegation of misconduct, the investigation committee:
- a) may make such enquiries of the relevant officer or any other person it considers appropriate;
  - b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit;
  - c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.
- 9.8.8.3 Where it appears to the investigation committee that an allegation of misconduct should be further investigated, it must appoint an independent person by agreement with the relevant officer within one month of the date on which the requirement to appoint the designated independent person arose.
- 9.8.8.4 The designated independent person:
- a) may direct:
    - (i) that the Authority terminate any suspension of the relevant officer;
    - (ii) that any such suspension is to continue after the expiry of the period referred to provided such suspension terminate no later than the expiry of three months beginning on the day on which the suspension takes affect;
    - (iii) that the terms on which the suspension has taken place are to be varied in accordance with the direction; or
    - (iv) that no steps by way of disciplinary action or further disciplinary action against the relevant Officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made to the Board of Commissioners under (d) below;
  - b) may inspect any documents relating to the conduct of the relevant Officer which are in the possession of the Commissioners, or which the Board of Commissioners has power to authorise the designated person to inspect;
  - c) may require any member of staff of the Authority to answer questions concerning the conduct of the relevant Officer;
  - d) must make a report to the Board:
    - (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant Officer; and

(ii) recommending any disciplinary action which appears appropriate for the Board to take against the Officer.

e) must no later than the time at which the report is made under d) above send a copy of the report to the relevant Officer.

9.8.8.5 The Officer subject to the disciplinary proceedings and the Board must, after consulting the designated independent person, attempt to agree a timetable within which the independent person is to undertake the investigation. Where no such agreement is made, the independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.

9.8.9 The Board must consider the report of the independent person within one month of receipt of that report.

## **8. Finance Contracts and Legal Matters**

### **8.1. Financial Management**

The management of the Authority's financial affairs will be conducted in accordance with the financial rules set out in Section 12 of this Constitution.

### **8.2. Contracts**

Every contract made by the Authority will comply with the Contracts Standing Orders set out in Section 13 of this Constitution.

### **8.3. Legal Proceedings**

8.3.1. The Monitoring Officer is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Board of Commissioners or in any case where the Monitoring Officer considers that such action is necessary to protect the Authority's interests.

8.3.2. The Monitoring Officer has delegated powers to authorise Officers to appear in court on the Board of Commissioners behalf.

### **8.4. Authentication of Documents**

8.4.1. Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Monitoring Officer or other person authorised by them, unless any enactment or otherwise authorises or requires, or the Board of Commissioners has given requisite authority to some other person.

8.4.2. Any contract with a value exceeding £25,000, entered into on behalf of the Authority shall be made in writing. Subject to the Contracts Procedure Rules, such contracts must be signed by at least one specified Officer of the Authority or made under common seal of the Authority attested by at least one specified Officer if they exceed World Trade Organisation Government Procurement Agreement (WTO GPA) thresholds in value.

### **8.5. Common Seal of the Authority**

#### **8.5.1. Common Seal**

a) The Common Seal of the Authority shall be kept in a safe place in the custody of the Monitoring Officer.

b) A decision of the Board of Commissioners, including decisions under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision.

#### **8.5.2. Sealing and Execution of Documents**

a) The Monitoring Officer shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Board of Commissioners.

b) This function can be delegated further by the named persons.

#### **8.5.3. Record of Sealing of Documents**

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made and consecutively numbered in a book to be provided for the purpose.

## **9. Responsibility For Functions - Summary**

The purpose of this Section of the Constitution is to set out who is responsible for making the various decisions on behalf of the Commissioners.

### **9.1. Who can be Decision Makers?**

Under this constitution, there are a number of different decision makers:

- 9.1.1. Board of Commissioners;
- 9.1.2. a Committee of the Board of Commissioners;
- 9.1.3. an Officer.

### **9.2. Principles of Decision Making**

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

- 9.2.1. proportionately (ie the action must be proportionate to the desired outcome);
- 9.2.2. due consideration and the taking of professional advice from Officers;
- 9.2.3. respect for human rights;
- 9.2.4. a presumption in favour of openness;
- 9.2.5. clarity of aims and desired outcomes;
- 9.2.6. consideration of any alternative options; and
- 9.2.7. the giving and recording of reasons for the decision and the proper recording of these reasons.

### **9.3. Functions fall into the following categories:**

#### **9.3.1. Functions of the Board of Commissioners**

The Board of Commissioners is the supreme decision making Committee and may, with some exceptions, exercise any of the functions vested in the Commissioners by Law. It may also delegate many of those functions to a Committee, Sub-Committee or Officer. The functions of the Board of Commissioners are set out in Section 4.

### **9.4. Other Bodies**

#### **9.4.1. Advisory Bodies**

The Board of Commissioners and/or the Chairperson can also set up Advisory Groups.

#### **9.4.2. Officer Delegations**

Officer delegations are also contained in this Section of the Constitution.

### **9.5. Removal of Delegation**

- 9.5.1. Where a function has been delegated, the Committee that delegated the function may withdraw the delegation generally or in any particular case, and may exercise the function itself.



9.5.2. Where a function has been delegated, the decision maker is not required to exercise the delegation and may refer any particular matter to the Committee that made the delegation or any other Committee that has power to exercise the function.

## **9.6. Who May Exercise Officer Delegations?**

9.6.1. Where a function has been delegated to an Officer(s) (“delegated Officer(s)”), the decision may be taken in the name of (but not necessarily personally by) such delegated Officer(s) (“authorised Officer(s)”) in accordance with arrangements made from time to time by such delegated Officer(s) for this purpose. The Officer with delegated powers can only delegate to a third party if that Officer is given delegated powers to “delegate on” that decision making.

## **9.7. Officer Scheme of Delegations**

The purpose of this Section of the Constitution is to bring together delegations to Officers and roles and responsibilities of Officers. See Appendix 1 to Section 9 SWFRS Scheme of Delegation.

## **Appendix 1 to Section 9**

Scheme of Delegation from May 2024

# **SWFRS SCHEME OF DELEGATION 2024**

## **10. Access to Information Procedure Rules**

### **10.1. Scope**

These rules apply to all meetings of the Board of Commissioners, Regulatory Committees and any other Committee appointed by the Commissioners.

### **10.2. Additional Rights to Information**

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

### **10.3. Rights to Attend Meetings**

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

### **10.4. Notices of Meeting**

10.4.1. Unless a meeting is convened at short notice, the Board of Commissioners will give at least seven days notice of any meeting by posting details of the meeting at SWFRS Fire & Rescue Services Headquarters, Forrest View Business Park, Llantrisant, CF72 8LX, and on its website.

10.4.2. Where the meeting or part of the meeting is open to the public and is held wholly or in part through remote means, the notice must include details of the time of the meeting, and how to access it

10.4.3. Where the meeting is not open to the public and is held partly through remote means or not held through remote means, the notice must include details of the time and place of the meeting and the fact that it is not open to the public.

10.4.4. Where the meeting is not open to the public and is held through remote means only, the notice must include details of the time of the meeting, the fact that it is being held through remote means only and the fact that it is not open to the public.

### **10.5. Access to Agenda and Reports Before the Meeting**

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

### **10.6. Supply of Copies**

The Board of Commissioners will supply copies of:

10.6.1. any agenda and reports which are open to public inspection;

- 10.6.2. any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 10.6.3. if the Monitoring Officer thinks fit, copies of any other documents supplied to Board of Commissioners in connection with an item to any person either electronically or on payment of a charge for postage and any other printing and handling costs.

### **10.7. Access to Minutes etc after the Meeting**

The Board of Commissioners will make available either electronic or hard copies of the following for a period of six years after the date of a meeting:

- 10.7.1. the minutes of the meeting of the Board, excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- 10.7.2. a summary of any proceedings not open to the public, where the minutes open to inspection would not provide a reasonably fair and coherent record;
- 10.7.3. the agenda for the meeting;
- 10.7.4. reports relating to items when the meeting was open to the public.

### **10.8. Background Papers**

#### **10.8.1. List of Background Papers**

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

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

but does not include published works or those which disclose exempt or confidential information as defined in section 10.10.

#### **10.8.2. Public Inspection of Background Papers**

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

### **10.9. Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public at SWFRS Fire & Rescue Services Headquarters, Forrest View Business Park, Llantrisant, CF72 8LX and published on the Fire and Rescue Service website.

### **10.10. Exclusion of Access by the Public to Meetings**

- 10.10.1. Confidential Information – Requirement to Exclude Public

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

10.10.2. Exempt Information – Discretion to Exclude Public

- a) The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that exempt information would be disclosed.
- b) Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public, unless a private hearing is necessary for one of the reasons specified in article 6.

10.10.3. Meaning of Confidential Information

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

10.10.4. Meaning of Exempt Information

Exempt information means information falling within the following seven categories (subject to any condition):

No.	Category of Exempt Information	Condition
1.	Information relating to any individual.	Public interest test applies (see below).
2.	Information which is likely to reveal the identity of an individual.	Public interest test applies (see below).
3.	Information relating to the financial or business affairs of any particular person (including the Board holding that information).	Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under: <ul style="list-style-type: none"> <li>• The Companies Act 1985;</li> <li>• The Friendly Societies Act 1974;</li> <li>• The Friendly Societies Act 1992;</li> <li>• The Industrial and Provident Societies Acts 1965 to 1978;</li> </ul>

No.	Category of Exempt Information	Condition
		<ul style="list-style-type: none"> <li>• The Building Societies Act 1986; or</li> <li>• The Charities Act 1993.</li> </ul> Public interest test applies (see below).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Board or a Welsh Minister or a Minister of the Crown and employees of, or office holders under, the Board.	Public interest test applies (see below).
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	Information which reveals that the Board proposes: <ul style="list-style-type: none"> <li>• to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>• to make an order or direction under any enactment.</li> </ul>	Public interest test applies (see below).
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public interest test applies (see below).

## 10.11. Public Interest Test

### 10.11.1. Information which:

- a) falls within 1 to 4, 6 and 7 in the above table; and

b) is not prevented from being exempt by virtue of the “qualifications” above,

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

10.11.2. The starting point is that there is a general public interest in release and the Authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

10.11.3. There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

- a) There is a distinction between public interest and what merely interests the public.
- b) Does it further the understanding of and participation in the public debate of issues of the day?
- c) Does it promote accessibility and transparency by public authorities for decisions taken by them or in the spending of public money?
- d) Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?
- e) Does it bring to light information affecting public health and public safety?

## **10.12. Exclusion of Access by the Public to Reports**

If the Monitoring Officer thinks fit, the Board of Commissioners may exclude access by the public to reports which, in their opinion, relate to items during which, in accordance with section 10.10, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication”, together with the category of information likely to be disclosed and if applicable, why in the public interest it is considered that the information should not be disclosed.

## **10.13. The Forward Work Programme**

10.13.1. Period of Forward Work Programme

Forward Work Programmes are a series of documents which list the subject matters of decisions that the Board of Commissioners and its Committees will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered. Each of those bodies will be responsible for their own Work Programmes. Annual Forward Work Programmes will be prepared by the Monitoring Officer from the beginning of the Municipal Year. Forward Work Programmes are considered and updated where necessary at each meeting of the Board / Committee.

10.13.2. Contents of Forward Work Programme

- a) The Forward Work Programme will contain matters which the Board / Committees are likely to consider. It will contain information on:

- i. the timetable for considering the Budget and any plans forming part of the Policy Framework and requiring Board of Commissioners approval, and which Committee is to consider them;
  - ii. the timetable for considering any plans which are the responsibility of the Board;
  - iii. any individual matters on which the Board intends to consult in advance of taking a decision, and the timetable for consultation and decision.
- b) The Forward Work Programme will be published within the papers of the Committees.

#### **10.14. Consultation on Proposals to be Considered by the Board**

- 10.14.1. At least fourteen days should be permitted in the Forward Work Programme for consultation with the relevant Chairs where a matter is to be considered by the Board and is not urgent (as defined below) or confidential or exempt (as defined in paragraph 10.10).
- 10.14.2. A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last Forward Work Programme was produced and a decision is required within four weeks.
- 10.14.3. A decision can only be treated as urgent if the decision taker (if an individual) or the Chairperson of the Committee making the decision obtains the agreement of the Chairperson of the Board of Commissioners in consultation with the Monitoring Officer. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.

#### **10.15. Record of Decisions of the Board**

- 10.15.1. The Decision Record
- a) A written record will be made of every Decision made by the Board and its Committees.
  - b) This decision record will include a statement, for each decision, of:
    - i. the decision made;
    - ii. the date the decision was made;
    - iii. the reasons for that decision;
    - iv. any personal interest declared;
- 10.15.2. any consultation undertaken prior to the decision.
- 10.15.3. Preparing the Decision Record
- a) The Monitoring Officer or their representative shall attend any meeting of the Board, and shall, as soon as reasonably practicable after the meeting, produce a decision record.



## **11. Budget and Policy Framework Procedure Rules**

### **11.1. The Framework for Decisions**

The Board of Commissioners will be responsible for the adoption of its Budget and Policy Framework as set out in Section 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Board to implement it.

### **11.2. Process for Developing the Framework**

11.2.1. The Finance & Audit (F&A) Committee, following detailed reports from respective Officers, (following appropriate consultation with stakeholders) will present to Board of Commissioners, proposed plans, policies and the associated annual budgets. This will be done allowing adequate time for Board of Commissioners to deal with the matter and, if needed, refer the matter back to the F&A Committee for further consideration.

11.2.2. The Board of Commissioners will consider the proposals of the F&A Committee and may adopt them, amend them, refer them back to the F&A Committee for further consideration, or substitute its own proposals in their place. In considering the matter, the Board of Commissioners shall have before it the F&A Committee proposals.

11.2.3. The Board of Commissioners shall, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately.

### **11.3. Process for Developing the Budget**

11.3.1. The Board will follow the process set out in the Financial Procedure Rules in Section 12 of the Constitution. In addition the following process shall apply to the development of the Budget:

- a) The Board will publicise a timetable for making proposals for the adoption of the Budget, and its arrangements for consultation after publication of the initial proposals.
- b) At the end of the consultation period, the F&A will draw up firm proposals having regard to the responses to the consultation.

11.3.2. Once the F&A has approved the firm proposals, it will refer them at the earliest opportunity to the Board of Commissioners.

### **11.4. Decisions Outside the Budget or Policy Framework**

11.4.1. If the Board, any of its Committees or any Officers want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget.

11.4.2. If the advice of either of those Officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that Committee or person to the Board of Commissioners for decision, unless the decision is a matter of urgency, in

which case the provisions in paragraph 12.5 (urgent decisions outside the Budget and Policy Framework) shall apply.

### **11.5. Urgent Decisions Outside the Budget or Policy Framework**

- 11.5.1. The Board, one of its Committees or Officers may take a decision which is contrary to the Authority's Policy Framework or contrary to or not wholly in accordance with the budget approved by Board of Commissioners if the decision is a matter of urgency. However, the decision may only be taken if it is not practical to convene a quorate meeting of the Board of Commissioners.
- 11.5.2. The reasons why it is not practical to convene a quorate meeting of Board of Commissioners must be noted on the record of the decision.
- 11.5.3. Following the decision, a full report will be provided to the next available Board of Commissioners meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## 12. Financial procedure rules

### 12.1. Introduction

#### 12.1.1. What are Financial Procedure Rules (FPR)?

- (a) FPR Rules provide the framework for managing the Board of Commissioners financial affairs. They are supported by more detailed Financial Procedure Notes (FPN), process notes and bulletins which set out how the procedures will be implemented. The purpose of FPR is to ensure that public accountability and high standards of financial integrity are exercised in the control of public funds that pass through the Board, and anyone acting on its behalf. They are introduced to protect the interests of the Board of Commissioners, and all those involved with financial administration.
- (b) The FPR identify the financial responsibilities of the Board of Commissioners and officers working within the Service.
- (c) The FPR apply to every Commissioner, officer and anyone acting on the Commissioner's behalf.
- (d) To avoid the need for regular amendment due to changes in post titles generic terms are included for officers as follows:
  - (i) The term, "Chief Finance Officer," refers to the Section 112 (2) Officer who is the Treasurer.
  - (ii) The term, "Principal Officers", refers to the Chief Fire Officer, Chief Finance Officer and Directors.
  - (iii) The term, "Monitoring Officer", is the Legal Services Manager.
  - (iv) The term, "officer" refers to employees, both operational and corporate.
  - (v) The term, "Board" refers to the Board of Commissioners.
  - (vi) The term, "Commissioner" refers to a Commissioner of the Board of Commissioners.

#### 12.1.2. Why are they important?

- (a) To conduct its business effectively, the Service needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of FPR which set out the financial responsibilities of the Board and everyone working on their behalf. These procedures have been devised as a control to help the Board manage its financial matters properly in compliance with all necessary requirements.

- (b) Good, sound financial management is a key element of the Board's corporate governance framework which helps to ensure that the Board and the Service is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- (c) Good financial management secures value for money, controls spending, ensures due probity of transactions and allows decisions to be informed by accurate accounting information.
- (d) Good financial management requires secure and reliable records and systems to process transactions and information and substantiate the effective use of public money.
- (e) FPR should not be seen in isolation, but rather as part of the overall regulatory framework as set out in this constitution.

12.1.3. Who do FPR apply to?

- (a) FPR apply to every Commissioner and officer of the Service and anyone acting on its behalf. Commissioners and officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring that the use of such resources and assets is legal, is consistent with Board policies and priorities, is properly authorised and achieves value for money.
- (b) These FPR shall apply in relation to any partnership for which the Board is the accountable committee unless the Board expressly agrees otherwise.
- (c) Failure to observe FPR may result in action under the Service's disciplinary procedures.

Who is responsible for ensuring that they are applied?

- (d) Where an officer is designated by reference to their job title, the responsibilities shall relate to the post holder. Such an officer may arrange for officers under their supervision to carry out any of the obligations required to be performed by them under FPR, or to act in their absence, provided that the named post holder shall retain responsibility to the Chief Finance Officer, the Board and its committees.
- (e) Principal Officers and Heads of Service are ultimately responsible to the Board for ensuring that all staff (including contractors providing services on behalf of the Board) in their service area are aware of the existence and content of the FPR and supporting guidance issued by the Chief Finance Officer and that they comply with them. Failure to comply with the FPR, the FPN or any arrangements made for their purpose, will constitute misconduct.

- (f) The Chief Finance Officer is responsible for maintaining a continuous review of the FPR and submitting any additions or changes necessary to the Board for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the FPR to the Board of Commissioners. In the event of dispute as to the meaning of any of the provisions of the FPR, the matter shall be determined by the Chief Finance Officer whose decision shall be final.
- (g) The Chief Finance Officer, and in their absence the Head of Finance, per the scheme of delegations, is responsible for issuing advice and guidance underpinning the FPR which Commissioners, Principal Officers and others acting on behalf of the Board are required to follow.
- (h) Where any Principal Officer considers that complying with FPR in a particular situation might conflict with the achievement of value for money or the best interests of the Service, they shall raise the issue with the Chief Finance Officer who will, if they consider appropriate, seek formal approval from the Board for a specific waiver of the procedures, or an amendment to the procedures themselves.

## **12.2. Financial Management - General Roles and Responsibilities**

### **12.2.1. The Role of the Board of Commissioners**

The Board has a duty towards taxpayers regarding financial decisions and their consequences. The Board is responsible for approving the budget and policy framework within which the service operates, having regard to the Chief Finance Officer's the medium-term financial plan and budget setting reports. This responsibility includes the approval of Prudential Indicators and treasury management strategy for the approaching financial year. It is also responsible for approving and monitoring compliance with the Board's overall framework of accountability and control. The role of the Board is set out in greater detail, this constitution.

### **12.2.2. The Role of the Finance & Audit Committee**

The F&A committee is responsible for proposing the budget and policy framework to the Board of Commissioners, and for discharging delegations in accordance with that framework.

### **12.2.3. The Role of the Chief Finance Officer**

- (a) The Chief Finance Officer is accountable to the Chief Fire Officer and the Board and has a statutory duty for overall responsibility for the financial administration and stewardship of the Board which cannot be overridden and arises from the following;
  - (i) Local Government and Finance Act 1988,
  - (ii) The Accounts and Audit Regulations, as periodically amended;
- (b) The Chief Finance Officer is the Board's professional adviser on financial matters and is responsible for:

- (i) the proper administration of the Authority's financial affairs;
- (ii) maintaining a continuous review of FPR and submitting any additions or changes as necessary to the Board for approval;
- (iii) periodically reviewing, updating, and monitoring compliance with financial management standards;
- (iv) advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- (v) providing financial information and advice to the Senior Leadership Team (SLT) and the Board on all aspects of its activity including appropriate financial options as necessary;
- (vi) providing advice, guidance and training for Commissioners and officers on FPR and supporting procedural notes;
- (vii) determining accounting policies and ensuring that they are applied consistently;
- (viii) to make judgements and estimates that are reasonable and prudent for inclusion into the annual statement of accounts;
- (ix) determining accounting procedures and the records keeping of the Authority;
- (x) reporting, where appropriate, breaches of the FPR to the Board;
- (xi) preparing, monitoring and reporting the revenue budget, capital programme and medium-term financial plan positions;
- (xii) make a report if it appears that the expenditure of the Board incurred, or is proposed to incur in a financial year, is likely to exceed the resources (including borrowings) available to meet that expenditure;
- (xiii) ensuring the provision of an effective internal audit function;
- (xiv) ensuring the provision of an effective treasury management function;
- (xv) advising on risk management;
- (xvi) ensuring the Board complies with the CIPFA Prudential Code for Capital Finance in Local Authorities;
- (xvii) ensuring that Board spending plans identified in the medium-term financial plan, are based upon robust estimates;

- (xviii) ensuring that the level of Authority's reserves is adequate to meet the known financial risks over the medium term;
  - (xix) ensuring that the annual Statement of Accounts is prepared in accordance with the relevant Code of Practice for every year ending 31 March;
  - (xx) ensuring that financial information is available to enable accurate and timely monitoring and reporting of comparisons of financial performance indicators;
  - (xxi) ensuring that proper professional practices, standards and ethics are adhered to;
  - (xxii) acting as head of profession in relation to the standards, performance and development of finance staff including the training and professional development of all staff employed in posts designated as requiring a qualified accountant, accounting technician, or auditor;
  - (xxiii) the appointment of all finance staff and will be consulted on any proposal to create or delete a post requiring such a qualification for appointment;
- (c) Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer (to be undertaken following consultation with the Monitoring officer) to report to the Board and external auditors, if it appears to them that a Commissioner, officer or partnership through which the Board is represented:
- (i) has made, or is about to make a decision which involves incurring expenditure which is unlawful;
  - (ii) has taken or is about to take, unlawful action which has resulted or would result in a loss or deficiency to the Board;
  - (iii) is about to make an unlawful entry in the Board's accounts.
- (d) Section 114 of the 1988 Act also requires:
- (i) the Chief Finance Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under section 114 personally, and this will be the Head of Finance;
  - (ii) the Board to provide the Chief Finance Officer with sufficient staff, accommodation and other resources, including legal advice where necessary, to carry out the duties under section 114, as determined by the Chief Finance Officer.
- (e) The Chief Finance Officer:

- (i) is required to approve all FPR, records, systems and accounts throughout the Authority which are necessary to ensure that the tasks defined in these procedures are properly carried out. The Board, its committees, groups and officers will also ensure that the Chief Finance Officer is consulted and given the opportunity to advise upon all financial management arrangements necessary to ensure a satisfactory standard of accuracy, reliability, probity and regularity;
- (ii) shall be given access to any information as is necessary to comply with their statutory duties and with the requirements and instructions of the Board;
- (iii) shall be entitled to attend partake in meetings and report on financial matters directly to the Board, its committees or groups and SLT;
- (iv) shall be sent prior notice of all meetings of the Board and its bodies together with full agendas and reports.

#### 12.2.4. The Role of Principal Officers

- (a) Principal Officers are each accountable to the Board for the financial management and administration of those services and activities allocated to them in accordance with FPR and the policy framework.
- (b) Principal Officers are responsible for:
  - (i) the effective monitoring and control of expenditure against their service area
  - (ii) ensuring that adequate and effective systems of internal control are operated to ensure the safeguarding of assets; the accuracy, legitimacy and proper processing of transactions, and to maintain adequate records and audit trails leading from the source of the income/expenditure through to the accounting statements;
  - (iii) ensuring that the Board are advised of the financial implications of all proposals and that these have been approved by the Chief Finance Officer in advance of proposals being presented to the Board;
  - (iv) consulting with the Chief Finance Officer in seeking approval regarding any matters which may affect the Board's finances materially, before any commitments are incurred or before reporting to the Board or any of its committees;
  - (v) consulting with each other on any issue with corporate financial implications before submitting policy options or recommendations to the Chief Finance Officer, the Board, its committees, and groups.



- (vi) informing the Chief Finance Officer when they or their reports intend to meet with representatives of government service areas or outside bodies on matters which may involve current / future financial or economic proposals and be given the opportunity of being represented or advised of the proposals as the Chief Finance Officer considers necessary.
- (vii) ensuring and making arrangements for all employees who are responsible for financial administration in their service area, to be issued with appropriate instructions and support to do so effectively.
- (viii) immediately notifying the Chief Finance Officer of any known or suspected breach of security, theft or irregularities concerning cash, inventories, credit/purchasing cards or other property of the Board, or suspected irregularity of the same.
- (ix) promoting financial management standards and practices set by the Chief Finance Officer, monitoring adherence and developing their staff in this respect and in liaison with the Chief Finance Officer .

### **12.3. Financial Planning**

#### **12.3.1. Strategic Planning**

- (a) The Board of Commissioners is responsible for agreeing the budget and policy framework which will be proposed by F&A committee in conjunction with the Chief Finance Officer.
- (b) The preparation of the medium-term financial plan is part of the strategic policy framework of the Board and aims to ensure that spending plans are prudent, affordable, and sustainable and reflect Board of Commissioners priorities.
- (c) The policy framework comprises various plans and strategies, as defined in this constitution. In terms of financial planning, the key elements are:
  - (i) The Constitution
  - (ii) SWFRS Strategic Plan
  - (iii) SWFRS Improvement Plan
  - (iv) SWFRS Policy Statements
  - (v) SWFRS Strategic Equality Plan
  - (vi) SWFRS Carbon Reduction Plan
  - (vii) SWFRS Welsh Language Scheme

- (viii) SWFRS Health and Wellbeing Strategy
  - (ix) Welsh Government Fire and Rescue National Framework
  - (x) SWFRS Medium-Term Financial Plan;
  - (xi) SWFRS Asset Management Plan;
  - (xii) SWFRS People Plan;
- (d) The Board is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary of these things. Under the constitution, the Monitoring Officer has a duty to advise whether decisions of the Board are in accordance with the budget and policy framework.
- (e) The Chief Finance Officer is responsible for advising and supplying financial information required for plans within the budget and policy framework and contributing towards the development of service targets, objectives and performance information.
- (f) Principal Officers are responsible for the preparation and monitoring of service improvement plans, objectives and performance indicators within their service areas in accordance with the performance management framework determined by the Chief Fire Officer. They are required to integrate budget planning and submissions with service planning and the strategic planning framework.
- (g) Service improvement plans should align with Board values and priorities and be consistent with and based upon the budget allocated by the Board to the service.

#### 12.3.2. Budget Preparation

- (a) The F&A committee, in consultation with the Chief Finance Officer, is responsible for determining the general budget strategy and issuing annual guidelines to Principal Officers on:
- (i) preparing a detailed annual revenue/capital budgets;
  - (ii) preparing medium-term financial plans (three years);
  - (iii) preparing the capital programme;
  - (iv) the timetable for preparing and agreeing the Board budgets;
- (b) The guidelines will take account of:
- (i) Board priorities as reflected in the Strategic and Improvement plans;

- (ii) spending pressures;
  - (iii) what future funding is available;
  - (iv) what level of reserves are available;
  - (v) the affordability, sustainability and prudence of capital investment plans;
  - (vi) legal requirements;
  - (vii) value for money and other relevant government guidelines;
- (c) The Chief Finance Officer is responsible for;
- (i) developing and maintaining a resource allocation process that ensures the consideration of the Board's policy framework;
  - (ii) ensuring that a detailed revenue budget is prepared on an annual basis and a medium-term financial plan on a three yearly basis;
  - (iii) ensuring a capital programme is prepared on an annual basis;
  - (iv) consulting with constituent councils on budget proposals, and to report the results of this back to the Board in order that it might set its respective budgets for the ensuing year and agree constituent fire levy's;
  - (v) prescribing the budget format which will determine the level of detail at which financial control and management will be exercised;
  - (vi) advising the Board and relevant committees on prudent levels of reserves.
- (d) Principal Officers are responsible for;
- (i) ensuring budget estimates are prepared in accordance with guidance issued by the Chief Finance Officer and reflect agreed service performance plans, strategies and policy framework.
  - (ii) consider the revenue implication of capital submissions, acceptance of grants, donations (cash and non-cash) and whole life projects and work streams if committing the Authority to additional future expenditure;

### 12.3.3. Budget Approval

- (a) The Board is responsible for agreeing the budget and policy framework. The policy framework comprises of several statutory plans and strategies.

- (b) The Authority's revenue and capital budgets will be proposed by the F&A committee and will be approved by the Board of Commissioners.
- (c) The Board of Commissioners may amend the proposed budget or ask the F&A committee to reconsider it before approving it.

#### 12.3.4. Budget Transfers (Virement)

- (a) During the year, Principal Officers and Heads of Service may need to transfer budgetary provision (virement) from one service area to another, or between budget headings, to reflect changed service needs or priorities within the financial limits set. This is a requirement for both revenue and capital budgets.
- (b) The F&A committee is responsible for
  - (i) approving procedures for agreeing variations to approved budgets;
  - (ii) for setting the virement level;
  - (iii) agreeing procedures for carrying forward under and overspending on budget headings at each financial year end.
- (c) The following limits have been approved for the authorisation of budget virements:
  - (i) Principal Officers can vire up to £50,000 between any one budget head to another for which they are responsible, during the financial year with written approval of the Head of Finance or Senior Accountant;
  - (ii) Principal Officers can vire up to £100,000, between different service areas on agreement, during the financial year with written approval of the Head of Finance or Senior Accountant and consequent reporting to F&A committee;
  - (iii) F&A committee can vire in excess of £100,000 between budget headings and service areas following a joint report of the Chief Finance Officer and the responsible Principal Officer. The report must explain the implications, both financial and non-financial, for the current and future financial years.
- (d) No virement may be approved, other than with the specific Board of the F&A committee if the total cash limited budget of the Board of Commissioners is likely to be overspent
- (e) Nothing in these regulations is intended to prevent spending in emergency circumstances as agreed between the Chief Fire Officer and the Chief Finance Officer and Monitoring Officer

- (f) The Chief Finance Officer will use their delegated authority to authorise the release of funds from contingencies.
- (g) Board approval is required for any budget transfer, of whatever amount, where the proposed transfer will result in a change of policy, the introduction of a new service or the termination of an existing service.
- (h) Capital budget cannot be vired to a revenue budget head.
- (i) The Board sets a multiyear capital programme, with the latter year's indicative only. To ensure an effective capital programme, expenditure can be brought forward with the approval of the Chief Finance Officer and in line with treasury policies.

#### 12.3.5. Budget Monitoring and the Control of Income and Expenditure

- (a) The Chief Finance Officer is responsible for:
  - (i) developing an effective framework of budgetary management and control;
  - (ii) providing appropriate financial information to enable budgets to be monitored effectively;
  - (iii) periodic reporting to F&A committee and relevant groups on the overall Board budget monitoring position;
  - (iv) submitting reports to the F&A committee, the Board and its groups, in consultation with the relevant Principal Officers, where a Principal Officer is unable to balance expenditure and resources within existing approved budgets under their control and to recommend appropriate action.
  - (v) determining the definition of capital and revenue transactions, having regard for accounting requirements and government regulations;
  - (vi) all payments to employees, Commissioners and creditors;
  - (vii) maintaining the Authority's tax records;
  - (viii) advising Principal Officers on all taxation issues that affect the Authority;
  - (ix) ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts;
  - (x) agreeing arrangements for the collection of income due to the Authority;

- (xi) agreeing banking, borrowing and other credit requirements, e.g. leasing, rentals, hire purchase etc;
  - (xii) agreeing the write off, of bad debts in accordance with the Authority's debt recovery policy.
- (b) The Board is responsible for approving contractual arrangements for any work for third parties or external bodies unless the responsible Principal Officer is authorised in this respect under the scheme of delegations.
- (c) It is the responsibility of Principal Officers to:
- (i) comply with Contract Standing Orders and relevant internal guidance in committing expenditure;
  - (ii) liaise and secure approval from the Chief Finance Officer to carry out an option appraisal before committing expenditure for goods / services that include credit arrangements;
  - (iii) control income and expenditure within their service area and ensure this is properly accounted for;
  - (iv) monitor performance in conjunction with the budget, taking account of financial information provided by the Chief Finance Officer;
  - (v) ensure that budgetary provision is identified for all expenditure incurred;
  - (vi) report on spending variances within their own areas to the Chief Finance Officer;
  - (vii) not support recurring revenue expenditure from one-off sources of funding, savings, or income, or create future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources;
  - (viii) ensure, after consultation with the Chief Finance Officer that there is prior approval by the Board or F&A committee (as appropriate) for new proposals, of whatever amount, that; create financial commitments in future years; change existing policies, initiate new policies or cease existing policies; materially extend or reduce the Board's services;
  - (ix) take any corrective action necessary to avoid exceeding their budget allocation and immediately alert the Chief Finance Officer to any problems.

#### 12.3.6. Reporting Authority Spending at Year End

- (a) The Board of Commissioners is responsible for approving the annual un-audited Statement of Accounts. The Board has delegated its responsibility for approving the annual un-audited statement of accounts to the F&A committee.
- (b) The Chief Finance Officer is responsible for:
  - (i) publishing a timetable for the closure of the accounts annually and advise staff and external auditors accordingly;
  - (ii) ensuring the Authority's annual Statement of Accounts is prepared in accordance with the CIPFA Code of Practice on Local Board in the United Kingdom, the Accounts and Audit Regulations and any other relevant guidelines.
  - (iii) facilitating the external audit process leading to a satisfactory audit report, including the agreement and issuance of letters of representation as appropriate;
- (c) It is the responsibility of Principal Officers to ensure that arrangements are put in place each year to deliver the elements of the Board's closure timetable that apply to their service area in the format requested.

#### 12.3.7. Use of Authority Reserves

- (a) The establishment of reserves and incurring of expenditure from reserves will be authorised by the Board, by recommendation of the Chief Finance Officer.
- (b) The Chief Finance Officer is responsible for;
  - (i) advising the Board on reserve level and arrangements. The advice will be based upon an annual risk assessment of the prudent levels that should be maintained;
  - (ii) managing the Board reserves in accordance with decisions taken by the Board, its committees and relevant codes of accounting practice and policies;
  - (iii) reporting the reserve position annually at financial year end as part of the statement of accounts reporting process.

### **12.4. Risk Management and Control of Resources**

#### 12.4.1. Risk Management

- (a) It is essential that robust, integrated systems are developed and maintained for identifying, evaluating, and managing all significant strategic and operational risks to the Board. This should include the proactive participation of all those associated with planning and delivering services.

- (b) The Board is responsible for establishing its approach to risk management and for reviewing the effectiveness of risk management arrangements.
- (c) The Chief Fire Officer is responsible for;
  - (i) the timely identification of strategic risks affecting the Board, in conjunction with Principal Officers;
  - (ii) developing risk management systems and controls in conjunction with Principal Officers;
  - (iii) annual reporting to the Board and its committees on the corporate risk register in addition to periodic risk updates.
- (d) Principal Officers are responsible for;
  - (i) risk management, having regard to advice from the Chief Finance Officer, and other specialist officers e.g., crime prevention, fire prevention, health and safety.
  - (ii) promoting and embedding risk management arrangements and advising the Board and internal officers on the proper insurance cover for material risks where appropriate;
  - (i) undertaking regular reviews of risks within their service area and ensuring findings from these are fed back into the risk management cycle to ensure these are managed appropriately.

#### 12.4.2. Internal Control

- (e) Internal control refers to the systems of control devised by management to help ensure the Board's objectives are achieved in a manner that promotes economic, efficient, and effective use of resources and that its assets and interests are safeguarded.
- (f) The Chief Finance Officer is responsible for advising on effective systems of internal control. Effective systems of internal control should ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice.
- (g) It is the responsibility of Principal Officers to;
  - (i) establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, value for money, effective use of resources and achieving their financial performance targets;
  - (ii) review existing controls in the light of changes affecting the Board and to establish and implement new ones in liaison with the Chief Finance Officer. To include the introduction or removal



of controls that are unnecessary or not cost or risk effective, e.g., duplication;

- (iii) ensure all staff within their service area have a clear understanding of the consequences of lack of control.
- (h) The Authority is required to provide an Annual Governance Statement in accordance with the Accounts and Audit Regulations. As part of this statement, the Chief Fire Officer and the Chairperson of the Board of Commissioners are required to comment on the effectiveness of the entire internal control environment within the Service as this is a key indicator of good governance.

#### 12.4.3. Insurance

- (a) Insurance provision is a way of managing risk.
- (b) The Monitoring Officer is responsible for:
  - (i) effecting insurances falling within the framework approved by the Board and dealing with all claims in consultation with other Principal Officers where necessary;
  - (ii) reviewing, at least annually, all insurances in consultation with Principal Officers.
- (c) It is the responsibility of Principal Officers to:
  - (i) advise the Monitoring Officer of all new risks, properties, vehicles or potential liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required;
  - (ii) notify the Monitoring Officer in writing without delay of any loss, liability or damage or any event likely to lead to a claim, and shall provide such information and explanations required;
  - (iii) consult with the Monitoring Officer on the terms of any indemnity which they are requested to give on behalf of the Authority.
  - (iv) ensure that employees, or anyone covered by the Authority's insurances, do not admit liability, or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

#### 12.4.4. Audit Requirements

- (a) The requirement for an internal audit function for local authorities is implied by Section 151 of the Local Government Act 1972, and section 112 of the Local Government Finance Act 1988, which require that authorities "make arrangements for the proper administration of their

financial affairs". The Accounts and Audit Regulations, require that a "relevant Authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance".

- (b) The Chief Finance Officer, as determined by the Authority, will ensure;
  - (i) appropriate arrangements are in place to maintain an adequate, effective and continuous internal audit service;
  - (ii) to approve, in consultation with the Monitoring Officer the strategic, and annual audit plans which take account of the relative organisational risks;
  - (iii) continued liaison with external auditors and to advise the Board, its committees, Principal Officers and officers of their responsibilities in relation to the external audit process.
- (c) Principal Officers are responsible for;
  - (i) ensuring internal/external auditors have the required access to people, property, assets and information;
  - (ii) responding promptly to audit queries, recommendations and agreed actions
- (d) The strategy and terms of reference for internal audit are detailed within the Internal Audit Charter which is reviewed and approved by the F&A Committee at the beginning of each financial year. Internal audit services are subcontracted to a third party and as such the charter is developed externally and subsequently adopted by the Board.
- (e) Under section 13 of the Public Audit (Wales) Act 2004, the Auditor General for Wales is responsible for appointing external auditors to each local Board in Wales. The basic duties of the external auditor are defined in the Public Audit (Wales) Act 2004 and the Local Government Act 1999. Section 16 of the 2004 Act requires the Auditor General for Wales to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice sets out the auditor's objectives to review and report upon the audited body's:
  - arrangements to secure economy efficiency and effectiveness in its use of resources
  - financial statements
  - compliance with statutory requirements in respect of the preparation and publication of its Improvement Plan.

- (f) The Board may, from time to time, be subject to audit, inspection, or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access to property, information, and people.
- (g) The Chief Finance Officer is responsible for reporting to the Board and its committees, where appropriate, the findings of such inspections and taking relevant action to implement recommendations and action required.

#### 12.4.5. Preventing Fraud and Corruption

- (a) The Board will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Authority.
- (b) The Chief Finance Officer is responsible for the development, maintenance and review of an anti-fraud and anti-bribery policy.
- (c) It is the responsibility of Principal Officers to;
  - (i) promote the anti-fraud and anti-bribery policy within their service areas and ensure that all suspected irregularities are reported to the Head of Finance;
  - (ii) immediately notify and liaise with the Head of Finance, in relation to the investigation of suspected irregularities within their service area, in line with Board's anti-fraud and anti-bribery policy;
  - (iii) take appropriate action to prevent further loss and to secure records and documentation against removal or alteration;
  - (iv) instigate the disciplinary procedures where the outcome of an investigation indicates improper behaviour by an officer;
  - (v) ensure officers working within their service area comply with Board guidance regarding the acceptance of hospitality, gifts and other benefits in line with the hospitality and gifts policy.
- (d) The Head of Finance will take whatever steps are considered necessary, on behalf of the Chief Finance Officer to investigate and report upon the matter in line with the fraud response plan.

#### 12.4.6. Use of and Disposal of Assets

- (a) Authority assets include buildings, furniture, vehicles, plant and equipment, computer systems, stocks and stores (inventories), money and investments, data and information worth many millions of pounds.
- (b) The Chief Finance Officer is responsible for

- (i) issuing advice and guidance to safeguard the use and disposal of assets as outlined above;
  - (ii) issuing advice and guidance to service areas on the introduction and maintenance of inventories;
  - (iii) approving the write off, of inventories in accordance with the scheme of delegations.
  - (iv) to ensure assets are valued in accordance with relevant codes of practice;
  - (v) to maintain asset registers as required for accounting and audit purposes in conjunction with Principal Officers;
  - (vi) the acceptance (or not) and use of external funding and donations and determining the implications for financial planning;
  - (vii) guidance to services areas on cash handling and receipting bank payments.
- (c) The Monitoring Officer is responsible for;
- (i) determining arrangements for the acquisition and disposal of land and buildings in liaison with the Chief Finance Officer;
  - (ii) ensuring safe custody of all title deeds under arrangements agreed with the Chief Finance Officer.
- (d) Principal Officers are responsible for;
- (i) ensuring that effective arrangements are in place for the care and custody all assets within their service area;
  - (ii) maintaining assets registers and inventories as advised by the Chief Finance Officer;
  - (iii) ensuring that assets are disposed of in accordance with procedures approved by the Chief Finance Officer;
  - (iv) seeking to identify opportunities to minimise and eliminate resource requirements without having a detrimental effect on service delivery;
  - (v) ensuring that no Authority asset is subject to personal use by an officer without proper authorisation by the relevant Principal Officer;
  - (vi) ensuring cash handling is undertaken in line with relevant guidance.

#### 12.4.7. Confidentiality, Security and Protection of Information

- (a) All employees of the Authority have a personal responsibility for the protection and confidentiality of information, whether held in manual or computerised records as specified in the information management policies.
- (b) It is the responsibility of Principal Officers in liaison with Director of Technical Services and Monitoring Officer, to ensure that all computerised systems within their service areas are operated in accordance with legal requirements and all appropriate officers are familiar with the guidance provided.
- (c) It is the responsibility of the Director of Technical Services to;
  - (i) ensure a central inventory of technology for oversight and planning purposes;
  - (ii) issue detailed guidance to all officers responsible for computer equipment.
- (d) Financial records, manual and computerised should be retained and disposed of in accordance with the Board's document retention practices where there are no requirements prescribed by statutory or other external regulations.

#### 12.4.8. Treasury Management

- (a) It is vital that the Authority's money is managed in a secure and controlled way. Borrowing is undertaken to fund capital investment, and the impact on the revenue budget is minimised whilst balancing the need to maintain adequate cash flow. Surplus funds can be invested with external organisations, and it is essential these are reputable, and risk is spread according to the confines of the Treasury Management Strategy Statement (TMSS) and policies therein.
- (b) The Board has adopted CIPFA's Treasury Management in the Public Services: Code of Practice.
- (c) Accordingly, the Board is responsible for approving a TMSS, on an annual basis, stating the policies and objectives of its treasury management activities.
- (d) The Board is also responsible for approving Treasury Management Practices (TMPs), setting out the way the Board will seek to achieve these, and prescribing how it will manage and control those activities.
- (e) The Board will receive reports from the Chief Finance Officer on its treasury management policies, practices, and activities, including as a minimum, an annual strategy, a mid-year progress report and an annual review after the year has closed.

- (f) The Board has delegated its responsibility for the implementation and monitoring of its treasury management policies and practices to the F&A committee.
- (g) Responsibility for the execution and administration of its treasury management decisions, including decisions on borrowing, investment, and financing, have been delegated to the Chief Finance Officer, who will act in accordance with the Board's TMSS and TMPs.
- (h) The Chief Finance Officer is responsible for providing suitable training to the Board if this isn't secured at their home Board.
- (i) It is the responsibility of Principal Officers to notify the Chief Finance Officer of planned monetary receipts or payments (outside of the payroll and creditor systems).

#### 12.4.9. Banking

- (a) All arrangements concerning banking services, including the opening, closing and operation of the Authority's bank accounts shall be made upon direction of the Chief Finance Officer.
- (b) The Chief Finance Officer is responsible for the regular reconciliation of the Board's bank accounts with the internal financial systems.
- (c) Principal Officers are responsible for;
  - (i) ensuring that all banking arrangements determined by the Chief Finance Office are observed and to advise them of any changes in their service area that may require a change in these arrangements;
  - (ii) to ensure all income is collected securely and where appropriate, banked promptly.

#### 12.4.10. Income Collection

- (a) Income can be a vulnerable asset, and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted, banked (if appropriate), assigned and reconciled to financial systems. It is preferable to obtain income in advance of supplying goods or services as this improves the Authority's cash flow and avoids the time and cost of administering debts.
- (b) The Chief Finance Officer is responsible for;
  - (i) approving all methods of income collection, records and systems;

- (ii) use debt recovery procedures as considered necessary to collect any income due to the Authority which has not been paid within specified time limits.
  - (iii) ensuring cash payments totalling €15,000 or more (equivalent in £), are not accepted into the Service, in accordance with the money laundering regulations;
  - (iv) ensuring that credit notes to replace a debt are only raised to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- (c) The Board has a statutory responsibility to conform to the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007.
- (d) Accordingly, the Board is responsible for the approving the Board's money laundering policy.
- (e) Responsibility for the implementation and administration of the Service's money laundering policy has been delegated to the Chief Finance Officer who is responsible for nominating an officer and deputy, to act as the Service's Money Laundering Reporting Officer and these are;
- (i) Head of Finance
  - (ii) Head of Corporate Support
- (f) Principal Officers are responsible for:
- (i) ensuring all income is held securely;
  - (ii) ensuring compliance with income and banking arrangements specified by the Chief Finance Officer;
  - (iii) notifying the Chief Finance Officer promptly in writing of all money due to the Board, and of contracts, leases and other agreements and arrangements entered into, which involve the receipt of money;
  - (iv) ensuring all employees use receipts to substantiate all income received on behalf of the Service. To seek approval from the Chief Finance Officer for alternative receipting arrangements, where it is considered inappropriate, in advance of implementing such arrangements;
  - (v) ensuring that upon opening incoming mail, all income is immediately recorded by the employee concerned either by way of remittance record or by another means, approved by the Chief Finance Officer;

- (vi) establishing proper accountability wherever money is being handled. To ensure that every transfer of the Board's money from one employee to another is evidenced in the records of the service area concerned;
- (vii) reviewing fees and charges, at least annually and in consultation with the Chief Finance Officer and before reporting to F&A committee;
- (viii) ensuring that when income is due to the Authority and the receipt is not to be made at the time i.e., a debtor, all amounts due are claimed on official invoices or by arrangements approved by the Chief Finance Officer. Instructions for the cancellation or reduction of invoices for income must be authorised by the appropriate Principal Officer in conjunction with the Chief Finance Officer;
- (ix) ensuring cash payments totalling €15,000 or more (or equivalent in £), are not accepted, in accordance with the money laundering regulations;
- (x) notifying the Chief Finance Officer of outstanding income, i.e., reserved debtors, relating to the previous financial year as soon as possible after 31st March and in line with the closure timetable;
- (xi) seeking to achieve receipt by direct debit or standing orders in situations where regular payments to the Authority are due.

#### 12.4.11. External Funding

- (a) External funding is potentially a very important source of income and funding conditions need to be carefully considered to ensure they are compatible with the aims and objectives of the Board. Funds from external agencies provide additional resources to enable the Authority to deliver services to the local community.
- (b) Principal Officers are responsible for;
  - (i) ensuring that any bids for external funding are made in consultation with and approved by the Chief Finance Officer and the finance team;
  - (ii) ensuring that any project to be funded by external funding does not commence until proper approval has been obtained and the source of external funding confirmed;
  - (iii) ensuring any match funding requirements are given due consideration prior to entering into long-term agreements and that future Authority budgets reflect these where appropriate;



- (iv) ensuring full consideration has been given to exit arrangements relating to time limited grant funding and this has been approved by the Chief Finance Officer;
- (v) ensure that audit requirements are met.
- (c) The Chief Finance Officer is responsible for;
  - (i) ensuring all funding notified by external bodies is received and properly recorded in the Authority's records and accounts. Principal Officers are responsible for providing all necessary information to enable this to be achieved.
  - (ii) ensuring all claims for funds are made by the due date.
  - (iii) certifying and ensuring all funding claims and other financial returns required by Government Service areas and other relevant bodies are made by the due date.

#### 12.4.12. Debt Collection

- (a) The F&A committee is responsible for approving the Board's debt recovery policy.
- (b) The Chief Finance Officer is responsible for;
  - (i) maintaining records of debts and the implementation of the Service's debt recovery policy;
  - (ii) setting and approving the arrangements for the writing off, of irrecoverable debts, and to write off such debts for the Authority up to the value of £10,000;
  - (iii) ensuring approval from F&A committee for writing off debts in excess of £10,000 has been obtained and reported;
  - (iv) ensuring that appropriate accounting adjustments are made following any write-off action;
  - (v) ensure that any sum due to the Authority shall only be discharged by payment or write off.
- (c) Principal Officers are responsible for:
  - (i) ensuring effective systems are in place to allow sums due to the Authority to be easily identified;
  - (ii) ensuring debtor accounts are raised accurately and promptly and that adequate records are maintained to support the raising of the debt and any recovery action taken;
  - (iii) assisting in the collection of debt by providing any further information necessary to pursue the debt or monitoring debts

on the Authority's behalf, as requested by the Chief Finance Officer;

- (iv) ensuring that the appropriate approval, as specified in the debt recovery policy, is obtained to write off debts.

#### 12.4.13. Voluntary Funds and Trust Funds

- (a) Principal Officers, in consultation with the Chief Finance Officer, must approve any employee's involvement in a voluntary or trust fund.
- (b) Principal Officers and/or Trust/Funds Managers are responsible for ensuring that funds are managed and administered in accordance with any statutory and specific requirement for each fund, and to equivalent standards as those applicable to the Board of Commissioners generally.

#### 12.4.14. Corporate Credit Cards and Purchase Cards

- (a) All applications for corporate cards must be approved by the Chief Finance Officer.
- (b) The Chief Finance Officer will issue guidelines regarding the application process and for their controlled use.
- (c) Card holders are personally responsible for the security of cards and for ensuring compliance with guidelines for their use.

#### 12.4.15. Employees

- (a) The Chief Fire Officer is responsible for providing overall effective management to employees and for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- (b) The Chief Finance Officer is responsible for paying employees securely, accurately and on time and for the payment of travel and subsistence claims.
- (c) Principal Officers are responsible for ensuring the operation of adequate and effective procedures for payroll and personnel matters to allow the Chief Finance Officer to fulfil their responsibilities.
- (d) The Director of People Services responsible for;
  - (i) the appointment of officers in accordance with People Services' procedure rules, approved establishment and pay grades;

- (ii) approve the format of records for notifying appointment, terminations, sickness, special leave and any other personal matters;
  - (iii) approve the form of all timesheets, overtime, expense and allowance claims in conjunction with the Chief Finance Officer;
  - (iv) to maintain all necessary personnel records concerning pay, pension, national insurance, income tax and to liaise with the Chief Finance Officer regarding payments to employees and government agencies;
  - (v) ensuring HR systems are updated with contract information in a manner that ensures timely and accurate payment of salaries and associated payments;
  - (vi) ensuring payment approval hierarchies and controls are in place, i.e., authorisation process, and the same officer cannot submit and approve a claim in the HR system. To ensure these are kept up to date and are effective for the purposes of ensuring accurate and appropriate authorisation of employee payments;
  - (vii) maintaining up to date HR officer user access to personnel systems, to be subject to regular review and audit.
- (e) Principal Officers are responsible for;
- (i) ensuring officer compliance with Service's policies in relation to claims for travel and subsistence, and for agreeing and arranging the most cost-effective means of travel and subsistence;
  - (ii) furnishing the Chief Finance Officer with all information required to arrange payment by relevant deadline dates for pay, pension, income tax and national insurance purposes;
  - (iii) making arrangements to ensure the Director of People Services and Chief Finance Officer, as appropriate, are notified promptly, and in the approved format, of all matters affecting the remuneration of officers within their service area;
  - (iv) ensuring regular reviews of service area establishments;
  - (v) ensure that payroll transactions are processed only through the payroll system. Ensuring that cash in hand and other non-PAYE payments are not permitted giving careful consideration of the employment status of individuals employed on a self-employed basis. The HM Revenue and Customs applies a tight definition of self-employed status, and

in cases of doubt, advice shall be sought from the Chief Finance Officer;

- (vi) ensuring the Chief Finance Officer and Director of People Services are notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system;
  - (vii) ensuring all claims for the payment of car mileage, travel and subsistence, and incidental expenses are submitted promptly by officers in the approved format;
  - (viii) Ensuring no employee may authorise a payment or other benefit to themselves or any document which would lead to a payment or other benefit.
- (f) Principal Officers are also responsible for controlling employee numbers by:
- (i) advising the Chief Finance Officer and Board on the annual budget necessary to cover estimated staffing levels;
  - (ii) adjusting the staffing levels to that which can be funded within approved budget provision and varying levels as necessary within that constraint in order to meet changing operational needs;
  - (iii) the proper use of recruitment and appointment procedures;
  - (iv) monitoring employee costs through periodic budget and establishment reports;
  - (v) monitoring vacancies, retirements etc and undertaking effective workforce planning.

## **12.5. Financial Systems and Procedures**

### **12.5.1. General**

- (a) Sound systems and procedures are essential for an effective framework of accountability and control.
- (b) The Chief Finance Officer is responsible for:
  - (i) the operation of the Service's accounting and financial systems;
  - (ii) the form of accounts and any supporting financial records;
  - (iii) advising Principal Officers on the establishment and operation of trading accounts and business units.

- (c) Any changes proposed by Principal Officers to the existing financial systems or procedures or the establishment of new incarnations, must first be approved by the Chief Finance Officer.
- (d) It is the responsibility of Principal Officers to:
  - (i) ensure the proper operation of financial processes in their own services areas and agree with the Chief Finance Officer any changes to these processes to meet their own specific service needs;
  - (ii) ensure that their employees receive relevant and appropriate financial training;
  - (iii) ensure that where appropriate, computer and other systems are registered in accordance with information management policy;
  - (iv) ensure that their employees are aware of their responsibilities under Freedom of Information and Data Protection Legislation.

#### 12.5.2. Contracts, Agreements and Purchasing

- (a) All contracts, agreements and purchases are subject to the requirements of the Authority's CSO, and the procedures and financial limits which they prescribe.
- (b) The Head of Finance is responsible for developing procurement strategy and providing advice on procurement issues.
- (c) The Monitoring Officer is responsible for agreeing the content and format of contracts and agreements and for signing any contract or legal agreement involving a charge upon assets or property.
- (d) Board Commissioners involved in contractual or purchasing decisions on behalf of the Board will declare their interests and act in accordance with the Commissioners' Code of Conduct.
- (e) Financial donations to third parties will not be made by an officer of the Board. Authority budgets are predicated on goods, services and supplies purchased in pursuance of service delivery and best value objectives.
- (f) The Chief Finance Officer is responsible for issuing guidance to service areas on the procedures to be adopted in relation to:
  - (i) placing requisitions for goods, supplies and services;
  - (ii) placing of official orders;
  - (iii) to approve all exceptions to the use of official orders

- (iv) potential financing options, e.g. buy, rent or lease;
  - (v) receipting of goods, supplies and services;
  - (vi) the authorisation of invoices, interim certificates and final accounts for building or construction contracts;
  - (vii) the system and timescales for the payment of creditors;
  - (viii) records and procedures required in relation to monitoring and control of contracts are communicated to contract managers (contract owners);
- (g) The Chief Finance Officer has overall responsibility for;
- (i) approving the format of official orders and arrangements for placing orders under the approved Purchase Order Processing System (POPS);
  - (ii) ensuring safe and efficient arrangements for all payments;
  - (iii) approving any arrangements for the use of debit, credit and procurement card';
  - (iv) to ensure payments in advance of the receipt of goods or services is only made where it is essential in order to secure the particular supply or where a beneficial discount would otherwise be lost;
- (h) Principal Officers are responsible for ensuring:
- (i) before entering into purchasing commitments, the estimated cost is covered by financial provision in the budget to which it relates;
  - (ii) official orders are raised through the approved POPS for all works, goods and services supplied to the Board except for internal services, periodical payments e.g., utility payments, or such other exceptions as the Chief Finance Officer may approve.
  - (iii) all employees within their service area comply with the Contract Standing Order (CSO);
  - (iv) they have identified officers for the roles of requisitioner and approver, ensuring there is adequate division of responsibility in place;
  - (v) to ensure that there is a segregation of duties between the officers requisitioning and approving to ensure proper financial administration of budget;

- (vi) officers in their service area declare any links or personal interests that they may have with purchasers, suppliers or contractors if they are engaged in contractual or purchasing decisions on behalf of the Board. Any employee declaring such an interest or having such an interest will not participate in, or act to influence, or appear to influence, any decisions relating to the matter.
- (vii) officers do not use official orders to obtain goods or services for their private use;
- (viii) goods, services, and supplies are checked on receipt to verify that they are in accordance with the order. This check shall, where possible, be carried out by a different officer from the officer who approved the order.
- (ix) The goods received (GR) function is undertaken promptly and relevant details entered in the POPS by the requisitioner or approver.
- (x) debit, credit, and procurement cards are only used under arrangements approved by the Chief Finance Officer.
- (xi) arrangements to ensure that loans, leasing, hire purchase or rental arrangements and indeed any credit arrangements, are not entered into without prior agreement from the Chief Finance Officer . This is because of the potential impact on future budget setting, the Authority's borrowing powers, to protect the Authority against entering unapproved credit arrangements and to ensure that value for money is being obtained.
- (xii) appropriate records are maintained to substantiate decisions made under delegated powers;

#### 12.5.3. Payment of Commissioners' salaries and related payments

- (a) The Chief Finance Officer is responsible for operating secure and reliable systems to process Commissioners' salaries.
- (b) The Monitoring Officer is responsible for approving for payment, Commissioner allowances, travel, and subsistence upon receiving the prescribed form, duly completed, and authorised. All claims will be examined and checked for reasonableness with respect to the items and amounts claimed.
- (c) It is the responsibility of Board Commissioners to submit properly, certified claims for travel and subsistence allowances in accordance with the format and timescales specified by the Chief Finance Officer.

#### 12.5.4. Taxation

- (a) The Chief Finance Officer is responsible for ensuring that appropriate advice and guidance is available to Principal Officers on all taxation issues that affect the Board, having regard to guidance issued by appropriate bodies and relevant legislation.
- (b) The Chief Finance Officer is responsible for maintaining the Board's tax records, making all payments, receiving tax credits and submitting returns by their due date as appropriate and complying with HM Customs and Excise regulations.
- (c) Principal Officers are responsible for;
  - (i) compliance with any guidance issued by the Chief Finance Officer;
  - (ii) maintaining necessary receipts to allow VAT to be reclaimed on credit/procurement card purchases and travel and subsistence claims;
  - (iii) ensuring all persons 'employed' by the Board are added to the payroll, as described above, and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

## **12.6. Partnerships (joint working)**

- (a) The Authority may form partnerships with other local, public, private, voluntary and community sector organisations to achieve efficiencies in delivering services. The Board is responsible for approving any delegations of its powers, to address local needs.
- (b) The Board can delegate its functions, including those relating to partnerships to officers. Details are set out in the Scheme of Delegation that forms part of this constitution. Where its functions are delegated, officers remain accountable for them to the Board.
- (c) The Chief Fire Officer, or appropriate Principal Officers, or nominated officer will;
  - (i) where appropriate, represent the Board on partnership and external bodies, in accordance with the respective decisions of the Board;
  - (ii) ensure all transactions, including the use of Board assets, comply with the policies, procedures processes of the Board;
  - (iii) ensure that partnership / project appraisal processes and a strategic business case is in place to assess the viability of projects in terms of resources, staffing and expertise;



- (iv) work in conjunction with the Chief Finance Officer to ensure all financial implications of engaging in a partnership are fully costed in advance of entering into agreements;
  - (v) to ensure that appropriate insurance arrangements are made;
  - (vi) ensure effective review, monitoring and reporting of partnership arrangements are in place;
  - (vii) to ensure that the Board is not put at risk from any bad debts as a result of the partnership;
  - (viii) to ensure that all contracts are properly devised, documented and shared with relevant officers of the Board;
  - (ix) to ensure that partnership work does not impact adversely upon the services provided by the Board and are within its legal powers;
- (d) The Chief Finance Officer in conjunction with the Monitoring Officer, are responsible for;
- (i) ensuring the accounting arrangements to be adopted relating to partnerships align with service plans, budgets and relevant regulations;
  - (ii) ensuring the risks have been fully appraised before agreements are entered into and mitigations are identified to manage these;
  - (iii) establishing the overall governance arrangements and legal issues when arranging contracts / agreements with external bodies;
  - (iv) to consider and approve reasonable variation to FPR provided a satisfactory level of control over the interests of the Board, its officers and Commissioners is maintained.

## 12.7. APPENDIX 1 to Section 12 Financial Procedure Notes

OP-05.002	Anti-Fraud and Anti-Bribery Policy
OP-05.003	Public Interest Disclosure Procedure (Whistleblowing)
OP-05.005	Procurement Procedures
OP-05.006	Hospitality and Gifts
CP-06	Information Management
	Procurement Card Policy - Pending
	Internal control procedure note – P/card Process Note
	Internal control procedure note – P/card User Guide
	Annual Statement of Account (SOA) (contains accounting policies)
	Annual closure of financial year end and SOA timetable
	Internal control procedure note – Outturn reporting
	Internal control procedure note – Control Account Reconciliations
	Internal control procedure note – Fixed Asset Register Maintenance
	Internal control procedure note – Banking (cheques and cash)
	Internal control procedure note – Budget Holder Manual (tbc)
	Internal control procedure note – Bank payments Payroll /Creditors /Other
	Internal control procedure note – Cash Flow Monitoring
	Internal control procedure note – Fuel Card Audit Checks
	Fraud Response Plan
	Reserves Strategy
	HR Bulletin 2022 (01) Overpayment of Salaries and Other Payments – Repayment arrangements

## **13. Contract Procedure Rules / Procurement Contract Standing Orders**

### **13.1. Basic Principles**

13.1.1. Introduction

13.1.2. These Contract Standing Orders (issued in accordance with section 135 of the 1972 Local Government Act) are intended to promote good procurement practice and public accountability and deter corruption. Following these Standing Orders is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

13.1.3. Officers responsible for procurement or disposal must comply with these Contract Standing Orders. They lay down minimum requirements although a more thorough procedure may be appropriate for particular contracts and it is therefore recommended that advice be sought from a member of the Procurement team.

13.1.4. The Standing Order covers both Capital and Revenue expenditure contracts, from large complex Capital Schemes to goods and services of a revenue nature. They have to be followed for all spend irrespective of funding source e.g. Fire Service , Welsh Government Grant Funding etc.

13.1.5. For the purposes of these Standing Orders, where there is a requirement for communication to be in writing, this shall be deemed to include e-mail and fax transmissions as well as hard copy. Officers of the service must:-

- Follow the Standing Orders and accompanying Procurement Procedural Guide if you purchase goods, services or works.
- Take all necessary legal, financial and professional advice.
- Declare any personal financial interest in a contract. Corruption is a criminal offence.
- Appraise the purchasing need and ensure that the Most Advantageous Tender (MAT) route is followed to select the most suitable supplier when undertaking a competitive procurement exercise.
- Check whether there is an existing Corporate Contract, Framework or Dynamic Purchasing System that you can make use of before undergoing a competitive process. The Procurement Team can provide guidance in this regard.
- Allow sufficient time for the submission of bids.
- Keep bids confidential.
- Complete a written contract and/or provide a Fire and Rescue Service purchase order before the supply or works begin.

- Identify a project lead with responsibility for ensuring the contract delivers as intended. Key Performance Indicators must be included as part of the contract where appropriate.
- Keep documented records of dealings with suppliers and provide copies to the Procurement Team so that the Service's Central Contract Register can be kept up to date.
- Assess each contract throughout its term to see how well it is meeting the contractual requirements.

All costs stated in these Standing Orders are exclusive of VAT

## **13.2. SCOPE OF CONTRACT STANDING ORDERS**

### **13.2.1. CSO1 BASIC PRINCIPLES**

#### **13.2.2. All purchasing and disposal procedures must:**

- achieve Best Value for public money spent on the most advantageous tender (MAT) methodology
- be consistent with the highest standards of integrity
- ensure fairness in allocating public contracts
- comply with all legal requirements
- ensure that Non-commercial Considerations do not influence any Contracting Decision
- support the corporate and departmental aims and objectives
- comply with the Wales Fire & Rescue Procurement Service Strategy

### **13.2.3. CSO2 OFFICER RESPONSIBILITIES**

#### **13.2.3.1.1. Officers**

**13.2.3.1.2. Officers responsible for purchasing or disposal must comply with these Contract Standing Orders, Financial Regulations, the Code of Conduct and with all UK and World Trade Organisation Government Procurement Agreement (WTO GPA) binding legal requirements. Officers must ensure that any Agents, Consultants and contractual partners acting on their behalf also comply.**

#### **13.2.3.1.3. Officers must:**

- have regard to the guidance within the Procurement Procedures
- check whether a suitable Corporate Contract, Framework or Dynamic Purchasing System exists before seeking to let another contract; where a suitable Corporate Contract, Framework or Dynamic Purchasing System exists, this must be used unless there is an auditable justification not to
- keep the records required by CSO6. These should be sent to the Procurement Team to provide a full audit trail of the procurement process.

d) take and duly consider all necessary legal, financial and professional advice.

13.2.3.1.4. When any employee either of the service or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain legal advice before proceeding with inviting Tenders or Quotations.

13.2.3.2. Chief Officers

13.2.3.2.1. Chief Officers must:

a) ensure that their staff comply with these Contract Standing Orders

b) ensure that contracts completed by signature or seal are forwarded to the Procurement Department who will arrange for their safekeeping. A copy is also to be retained by the user department.

c) ensure that exemptions are properly recorded under CSO3.

13.2.4. **CSO3 EXEMPTIONS, COLLABORATIVE AND E-PROCUREMENT ARRANGEMENTS**

13.2.4.1. Exemptions

13.2.4.1.1. Exemptions to these Contract Standing Orders will only be granted in exceptional circumstances upon receipt of the PROC02 Exemption Request Form. Where exemptions are granted this does not negate the need to have a contract in writing in accordance with these Contract Standing Orders. Guidance upon when exemptions may be appropriate can be found in the Procurement Procedures.

13.2.4.1.2. Where a proposed contract is likely to exceed the WTO GPA Threshold for Supplies, Services and Works Contracts, subject to CSO 3.1.3, no officer has delegated powers to grant an exemption.

13.2.4.1.3. Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Authority services, the Designated Officers may jointly approve the exemption but if the value of the exemption exceeds £25,000 they must prepare a report for the next Commissioner Meeting to support the action taken where applicable.

13.2.4.1.4. All exemptions must be recorded using the PROC02 Request for Exemption Form. Exemptions shall be managed and approved by the Procurement Officer together with any relevant authorised officer.

13.2.4.1.5. The Procurement Team must monitor the use of all exemptions.

13.2.4.2. Collaborative Procurement

13.2.4.2.1. In order to secure Value for Money, the Authority may enter into collaborative procurement arrangements. The Officer must

consult the Procurement team where the purchase is to be made using collaborative procurement arrangements with another public sector body.

13.2.4.2.2. All purchases made via another Welsh public sector body are deemed to comply with these Contract Standing Orders and no exemption is required. However, purchases above the WTO GPA Threshold must be let under the Procurement Act 2023 and Procurement Regulations 2024 (or any subsequent enactment), unless the public sector body has satisfied this requirement already by letting their contract in accordance with the Public Contract Regulations 2015 prior to the implementation of the new regulations) on behalf of the Service and other collaborative bodies.

13.2.4.2.3. Advice must be sought from a member of the Procurement team regarding the terms and conditions of contract applicable to any collaborative arrangement, including the requirement to undertake competition between providers, copies of which must be retained by Procurement.

#### 13.2.4.3. E-Procurement

13.2.4.3.1. The use of e-procurement technology does not negate the requirement to comply with all elements of these Contract Standing Orders, particularly those relating to competition and Most Advantageous Tender or Quote.

#### 13.2.5. **CSO4 RELEVANT CONTRACTS**

13.2.5.1. All Relevant Contracts must comply with these Contract Standing Orders. A Relevant Contract is any arrangement made by, or on behalf of, the Service for the carrying out of works or for the supply of goods, materials or services. These include arrangements for:

- a) the supply, maintenance or disposal of goods
- b) the hire, rental or lease of goods or equipment
- c) the delivery of services, including (but not limited to) those related to:
  - i. the recruitment of staff
  - ii. land and property transactions
  - iii. financial and consultancy services.
- d) the delivery of construction works

13.2.5.2. Relevant Contracts do not include:

- a) contracts of employment which make an individual a direct employee of the service, or
- b) land transaction agreements for which Financial Regulations shall apply.

### 13.3. SECTION 2: COMMON REQUIREMENTS

#### 13.3.1. **CSO5 STEPS PRIOR TO PURCHASE**

13.3.1.1. The Officer must appraise the purchase, in a manner commensurate with its complexity and value, and taking into account any guidance in the Procurement Procedure, by:

- a) appraising the need for the expenditure and its priority
- b) defining the objectives of the purchase
- c) assessing the risks associated with the purchase and how to manage them
- d) considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy, carbon reduction, social value, the circular economy and collaborative procurement arrangements with other public sector bodies
- e) consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring
- f) drafting the special terms and conditions that are to apply to the proposed contract for approval by the procurement officer in the first instance
- g) setting out these matters in writing using the PROC05 Pre-procurement form if the Total Value of the purchase exceeds £25,000.

13.3.1.2. The Officer must confirm in writing to the Procurement Team that there is specific authority or delegated approval for the expenditure for all purchases over £25,000

13.3.2. **CSO6RECORDS**

13.3.3. For all procurements the following records must be kept:

- a) any exemptions and the reasons for them
- b) the method for obtaining tender/quotes (see CSO 8.1)
- c) the Award Criteria in descending order of importance
- d) quotation/tender documents sent to and received from Suppliers
- e) clarification and post-quotation/tender negotiation (to include minutes of meetings)
- f) any Contracting Decision and the reason for it
- g) the reason for selecting the winning supplier.
- h) Documented records of communications with the successful contractor
- i) the contract documents
- j) post-contract evaluation and monitoring
- k) communications with Tenderers and with the successful contractor throughout the period of the contract.

13.3.4. Successful quotations and tenders must be kept for six years after the end of the contract. Where a contract is signed under seal then the retention period is twelve years after the end of the contract. Documents which relate to unsuccessful Tenderers should be kept for 12 months from award of contract, provided there is no dispute about the award.

13.3.5. **CSO7ADVERTISING, APPROVED LISTS AND FRAMEWORK AGREEMENTS**

13.3.6. Identifying and Assessing Potential Tenderers

13.3.6.1. Officers shall ensure that, where proposed contracts, irrespective of their Total Value, might be of interest to potential Suppliers located in Commissioner states of the EU, a sufficiently accessible advertisement is published. Generally, the greater the interest of the contract to potential bidders from member states of the EU, the wider the coverage of the advertisement should be. Officers should seek the professional advice of the Procurement team to ensure suitable advertisements are made. Examples of where such advertisements may be placed include:

- a) portal websites specifically created for contract advertisements such as Sell2Wales
- b) national official journals, or
- c) Find a Tender Service (FTS)

13.3.6.2. Officers are responsible for ensuring that all Tenderers for a Relevant Contract are suitably assessed. The assessment process shall establish that the potential Tenderers have sound:

- a) economic and financial standing
- b) technical ability and capacity to fulfil the requirements of the Service

Officers should seek professional financial advice on economic and financial standing for risk critical and or high value procurements.

13.3.6.3. Suitable assessment shall be achieved in respect of proposed contracts that are expected to exceed the WTO GPA Threshold for Supplies, Services and Works Contracts by selecting firms from:

- a) Framework Agreements; or
- b) Dynamic Purchasing Systems; or
- c) Shortlists assessed from expressions of interest in a particular contract submitted in response to a public advertisement through a restricted procedure; or
- d) Evaluation of offers received in response to a public advertisement through an open procedure

13.3.7. Approved or Select List

13.3.7.1. To facilitate the administration of an "Approved or Select List" the "Constructionline" register of pre-qualified suppliers may be utilised where considered appropriate. The list of preferred bidders must give equal opportunity to prospective suppliers by rotation to ensure no one supplier is favoured. No other form of approved list or select list shall be maintained.

13.3.8. Framework Agreements

13.3.8.1. The term of a Framework Agreement in most circumstances should not usually exceed an initial term of four years. There may be exceptional circumstances where a longer term is appropriate and this must be discussed with the procurement team prior to the process commencing. An agreement may be entered into with one or more providers. The term of an open framework can be up to eight years,



but competition must be reopened in year three at the latest. This enables new suppliers to be added throughout the life of the framework.

13.3.8.2. Contracts based on Framework Agreements may be awarded by either:

- a) applying the terms laid down in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or
- b) where the terms laid down in the Framework Agreement are not precise enough or complete for the particular call off, by holding a mini competition in accordance with the following procedure:
  - i. inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit written Tenders
  - ii. fixing a time limit which is sufficiently long to allow Tenders for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract
  - iii. awarding each contract to the Tenderer who has submitted the best Tender on the basis of the Award Criteria set out in the specifications of the Framework Agreement

13.3.8.3. Copies of the contract must be obtained from the lead organisation whenever possible and the appropriate reference quoted on all correspondence / official orders to ensure compliance. A copy of the contract must be sent to the Procurement Team so that the Service's Central Contract Register can be kept up to date.

#### 13.3.9. Dynamic Markets

13.3.9.1. A Dynamic Market may be entered into for commonly used, off the shelf, goods and services. Initial set up of the Dynamic Market is established by admitting all suppliers who respond to advertising notice meeting conditions of participation. The period of validity must be outlined in the notice advertising the Dynamic Market. The Dynamic Market must remain open to suppliers to join throughout its duration, provided they meet the conditions of participation.

13.3.9.2. All suppliers on the Dynamic Market must be invited to bid for each contract to be awarded. Invites and subsequent supplier responses must be made electronically. Awards must be based on the award criteria set out in the notice advertising the Dynamic Market. Direct Awards are not permitted.

13.3.9.3. When using a Dynamic Market set up by another lead organisation the Guidance document of the lead organisation must be used to ensure correct use.

13.3.9.4. The Procurement Team must be consulted whenever there is an intention to form or utilise a Dynamic Market.

### 13.4. SECTION 3: CONDUCTING PURCHASE AND DISPOSAL

13.4.1. **CSO8 COMPETITION REQUIREMENTS FOR PURCHASE, DISPOSAL AND PARTNERSHIP ARRANGEMENTS**

13.4.1.1. Purchasing - Competition Requirements.

13.4.1.1.1. Where the Total Contract Value for a purchase is within the values in the first column below, the Procurement Procedure in the second column must be followed.

Total Contract Value for Term including any options to extend (4 year term if not otherwise stated)	Procurement Procedure
Under £10,000	Value for Money (1 quote)
£10,000 to £24,999	Competition encouraged via at least three written quotes or Invitation to Quote (ITQ) on Sell2Wales portal where competition exists. If no market exists then one written quote demonstrating Value for Money is sufficient
£25,000 to £119,999	Formal quotations through advertisement and ITQ / Contract Notice on Sell2Wales portal
£120,000 to WTO GPA threshold	Invitation to Tender through advertisement on Sell2Wales portal
Above WTO GPA Threshold	Invitation to tender by advertisement on the Sell2Wales and Find A Tender portals

13.4.1.1.2. The Officer must calculate the Total Value including any options to extend in accordance with the definition given in the Definitions Appendix to these Contract Standing Orders. An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these Contract Standing Orders.

13.4.1.1.3. Where the WTO GPA Procedure is required, the Officer shall consult a Commissioner of the Procurement team to determine the method of conducting the purchase e.g. Open, or Competitive Flexible Procedure.

13.4.1.1.4. Where the estimated value is considered to be under the WTO GPA Threshold for Supplies, Services or Works Contracts but on return of quotes it is discovered that the lowest offer is above this amount then a tender process will be implemented.

- 13.4.1.1.5. Where the estimated value is considered to be under the £25,000 quote threshold limit but on return of quotes it is discovered that the lowest offer is above £25,000 then a variance of £2,500 will be permitted rather than re-starting the formal quote process as this would be more cost effective. Similarly where the estimated value is considered to be under the £120,000 tender threshold limit but on return of quotes it is discovered that the lowest offer is above £120,000 then a variance of £12,000 will be accepted.
- 13.4.1.2. Assets for Disposal
  - 13.4.1.2.1. Assets for disposal must follow the route as outlined in the Service's Disposal Procedure. The method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed as outlined in the Services Disposal Procedure and Scheme of Delegations.
  - 13.4.1.2.2. Donations of any assets of the Service can only be made in accordance with the Service's Disposal Procedure and Scheme of Delegations
  - 13.4.1.2.3. Providing Services to External Purchasers
  - 13.4.1.2.4. The Monitoring Officer, a member of the Procurement team and Financial Regulations must be consulted where contracts to work for organisations other than the Service are contemplated.
- 13.4.1.3. The Appointment of Consultants to Provide Services
  - 13.4.1.3.1. Consultant architects, engineers, surveyors and other professional Consultants shall be selected and commissions awarded in accordance with the procedures detailed within these Contract Standing Orders and as outlined in 13.4.1.1.1
  - 13.4.1.3.2. The engagement of a Consultant shall follow the agreement of a written brief that adequately describes the scope of the services to be provided and shall be subject to completion of a formal acceptance letter and purchase order for values under £25,000 or contract of appointment / call-off contract for values exceeding £25,000.
  - 13.4.1.3.3. Records of consultancy appointments shall be maintained in accordance with CSO6.
  - 13.4.1.3.4. Consultants shall be required to provide evidence of, and maintain professional indemnity insurance policies to the satisfaction of the relevant Chief Officer for the periods specified in the respective agreement.
- 13.4.1.4. Nominated Sub-Contractors / Products
  - 13.4.1.4.1. Where a sub-contractor, supplier or product is to be nominated to a main contractor these standing orders shall apply. This shall take the form of invitation to open competition.
  - 13.4.1.4.2. The terms of such invitation shall require an undertaking by the Tenderer that if they are selected then they will be willing

to enter into a contract with the main contractor on terms which indemnify the main contractor against their own obligations under the main contract in relation to the work and goods included in the sub-contract unless provision is made contrary under conditions of contract.

13.4.1.4.3. The Officer shall nominate to the main contractor the person whose tender or quote is most satisfactory.

**13.4.2. CS09 PRE- TENDER MARKET RESEARCH AND CONSULTATION**

13.4.2.1. The Officer responsible for the purchase:

- a) should consult potential suppliers prior to the issue of the Invitation to Tender or quote in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential Tenderer; and
- b) must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them; and
- c) must not request a supplier to produce prototypes or run trials of goods prior to a procurement process as this could provide a supplier with a competitive advantage and render them ineligible to tender or quote; and
- d) must seek advice from a member of the Procurement Team.

**13.4.3. CS10 STANDARDS AND AWARD CRITERIA**

13.4.3.1. The Officer must ascertain what are the relevant British, European or International standards which apply to the subject matter of the contract. The Officer must include those standards which are necessary properly to describe the required quality. The Procurement Team must be consulted if it is proposed to use standards other than British or European standards.

13.4.3.2. Contracts should be let on a “whole life costing” basis taking into account initial, ongoing and disposal costs. This shall apply to sustainable elements of a contract which may incur costs up front but lead to savings or greater efficiencies overall during the life of the project or asset.

13.4.3.3. The Officer must define Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money for the Service. The basic criteria shall be:

- a) 'most advantageous', where considerations other than price also apply.
- b) 'highest price' if payment is to be received, or
- c) 'lowest price' where payment is to be made by the Service

If the first criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date,

cost effectiveness, quality, relevant environmental considerations, disposal (current stock and/or tendered stock), aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance, social value, added value and any other relevant matters.

13.4.3.4. Award Criteria must not include:

- a) matters which discriminate against suppliers who are signatories to the WTO GPA.
- b) Personal affiliations, knowledge or experience of suppliers

13.4.4. **CSO11 INVITATIONS TO TENDER/QUOTATIONS**

13.4.4.1. The Invitation to Tender or Invitation to provide a Quotation shall state that no Tender or Quotation will be considered unless it is received by the date and time stipulated in the Invitation. No Tender or Quotation delivered in contravention of this clause shall be considered unless there is proof of there being a technical fault with the relevant tender portal. Dispensation will have to be granted by the Procurement Team or a relevant officer.

13.4.4.2. All formal Invitations to Tender or Quote shall include all of the following:

- a) A specification that describes the Service's requirements in sufficient detail to enable the submission of competitive offers.
- b) A requirement for Tenderers to declare that the Tender/Quote content, price or any other figure or particulars concerning the Tender/Quote have not been disclosed by the Tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
- c) A requirement for Tenderers to complete fully and sign all Tender/Quote documents including a form of Tender/Quote and certificates relating to canvassing and non-collusion.
- d) Notification that Tenders/Quotes are submitted to the Fire and Rescue Service on the basis that they are compiled at the Tenderers expense
- e) A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms along with their weightings in terms of importance.
- f) A stipulation that any Tenders/Quotes submitted by fax or other electronic means shall not be considered other than through an E-Tendering portal such as Sell2Wales or Find a Tender Service (FTS).
- g) The method by which any arithmetical errors discovered in the submitted Tenders is to be dealt with. In particular, whether the overall price prevails over the rates in the Tender or vice versa.

13.4.4.3. All Invitations to Tender or Quotations must specify the goods, service(s) or works that are required, together with the terms and conditions of contract that will apply (see CSO 16).

- 13.4.4.4. The Invitation to Tender or Quotation must state that the Fire Service is not bound to accept any Quotation or Tender.
- 13.4.4.5. All Tenderers invited to Tender or quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.
- 13.4.5. **CSO12 SHORTLISTING**
- 13.4.5.1. Any shortlisting must have regard to the financial and technical standards relevant to the contract and the Award Criteria. Special rules apply in respect of tenders above WTO GPA Thresholds. It should be noted that shortlisting for above threshold tenders can only be undertaken via the Competitive Flexible Procedure.
- 13.4.6. **CSO13 SUBMISSION, RECEIPT AND OPENING OF TENDERS/ QUOTATIONS**
- 13.4.6.1. Tenderers must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders unless exceptional circumstances prevail. The above WTO GPA Procedure lays down specific time periods and the Procurement Team will provide advice on these where required.
- 13.4.6.2. All formal Tenders/Quotes must be returned to the Procurement Team via the relevant tendering portal. Submissions received by any other means (e.g. email or post) must be rejected. Quotes below £25k must be returned either to the designated officer or through the quotes email address where they will be opened simultaneously. Quotes below £25k must be recorded on the PROC4.
- 13.4.6.3. The Procurement Team must ensure that all formal Tenders/Quotes are opened at the same time when the period for their submission has ended. Electronic Tenders are subject to opening by two members of the procurement team as a full audit trail of all activities is kept on record.
- 13.4.7. **CSO14 CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION**
- 13.4.7.1. During the tender process suppliers may seek clarification on any aspects of the tender, in writing via the e-tendering portal. Clarification queries will not be accepted outside of the e-tendering portal. Responses to any clarification queries will be shared with all suppliers who have expressed an interest in the tender unless commercially sensitive. Points of clarification during the tender evaluation period must be carried out by the procurement team.
- 13.4.7.2. If post-tender negotiations are necessary following completion of the evaluation of tenders or quotes, then such negotiations shall only be undertaken with the Supplier who is identified as having submitted the best bid and after all unsuccessful Suppliers have been informed. During negotiations rates and prices shall only be adjusted in respect

of a corresponding adjustment in the scope or quantity included in the procurement documents. Officers appointed by the Chief Officer to carry out post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

13.4.7.3. Post-tender negotiation must only be conducted in accordance with the guidance issued by the Procurement team who must be included and consulted wherever it is proposed to enter into post-tender negotiation. Negotiations must be conducted by a team of at least two Officers, one of whom must be from the procurement team.

13.4.7.4. Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re-tendered.

**13.4.8. CSO15 EVALUATION, AWARD OF CONTRACT AND DEBRIEFING TENDERERS**

13.4.8.1. In line with the Procurement Regulations all suppliers must receive an assessment summary. The assessment summary must ensure that a supplier that submitted an assessed bid in relation to a competitive procurement procedure can understand why their bid was either successful or unsuccessful. It must allow unsuccessful suppliers to see how the Service has determined the Most Advantageous Tender (MAT) in accordance with the award criteria and assessment methodology. Apart from the debriefing required or permitted by these Contract Standing Orders and any Freedom of Information Requests, the confidentiality of Quotations, Tenders and the identity of Tenderers must be preserved at all times.

13.4.8.2. Contracts must be evaluated and awarded in accordance with the Award Criteria. During this process, Officers shall ensure that submitted Tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.

13.4.8.3. The arithmetic in compliant Tenders must be checked. If it becomes clear that there is a clerical error in a quote/tender then that quote/tender shall be considered as if such error had been corrected and a quote/tender shall not be invalidated by such a clerical error unless the error is of such a nature as to render it unclear as to what the terms of the quote/tender are. The Tenderer shall be given the opportunity of confirming or withdrawing the corrected Tender. In the case of an otherwise successful Tender, should it be withdrawn, then the next competitive Tender in the evaluation process can be considered.

13.4.8.4. Officers may accept Quotations and Tenders received in respect of proposed contracts and award these to the successful Tenderer, provided expenditure has been approved by the Service and a budget been allocated and these have been evaluated fully in accordance with these Contract Standing Orders and, in respect of proposed contracts up to a value of £750,000, or if a framework up to

£1,500,000. The awarding of contracts that are expected to exceed £750,000 for a one year term or £1,500,000 for a term in excess of one year shall also be approved by the Board of Commissioners or relevant Commissioners Committee.

13.4.8.5. The procurement team will notify all bidders simultaneously and as soon as possible of the intention to award the contract to the successful supplier. The procurement team must provide unsuccessful bidders with a period of at least eight working days (standstill period) in which to challenge the decision before the procurement team awards the contract. If the decision is challenged by an unsuccessful Tenderer then the procurement team shall not award the contract until the matter under challenge is resolved.

13.4.8.6. The procurement team shall debrief in writing all those Tenderers who submitted a bid about the characteristics and relative advantages of their bid. The procurement team will provide the following information to unsuccessful suppliers:

13.4.8.6.1. A description of each award criteria with its relative importance (weighting)

13.4.8.6.2. How each of the criteria were assessed

13.4.8.6.3. The bidders score for each criteria against the score available for each criteria

13.4.8.6.4. The reason for the score given against each criteria

13.4.8.6.5. The total score

13.4.8.6.6. Any reason why the supplier is not being awarded the contract. E.g. failure to achieve the minimum overall score for the quality criteria

13.4.8.6.7. A redacted (where required for confidentiality) copy of the winnings suppliers assessment summary.

## **13.5. SECTION 4: CONTRACT AND OTHER FORMALITIES**

### **13.5.1. CSO16 CONTRACT DOCUMENTS**

13.5.1.1. Relevant Contracts

13.5.1.2. All Relevant Contracts that exceed £25,000 shall be in writing with advice sought from the Procurement Team.

13.5.1.3. All Relevant Contracts, irrespective of value, shall clearly specify:

a) what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done)

b) the provisions for payment (i.e. the price to be paid and when)

c) the time, or times, within which the contract is to be performed

d) the provisions for the Fire Service to terminate the contract.

e) Any extension periods

f) Any Key Performance Indicators relevant to the procurement

13.5.1.4. Where a contract is let it shall be under the Board of Commissioners own Terms and Conditions. These can include standard J.C.T, N.E.C, I.C.E. conditions of contract as appropriate and as amended if required. Only exceptionally will the standard



terms and conditions issued by the supplier apply. These require express approval by the Legal Services Manager.

13.5.1.5. In addition, every Relevant Contract of purchase over £25,000 must also state clearly as a minimum:

- a) that the contractor may not assign or sub-contract without prior written consent
- b) insurance requirements
- c) Health and Safety requirements
- d) Equality Act requirements
- e) Freedom of Information Act & Data Protection (GDPR) requirements
- f) Welsh Language Act requirements
- g) where Agents are used to let contracts, that Agents must comply with the Fire and Rescue Service’s Contract Standing Orders
- h) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant.
- i) All sustainability requirements including ethical, moral, environmental.
- j) Code of Practice for Ethical Employment in the Supply chain requirements.
- k) Wellbeing of Future Generations (Wales) Act requirements
- l) Any Commercial Social Value elements included within Tenders/Quotes

13.5.2. Contract Formalities

13.5.2.1. Agreements shall be completed as follows.

Total Value	Method of Completion	By
£25,000 to WTO GPA threshold	Signature	Relevant Approved Signatory
Any Deed (regardless of value) or procurement above WTO GPA threshold and all land transactions. Any contracts below WTO GPA where appropriate as advised by the Monitoring Officer	Seal	Relevant Approved Signatory

13.5.2.2. All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Services Legal Officer. An Award letter or letter of intent is insufficient to commence the contract.

13.5.2.3. The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it and detail the authority on the contract signing/sealing form.

13.5.3. Sealing

13.5.3.1. Where contracts are completed as a deed, such contracts shall be signed and sealed by the Monitoring Officer as detailed in CSO 13.5.2.1 above.

13.5.3.2. Every Fire and Rescue Service sealing will be consecutively numbered, recorded and signed by the person sealing the document. The seal must not be affixed without the authority of the Monitoring Officer acting under delegated powers and in their absence the Deputy Monitoring Officer.

13.5.3.3. A contract must be sealed where:

- a) It is a deed or
- b) the Board may wish to enforce the contract more than six years after its end or
- c) the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services or
- d) the Total Value exceeds the WTO GPA Threshold.

13.5.4. **CSO17 BONDS**

13.5.4.1. The Officer must consult the Head of Finance or Treasurer about whether a Bond or Parent Company Guarantee is needed:

- a) where the Total Value exceeds £1,000,000, or
- b) where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Tenderer.

13.5.5. **CSO18 PREVENTION OF CORRUPTION**

13.5.5.1. All Officers must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in CSO 13.5.5.2 below.

13.5.5.2. The following clause must be put in every written Fire and Rescue Service contract:

"The Fire and Rescue Service/ Commissioners for South Wales Fire and Rescue Service may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:

- a) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Fire and Rescue Service contract (even if the Contractor does not know what has been done), or
- b) commit an offence under the Bribery Act 2010, or

- c) commit any fraud in connection with this or any other Fire and Rescue Service contract whether alone or in conjunction with Commissioners, contractors or employees.

Any clause limiting the Contractor's liability shall not apply to this clause”.

**13.5.6. CSO19 DECLARATION OF INTERESTS**

13.5.6.1. The Procurement Regulations 2024 introduces a requirement for contracting authorities to formally prepare a conflict assessment and to publicly confirm that this has been done and reviewed and revised as necessary for all above threshold procurements. It is mandatory to exclude a supplier from a procurement where a conflict of interest puts a supplier at an unfair advantage if steps cannot be undertaken to mitigate the advantage or the supplier refuses to take such necessary steps.

13.5.6.2. If it comes to the knowledge of a Commissioner or an employee of the Service that a contract in which they have a pecuniary interest has been or is proposed to be entered into by the Board of Commissioners or Service, they shall immediately give written notice to the Monitoring Officer. Such written notice is required irrespective of whether the pecuniary interest is direct or indirect. An indirect pecuniary interest is distinct from a direct pecuniary interest in as much as it is not a contract to which the Commissioner or employee is directly a party.

13.5.6.3. The Monitoring Officer shall maintain a record of all declarations of interests notified by Commissioners and Officers

13.5.6.4. The Monitoring Officer shall ensure that the attention of all Commissioners is drawn to the Local Authorities (Model Code of Conduct) (Wales) Order 2008 as amended by the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2022.

**13.6. SECTION 5: CONTRACT MANAGEMENT**

**13.6.1. CSO20 MANAGING CONTRACTS**

13.6.1.1. Heads of Service in sponsoring departments are to name contract manager for all new contracts. All contracts must have a named postholder contract manager for the entirety of the contract.

13.6.1.2. Contract managers must follow the procedures set out in the Fire and Rescue Service's Contract Management Guide.

13.6.1.3. Sponsoring departments must include Key Performance Indicators (KPI's) in contracts where appropriate and these must be monitored as part of the contract management process.

**13.6.2. CSO21 RISK MANAGEMENT AND CONTINGENCY PLANNING**

13.6.2.1. A business case must be prepared for all procurements with a potential lifetime value over the WTO GPA Threshold. Provision for resources for the management of the contract, for its entirety, must be identified in the business case along with all commercial aspects that need to be considered – costs, DICE, Welsh Language

Requirements, Sustainability, Data Protection, Health and Safety, Wellbeing Benefits, Wellbeing of Future Generations (Wales) Act 2015 etc.

13.6.2.2. For all complex contracts or those with a value of over £120,000 contract leads should, where appropriate:

- a) maintain a risk register during the contract period
- b) undertake appropriate risk assessments and for identified risks ensure mitigation measures are in place

13.6.3. **CSO22 CONTRACT MONITORING, VARIATION, EVALUATION AND REVIEW**

13.6.3.1. All contracts which have a value higher than the WTO GPA Threshold limits, or which are High Risk, are to be subject to regular review meetings with the contractor in line with the advice provided by the Procurement Team.

13.6.3.2. All variations to contract (in line with the original objectives/specification) or terms and conditions must be formally recorded on a “variation to contract” form, following advice from the Procurement Team and endorsed by all parties.

13.6.3.3. During the life of the contract, the Contract Manager must monitor on a regular basis and at least annually:

- a) performance
- b) compliance with specification, contract terms and conditions and contract cost
- c) any Value for Money requirements
- d) user satisfaction and risk management
- e) Progress against any Key Performance Indicators

13.6.4. **CSO23 CONTRACT EXTENSION**

13.6.4.1. Where a contract provides for an optional extension to the term, then this shall be granted upon written confirmation to the Procurement Team from the Contract Manager incorporating data from the reviews carried out under 13.6.3.

13.6.4.2. In exceptional circumstances an extension of up to 12 months may be granted where a contract has expired and no optional extension exists provided the proposed extension value for the Service does not exceed the WTO GPA Threshold for Supplies and Services Contracts. This must be recorded on a Contract Extension form and approved by the relevant authorised signatories. An example of this would be where there has been an unavoidable delay in the procurement process resulting in a possible period of Non Compliance or National frameworks not being renewed in time. Failure to plan for the expiry of a contract and re-tendering / quotation will not be considered an unavoidable delay.

13.6.4.3. Where the total value of an extension of an expired contract is above the WTO GPA Threshold then no extension shall be granted without Commissioner approval. In these instances direct award transparency notices are required to be published setting out the

reason why the award has been made following the standstill periods required under the Procurement Regulations 2024.

**These contract standing orders should be read in conjunction with the procurement procedures guide which contain more detailed guidance on how to procure goods, services, works and consultancy and the Authority's Financial Regulations and Scheme of Delegations**

## DEFINITIONS APPENDIX

Agent	A person or organisation acting on behalf of the Fire and Rescue Service or on behalf of another organisation
Assessment Summary	This is a debrief of a bidders response
Award Criteria	The criteria by which the successful Quotation or Tender is to be awarded (see further CSO 10 & 11.2).
Award Procedure	The procedure for awarding a contract as specified in CSO's 8, 10 & 15.
Best Value	<p>The duty, which Part 1 of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Fire and Rescue Service.</p> <p>This terminology has now in many instances been superseded by Value for Money.</p>
Bond	An insurance policy: if the contractor does not do what it has promised under a contract with the Fire and Rescue Authority or Service, it can claim from the insurer the sum of money specified in the bond (often 10% of the contract value). A bond is intended to protect the Fire and Rescue Authority and Service against a level of cost arising from the contractor's failure.
Chief Officer	Any of the Directors of the Fire and Rescue Service.
Code of Conduct	The code regulating conduct of officers issued by the Monitoring Officer contained in the general Standing Orders of the Fire and Rescue Service.
Committee	A committee which has power to make decisions for the Fire and Rescue Service, for example a joint committee with another Fire & Rescue Service or local authority, but not a scrutiny committee.
Conflicts Assessment	A process conducted to ensure that there are no conflicts of interest prior to a procurement being started.
Consultant	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Fire and Rescue Service has no ready access to employees with the skills, experience or capacity to undertake the work.

Contracting Decision	Any of the following decisions: <ul style="list-style-type: none"> <li>- composition of approved lists</li> <li>- withdrawal of invitation to tender</li> <li>- whom to invite to submit a quotation or tender</li> <li>- shortlisting award of contract</li> <li>- any decision to terminate a contract.</li> </ul>
Contract Manager	An officer from the User Department responsible for ensuring that the outcomes of the procurement are met
Corporate contract	A contract let by Procurement to support the Fire and Rescue Service's aim of achieving value for money.
Delegated Officer	An officer appointed to ensure compliance with the procurement procedure.
Financial Officer	The most senior officer representing the Chief Fire Officer or designated by him/her to provide financial advice to the Chief Fire Officer.
Financial Regulations	The financial regulations of the Authority outlining officer responsibilities to financial matters.
Framework Agreement	An agreement between one or more authorities and one or more economic operators, 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.
Government Procurement Agreement	The successor agreement to the general agreement on trade and tariffs. The main signatories other than those in the European economic area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein, and Singapore.
WTO GPA Procedure	The procedure required by the GPA where the Total Value exceeds the GPA threshold.
GPA Threshold	The contract value at which the GPA Public Contract Regulations apply.
High Profile	A high profile purchase is one that could have an impact on functions integral to Fire and Rescue Service's service delivery should it fail or go wrong.
High Risk	A high risk purchase is one which presents the potential for substantial exposure on the Fire and Rescue Service's part should it fail or go wrong.
High Value	A high value purchase is where the value exceeds the WTO GPA values

Invitation to Tender	Invitation to tender documents in the form required by these Contract Standing Orders.
Line Manager	The officer's immediate superior or the officer designated by the Chief Officer to exercise the role reserved to the line manager by these Contract Standing Orders.
Nominated Suppliers and Sub-contractors	Those persons specified in a main contract for the discharge of any part of that contract.
Non-Commercial Considerations	<p>(a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces (workforce matters).</p> <p>(b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.</p> <p>(c) Any involvement of the business activities or interest of contractors with irrelevant fields of government policy.</p> <p>(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons (industrial disputes).</p> <p>(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of contractors.</p> <p>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p> <p>(g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</p> <p>(h) Use or non-use by contractors or technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p> <p>(i) Workforce matters and industrial disputes, as defined in paragraphs (a) and (b), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value, or where there is a transfer of staff to which the transfer of undertakings (Protection of Employment) Regulations 1981 (TUPE) may apply.</p>
Officer	The officer designated by the Chief Officer to deal with the contract in question.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Fire and Rescue Service, the Fire and Rescue Service can require the parent company to do so instead.



Priority Services	Those services required to be tendered as defined in the Procurement Act 2023 and Procurement Regulations 2024 where the thresholds exceed the WTO GPA thresholds.
Procurement Strategy	The document setting out the Fire and Rescue Service's approach to procurement and key priorities for the next few years.
Procurement Service	The Fire and Rescue Procurement Service charged with providing strategic direction and advice to secure Value for Money in the Fire and Rescue Service's activities.
Procurement Procedures	The suite of guidance documents, together with a number of standard documents and forms, which supports the implementation of these Contract Standing Orders. The guide is available on the Fire and Rescue Service's intranet.
Quotation	A quotation of price and any other relevant matter (without the formal issue of an invitation to tender).
Relevant Contract	Contracts to which these Contract Standing Orders apply (see CSO 16).
Shortlisting	The process of selecting candidates who are to be invited to quote or bid or to proceed to final evaluation.
Supervising Officer	The Line Manager's immediate superior.
Tender	A proposal submitted in response to a Invitation to Tender.
Tenderer	Any person who asks or is invited to submit a quotation or tender
Total Value	The whole of the value or estimated value (in money or equivalent value) for a single purchase or disposal calculated as follows: (a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period (b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months (c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48 (d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result (e) for nominated suppliers and sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the nominated supplier or sub-contractor.
TUPE – Transfer of Undertakings (Protection of	Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the service is transferred from one organisation (eg private contractor, services in-house team) to another (eg following a contracting out or competitive

<p>Employment) Regulations 2006 (SI 2006 No: 246)</p>	<p>tendering process), and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.</p>
<p>Value for Money</p>	<p>Value for money is not the lowest possible price, it combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, wellbeing benefit considerations and at an appropriate price.</p>

## 14. Code of Conduct for Commissioners

### 14.1. Interpretation

14.1.1. In this code:

“meeting”	<p>means any meeting:</p> <ul style="list-style-type: none"> <li>(a) of the relevant authority;</li> <li>(b) of any executive or board of the relevant authority;</li> <li>(c) of any committee, sub-committee, joint committee or joint sub-committee; or</li> <li>(d) where Commissioners or Officers of the relevant Board are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(1)</li> </ul> <p>and includes circumstances in which a member of an executive or board or an Officer acting alone exercises a function of an authority;</p>
“Commissioner”	a Commissioner appointed by Welsh Government ;
“register of Commissioners’ interests”	means the register established and maintained under section 81 of the Local Government Act 2000;
“registered society”	<p>means a society, other than a society registered as a credit union, which is—</p> <ul style="list-style-type: none"> <li>(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or</li> <li>(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;</li> </ul>
“relevant Authority”	Means a Fire and Rescue Authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies;
“you”	means you as a Commissioner ; and
“your Board”	means the relevant Board of which you are a Commissioner.

14.1.2. In relation to the Board of Commissioners “proper officer” means an officer of that Fire and Rescue Authority within the meaning of section 270(3) of the Local Government Act 1972;

## **14.2. General Provisions**

14.2.1. Save where paragraph 14.2.3 applies, you must observe this code of conduct:

- a) whenever you conduct the business, or are present at a meeting, of the Board of Commissioners;
- b) whenever you act, claim to act or give the impression you are acting in the role of Commissioner;
- c) at all times and in any capacity, in respect of conduct identified in paragraphs 14.2.5(a) and 14.2.7.

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

14.2.3. You must:

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

14.2.4. You must not:

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

14.2.5. You must:

- a) not conduct yourself in a manner which could reasonably be regarded as bringing the Authority into disrepute;
- b) report, whether through the Authority’s confidential reporting procedure or direct to the proper authority, any conduct by another Commissioner or anyone who works for, or on behalf of, the Authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- c) report to the Monitoring Officer any conduct by another Commissioner which you reasonably believe breaches this code of conduct;
- d) not make vexatious, malicious or frivolous complaints against other Commissioners or anyone who works for, or on behalf of, the Authority.

- 14.2.6. You must comply with any request of the Monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.
- 14.2.7. You must not:
- a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
  - b) use, or authorise others to use, the resources of the Authority:
    - i. imprudently;
    - ii. in breach of the Authority's requirements;
    - iii. unlawfully;
    - iv. other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the Board or of the office to which you have been elected or appointed;
    - v. improperly for political purposes; or
    - vi. improperly for private purposes.
- 14.2.8. You must:
- a) when participating in meetings or reaching decisions regarding the business of the Board of Commissioners, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the Authority's Officers, in particular by:
    - i. the Head of Paid Service;
    - ii. the Chief Finance Officer;
    - iii. The Monitoring Officer; (who should be consulted when there is any doubt as to the Board of Commissioner's power to act, as to whether the action proposed lies within the Policy Framework agreed by the Board of Commissioners or where the legal consequences of action or failure to act by the Board of Commissioners might have important repercussions);
  - b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority .
- 14.2.9. You must:
- a) observe the law and the Authority's rules governing the claiming of expenses and allowances in connection with your duties as a Commissioner;
  - b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by the Board), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.
- 14.2.10. If you are a Chairperson of a political group, you must:

- a) take reasonable steps to promote and maintain high standards of conduct by the Commissioners; and
- b) In complying the above, you must have regard to any guidance issued by the Welsh Ministers.

### **14.3. Interests**

#### 14.3.1. Personal Interests

- a) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- b) You must regard yourself as having a personal interest in any business of the Board if:
  - i. it relates to, or is likely to affect:
    - A. any employment or business carried on by you;
    - B. any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
    - C. any person, other than the Board, who has made a payment to you in respect of any expenses incurred by you in carrying out your duties as a Commissioner;
    - D. any corporate Committee which has a place of business or land in the Authority's area, and in which you have a beneficial interest in a class of securities of that Committee that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that Committee;
    - E. any contract for goods, services or works made between the Authority and you or a firm in which you are a partner, a company of which you are a remunerated director or a Committee of the description specified in paragraph (D) above;
    - F. any land in which you have a beneficial interest and which is in the area of the Authority;
    - G. any land where the landlord is the Authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a Committee of the description specified in paragraph (D) above;
    - H. any Committee to which you have been elected, appointed or nominated by the Board
    - I. any:
      - 1. public Board or Committee exercising functions of a public nature;
      - 2. company, registered society, charity, or Committee directed to charitable purposes;
      - 3. Committee whose principal purposes include the influence of public opinion or policy;
      - 4. trade union or professional association; or

- 5. private club, society or association operating within the Board's area,
        - in which you have Membership or hold a position of general control or management;
      - J. any land in the Authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
    - ii. a decision upon it might reasonably be regarded as affecting:
      - A. your wellbeing or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
      - B. any employment or business carried on by persons as described in (A);
      - C. any person who employs or has appointed such persons described in (A), any firm in which they are a partner, or any company of which they are directors;
      - D. any corporate Committee in which persons as described in (A) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
      - E. any Committee listed in paragraphs 16.3.1(b)(i)(l)1 to 16.3.1(b)(i)(l)5 in which persons described in (A) hold a position of general control or management,
- to a greater extent than the majority of:
- 1. in the case of a Board with electoral divisions or wards, other Board of Commissioners taxpayers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - 2. in all other cases, other Board of Commissioners tax payers, ratepayers or inhabitants of the Board's area.

14.3.2. Disclosure of Personal Interests

- a) Where you have a personal interest in any business of the Board and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- b) Where you have a personal interest in any business of the Authority and you make:
  - i. written representations (whether by letter, facsimile or some other form of electronic communication) to a Commissioner or Officer of the Board regarding that business, you should include details of that interest in the written communication; or
  - ii. oral representations (whether in person or some form of electronic communication) to a Commissioner or Officer of the Board you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

- c) Subject to section 16.3.5(a)(ii) below, where you have a personal interest in any business of the Board and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- d) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to section 16.3.2(a), give written notification to the Board in accordance with any requirements identified by the Monitoring Officer, or in relation to a community Board of Commissioners, the Board's proper officer from time to time but, as a minimum containing:
  - i. details of the personal interest;
  - ii. details of the business to which the personal interest relates; and
  - iii. your signature.
- e) Where you have agreement from your Monitoring Officer that the information relating to your personal interest is sensitive information, pursuant to section 16.4.2(a), your obligations under this section 16.3.2 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
- f) For the purposes of paragraph (d), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a Commissioner of the Board .
- g) For the purposes of sub-paragraph (c), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

#### 14.3.3. Prejudicial Interests

- a) Subject to paragraph (b) below, where you have a personal interest in any business of the Board you also have a prejudicial interest in that business if the interest is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- b) Subject to paragraph (c), you will not be regarded as having a prejudicial interest in any business where that business:
  - i. relates to:
    - A. another relevant Board of which you are also a Commissioner;



- B. another public Board or Committee exercising functions of a public nature in which you hold a position of general control or management;
  - C. a Committee to which you have been elected, appointed or nominated by the Board;
  - D. your role as a school governor (where not appointed or nominated by the Board) unless it relates particularly to the school of which you are a governor;
  - E. your role as a Commissioner of a Local Health Board where you have not been appointed or nominated by the Board;
- ii. relates to:
- A. the housing functions of the Board where you hold a tenancy or lease with the Board, provided that you do not have arrears of rent with the Board of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
  - B. the functions of the Board in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in fulltime education, unless it relates particularly to the school which that child attends;
  - C. the functions of the Board in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from the Board;
  - D. the functions of the Board in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
- iii. the functions of the Board in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;
- c) The exemptions in section 16.3.3(b)(i) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

#### 14.3.4. Participation in Relation to Disclosed Interests

- a) Subject to paragraphs (b), (c), (e) and (f), where you have a prejudicial interest in any business of the Board you must, unless you have obtained a dispensation from the Board's standards committee:

- i. withdraw from the room, chamber, place or online portal where a meeting considering the business is being held:
    - A. where paragraph (b) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
    - B. in any other case, whenever it becomes apparent that that business is being considered at that meeting;
  - ii. not seek to influence a decision about that business;
  - iii. not make any written representations (whether by letter, or some form of electronic communication) in relation to that business; and
  - iv. not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- b) Where you have a prejudicial interest in any business of the Board you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- c) Where you have a prejudicial interest in any business of the Board you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.
- d) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that the Board may adopt for the submission of such representations.
- e) Paragraph (a) does not prevent you attending and participating in a meeting if:
- i. you have the benefit of a dispensation provided that you:
    - A. state at the meeting that you are relying on the dispensation; and
    - B. before or immediately after the close of the meeting give written notification to the Board containing:
      - 1. details of the prejudicial interest;
      - 2. details of the business to which the prejudicial interest relates;
      - 3. details of, and the date on which, the dispensation was granted; and
      - 4. your signature.

- f) Where you have a prejudicial interest and are making written or oral representations to the Board in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to the Board within 14 days of making the representation.

#### **14.4. The Register of Commissioners' Interests**

##### **Registration of Financial and Other Interests and Memberships and Management Positions**

###### **14.4.1. Registration of Personal Interests**

- a) Subject to sub-paragraph (d), you must, within 28 days of:
  - i. the Board's code of conduct being adopted or the mandatory provisions of this model code being applied to the Board ; or
  - ii. your election or appointment to office (if that is later),register your personal interests, where they fall within a category mentioned in section 16.3.1(b)(i) in the register of Commissioners' interests by providing written notification to the Monitoring Officer.
- b) Subject to sub-paragraph (d), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in section 16.3.1(b)(i), register that new personal interest in the register of Commissioners' interests by providing written notification to the Monitoring Officer.
- c) Subject to sub-paragraph (d), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 19.3.1(b)(i), register that change in the register of Commissioners' interests by providing written notification to the Monitoring Officer.
- d) Sub-paragraphs (a), (b) and (d) do not apply to sensitive information determined in accordance with paragraph 16.4.2(a).
- e) You must, when disclosing a personal interest in accordance with paragraph 16.3.2 for the first time, register that personal interest in the register of Commissioners' interests by providing written notification to the monitoring officer.

###### **14.4.2. Sensitive information**

- a) Where you consider that the information relating to any of your personal interests is sensitive information, and the Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under section 16.4.1.
- b) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (a) is no longer sensitive information, notify the Monitoring Officer asking that the information be included in the register of Commissioners' interests.
- c) In this code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create,

a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

14.4.3. Registration of Gifts and Hospitality

You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of the Board , provide written notification to the Monitoring Officer, of the existence and nature of that gift, hospitality, material benefit or advantage.

## **APPENDIX 1 TO SECTION 14 Conduct of Commissioners – The Principles**

1. **SELFLESSNESS**  
Commissioners must act solely in the public interest. They must never use their position as Commissioners to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.
2. **HONESTY**  
Commissioners must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.
3. **INTEGRITY AND PROPRIETY**  
Commissioners must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Commissioners must on all occasions avoid the appearance of such behaviour.
4. **DUTY TO UPHOLD THE LAW**  
Commissioners must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.
5. **STEWARDSHIP**  
In discharging their duties and responsibilities Commissioners must ensure that the Authority's resources are used both lawfully and prudently.
6. **OBJECTIVITY IN DECISION-MAKING**  
In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Commissioners must make decisions on merit. Whilst Commissioners must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.
7. **EQUALITY AND RESPECT**  
Commissioners must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sex, sexual orientation, marital status, age or religion, and show respect and consideration for others.
8. **OPENNESS**  
Commissioners must be as open as possible about all their actions. They must seek to ensure that disclosure of information is restricted only in accordance with the law.
9. **ACCOUNTABILITY**  
Commissioners are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Commissioner. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.
10. **LEADERSHIP**  
Commissioners must promote and support these principles by leadership and example so as to promote public confidence in their role and in the Service. They must respect the impartiality and integrity of the Authority's statutory officers and its other employees.

## **APPENDIX 2 TO SECTION 14 Protocol - Standard of Conduct Expected by Commissioners**

This protocol sets out the standards of conduct expected from Commissioners for South Wales Fire & Rescue in dealing with each other. It should be read in conjunction with the Commissioners Code of Conduct and the Commissioner-Officer Protocol. It adds to these documents and does not detract from them.

Commissioners are expected to:

### **1. PUBLIC BEHAVIOUR**

- 1.1 show respect to each other;
- 1.2 not to make personal abusive comments about each other;
- 1.3 not to publish anything insulting about each other;
- 1.4 not to make malicious allegations against each other;
- 1.5 not to publish or spread any false information about each other;
- 1.6 show respect to diversity and equality;

### **2. BEHAVIOUR IN MEETINGS**

- 2.1 behave with dignity;
- 2.2 show respect to the Chairperson and accept their decisions;
- 2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

### **3. CONFIDENTIALITY**

- 3.1 keep the confidentiality of exempt papers and any other documents which are not public;
- 3.2 not to release confidential information to the press or the public;
- 3.3 not to use confidential information for purposes other than intended;

## **15. Code of Conduct for Employees**

### **15.1. Introduction**

- 15.1.1. The public is entitled to expect the highest standards of conduct from all employees who work for the Authority. This Code of Conduct outlines the existing rules and conditions of service which apply to you as an employee and is designed to provide clear guidance to assist you in your day to day work.
- 15.1.2. The Code sets out the standards which are expected of you and provides a framework which will help to promote best practice. Reference should also be made to [Nolan's Seven Principles of Public Life](#) and also [APPENDIX 1 TO SECTION 16 Conduct of Commissioners – The Principles](#). All employees of the Service are required to observe and uphold the standards of the Code and all policies and procedures of the Service. Failure to do so is a serious matter which could result in disciplinary action, including dismissal.
- 15.1.3. You should therefore read the document carefully, and if you are uncertain about any aspect of its contents, please contact your immediate manager or supervisor.
- 15.1.4. An abbreviated list of particularly relevant policies, procedures and appropriate forms can be seen in Appendix 1 to this section.

### **15.2. Standards and Attitude**

- 15.2.1. All employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to Board of Commissioners and fellow employees with impartiality.
- 15.2.2. Your attitude in dealing with people reflects on the Service so it is important that you are helpful, polite and courteous.
- 15.2.3. All employees are expected to report, in the first instance, to their manager or supervisor any illegality, impropriety, breach of procedure or policy of the Board of Commissioners.
- 15.2.4. There are a number of mechanisms available to employees to do this including the Service's complaints procedure and also the Confidential Reporting Code.
- 15.2.5. In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should at all times avoid any appearance of improper conduct which may give rise to suspicion.

### **15.3. Confidentiality and Disclosure of Information**

- 15.3.1. The law requires that certain types of information must be available to Commissioners, auditors, government services, service users and the public. Different rules apply in different situations. If you are in any doubt as to whether you can release any particular information, always check with your manager or supervisor first.
- 15.3.2. The confidentiality of information received in the course of your duties should be respected and must never be used for personal or political

gain. Also, of course, you should not knowingly pass information on to others who might use it in such a way.

15.3.3. You should not communicate confidential information or documents to others who do not have a legitimate right to know. Information must only be disclosed in accordance with the requirements of the Data Protection Legislation, which covers computerised and manual information held on individuals. All staff need to bear in mind that an E-mail is as legally binding as a letter and informal messages sent internally can be used in evidence in court proceedings.

15.3.4. Information given in the course of your duties should be accurate and fair and never designed to mislead.

15.3.5. Any particular information received by an employee from a Commissioner which is personal to that Commissioner should not be divulged by the employee without the prior approval of that Commissioner, except where such disclosure is required by law.

#### **15.4. Political Neutrality**

15.4.1. Employees serve the Authority as a whole. It follows that you must serve all Commissioners equally and ensure that the individual rights of all Commissioners are respected.

15.4.2. From time to time, some employees may also be requested to advise a full meeting of a political group or its executive. You must do so in ways which do not compromise your political neutrality and inform the Chief Fire Officer in advance.

15.4.3. Whether you hold a politically restricted post or not, you must not allow your own personal or political opinions to interfere with your work. The list of Politically restricted posts within the Service can be seen in Appendix 2 to this section).

#### **15.5. Relationships**

##### **15.5.1. Board of Commissioners**

Mutual respect between employees and Commissioners is essential for good local government. Some employees need to work closely with Commissioners. Close personal familiarity between employees and individual Commissioners can damage the relationship and prove embarrassing to other employees and Commissioners, and should therefore be avoided.

##### **15.5.2. The Local Community and Service Users**

Employees should always remember their responsibilities to the whole of the community they serve and ensure courteous, effective and impartial service delivery to all groups and individuals within that community in accordance with the policies of the Board.

##### **15.5.3. Contractors and Suppliers**



All relationships of a business or personal nature with external contractors or suppliers, or potential contractors or suppliers, must be declared to your appropriate manager or supervisor at the earliest opportunity.

Orders and contracts must be awarded in accordance with the Service's Contract Procedure Rules and no special favour should be shown to anyone, particularly businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against.

## **15.6. Appointment and Other Employment Matters**

- 15.6.1. It is unlawful for appointments to be made on the basis of anything other than the ability of the candidate to undertake the duties of the post. If you are involved in making appointments you should do everything possible to ensure that these are made on the basis of merit.
- 15.6.2. In order to avoid any possible accusation of bias, you must not become involved in any appointment if you are related to an applicant, or have a close personal relationship with them or her.
- 15.6.3. Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments in respect of any other employee who is a relative or with whom you have a close personal relationship; nor should you attempt to influence such decisions.
- 15.6.4. Senior Officers (i.e. Head of Service and above) must disclose to the Monitoring Officer any relationship known to exist between them and any person they know who is a candidate for an appointment with the Board of Commissioners.
- 15.6.5. If you apply for promotion or are seeking another job in the Service, you must not approach any Commissioners for a reference. Issues relating to your conditions of service, working arrangements or grading should be raised with your manager or supervisor and not with Commissioners.

## **15.7. Outside Commitments**

- 15.7.1. Your off-duty hours are your own concern, but you should make sure that you do not allow yourself to get into a position where your private interests come into conflict with your contractual obligations or are detrimental to the interests or reputation of the Authority.
- 15.7.2. South Wales Fire & Rescue Services outside Employment policy (OP02.006) states ("the Service") has a duty under the Health and Safety at Work Act and Working Time Regulations to ensure that employees can carry out their duties safely and that they are not suffering from fatigue, which could place themselves, the public or other employees in danger. Therefore, it is necessary for the Service to be aware of, and grant permission for, any outside employment undertaken by its employees.
- 15.7.3. Outside employment is considered to be an activity other than employment by the Service for which employees receive financial or

personal gain, whether by payment or in kind. For the avoidance of doubt this includes sporting activity.

15.7.4. The acceptance of outside employment is governed by Section 5, Part B, Paragraph 8 of the Scheme of Conditions of Service for Local Authorities Fire and Rescue Services (Grey Book) that states:

“An employee (other than one on the retained duty system) shall not hold any other office or employment for gain or reward or carry on any trade or business without the express permission of the Service, which may be granted subject to any restrictions or conditions the Service thinks fit”.

15.7.5. You must not undertake private or personal work of any description in working hours or in the office unless you have been given specific permission by your manager or supervisor.

15.7.6. Private use of Service facilities and equipment, such as stationery and photocopiers, is not allowed. Personal use of the telephone is permitted within reason. Also, you should not **arrange** to receive correspondence, telephone calls and emails in the office **related to outside work or private interests**.

## 15.8. Personal Interests

15.8.1. You must declare to your manager or supervisor any financial or non financial interests which could bring about conflict with the Service’s interests.

15.8.2. If you are in any doubt about a potential conflict of interest, you should bring the matter to the attention of your manager or supervisor so that a decision can be made as to how best to proceed.

15.8.3. You must not make, or become involved with any official or professional decisions about matters in which you have a personal interest.

15.8.4. Section 117 of the Local Government Act 1972 requires you to make a formal declaration about contracts or personal contracts with the Board of Commissioners in which you have a pecuniary interest. Such declarations should be made on and sent to the Monitoring Officer. It is a criminal offence to fail to comply with this provision which is set out in full at (Appendix 3 of this section).

## 15.9. Equality

15.9.1. All members of the local community, customers and other Service employees have a right to be treated fairly and equally. You should become familiar with and observe all policies relating to equality issues, eg the Service’s Equal Opportunities Policy, in addition to the requirements of the law.

## 15.10. Tendering Procedures

- 15.10.1. Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 15.10.2. If you are responsible for engaging or supervising contractors and have previously had, or currently have, a relationship in a private or domestic capacity with contractors, you must declare that relationship to your manager or supervisor.
- 15.10.3. If you become privy to confidential information on tenders or costs relating either to internal or external contractors, you must not disclose that information to any unauthorised person.
- 15.10.4. All employees must ensure that no special favour is shown to current, or recent former, employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in any capacity.

## **15.11. Corruption**

**15.11.1.** Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 for them to receive or give any gift, loan or reward or advantage in their official capacity “for doing, or not doing, anything”, or “showing favour, or disfavour to any person”. If an allegation is made against you, it will be for you to demonstrate that any such rewards have not been corruptly obtained. The relevant statutory rules appear at (Appendix 5 of this section). Further guidance can be obtained in the [Antifraud and Anti Bribery Policy OP05.002](#) .

15.11.2. For your own protection, if anyone makes an approach to you which seems to you, or might seem to a third party, to be aimed at obtaining some form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to your Monitoring Officer.

## **15.12. Possible Inducements**

### **15.12.1. Introduction**

A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence. There is a checklist to help you at the end of this Section.

### **15.12.2. Gifts Generally**

Casual gifts offered to employees by contractors, organisations, firms or individuals may not be intended as an inducement or connected in any way with the performance of your official duties so as to involve the Bribery Act 2010. Nevertheless, with the exceptions listed below, you should decline any personal gift offered to you or your partner, or to a member of your family, by any person or organisation having dealings with the Board of Commissioners.

- 15.12.3. Any such offer should be reported to your manager or supervisor (or to the Monitoring Officer if you are a Principal Officer).
- 15.12.4. When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to your place of work, there may be a problem returning it, in which case it should be reported immediately to your manager or supervisor or the Monitoring Officer as appropriate.
- 15.12.5. **Exceptions**
- 15.12.6. Gifts of a token value given at Christmas, such as calendars, diaries, pens or other simple items of office equipment for use in Fire and Rescue Service offices, but only if it bears the company's name or insignia.
- 15.12.7. Gifts of a promotional nature on the conclusion of a courtesy visit to a factory or company offices, of a sort normally given by the company to visitors.
- 15.12.8. **Hospitality**
- 15.12.9. Offers of hospitality are a normal part of the courtesies of business life but in the public service it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence.
- 15.12.10. Hospitality is sometimes offered to representatives of the Service in an official or formal capacity. Normally the only Officers who would attend would be Principal Officers and appropriate heads of service.
- 15.12.11. If hospitality is offered to you as an individual employee, special caution is needed, particularly when the host is seeking to do business with the Service or to obtain a decision from it. You must exercise the utmost care in dealing with contractors, developers, etc, who may stand to benefit from the goodwill of the Service.
- 15.12.12. You should also be careful about attending exhibitions, seminars or visiting manufacturers, etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality.
- 15.12.13. In general terms, it is more likely to be acceptable for you to join in hospitality offered to a group, than to accept something unique to yourself. When a particular person or Committee has a matter currently in issue with the Service, for example, an arbitration arising from a contract, then clearly common sense dictates that offers of hospitality should be refused even if in normal times they would be acceptable.
- 15.12.14. All offers of hospitality should be reported to Director Corporate Services as indicated in the [Hospitality and Gifts Policy OP05.006](#)
- 15.12.15. **Checklist**

The question in all these cases is one of judgement, and the following checklist of queries should help you to decide whether a gift or an offer of hospitality should be accepted or tactfully declined.

- 15.12.16. Is the donor, or event, significant in the community or area? If so, is the refusal likely to cause offence?
- 15.12.17. Are you expected to attend because of your position in the community or area?
- 15.12.18. Will the event be attended by others of a similar standing in the community or in other communities?
- 15.12.19. What do you think is the motivation behind the invitation?
- 15.12.20. Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving the Board of Commissioners?
- 15.12.21. Could you justify the decision to the Board of Commissioners, press and public?
- 15.12.22. Is the extent of the hospitality, or the nature of the gift reasonable and appropriate?
- 15.12.23. Are you likely to be expected to respond to the hospitality, and if so, how?
- 15.12.24. Are you comfortable about the decision?
- 15.12.25. Sponsorship - Giving and Receiving
- 15.12.26. Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 15.12.27. Where the Board of Commissioners wishes to sponsor an event or service, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to their Chief Fire Officer of any such interest. Similarly, where the Board of Commissioners through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

### **15.13. Financial Procedure Rules**

- 15.13.1. All employees involved in financial activities and transactions on behalf of the Commissioners, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services must follow the Services Financial Procedure Rules.
- 15.13.2. They must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Board.
- 15.13.3. **ANY BREACHES OF THESE INSTRUCTIONS MAY LEAD TO DISCIPLINARY ACTION AND COULD LEAD TO DISMISSAL.**



## **Appendix 1 to Section 15 - Abbreviated list of particularly relevant polies, procedures and appropriate forms**

### Policies and Procedures

Corporate Policy-01, Health and Safety - (ACFO Technical Services)

OP-01.002 - Drug and Substance Misuse

OP-01.009 - Domestic Abuse and Sexual Violence Workplace Policy

### People

Corporate Policy-02, Our People - (ACO People Services)

OP-02.006 - Outside Employment

OP-02.022 - Dignity at Work

OP-02.051 - Standards and Expectations

Corporate Policy-03, Our Assets - (DCO Corporate Services)

Corporate Policy-04, Communications, Consultation and Engagement - (DCO Corporate Services)

OP-05.005 - Procurement Procedures

OP-05.006 - Hospitality and Gifts

Corporate Policy-06, Information Management - (DCO Corporate Services)

Corporate Policy-07, Information Communication Technology - (ACFO Technical Services)

Corporate Policy-08, Operational Response - (ACFO Service Delivery)

Corporate Policy-09, Risk Reduction - (ACFO Service Delivery)

Corporate Policy-10, Business Continuity Policy - (ACFO Technical Services)

Joint Fire Control HR Procedures

### **Forms**

#### Finance

F-31 Public Interest Disclosure (Whistleblowing) (When opening please select the save as option to create a local copy of the document)

#### Personnel

P-25 Application for Outside Employment (for use when the Service is an employee's primary employer)

## Appendix 2 to Section 15 - Politically restricted posts within South Wales Fire and Rescue Service

### SOUTH WALES FIRE AND RESCUE SERVICE POLITICALLY RESTRICTED POSTS

In 1989, the [Local Government and Housing Act 1989 \(LGHA 1989\)](#) introduced the principle of 'politically restricted posts' (PoRPs) and of restricting the political activities of local authority employees. The Local Democracy, Economic Development and Construction Act 2009 made amendments to the Local Government and Housing Act 1989 (LGHA 1989) in respect of the approach to identifying posts which are politically restricted by removing the duty to maintain a list of posts earning above a nominated salary.

The main provisions regarding PoRPs are set out in Part 1 of the LGHA 1989. The effect of including a local authority employee on the list of 'politically restricted posts' is to prevent that individual from having any active political role either in or outside the workplace. Politically restricted employees will automatically be disqualified from standing for or holding elected office.

In practice, this equates to debarring a substantial number of local government employees from standing for office as:

- Local councillors
- MPs
- MEPs
- Members of the Welsh Assembly

They are also restricted from:

- Canvassing on behalf of a political party or a person who is or seeks to be a candidate (Reg 3, Sched Part 1, para 5 LGO(PR)R 1990)
- Speaking to the public at large or publishing any written or artistic work that could give the impression that they are advocating support for a political party (Reg 3, Sched Pt II, LGO(PR)R 1990)

The cumulative effect of these restrictions is to limit the holders of 'PoRPs' to bare membership of political parties, with no active participation within the party permitted.

Fire & Rescue Authorities are considered local authorities for the political restrictions provisions of the LGHA 1989 (s21(1)[f] and [i]), and therefore firefighters and support staff are covered by the provisions of the Act.

#### **Which posts are politically restricted?**

Each local authority is under a duty to draw-up and regularly update a list of those posts which are politically restricted.

With effect from 12 January 2010 politically restricted posts fall into two broad categories: specified posts and sensitive posts.



## **Appendix 3 to Section 15 - Local Government Act 1972, Section 117**

### **Local Government Act 1972, Section 117**

1. If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a local Board that a contract in which they have an pecuniary interest, whether direct or indirect (not being a contract to which they are themselves a party), has been, or is proposed to be, entered into by the Board or any committee thereof, they shall as soon as practicable give notice in writing to the Board of the fact that they are interested therein. For the purposes of this Section, an Officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if they would have been so treated by virtue of Section [95] above had they been a Commissioner of the Board.
2. An Officer of a local Board shall not, under colour of their office or employment, accept any fee or reward whatsoever other than their proper remuneration.
3. Any person who contravenes the provisions of paragraphs 1 or 2 above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
4. References in this Section to a local Board shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

## **Appendix 4 to Section 15 - Bribery Act 2010**

### **Bribery Act 2010**

The Bribery Act 2010 creates offences making it unlawful to give or receive financial or other advantages in return for the improper performance of a relevant function or activity. The Act applies to functions and activities of a public nature which an individual is expected to perform in good faith, impartially or in a position of trust.

## **16. Protocol on Commissioner / Officer Relations**

### **16.1. Introduction**

The purpose of this Protocol is to guide Commissioners and Employees of the Service in their relations with one another.

16.1.1. Mutual respect between Commissioners and Employees is essential to good local government. However, close personal familiarity between individual Commissioners and Employees can damage this relationship and prove embarrassing to other Commissioners and Employees.

16.1.2. The relationship has to function without compromising the ultimate responsibilities of Employees as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Commissioners. The Protocol seeks to set a framework that assists the working relationships between Commissioners and Employees.

### **16.2. Roles of Commissioners**

Commissioners undertake many different roles. Broadly these are:

16.2.1. Commissioners are involved in active partnerships with other organisations as community leaders.

16.2.2. Commissioners contribute to the decisions taken in Board of Commissioners and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.

16.2.3. Commissioners help develop and review policy and strategy.

16.2.4. Commissioners monitor and review policy implementation and service quality.

### **16.3. Roles of Employees**

Briefly, Employees have the following main roles:

16.3.1. Managing and providing the services for which the Commissioners have given them responsibility and being accountable for the efficiency and effectiveness of those services.

16.3.2. Providing advice to the Board of Commissioners and to individual Commissioners in respect of the services provided.

16.3.3. Initiating policy proposals.

16.3.4. Implementing agreed policy.

16.3.5. Ensuring that the Authority always acts in a lawful manner.

### **16.4. Respect and Courtesy**

16.4.1. For the effective conduct of Authority business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Commissioners and Employees. This plays a very important part in the Authority's reputation and how it is seen in public. It is very important that both Commissioners and Employees remember their respective obligations to enhance the Authorities reputation and to do what they can to avoid criticism of other Commissioners, or other Employees, in public places.

16.4.2. Undue Pressure

- a) It is important in any dealings between Commissioners and Employees that neither should seek to take unfair advantage of their position.
- b) In their dealings with Employees (especially junior Employees) Commissioners need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Commissioners hold senior official and/or political office.
- c) A Commissioner should not apply undue pressure on an Employee either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Service property and services.
- d) Similarly, an Employee must neither seek to use undue influence on an individual Commissioner to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. (The Service has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Services Confidential Reporting Code.)

#### 16.4.3. Familiarity

- a) Close personal familiarity between individual Commissioners and Employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
- b) Such familiarity could also cause embarrassment to other Commissioners and/or other Employees and even give rise to suspicions of favouritism.
- c) For these reasons close personal familiarity must be avoided.

#### 16.4.4. Breach of Protocol

- a) If a Commissioner considers that they have not been treated with proper respect or courtesy they may raise the issue with the Employee's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the employee concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Employee if the circumstances warrant it.
- b) If an employee considers that a Commissioner has contravened the protocol they should consult their line manager who will if necessary involve the Head of Service or Director. In certain circumstances breach of the Protocol may also constitute a breach of the Commissioners' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint. Many complaints will be capable of informal resolution. The Monitoring Officer will assist in this process if necessary.

## **16.5. Provision of Advice and Information to Commissioners**

- 16.5.1. Commissioners are free to approach Employees to provide them with such information and advice as they may reasonably need in order to assist them in discharging their role as a Commissioner. This can range from a request for general information about some aspect of the Board of Commissioners activities to a request for specific information on behalf of a constituent.
- 16.5.2. Employees should always endeavour to respond to requests for information promptly and should in any event inform the Commissioner if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed ie either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within five working days of the receipt of the enquiry.
- 16.5.3. The legal rights of Commissioners to inspect Authority documents are covered partly by statute and partly by common law.
- 16.5.4. The Access to Information Procedure Rules of this Constitution explain the position with regard to access to papers relating to the business of a Committee.
- 16.5.5. The exercise of the common law right depends upon a Commissioner's ability to demonstrate a "need to know". In this respect a Commissioner has no right to "a roving commission" to examine any documents of the Authority. Mere curiosity is not sufficient.
- 16.5.6. The information sought by a Commissioner should only be provided by the respective Service as long as it is within the limits of the Service's resources. For their part, Commissioners should seek to act reasonably in the number and content of the requests they make.
- 16.5.7. It is important for Services and their staff to keep Commissioners informed both about the major issues concerning the Authority
- 16.5.8. If a Commissioner asks for specific information relating to the work of a particular area of Service, and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Board Commissioner or Committee Chairperson concerned should be advised about the information provided.
- 16.5.9. Officers have to advise Commissioners from time to time that a certain course of action cannot be carried out. Officers are employed to give unbiased professional advice even if it is not what Commissioners want to hear. They do this as much for the protection of Commissioners as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Commissioners might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Board of Commissioners.
- 16.5.10. Commissioners may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights

based on the “need to know”. Employees are encouraged to supply documents to Commissioners without the need for a formal FOI request if it is apparent from the Commissioner’s enquiry that any individual would be entitled to receive such documentation. The Services Data Protection Officer will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act.

## **16.6. Confidentiality**

16.6.1. In accordance with the Code of Conduct for Commissioners, a Commissioner must not disclose information given to them in confidence by anyone, or information acquired which they believe, or ought reasonably to be aware, is of a confidential nature, except where:

- a) they have the consent of a person authorised to give it;
- b) they are required by law to do so;
- c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- d) the disclosure is:
  - i. reasonable and in the public interest; and
  - ii. made in good faith and in compliance with the reasonable requirements of the Service.

16.6.2. Confidential Committee papers (pink papers) are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Commissioners are reminded that the author of the report or the Monitoring Officer makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Authority’s or the public interest. Information may also be confidential because of the circumstances in which it was obtained.

16.6.3. Information and correspondence about an individual’s private or business affairs will normally be confidential.

16.6.4. Officers should make it clear to Commissioners if they are giving them confidential information. If a Commissioner is not sure whether information is confidential, they should ask the relevant Officer, but treat the information as confidential in the meantime.

16.6.5. Any Service information provided to a Commissioner must only be used by the Commissioner in connection with the proper performance of the Commissioner’s duties.

16.6.6. If a Commissioner receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then they must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

## **16.7. Provision of Support Services to Commissioners**

16.7.1. The only basis on which the Board of Commissioners can lawfully provide support services (eg stationery, word processing, printing, photocopying, transport, etc) to Commissioners is to assist them in discharging their role as Commissioners of the Board of Commissioners. Such support services must therefore only be used on Board of Commissioners business. They should never be used in connection with party political or campaigning activity or for private purposes.

16.7.2. Correspondence

Official letters on behalf of the Commissioners should be sent in the name of the appropriate Employee, rather than over the name of a Commissioner. There are circumstances where a letter sent in the name of a Commissioner is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Commissioner. Letters which, for example, create obligations or give instructions on behalf of the Board of Commissioners should never be sent out in the name of a Commissioner.

16.7.3. Media

Communication with the media can be an important part of a Commissioner's workload. In general, Commissioners provide comment and views while Employees provide factual information. If a Commissioner is unsure about the circumstances of a particular issue they should contact the appropriate Director or Head of Service concerned or ask the Media Team to do so.

## **16.8. The Board of Commissioners Role as Employer**

In their dealings with Officers, Commissioners should recognise and have regard to the Board of Commissioners role as employer. Commissioners should be aware that Officers could rely on inappropriate behaviour of a Commissioner in an employment case against the Board of Commissioners.

## **16.9. Political Activity**

16.9.1. There are a number of constraints that apply to an employee who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.

16.9.2. In summary, such employees are prevented from:

- a) being a member of Parliament, European Parliament or local Board;
- b) acting as an election agent or sub-agent for a candidate for election as a member of any the bodies referred to in (a);
- c) being an Officer of a political party or any branch of a political party or a member of any committee of such a party or branch, if their duties would be likely to require them to:
  - i. participate in the general management of the party or branch; or
  - ii. act on behalf of the party or branch in dealings with persons other than members of the party;
- d) canvassing on behalf of a political party or a candidate for election to any the bodies referred to in (a);

- e) speaking to the public with the apparent intent of affecting public support for a political party; and
- f) publishing any written or artistic work of which they are the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

16.9.3. It is common for party groups to give preliminary consideration to matters of Authority business in advance of such matters being considered by the relevant decision making Committee. Employees may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Commissioners relating to their roles, eg Chairperson or spokesperson. Employees should be required to give information and advice to political groups on Authority business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of Employees is preserved and that group confidentiality is maintained by Employees.

16.9.4. Usually the only Employees involved in attending group meetings will be the Chief Fire Officer, Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions.

16.9.5. Employees are employed by the Authority as a whole. They serve the Board of Commissioners and are responsible to the Chief Fire Officer and their respective Directors/Heads of Service, and not to individual Commissioners whatever office they might hold.

16.9.6. Both Commissioners and Employees are subject to their own Codes of Conduct which can be found in the Constitution. This Protocol provides guidance on working relationships between Commissioners and Employees. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

## **16.10. Sanctions**

16.10.1. Complaints about any breach of this Protocol by a Commissioner may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Commissioners.

16.10.2. Complaints about any breach of this protocol by an Officer may be referred to the Monitoring Officer / Deputy Monitoring Officer.

## **16.11. Conclusion**

16.11.1. It is hoped that, by following good practice and securing sensible and practical working relationships between Commissioners and Employees, we can provide one of the cornerstones of a successful Service and thereby enhance the delivery of high value quality services to



the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Authority, Commissioners and Employees.

## **17. Confidential Reporting – Public Interest Disclosure Procedure (“WHISTLEBLOWING”)**

### **17.1. Introduction**

- 17.1.1. South Wales Fire and Rescue Service “the Service” is committed to the highest standards of openness, probity and accountability. In line with that commitment, the Service recognises that an important aspect of accountability and transparency is a mechanism to enable employees to voice concerns about breaches or failures in a reasonable and effective manner “Whistleblowing” is the popular term used when an employee has a concern about danger or illegality that has a public interest aspect to it: usually because it threatens others (e.g. customers, colleagues or the public). Please refer to the Service Policy OP05.003)
- 17.1.2. This procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects Commissioners and staff making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act’s provisions. The Act is incorporated into the Employment Rights Act 1996, which also already protects Commissioners and staff who take action over, or raise concerns about, health and safety at work. This Procedure has been written to take account of the Enterprise and Regulatory Reform Act 2013 which provides protection for Commissioners and staff who raise genuine concerns which they reasonably believe are in the ‘public interest.
- 17.1.3. A grievance is, by contrast, a dispute about the employee’s own employment position and has no additional public interest dimension. The Service’s Grievance Resolution Procedure, OP-02.008 should be used to resolve an employee’s concern that does not have a public interest aspect to it.
- 17.1.4. This procedure is intended to assist and protect employees from victimisation and reprisal should they reasonably believe they have discovered malpractice or impropriety and that the disclosure is in the public interest.

### **17.2. Corporate Policy**

- 17.2.1. This Organisational Procedure supports Corporate Policy 05, Finance and Procurement.

### **17.3. Scope and Applicability**

- 17.3.1. This procedure applies to all employees.
- 17.3.2. All employees are required to adhere to this procedure. Employees should note that any breaches of this procedure may lead to disciplinary action. Serious breaches of this procedure may constitute

gross misconduct and lead to dismissal. Please refer to our disciplinary procedure OP-02.007 for further information.

17.3.3. The Service supports an environment of mutual respect and equality of opportunity. In accordance with the Equality Act (2010), this document has been Equality Risk Assessed to ensure all Protected Characteristics are considered. Should an employee perceive that an adverse impact does exist, it is their responsibility to bring it to the attention of the Diversity Officer. This document also complies with other relevant legislation.

## **17.4. Responsibilities**

### **17.4.1. Employee Responsibilities**

Employees are responsible for:

- Raising their concerns in writing as soon as they have a reasonable suspicion.
- Providing a full account and evidence for their concerns.
- Raising concerns in the public interest and maintain confidentiality regarding their concerns.

### **17.4.2. Human Resources Responsibilities**

Human Resources are responsible for:

- Providing advice and support to employees and investigating managers involved in the whistleblowing procedure.
- Assisting in the appointment of a suitable investigating manager.
- Investigating any allegations of harassment or victimisation experienced by the complainant.
- Updating the procedure when there are changes to legislation.

### **17.4.3. Investigating Manager Responsibilities**

The investigating manager is responsible for:

- Sending a written acknowledgement of the concern to the complainant.
- Ensuring the employee is aware and understands the whistleblowing procedure.
- Protecting the identity of the employee, where possible.
- Ensuring the investigations are undertaken as expeditiously as possible without affecting the quality and depth of the investigation.
- Keeping the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.
- Reporting to the complainant in writing of the outcome of any disciplinary process arising.

## **17.5. Issues of Concern**

17.5.1. It is impossible to be prescriptive about the possible issues of concern but they may include:

- Failure to deliver proper standard of service.
- Financial malpractice.
- Corruption or fraudulent activity.
- Negligence.
- Discrimination.
- Breaches of Health and Safety legislation.
- Failure to comply with the Service's policies and procedures, or legal requirements.

17.5.2. There may be other types of concern which should be more appropriately addressed through the Service's other procedures, such as the grievance procedure. If so, individuals will be advised appropriately.

17.5.3. The Service wants to encourage openness within the organisation and if employees raise concerns in the public interest they will be supported, even if it turns out that no action was necessary.

17.5.4. It is not expected that a truth or an allegation is proved beyond all doubt but rather that there are genuine grounds for concern.

## **17.6. Reporting Concerns**

17.6.1. If an employee is concerned about something that they think is bad practice they should talk, in the first instance, to their line manager or a senior manager about this and submit an F31 form (Appendix 1).

17.6.2. If they do not feel able to do so because, for example, they believe that line managers are involved in some way or are unlikely to take action about the concern, they should contact a more senior manager. Ultimately, they may contact the Monitoring Officer and ask to speak confidentially.

17.6.3. If there is a concern that involves a senior member of the Service it may be necessary to approach the Chairperson of the Finance, and Audit Committee. The Chairperson's telephone number can be obtained from Business Support.

17.6.4. Employees are not expected to prove beyond doubt the truth of an allegation however, they will need to demonstrate to the designated officer that they reasonably believe that the disclosure they are making is on the public interest and is therefore a protected disclosure. Examples include:

- The disclosure is made in the public interest
- The person making the disclosure reasonably believes that it tends to show malpractice or impropriety.
- In making the disclosure, the person does not commit a criminal offence.
- The person does not expect any personal gain from making such a disclosure.

- 17.6.5. The Service will treat concerns raised in this way seriously and will investigate them thoroughly in whatever way seems most appropriate.
- 17.6.6. Managers must ensure employees read the procedure so that they know their rights and the support they will receive if they raise a genuine concern.
- 17.6.7. In the first instance the individual will receive a written response, from the Manager, to the concern they have raised, indicating how the matter will be dealt with and giving them an estimate of how long it may take. A template response letter is attached (Appendix 2).
- 17.6.8. If, as part of the resolution of the issue raised, there is requirement for a meeting between the individual and the person with or about whom the concern is raised, the individuals will have the right, should they wish, to be accompanied by a Trade Union representative, or work colleague who is not directly involved.
- 17.6.9. Some situations may be resolved promptly, others may require formal investigation.
- 17.6.10. The individual will be informed of the outcome and any steps that have been taken, subject to legal constraints and appropriate confidentiality.
- 17.6.11. Managers will be required to submit a summary report of the concern that was raised, how it was dealt with, and the outcome, to the Chief Fire Officer.
- 17.6.12. Once the Manager has investigated and/or resolved the issue that was causing a person concern, they will notify the person of the outcome subject to legal restraints and confidentiality.

## **17.7. Confidentiality**

- 17.7.1. All concerns raised will be treated in confidence and every effort will be made not to reveal the identity of a member of staff. At the appropriate time, however, they may be required to come forward as a witness.

## **17.8. Raising Concerns Anonymously**

- 17.8.1. This procedure encourages employees to put their name to their allegation whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Service. In deciding whether to consider anonymous concerns the following are some of the factors that will be taken into account:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

## **17.9. Untrue Allegations**

17.9.1. If an allegation is made in the public interest, but it is not confirmed by the investigation, no action will be taken. If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken in accordance with the Service's disciplinary procedures.

## **17.10. Public Disclosures**

17.10.1. All employees have a duty of confidentiality to the Service. Concerns raised internally must not, therefore, be disclosed externally to the organisation.

17.10.2. If a member of staff feels unable to raise their concern because they believe they will be victimised, or evidence will be destroyed, the matter may in certain limited circumstances be disclosed outside the Service as a 'qualifying disclosure' under the Public Interest Disclosure Act. Any Employee considering such an action must seek advice from their Trade Union, professional body, or independent legal adviser or contact: Protect, The Green House, 244-254 Cambridge Heath Road, London, E2 9DA. Telephone: 020 3117 2520. Website: [www.protect-advice.org.uk](http://www.protect-advice.org.uk)

## **17.11. Reducing Complainant's Potential Concerns**

17.11.1. Employee may feel vulnerable if they raise concerns. They will be treated, as with the person against whom they have raised the concerns, with seriousness and respect.

17.11.2. Potential tensions within the workplace will be sensitively considered and a range of support to staff involved in any investigation process will be available.

17.11.3. If individuals are prevented from making a confidential report or are victimised in any way, such treatment will be viewed as a serious disciplinary offence.

17.11.4. If, however, allegations made by individuals are malicious this will also be treated as a serious disciplinary offence.

17.11.5. The Public Interest Disclosure Act 1988 protects employee's who report wrong doing within the workplace.

## **17.12. Sources of information and Related Documents**

- OP-05.002, Anti-Fraud and Anti-Bribery Policy
- OP-05.006, Hospitality and Gifts
- OP-02.007, Discipline Policy and Procedures
- OP-02.008, Grievance Resolution Procedure
- Enterprise and Regulatory Reform Act 2013

## Appendix 1, Form F-31 Public Interest Disclosure (Whistleblowing)

F-31

### PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING)

<b>Name:</b>	
<b>Service No:</b>	
<b>Role / Grade:</b>	
<b>Station / Dept:</b>	
<b>Date:</b>	
<b>Does your public interest disclosure relate to your line manager?</b>	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>Summary of disclosure:</b>	
Please set out the details of the issue that you wish to raise, providing examples where possible, particularly dates, times, locations and the identities of those involved. You may attach additional sheets if required.	
<b>Individuals involved:</b>	
Please provide the names and contact details of any people involved in your concerns, including witnesses.	

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**Outcome requested:**

Please set out how you would like to see the issue dealt with, and why and how you believe that this will resolve the issue.

**Declaration:**

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the Service taking disciplinary action against me.

Form completed by (Print name):	
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Signature:	
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**For completion by the Service:**

Date form received by the Service:	
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Name of recipient and job role:	
Signature:	

This form should be completed and delivered to Gabrielle Greathead, Legal Services Manager in an envelope marked "confidential" or sent as an email attachment with "confidential" in the subject line.

## **Appendix 2, Management Letter Acknowledging Receipt of Form F-31**

Dear [ ]

I confirm that on [date] the Service received your [form/letter/email] dated [date] raising concerns about [state issues].

In accordance with the Service's Whistleblowing policy, the first step is for [name of individual/the line manager] to investigate the issue. [Normally, your own line manager would investigate your concerns. However, as you have implicated him/her in the wrongdoing, [name of investigating individual] has been appointed instead to carry out the investigation.] [Name of individual/the line manager] will contact you during the investigation and you may be asked to comment on any additional evidence that he/she obtains.] Please find enclosed F31 form to set out your concerns. Please return this completed form to [name of investigating individual.]

Once the investigation has been completed, the individual who carried out the investigation will report to the board, which will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency. If disciplinary action is required against any individuals implicated in the wrongdoing, the line manager (or the person who carried out the investigation) will report the matter to the HR department and start the disciplinary procedure.

Please rest assured that the fact that you are the source of the disclosure will be kept confidential as far as possible. However, it is possible that individuals you work with may find out. If you are subjected to any detriment, or are bullied or harassed, for making a disclosure, you should inform [name of individual/the line manager] immediately. An investigation will follow and disciplinary action may be taken against the perpetrators.

If you have any queries or concerns in the meantime, please do not hesitate to contact [me/name of individual].

Yours sincerely

## **18. COMMISSIONER ROLE DESCRIPTIONS**

### **18.1. Commissioner Role Description**

This role description outlines the duties and responsibilities of the Commissioners. It does not necessarily list in detail all the tasks required to carry out these duties and responsibilities.

#### **18.1.1. Accountabilities**

- To Welsh Government
- Board of Commissioners, Committees, Sub Committees & Working Groups.

#### **18.1.2. Role, Purpose and Activity**

##### **18.1.2.1. Fulfil Commissioners Terms of Reference**

- a) To secure the full and sustainable implementation of all the recommendations the review of SWFRS culture and values, no later than the deadlines stipulated in it.
- b) To establish and oversee a senior management team and related processes that are untainted by the failings identified in the report; and as a first step, to appoint a Chief Fire Officer and, as necessary, other senior staff who appear most likely to contribute fully and effectively to the FRA's recovery.
- c) To establish and implement a process to identify grievance cases arising during the period covered by the report which may have been improperly and/or unfairly dealt with for the reasons identified in the report; and to ensure those cases are reopened and re-examined, leading to a fair and just outcome.
- d) To secure the full implementation of all recommendations in the CFRA's thematic reviews, as soon as possible and in meaningful social partnership
- e) To make arrangements for a significant and sustained reduction in SWFRS's attendance at false alarms.
- f) To develop proposals for the future governance of SWFRA which are most likely to minimise the risk of further such failings.
- g) To discharge other functions of the FRA and its members as set out in statute and the FRA's standing orders.
- h) To advise the Welsh Government on progress with the above, and on the potential for ending intervention.
- i) To undertake all their work in the full spirit of social partnership, and through continual and effective engagement with SWFRS staff and their trade unions and other representative bodies.

##### **18.1.2.2. Representing and supporting communities**

- To represent the interests of the population of the whole area of the Fire & Rescue Authority.

- To liaise with other principal authorities, officers and partner organisations to ensure that the needs of the Board of Commissioners are identified, understood and supported.
- To be a channel of communication to the community on Authority strategies, policies, services and procedures.
- To raise awareness of fire safety initiatives to reduce the risk of fire throughout the Fire & Rescue Service.
- To be an advocate for the Fire & Rescue Service.

#### **18.1.2.3. Making decisions and overseeing Fire & Rescue performance**

- To actively participate in Board of Commissioners meetings, reaching and making informed and balanced decisions, and overseeing performance.
- To participate in informed and balanced decision making on Board of Commissioners committees and working groups to which they might be appointed.
- To adhere to the principles of democracy and collective responsibility in decision-making.
- To promote and ensure efficiency and effectiveness in the provision of Fire & Rescue services.

#### **18.1.3. Representing the Fire & Rescue Service**

- To represent the Fire & Rescue Service on outside bodies
- To represent and be an advocate for the Fire & Rescue Service on national bodies and at national events.

#### **18.1.4. Internal governance, ethical standards and relationships**

- To promote and support good governance of the Fire & Rescue Service and its affairs.
- To provide leadership and promote citizenship as a representative of the Board of Commissioners.
- To promote and support open and transparent services.
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Fire & Rescue Service.
- To adhere to the Commissioner's Code of Conduct and the highest standards of behaviour in representing the Fire & Rescue Service.

#### **18.1.5. Values and Principles**

- To be committed to the values of the Fire & Rescue Service and the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness

- Appreciation of cultural difference
- Sustainability.

## **18.2. Chairperson Role Description**

**This role description outlines the main duties and responsibilities of the Chairperson of the Board of Commissioners.**

### **18.2.1. Accountability**

- To the Board of Commissioners

### **18.2.2. Role and Purpose of Activity**

#### **18.2.2.1. As the lead Commissioner**

- To uphold the values of the Board of Commissioners
- To be the figurehead for the Board of Commissioners; to be the principal spokesperson for the Board of Commissioners.
- To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery.
- To represent the Board of Commissioners at civic and ceremonial functions.
- To preside over meetings of the Board of Commissioners, so that its business can be carried out effectively and efficiently.
- To be familiar with the Standing Orders and to ensure that the Board of Commissioners conducts its meetings in line with the Standing Orders.

#### **18.2.2.2. Representing and acting as ambassador for the Board of Commissioners**

- To represent the Board of Commissioners to a high standard. Provide a strong, competent and eloquent figure to represent the Commissioners both within the Board of Commissioners and at external bodies.
- To specifically represent the Board of Commissioners on the Wales Assembly Government Fire and Rescue Liaison Group; WLGA Fire Services Panel; WLGA Council; the WLGA Regional Partnership Board and the Joint Emergency Services Programme Board.
- To provide leadership and support local partnerships and organisations.
- To represent the Board of Commissioners in regional and national bodies as appropriate.

#### **18.2.2.3. Managing and leading the work of the Board of Commissioners**

- To ensure the effective running of the Board of Commissioners by managing the forward work programme and ensuring its continuing development.
- To ensure the work of the Board of Commissioners meets national policy objectives.

- To chair meetings of the Board of Commissioners in line with its Standing Orders.

#### **18.2.2.4. Participating in the collective decision making of the Board of Commissioners**

- To accept collective responsibility and support decisions made by the Board of Commissioners once they have been made.

#### **18.2.2.5. Representing and supporting communities**

- To represent the interests of the population of the whole area of the Fire & Rescue Service.
- To liaise with other Commissioners, principal authorities, officers and partner organisations to ensure that the needs of the Authority are identified, understood and supported.
- To raise awareness of fire safety initiatives to reduce the risk of fire throughout the Fire & Rescue Service.
- To be an advocate for the Fire & Rescue Service

#### **18.2.2.6. Making decisions and overseeing Fire & Rescue performance**

- To actively participate in Board of Commissioners meetings, reaching and making informed and balanced decisions, and overseeing performance.
- To participate in informed and balanced decision making on Board of Commissioners committees and working groups to which they might be appointed.
- To adhere to the principles of democracy and collective responsibility in decision-making.
- To promote and ensure efficiency and effectiveness in the provision of Board of Commissioners services.

#### **18.2.2.7. Working with officers to lead the organisation**

- To liaise with the Chief Fire Officer, and other appropriate officers, on a regular basis.
- To work with employees of the Service in relation to the strategic vision and direction of the Service, the management roles of officers and the development of policy issues.

#### **18.2.2.8. Leading partnerships and community leadership**

- To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities.
- To negotiate and broker in cases of differing priorities and disagreement.
- To act as leader of the administrative area of the Authority by showing vision and foresight.

#### **18.2.2.9. Internal governance, ethical standards and relationships**

- To promote and support good governance of the Board of Commissioners and its affairs.
- To provide community and civic leadership and promote active citizenship.
- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate and effective relationships with employees.
- To adhere to the Commissioners' Code of Conduct, Commissioner/Officer Protocol and the highest standards of behaviour in public office.

#### **18.2.3. Values and Principles**

(see Commissioner Role Description)



### **18.3. Chairperson of a Committee and Working Group Role Description**

**This Role Description outlines the main duties and responsibilities of Chairpersons of Committees and Working Groups, the specific Terms of Reference of each Committee and Working Group are contained in Sections (4 – 8).**

#### **18.3.1. Accountabilities**

- To the Board of Commissioners
- To the Commissioners of the Committee

#### **18.3.2. Role and Purpose of Activity**

##### **18.3.2.1. Provide leadership and direction**

- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.
- To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- To delegate actions to sub committees or working group as appropriate.

##### **18.3.2.2. Promoting the role of the Committee**

- To act as an ambassador for the Committee, facilitating understanding of the role.
- To act within the constitutional requirements to oversee the functions of the committee fairly and correctly.
- To ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice in the conduct of meetings.

##### **18.3.2.3. Internal governance, ethical standards and relationships**

- To develop the standing and integrity of the Committee and its decision making
- To understand the respective roles of Commissioners, officers and external parties operating within the Committee's area of responsibility.
- To promote and support good governance by Committees and Working Groups.

##### **18.3.2.4. Effective meeting management**

- To set agendas containing clear objectives and outcomes for the meeting
- To ensure that the necessary preparation is done in advance of the meeting
- To ensure that all participants have an opportunity to make an appropriate contribution
- To report on progress against the work programme to the Board of Commissioners.

18.3.3. **Values and Principles**  
(see Commissioner Role Description)