



Awdurdod Tan ac Achub
Canolbarth a Gorllewin Cymru
Mid and West Wales
Fire and Rescue Authority

The Constitution



Gwasanaeth Tân ac Achub
Canolbarth a Gorllewin Cymru
Mid and West Wales
Fire and Rescue Service

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Introduction

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

Background

The role of Mid and West Wales Fire and Rescue Authority is to perform all the duties and responsibilities of a Fire Authority in accordance with appropriate legislation and regulations, in particular:

- The Local Government (Wales) Act 1994.
- The Mid and West Wales (Combination Scheme) Order 1995¹ as amended (the Combination Order) which established the provision of a Combined Fire Authority covering the new County areas of Carmarthenshire, Ceredigion, Neath and Port Talbot, Pembrokeshire, Powys and Swansea.
- Fire and Rescue Services Act 2004.
- The Regulatory Reform (Fire Safety) Order 2005.
- Combined Fire and Rescue Services Schemes (variation) Wales Order 2009.
- Local Government (Wales) Measure 2009.
- The Equality Act 2010.
- Local Government (Wales) Measure 2011.
- Welsh Language (Wales) Measure 2011.
- The Wellbeing of Future Generations (Wales) Act 2015.
- Welsh Government's Fire and Rescue National Framework 2016.
- The Local Government and Elections (Wales) Act 2021.
- The Socio-economic Inequalities (Wales) Regulations 2021.

The Authority has a statutory obligation to maintain a Fire and Rescue Service capable of dealing effectively with calls for assistance in the case of fire and other emergencies.

¹ The Mid and West Wales Fire Services (Combination Scheme) Order 1995
<http://www.legislation.gov.uk/ukxi/1995/3229/schedule/made>

Decision Making

The Authority comprises of a maximum 25 Members appointed by the Constituent Authorities (Carmarthenshire, Ceredigion, Neath and Port Talbot, Pembrokeshire, Powys and Swansea) from amongst their own Membership, having regard both to the relative numbers of electors in the individual Constituent Authority areas and also to the requirement of political proportionality across the combined area. They take all major decisions in the full Authority meeting, or in an Authority Committee. The party or political grouping having the greatest overall number of seats on the Authority will also have proportionally more seats on all Committees with the seats on Committees generally being in the same proportion as the political composition of the whole Authority.

The Authority's role

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

The Authority's role is to deliver proactive preventative services; and reactive fire and rescue services to the people of mid and west Wales in an open, transparent and cost-effective way; acting in the best interests of mid and west Wales and its communities as a whole. In discharging its role Mid and West Wales Fire and Rescue Authority seeks to act for the greater good of all its Constituent Authorities and their communities, and in so doing places the collective wellbeing above individuals or particular group interests, in accordance with the best principles of democratic local government.

Operating within a framework laid down by the UK National and Welsh Government legislation, the Fire Authority discharges its functions by means of partnership working with the Fire Authority, its Members and Officers, operating under the guidance of the Chief Fire Officer.

Strategic and political leadership is given by and discharged through the Fire Authority and its various Committees, Panels and working groups, which enable Members to

decide issues affecting the running of the Fire Authority, in accordance with the principles of openness and democratic accountability.

The day to day management and delivery of the Fire Service's functions is carried out by Officers under the overall control and guidance of the Chief Fire Officer, who discharges these functions in accordance with the policy framework and the determinations of the Fire Authority and its Committees. In so doing, the Chief Fire Officer is assisted by the Executive Leadership Team.

Certain functions of the Fire Authority are delegated to Officers and are set out in Part 2 of the Constitution.

PART 1: GOVERNANCE

ARTICLE 1: The Constitution

1 The Constitution

1.1 The Authority's Powers

- 1.1.1 The Authority is committed to exercising its powers, duties and responsibilities:
- i. lawfully.
 - ii. fairly and equitably;
 - iii. openly and transparently;
 - iv. in keeping with the interests and aspirations of the community as a whole, taking account of local interests as appropriate; and
 - v. in line with this Constitution.

1.2 The Constitution

This document, with all its appendices, is the Constitution of the Mid and West Wales Fire and Rescue Authority, from henceforth referred to as the Authority.

1.2.1 Purpose of the Constitution

The purpose of the Constitution is to set out the governance of the Authority, and to regulate the way in which the Authority makes decisions and carries out its functions. It also sets out in a single document, in clear language, how the Authority operates and makes its decisions.

The Authority is committed to treating the English and Welsh language equally and is committed to discharging its functions bilingually where appropriate.

The Authority consults its stakeholders in a variety of ways to identify areas of most importance to users, to measure their satisfaction with its performance, and in so doing identifies areas for improvement. In the light of this process, the Authority has formulated its Vision, Mission and Values as included in its Corporate Plan, which is available on the Authority's website.

By working with the Constituent Authorities, partners and the community, the Authority's aim is to reflect community aspirations and to deliver high-quality, cost efficient, value-for-money services that are sensitive to community needs.

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

- i. encourage individuals and all sectors in the community to take an interest in, and participate in, decision-making;
- ii. enable Councillors to represent their constituencies, constituents and Constituent Authorities more effectively;
- iii. enable the Authority to work in partnership with all sectors of the community, whether as individuals or in a representative capacity;
- iv. make its decision-making process clear, effective, open and accountable;
- v. separate out responsibilities in a clear and unambiguous way, to ensure that those taking decisions are clearly identifiable and that the reasons for their decisions are given;
- vi. ensure that decisions can be reviewed or scrutinised.

1.2.2 Interpretation and Review of the Constitution

The Authority will regularly monitor and evaluate the operation of the Constitution. The primary responsibility for doing this on the Authority's behalf lies with the Clerk/Monitoring Officer in consultation with the Democratic Services Forum.

Only the Authority can change or amend the Constitution following a report by the Clerk/Monitoring Officer, except in cases where urgent changes are required by operation of law, or routine changes to reflect administrative practice, or changes to the operational or management structure of the Authority or Service.

1.3 **Code of Corporate Governance**

The Authority is responsible for ensuring that its business is conducted in accordance with the law and proper standards and that its expenditure is lawful and prudent. To this end the Authority has approved and adopted a Code of Corporate Governance, which embodies these principles and is set out within this Constitution.

ARTICLE 2 – MEMBERS OF THE AUTHORITY

2 Members of the Authority

2.1 Composition and Term of Office

2.1.1 Composition

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

2.1.2 Term of office

A Member of the Authority shall come in to office on the date of his/her appointment by their Constituent Authority, or the date stipulated in the appointment document and shall hold such office for such periods that shall be determined by the Constituent Authority which appoints him or her. The term of office will also be regulated by the provisions of the Combination Order 1995.

2.2 Role descriptions and functions of all Members

2.2.1 Members of the Fire Authority.

As a nominated elected Member of the Mid and West Wales Fire and Rescue Authority, each Member is expected to adhere to the relevant role description.

2.2.2 Chair of the Fire Authority.

The role and responsibility of the Chair of the Fire Authority is:

- i. to provide overall political leadership to the Authority;
- ii. to chair meetings of the Authority and to ensure its overall effectiveness;
- iii. to provide effective leadership in the development of the Authority's approved policies and strategies;
- iv. to act as the Authority's principal Member spokesperson at local, regional and national level;
- v. to seek to ensure that good working relationships are established with external public and private sector bodies and networks relevant to the efficient discharge of the Authority's functions;

- vi. to lead in the development of good working relationships between the leaders of political groups represented by the Authority;
- vii. to promote good working relationships between Members and Officers of the Authority so that Authority business is conducted in the most efficient and effective way;
- viii. to attend and represent the Authority on the National Issues Committee;
- ix. in urgent or exceptional circumstances to take all necessary steps (following consultation with the Clerk/Monitoring Officer) to protect or further the interests of the Authority.

2.2.3 Deputy Chair of the Authority.

The role and responsibilities of the Deputy Chair of the Authority is:

- i. to support the Chair of the Authority in discharging roles and responsibilities associated with the office of Chair;
- ii. to deputise for the Chair in his/her absence;
- iii. to chair the Democratic Services Forum working group;
- iv. to attend and represent the Authority on the National Issues Committee; and
- v. to chair the Scrutiny working group.

2.2.4 Party Group Leaders.

The role and responsibilities of the Group Leaders of the Authority are:

- i. to ensure their party contributes effectively, positively, and constructively to the Authority's activities;
- ii. to act as the principal political spokesperson for the political group; and
- iii. to provide leadership to their party group.

2.2.5 Chairs of Committees/Sub Committees, Panels and other bodies.

The roles and responsibilities of all Committees/Sub Committee and Other Bodies Panel Chairs are:

- i. to chair the Committee/Panel and ensure its overall effectiveness;
- ii. to have working knowledge of the Authority's relevant policies and strategies and to ensure he/she is sufficiently and effectively briefed by Officers on matters coming before the Committee/Panel;
- iii. to co-ordinate and manage the work of the Committee/Panel; and
- iv. to support the role of the Chair of the Authority in the development of policy, strategy and budget proposals.

2.2.6 All Committee, Panels and other bodies Deputy Chairs.

The roles and responsibilities of all Committee Deputy Chairs are:

- i. to support the Committee/Panel Chair in discharging the roles of the Chair; and
- ii. to deputise for the Committee/Panel Chair during any absence of the Chair.

2.2.7 All Authority Members.

The roles and responsibilities of all Authority Members are:

- i. to represent and promote the interests of the community;
- ii. to act as the prime link between the Authority and both the County Councils and the local community by providing information and feedback to and from, the County Councils and community;
- iii. to attend and participate in Authority meetings and working groups; supporting the Fire and Rescue Authority's key role of delivering services to the community; and providing strong local governance. This will focus the attention of elected Members on the following matters:
 - a. participating in developing and agreeing the Authority's budget and strategic policies, and in particular establishing the Authority's Corporate Plan; and
 - b. making appointments to Committees and to outside bodies, as the Constitution provides.
- iv. to undertake Membership, as required, of the Authority's Committees, Panels and working groups as set in the Constitution; and
- v. to undertake Membership of outside bodies as appointed by the Fire and Rescue Authority.

2.3 Rights and Duties

- #### 2.3.1
- All Members have rights of access to such documents, information, and Authority land and buildings as are necessary and lawful for them to perform their functions properly, in accordance with the Constitution.

2.3.2 A Member of the Authority may, only for the purposes of his/her duty as a Member, inspect any document which has been considered by a Committee, Scrutiny Panel or a Sub-Committee or by the Authority and shall, on request to the Clerk/Monitoring Officer of the Fire Authority, be given a copy of a document if practicable and allowed by law to enable them to discharge their duties. If a Member requests a report to a Committee/Panel of which they are not a Member this will be provided on a “need to know” basis only after consultation with the Clerk/Monitoring Officer to the Fire Authority and the Chair.

This is providing that the Members do not knowingly ask to see a document relating to a matter in which he/she is professionally interested, or in which he/she directly or indirectly has any prejudicial interest within the meaning of the Local Government Act 2000 and/or related to regulations or the Code of Conduct for Members. At any time the Clerk/Monitoring Officer to the Authority can refuse a request to see any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

2.3.3 All reports made or minutes kept by any Committee or Sub-Committee shall be open for the inspection of any Member of the Authority during office hours. All reports and minutes, unless exempt from publication, are also available on www.mawwfire.gov.uk/www.tancgc.gov.uk.

2.3.4 Subject to any statutory provision in that behalf, no Member of the Authority shall, without the consent of the Authority, be entitled to inspect any document in the custody of any Officer of the Authority if, in the opinion of that Officer and of the Clerk/Monitoring Officer, inspection of the document is not allowed by law, or if the document is of a confidential nature.

2.3.5 Members have a responsibility to act at all times and comply with the Code of Conduct for Members and within the context set out under the role descriptions that are relevant to them. In particular, they will not make public any information which is confidential or exempt, without the Authority's consent, or divulge information they were given in confidence to anyone other than a Councillor, Officer or other individual legally entitled to know it, and at all times will treat the public, fellow Members and Officers with respect and consideration.

- 2.3.6 Inspections of Lands, Premises etc. Members may visit any land or premises of the Authority subject to the following:
- i. They must firstly notify the person in control of the land or premises , or if a station, the County Commander, of their intention to visit in order to arrange a convenient time and at any time may not issue instruction to employees;
 - ii. Members should be aware of the requirement to act appropriately at all times and in particular in accordance with the protocol Inspection of Lands, Premises etc (Article 27) and the Code of Conduct for Members.
 - iii. Members should also be aware of and comply with the provisions regulating access to 'confidential' and 'exempt' information as defined in the Access to Information rules of this Constitution.

2.4 Appointment of Relatives of Members

A candidate for any appointment to the Service or Authority who knows that he/she is related to any Member of the Authority shall, when making application, disclose that relationship to the Chief Fire Officer and Clerk/Monitoring Officer. A candidate who fails to disclose such relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Each Members of the Authority shall disclose to the Clerk/Monitoring Officer every relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment under the Authority. The Clerk/Monitoring Officer shall report to the Authority and such disclosure made to him/her.

2.5 Failure to Attend Meetings

- i. Subject to the provisions of Section 85 Local Government Act 1972, and the Local Government and Elections (Wales) Act 2021, any Member failing to attend any meeting of the Authority or its Committees for a period of 6 months will be deemed to be in breach of their duty and the Clerk/Monitoring Officer shall report the breach to their Constituent Authority, with a view to the removal of the Member from the Authority, unless within that period the Member's absence is approved by the Authority, or in the view of the Chair (in consultation with the Clerk/Monitoring Officer) there are extenuating circumstances regarding the non-attendance.
- ii. The Clerk/Monitoring Officer will monitor absences from meetings and unless approval for any absence is given by the Authority, or there are extenuating circumstances, the failure will be reported to the Authority.

2.6 Conduct

At all times, Members will observe the Members' Code of Conduct and the Protocol for Members/Officers working arrangements, as set out within this Constitution.

2.7 Allowances

Any allowances Members will be entitled to receive will be in line with the Schedule of Members' Remuneration set out within this Constitution.

ARTICLE 3 – CITIZENS AND THE AUTHORITY

3 Citizens and the Authority

3.1 Citizens' Rights

3.1.1 Citizens have the following rights:

Access to information and participation is explained in more detail in the Access to Information rules within this Constitution.

3.1.2 **Information** - citizens have the right (subject to the Local Government and Elections (Wales) Act 2021) to:

- i. attend meetings of the Authority and its Committees, except during items where confidential or exempt information is likely to be disclosed (in which case the meeting is held in private);
- ii. see reports and background papers, and any records of decisions made by the Authority and its Committees allowable in law;
- iii. inspect the Authority's accounts and make their views known to the External Auditor.

3.1.3 **Participation and consultation** (subject to the Local Government and Elections (Wales) Act 2021)

- i. *Participation* - Citizens have the right to attend Authority and Committee meetings, but they must ensure that any matters they wish to raise relate to a matter on the Agenda and are brought to the Clerk/Monitoring Officer to the Fire Authority's attention in writing at least two clear working days before the date of the meeting. Citizen's involvement will be limited to a right to verbally address the Authority or Committee on any matter on the Agenda for 3 minutes per individual item, up to a maximum of 3 items per Agenda.
- ii. *Consultation* - Citizens can expect to be consulted on significant issues, on either a local or Authority wide basis, depending on the nature of the matter and its relative effect on the community and any legal restrictions upon consultation.

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

3.1.4 Complaints

Citizens have the right to complain to:

- i. the Authority, under its complaints scheme;
- ii. the Public Services Ombudsman for Wales, in cases of maladministration if after using the Authority's own complaints scheme, the citizen still remains dissatisfied with the Authority's response; and
- iii. the Public Services Ombudsman for Wales, concerning any alleged breach of the Members Code of Conduct.

3.2 **Citizens' Responsibilities**

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

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

ARTICLE 4 – THE ROLE OF THE AUTHORITY

4 The Role of the Authority

All decision-making powers are vested in the Fire Authority. These can either be exercised by the Authority or one of its Committees or delegated to individual Officers.

4.1 Functions reserved to the Authority

4.1.1 Only the Authority will exercise the following functions:

- i. Adopting and changing the Constitution. The Clerk/Monitoring Officer will have delegated power to amend the Constitution document in the light of any urgent relevant, legal, or procedural requirements, or routine changes at any time to reflect changes to the law or administrative practice, or changes to the operational or management structure of the Authority or Service, and all amendments must be reported to the Authority.
- ii. Approving the budget and issuing the levy.
- iii. Approving the Corporate Plan.
- iv. Agreeing and adopting the following plans and strategies ('policy framework'):
 - a. Revenue Budget and Capital Programme;
 - b. Treasury Management Strategy;
 - c. Asset Management Plan;
 - d. Annual Audit Report;
 - e. Capital Strategy Report.
- v. Agreeing or amending the terms of reference for Committees, Panels, working groups or any other bodies, deciding on their composition, and making appointments to them.
- vi. Appointing representatives to outside bodies.
- vii. Appointment of the Chief Fire Officer and overseeing the Appointments Committee recommendation for appointing the Section 151 Officer and the Clerk/Monitoring Officer.
- viii. Determining the level of, or any change in the level of remuneration to be paid to Chief Officers.
- ix. Making, amending, revoking, re-enacting or adopting by laws; and promoting or opposing the making of local legislation or personal Bills.
- x. Approving the Authority's Annual Statement of Accounts and authorising the signature of the accounts and letters of representation by the Chair and Chief Fire Officer

(unless appropriate to refer or deal with at a meeting of the Performance, Audit and Scrutiny Committee).

- xi. Approving the Authority's Governance Statement and authorising signature of the statement by the Chief Fire Officer and Chair of Performance Audit and Scrutiny Committee.
- xii. All other matters which, by law, must be reserved to the Authority.
- xiii. To make arrangements for the proper administration of financial affairs.
- xiv. To appoint Authority Officers for particular purposes (appointment of "proper Officers").
- xv. Duty to designate Officers as the Clerk/Monitoring Officer and the Section 151 Officer.
- xvi. The Authority will also:
 - a. receive reports from the Head of Paid Service, the Section 151 Officer and the Clerk/Monitoring Officer, on such matters as those Officers consider should be brought before the Authority;
 - b. consider and agree reports as appropriate from the Standards Committee; and
 - c. receive such other reports as may be appropriate in accordance with the Authority's Constitution.
- xvii. To delegate the discharge of appropriate Authority functions to specific Officers.
- xviii. To act as an appeal Committee where appropriate in relation to decisions of the Investigating and Disciplinary Committee under the relevant disciplinary policies.
- xix. To consider all issues in relation to Member Development and Training and the Wales Charter for Member Support and Development, including receiving reports from the Democratic Services Forum.

4.2 Authority meetings

There are three types of Authority meetings:

- i. The Annual General Meeting;
- ii. Ordinary meetings; and
- iii. Extraordinary General meetings.

These meetings will be conducted in line with the Authority's Standing Orders set out within this Constitution.

ARTICLE 5 – CHAIRING OF THE FIRE AND RESCUE AUTHORITY

5 Chairing of the Fire and Rescue Authority

5.1 Electing the Chair and Deputy Chair of the Authority

5.1.1 The Chair and Deputy Chair of the Fire Authority will be elected by Members at the Annual General Meeting. The Chair and, if a Deputy Chair is elected, the Deputy Chair, shall, subject to the Authority Procedure Rules, and being re – elected at the Annual General Meeting, hold office for a period of two years, with the Deputy Chair following the Chair into Office.

5.1.2 The outgoing Chair shall preside at the election of the incoming chair at the Annual General Meeting of the Fire Authority. An existing Chair cannot preside over their election. In this situation the role will be undertaken by the Clerk/Monitoring Officer.

5.1.3 Each Chair and Deputy Chair will be selected by rotation from each Constituent Authority over a twelve-year period, and nominations from each Authority will normally be in accordance with the seniority in terms of years served as a Councillor with the Fire Authority, as follows:

- Ceredigion
- Swansea
- Carmarthenshire
- Powys
- Pembrokeshire
- Neath Port Talbot

5.2 Roles and functions of the Chair and Deputy Chair of the Authority

5.2.1 The Chair of the Authority, and in his/her absence the Deputy Chair, will have the following roles and functions:

Chairing the Fire and Rescue Authority Meeting - The Chair will preside impartially over Authority meetings and ensure that they are conducted in line with the Standing Orders of the Authority (as set out in the Authority Procedure Rules within this Constitution), and that the proceedings are conducted openly and with dignity, and are an effective forum for debate and decision making.

5.2.2 Additional responsibilities:

- i. to ensure that the Authority meeting is a forum for debating matters of concern to the local community, and the place at which Members - especially those who do not chair Committees - are able to hold those chairing Committees to account;
- ii. to promote public involvement in the Authority's activities;
- iii. to represent and promote the Authority at appropriate civic and ceremonial functions;
- iv. to uphold and interpret the Constitution;
- v. to serve as a Member of the Wales Fire Services Forum (with the Deputy-Chair of the Authority and Chief Fire Officer), the National Issues Committee and other outside bodies and to represent the Fire Authority in meetings with Ministers and representatives of the U.K and Welsh Government.
- vi. In urgent or exceptional circumstances, take all necessary steps (following consultation with the Clerk / Monitoring Officer), to protect or further the interests of the Authority; and to act on behalf of the entire Fire Authority. Any such urgent actions should be reported to the next available Fire Authority meeting.
- vii. To meet with the Chief Fire Officer periodically to discuss matters of relevance to the Fire Authority, including (but not restricted to) the following:
 - a. Matters involving service delivery.
 - b. Matters of public concern.
 - c. Forthcoming civic events, or proposed visits by the Chair to Fire Authority premises.
 - d. Forthcoming meetings of the Fire Authority or it's Committees.
 - e. Forthcoming press releases or media interaction on behalf of the Fire Authority.
 - f. Matters of administration raised by the Chair or Chief Fire Officer, which are beyond the remit of Corporate Communications and Business Development.

These responsibilities are further set out within the relevant Member role descriptions (Article 2 of this Constitution).

5.2.3 The Chair represents the political and civic function of the Authority. The Chair should not be involved in the day to day management of the Service, particularly matters regarding employment of staff, which is the function of the Chief Fire Officer.

5.2.4 Any correspondence or communications received by the chair relating to the management of the Service should be acknowledged, but then referred to the appropriate Officer unless marked or considered confidential by the Chair who will then deal with it in the appropriate way.

However, the Chair can and should hold Officers to account by means of the decision making and scrutiny structures of the Authority when appropriate.

5.2.5 The Chair should make him/herself available for frequent communication with the Corporate Communications and Business Development department to ensure smooth and efficient operating of the role.

5.2.6 Any proposed press statement to be made by the Chair in his/her role as Chair of the Authority should be discussed with the Service's Corporate Communications team before release.

ARTICLE 6 - RESOURCE MANAGEMENT COMMITTEE

6 Resource Management Committee (RMC)

6.1 Remit

The Resource Management Committee is responsible for the effective management of the resources of the Fire Authority, in particular managing and developing the financial, human and property resources of the Authority together with its procurement, Information and Communication Technology (ICT), human resources and transport functions and its engagement with stakeholders.

6.2 Composition

This Committee is made up of 15 Members and representation will bear the same proportionality as the political composition of the whole Authority and will seek to reflect the Membership of its Constituent Authorities.

6.3 Quorum

The quorum for the Committee shall be 5.

6.4 Terms of Reference

The terms of reference of the Committee are as follows:

- i. To consider the detailed budget requirement of the Authority, along with the observations of the Constituent Authorities, and to make recommendations thereon to the full Fire Authority.
- ii. To consider the financial aspects of all matters and projects specifically referred to the Committee, to monitor income and expenditure during the financial year and to report on such monitoring to the Fire Authority if necessary.
- iii. To consider all relevant matters relating to Land and Property management.
- iv. To consider all relevant matters relating to Procurement, Information Communication Technology, Transport relevant to the Authority.
- v. To consider and to submit to the Authority: Financial Regulations for the control and management of the Authority's finances and any amendments thereto.
- vi. To consider and to make recommendations to the Fire Authority in relation to all capital expenditure and the revenue consequences arising there from and methods of financing.

- vii. To exercise, on behalf of the Authority, its powers in relation to the following matters, other than those delegated to specific Officers:
 - a. Routine financial matters and, in particular, the authorisation of payments not otherwise dealt with.
 - b. The management of all funds and investments and the supervision of banking arrangements.
 - c. Supervision of raising loans.
 - d. Insurances and Risk Management issues.
 - e. Any other matters specifically referred to the Committee by the Authority.
- viii. To consider reports from the Chief Fire Officer and nominated Officers on matters relating to Local and National Conditions of Service, as appropriate, for all employees of the Authority and to make determinations thereon.
- ix. To make arrangements to undertake consultations with the representative bodies on strategic matters and to arbitrate upon disputes, as appropriate. This will usually take place by convening meetings of the Joint Consultative Forum, whose terms of reference are set out within this Constitution.
- x. To monitor the implementation of the Service's Equal Opportunities Policy and to receive reports thereon from the Chief Fire Officer and nominated Officers.
- xi. To consider reports from the Chief Fire Officer and nominated Officers upon the operation of the Service's Sickness and Absence Monitoring Policy.
- xii. To consider reports from the Chief Fire Officer and nominated Officers relating to National and Local recruitment campaigns.
- xiii. To consider reports from the Chief Fire Officer and nominated Officers on learning and development and workforce planning activities.
- xiv. To consider reports from the Chief Fire Officer and nominated Officers on the Service's Health and Safety/Risk Management Strategy.
- xv. Any other matters specifically referred to the Committee by the Authority.

ARTICLE 7 - PERFORMANCE, AUDIT AND SCRUTINY COMMITTEE

7 Performance Audit and Scrutiny Committee (PASC)

7.1 Remit

The Performance Audit and Scrutiny Committee (PASC) is responsible for demonstrating the Authority's commitment to efficient and effective deployment of public resources and the attainment of performance targets.

7.2 Composition

PASC is made up of 15 Members and representation bears the same proportionality as the political composition of the whole Authority and will seek to reflect the Membership of its Constituent Authorities.

7.3 Quorum

The quorum for the Committee shall be 5.

7.4 Terms of Reference

PASC will assist the Authority in policy development issues relating to overall strategy, policy and co-ordination, and scrutiny of performance across all of the Authority's functions; and the direction and use of resources.

The terms of reference for PASC are as follows:

- i. Audit (both internal and external);
- ii. Performance Management;
- iii. Scrutiny; and
- iv. Risk Management.

7.4.1 Audit Activity

- i. To commission work from internal and external audit and approve the respective annual plans and associated fees.

- ii. To consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Authority's corporate governance arrangements.
- iii. To consider summaries of specific internal audit reports as requested.
- iv. To consider reports dealing with the management and performance of the providers of internal audit services.
- v. To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- vi. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- vii. To consider specific reports as agreed with the external auditor.
- viii. To comment on the scope and depth of external audit work and to ensure it gives value for money.
- ix. To liaise with Audit Wales over the appointment of the Authority's external auditor.
- x. To monitor Authority procedures on Whistleblowing / Protected Disclosures and the Anti-Fraud and Anti-Corruption Policy and Corporate Criminal Offence Policy.
- xi. To approve and oversee the production of the Authority's Statement of Assurance and recommend it to the Authority.
- xii. To consider the Authority's arrangements for corporate governance and agree necessary actions to ensure compliance with best practice, including overseeing and approving the Authority's Code of Corporate Governance.
- xiii. To consider the Authority's compliance with its own and other published standards and controls.
- xiv. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
- xv. To consider and note the draft statement of accounts during the audit period.
- xvi. To recommend to the Fire Authority the audited Annual Statement of Accounts and, in appropriate circumstances approve the Authority's Annual Statement of Accounts and authorising the signature of the accounts by the Chair and Chief Fire Officer.

7.4.2 Performance Management

- i. To develop and oversee the development of an appropriate performance monitoring framework.
- ii. To establish performance review systems and targets and ensure that they are implemented and monitored for use by the Authority.

- iii. To promote a focus on performance targets and the validation of the underpinning data.
- iv. To advise on the setting of relevant performance indicators and targets in annual plans and corporate strategies.
- v. To develop the Authority's scrutiny role in looking at areas of performance in need of improvement.
- vi. To ensure delivery of the Authority's Corporate Plan, including the Service's Strategic Aims and Annual Improvement and Wellbeing Objectives.
- vii. To receive all external reports on the performance of the Authority, consider and recommend to the Authority action plans relating to these reports and to monitor progress against approved action plans.
- viii. To receive annual reports on complaints, compliments and Freedom of Information requests in accordance with the Code of Corporate Governance.
- ix. To consider all matters relating to the implementation and management of the Authority's Welsh Language Standards.

7.4.3 Scrutiny

- i. The Scrutiny function will be discharged by the Scrutiny working group, and the Performance, Audit and Scrutiny Committee will set a scrutiny timetable for this process, and relevant reports will be submitted to Performance Audit and Scrutiny Committee periodically.
- ii. Scrutinise the Service's Strategic Aims and Annual Improvement and Wellbeing Objectives, as set out in the Authority's Corporate Plan.
- iii. Receive and consider periodic performance reports following consideration by the Executive and Service Leadership Teams.

7.4.4 Risk Management

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

ARTICLE 8: THE APPOINTMENTS COMMITTEE

8 Appointments Committee

8.1 Remit

8.1.1 The Appointments Committee interviews and appoints the Deputy Chief Fire Officer, Section 151 Officer and the Clerk/Monitoring Officer). Formal designation of those Officers is reserved to the full Fire Authority. The appointment of the Chief Fire Officer is reserved to the full Fire Authority.

8.1.2 The posts of Assistant Chief Fire Officers will be shortlisted by the Chief Fire Officer, in consultation with the Chair of the Fire Authority and Chair of Resource Management Committee, or their deputies if required.

8.1.3 The posts of Assistant Chief Fire Officers will be appointed by the Chief Fire Officer, in consultation with the Chair of the Fire Authority and Chair of Resource Management Committee, or their deputies if required.

8.1.4 All Chief Officer appointments shall be publicly advertised (except in relation to interim appointments up to 12 months).

8.2 Composition

8.2.1 The Committee will consist of 10 Members and representation on the Committee will bear the same proportionality as the overall political composition of the whole Authority. Specific post holders appointed to the Committee are the Chair of the Authority, Deputy Chair of the Authority, the Chairs of Performance Audit and Scrutiny, Resource Management Committee, Leader of the Labour Group and Leader of the Coalition Alliance Group, together with 4 other Members to maintain political proportionality. (Dependent on the political affiliation of the specifically appointed Chairs on to the Committee, there may be a need from time to time to review the composition of the Committee to maintain political proportionality).

8.2.2 The Committee shall from its Membership set up a Shortlisting Panel, consisting of 6 Members, for the specific purpose of shortlisting potential candidates for subsequent interview by the Committee or Fire Authority. The Panel shall be politically balanced and consist of the Chair and Deputy Chair of the Authority, the Chairs of Performance Audit and Scrutiny, and the Resource Management Committees together with the Leader of the Labour Group and Leader of the Coalition Alliance Group.

8.3 Quorum

The quorum for the Panel and the Committee shall be three Members.

8.4 Substitution

Substitution shall be permitted in respect of both the Committee and the Panel from Members of the appropriate political group.

8.5 Chair of the Appointments Committee

The Chair of the Appointments Committee will be the Chair of the Fire Authority.

ARTICLE 9: THE STANDARDS COMMITTEE

9 Standards Committee

9.1 Remit

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

The Standards Committee also has a range of functions relating to the Members' Code of Conduct.

9.2 Composition

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

9.3 Role and function

The Standards Committee will have the following roles and functions:

- i. Promoting and maintaining high standards of conduct by Councillors/Independent Members.
- ii. Assisting to observe and monitor the operation of the Members' Code of Conduct.
- iii. Advising the Authority on adopting or revising the Members' Code of Conduct or other Authority internal procedures relating to Members, including Standing Orders and any other procedures regulating the conduct of meetings.
- iv. Advising, training or arranging to train Councillors and Independent Members on matters relating to the Members' Code of Conduct.
- v. Granting dispensations from requirements relating to interests set out in the Members' Code of Conduct.
- vi. Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Clerk/Monitoring Officer on any matter which is referred to that Officer by the Public Services Ombudsman.
- vii. Considering Public Services Ombudsman matters.
- viii. Overseeing the Authority's 'whistle-blowing' procedure.

- ix. To oversee the protocols relating to the Authority's register for declarations of interest by Members and the register for the recording of gifts and hospitality, as brought to Committee's attention by the Clerk/Monitoring Officer.
- x. To receive an annual report on the Authority's Compliments, Complaints and Comments procedure.
- xi. To consider and act upon any matters relating to probity, ethics and the Code of Conduct as deemed appropriate, including the review and application of the self-regulatory protocol, and the local resolution Panel.

9.4 Quorum

The quorum shall be:

- i. At least three Members are present, including the Chair;
- ii. At least half the Members present (including the Chair) are independent Members;
- iii. (As provided by the Standards Committee (Wales) Regulations 2001²; and the Standards Committees (Wales) (Amendment) Regulations 2006³).

9.5 Self-Regulatory Protocol

The Standards Committee have a responsibility for promoting and maintaining high standards of conduct by Councillors and advising the Authority on adopting or revising the Members Code of Conduct or other Authority internal procedures relating to Members, including Standing orders and any other procedures regulating the conduct of meetings.

The Self-Regulatory Protocol for the local resolution of complaints set out at Article 23.2 aims to enhance the effective governance and fulfilment of the role of the Standards Committee by providing an internal mediation processes which is designed to strengthen accountability for Member behaviour and to reduce the number of referrals to the Public Services Ombudsman for Wales of relatively low level matters.

² The Standards Committee (Wales) Regulations 2001,
<http://www.legislation.gov.uk/wsi/2001/2283/contents/made>

³ The Standards Committee (Wales) (Amendment) Regulations 2006,
<http://www.legislation.gov.uk/wsi/2006/1849/contents/made>

ARTICLE 10 - INVESTIGATING, DISCIPLINARY AND DISPUTES

10 Investigating, Disciplinary and Disputes

10.1 Investigating, Disciplinary and Disputes Committee (IDDC)

10.1.1 Remit

The IDDC will consider and determine all matters referred to it under the Authority's Discipline Policy HR-6.20 for the Head of Paid Service/Chief Fire Officer, Clerk/Monitoring Officer to the Authority and Section 151 Officer and also referred to it under Policy HR-6.21 for Brigade Managers up to and including a Deputy Chief Fire Officer, together with matters relating to Pension Disputes (via Internal Dispute Resolution Procedures) and other appropriate matters. The IDDC will have full delegated powers to take all appropriate and necessary disciplinary or related action.

10.1.2 Composition

The IDDC will be a politically balanced Committee of 5 Members comprising of:

- i. The Deputy Chair of the Authority.
- ii. The Chair of the Resource Management Committee.
- iii. Three other Members selected to achieve political balance reflecting that of the Authority as a whole.
- iv. The Committee will be chaired by the Deputy Chair of the Authority.

10.1.3 Quorum

The quorum for the IDDC will be three.

10.1.4 Role and Function

The IDDC will consider and determine all matters referred to it under the Authority's Discipline Policy HR-6.20 for the Head of Paid Service/Chief Fire Officer, Clerk/Monitoring Officer to the Authority and Section 151 Officer, and HR- 6.21 for Brigade Managers up to and including a Deputy Chief Fire Officer, together with matters relating to Pension Disputes received under the Authority's Internal Dispute

Resolution Procedures and other appropriate matters. The IDDC will have full delegated powers to take all appropriate and necessary disciplinary or related action.

The powers of the IDDC and the procedures governing the exercise of such powers are set out in the policies HR-6.20 and HR-6.21 and are also contained in the Internal Dispute Resolution Procedures or in any other relevant policies that may be adopted by the Authority at any time.

10.2 The Investigation, Disciplinary and Disputes Appeals Committee (IDDAC)

10.2.1 Remit

The IDDAC will hear appeals against action taken short of dismissal and to take a decision to either confirm the action or award or sanction or a lesser sanction than that of dismissal.

10.2.2 Composition

The IDDAC will be a politically balanced Committee made up of between 3 and 5 Members including:-

- i. Chair of the Fire Authority.
- ii. Deputy Chair of the Resource Management Committee.
- iii. Three Members selected to achieve political balance reflecting that of the Authority as a whole.
- iv. The IDDAC will be chaired by the Chair of the Authority.

10.2.3 Quorum

The quorum of the IDDAC will be three.

10.2.4 Role and Function

The IDDAC will hear appeals against action taken short of dismissal and to take a decision to either confirm the action or award or sanction or a lesser sanction than that of dismissal. The IDDAC will have full delegated powers to take all appropriate disciplinary or related action other than dismissal.

10.3 APPEALS AGAINST DISMISSAL

- 10.3.1 If the IDDAC decides it is appropriate to dismiss an individual then this will then take the form of a recommendation to dismiss which is then made to the Fire Authority, which will then consider a report from the IDDAC setting out the findings of the Designated Independent Person and the recommendation of the IDDAC.
- 10.3.2 The consideration of the Fire Authority will take the form of a review of the case and the recommendation to dismiss.
- 10.3.3 At all stages an Officer will have the opportunity to be accompanied by a representative and to put forward their case before a decision is reached.
- 10.3.4 The hearing before the Fire Authority will also fulfil the statutory appeal function. No Members who have previously considered the current matter will be allowed to participate in the hearing before the Fire Authority.
- 10.3.5 The powers of the IDDAC and of the Fire Authority in this context and the procedures governing the exercise of such powers are set out in the HR-6.20 policy and in any other relevant policies that may be adopted by the Authority at any time.

ARTICLE 11 - CHIEF OFFICERS' REMUNERATION COMMITTEE

11 Chief Officers' Remuneration Committee

11.1 Remit

The Chief Officers' Remuneration Committee shall meet to review the remuneration of Chief Officers and performance of the Chief Fire Officer and to set targets for his/her performance and development and make recommendations thereon to the Fire Authority.

11.2 Composition

The Chief Officers' Remuneration Committee has 5 Members and will be made up of the Chair and Deputy Chair of the Authority, the Chair of the Resource Management Committee, Leader of the Labour Group and Leader of the Coalition Alliance Group. The Chair of the Authority shall chair the Chief Officers' Remuneration Committee.

11.3 Quorum

The quorum shall be three.

11.4 Role and Function

11.4.1 The Chief Officers' Remuneration Committee shall meet to review the performance of Chief Fire Officer and to set targets for his/her performance and development, in particular with regard to the following areas:

- i. Delivering Services
- ii. Setting Strategic Direction
- iii. Organisational Change
- iv. Partnership Working
- v. Sustainability
- vi. Community and Service Leadership
- vii. Personal and Team Skills

- 11.4.2 The Chief Officers' Remuneration Committee shall meet at least twice a year and will appraise performance in the light of the targets agreed. If the Chief Fire Officer is engaged on a fixed term contract, then in appropriate circumstances the Committee will consider the performance of the Chief Fire Officer for the purpose of renewing a fixed-term contract, in accordance with any arrangements agreed by the Fire Authority.
- 11.4.3 The Chief Officers' Remuneration Committee will be responsible for considering and reviewing any Independent Pay Reviews undertaken within the guidelines of National Joint Council (NJC) directives, for Chief Fire Officers (Brigade Managers and/or Officers covered by Gold Book Conditions of Service for pay purposes), together with any contractual arrangements relating to Chief Officer's entered into following any appointment by the Fire Authority, and if appropriate making recommendation to Fire Authority on their review or application.
- 11.4.4 The Chief Officers' Remuneration Committee will also consider any local pay claims submitted by Chief Officers in line with Gold Book Conditions of Service and make a recommendation regarding the pay and remuneration of Chief Officer's as outlined above to the Fire Authority.
- 11.4.5 In appropriate circumstances the Fire Authority may make determinations without the need for recommendation from the Chief Officers Remuneration Committee.
- 11.4.6 The Chief Fire Officer will conduct the appropriate performance assessments for the other Chief Officers.

ARTICLE 12 – WORKING GROUPS, PANELS AND OTHER FORA

12 Working Groups, Panels and Other Fora

12.1 Democratic Services Forum (DSF)

12.1.1 The DSF is Chaired by the Deputy Chair of the Authority and consists of 10 Members, comprising of the Chair of the Authority, the Deputy Chair, Chair of Resource Management Committee, Chair of Performance Audit and Scrutiny Committee and a Member from each of the 6 Constituent Authority areas other than the aforementioned. The forum will seek to maintain political balance for its Membership.

12.1.2 Members will meet on dates agreed to consider issues within the remit of the forum. The DSF will meet bi-annually and will be chaired by the Deputy Chair of the Authority.

12.1.3 Terms of Reference

- i. To consider the role and function of Members on the Authority and ways of improving Member participation, effectiveness and engagement in the various functions of the Authority.
- ii. To consider training and development of Members.
- iii. To consider joint working with other bodies.
- iv. To consider and address issues of Member support and provision of services to Members.
- v. To consider Member Officer relationships and the working environment.
- vi. To consider and develop the administrative processes and improvements in working within the Authority.
- vii. To forward plan agenda items for Committee meetings.
- viii. To receive reports from the Clerk/Monitoring Officer concerning amendments to the Authority's Constitution and make recommendations to the Authority as appropriate.
- ix. To act as a "sounding board" for improvements.

12.1.4 The role of the DSF is to consider and deliberate upon matters within its terms of reference and if appropriate make recommendations to the relevant decision-making body or Officers for implementation. The forum is an internal working group of the Authority and is not open to the public. The forum may invite other Members or Officers to attend as appropriate to help in its deliberations.

12.2 Scrutiny working group

12.2.1 The composition of the Scrutiny working group comprises of all Members of Performance Audit and Scrutiny Committee (PASC), and any other Member who by virtue of their experience, expertise or interest that the Chair of PASC deems appropriate to invite to participate. The Scrutiny working group will be chaired by the Chair of PASC.

12.2.2 Members will meet on dates agreed to undertake scrutiny of functions as identified in the scrutiny timetable agreed by the Performance Audit and Scrutiny Committee annually.

12.2.3 Terms of Reference

- i. The group will scrutinise, measure and actively promote improvement in the Fire Authority's performance in the provision of its services and in compliance with its policies, aims and objectives in all areas.
- ii. To scrutinise and consider partnership working with external organisations including other Fire Authorities and Welsh Government.
- iii. To report to the Performance Audit and Scrutiny Committee (PASC) findings including making recommendations necessary to enhance or improve performance in a particular area of its operation.
- iv. To question Members, employees or other individuals, including Members of the public and external organisations in relation to their activities and to gather evidence on particular matters under consideration.

12.3 Joint Consultative Forum

12.3.1 Terms of Reference

The forum should consist of 18 Members made up as follows:

Representation from the Authority should include:

- i. Chair of the Authority;

- ii. Deputy Chair of the Authority;
- iii. 2 x Members of the Resource Management Committee;
- iv. The Deputy Chief Fire Officer as Head of Workforce negotiation and 2 x Principal Officers at the discretion of the Deputy Chief Fire Officer;
- v. Corporate Head of Resources;
- vi. Head of Human Resources.

Representation from Staff should include:

- vii. 3 x Fire Brigade Union (FBU) Representatives;
- viii. 1 x Unison representative;
- ix. 1 x General and Municipal Boiler Makers (GMB) representative;
- x. Chair and Secretary of the Fire and Rescue Services Association (FRSA) representative;
- xi. Chair and Secretary of the Fire Officers Association (FOA).

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

12.3.3 With the agreement of both the Chair and Deputy Chair of the Joint Consultative Forum, individuals may be co-opted onto the Forum if they feel that a specialist opinion is needed, e.g. Head of Finance, Head of ICT, etc. A co-opted Member shall not have the power to vote and their attendance may be limited to specific topics at the direction of the Chair and Deputy Chair of the Joint Consultative Forum. The Chair and Deputy Chair shall hold office for two municipal years. The Chair and Deputy Chair shall be appointed by the Joint Consultative Forum at the first meeting in every municipal year and shall hold office until the first meeting in the following year. Both the office of the Chair as well as that of the Deputy Chair shall alternate annually between Members of the Authority side and the staff side. If the Chair appointed is from the Authority side, the Deputy Chair shall be appointed from the Staff Side and vice versa. The Chair of a meeting shall not have a casting vote.

12.3.4 The quorum for the meeting will be 5 Members, which must compromise at least two one from Authority side and the staff side.

12.3.5 Purpose:

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

12.3.6 Powers:

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

12.3.7 Frequency of meetings:

- i. The Joint Consultative Forum shall meet at least twice once a year to consider issues involving different employee sectors, but will also meet on an ad-hoc basis upon the request of either the Authority or Staff Side. Such meetings should normally take place following a meeting of the Authority or its Resource Management Committees or at any other time deemed appropriate.
- ii. If necessary and subject to the approval of both the Chair and Deputy Chair of the Joint Consultative Forum, an additional meeting may be called to discuss urgent matters or to report any decisions made on urgent matters. In extraordinary circumstances an information bulletin may be sent to all Joint Consultative Forum Members.

12.3.8 Secretarial Arrangements

- i. The agenda consist of items submitted by Joint Consultative Forum Members. Each item will include a brief description in the agenda and will be supported by relevant

information where appropriate. Matters for discussion will be limited to those specified on the agenda. The agenda will be circulated not less than three clear working days before a meeting by the Democratic Services Officer.

- ii. Minutes will be taken by the Democratic Services Officer and draft minutes will be circulated to the Joint Consultative Forum's Chair and Deputy Chair for comments/observations prior to distribution via e-mail to relevant parties.

12.3.9 Subjects not suitable for discussion by Joint Consultative Forum

It is not intended that this Consultative Body should become a means of by-passing the Service's existing procedures (e.g. departmental meetings, grievance procedure). Any matter which can be adequately dealt with by a Departmental Manager, Human Resources representative or any other appropriate person should not appear on the Joint Consultative Forum agenda. This Consultative Body should also not be used for matters that should be considered or dealt with in the recognised Consultation and Negotiation Meetings that take place between Management and individual Representative Bodies.

12.4 **Local Pension Board**

12.4.1 The purpose of this document is to set out the Terms of Reference for the Local Pension Board (Pension Board) of Mid and West Wales Fire and Rescue Authority as required by the Public Service Pensions Act 2013 and the Local Government (Amendment) (Governance) Regulations 2014.

12.4.2 The Pension Board will exercise all its powers and duties in accordance with the law and the Terms of Reference.

12.4.3 The Pension Board shall consist of 9 Members, including 4 Employer Representatives, 4 Scheme Member representatives, and an Independent Member/Chair.

12.4.4 Mid and West Wales Fire and Rescue Authority, as the Scheme Manager (Administering Authority) shall provide the required support services for the operation and discharge of duties of the Pension Board.

12.4.5 The Administering Authority and the Pension Board shall, so far as is reasonably practicable, ensure at all times that Pension Board Memberships meets the requirements of the legislation and the appointed Members have the skills, knowledge, and capacity necessary for the Pension Board to discharge its functions effectively.

12.4.6 The Pension Board is providing oversight and assistance to the Scheme Manager. Accordingly, the Pension Board is not a decision making body in relation to scheme management and administration but merely makes recommendations to assist in such activities.

12.4.7 Role of the Pension Board

The role of the Pension Board as defined by Sections 5(1) and (2) of the Public Service Pensions Act 2013, is to assist Mid and West Wales Fire and Rescue Authority in its role as Scheme Manager, in particular:

- i. to secure compliance with the Firefighters' Pension Scheme(s) regulations and other legislation relating to the governance and administration of the Firefighters' Pension Scheme(s);
- ii. to secure compliance with requirements imposed in relation to the Firefighters' Pension Scheme(s) by the Pensions Regulator;
- iii. secure the effective and efficient governance and administration of the Firefighters' Pension Schemes;
- iv. in such other matters as the Firefighters' Pension Scheme regulations may specify;
- v. in undertaking any relevant work as requested.

The role of the Pension Board will be confined to oversight of these matters and not decision making.

12.4.7.1 The Pension Board will provide the Scheme Manager with such information as it requires to ensure that any Member of the Pension Board or person to be appointed to it does not have a conflict of interest.

- 12.4.7.2 The Pension Board will help ensure that administration of the Firefighters' Pension Scheme(s) complies with the Code of Practice on governance and administration of public sector pension schemes issued by the Pensions Regulator. The Pension Board will also ensure that it complies with the knowledge and understanding requirements in the Code of Practice, which is available on the Local Pension Board website.
- 12.4.7.3 Board minutes of each meeting to be emailed to Fire Authority Members and make reports and recommendations to the Fire Authority insofar as they relate to the role of the Pension Board. Normal Fire Authority reporting timescales will apply.
- 12.4.7.4 An annual report of the Pension Board (as prepared by the Independent Member/Chair), must be provided to the Fire Authority.
- 12.4.7.5 The Pension Board shall deal with any complaint or allegation of a breach of the Regulations brought to the attention of Board in accordance with the Code of Practice as published by the Pensions Regulator.
- 12.4.8 Membership of the Pension Board
- 12.4.8.1 The Pension Board shall consist of 9 Members and be constituted as follows:
- i. 4 Employer Representatives
 - ii. 4 Scheme Member Representatives
 - iii. 1 Independent Member / Chair
- Named substitutes will be permitted and will be required to attend training events and will receive all paperwork for each meeting.
- 12.4.8.2 The Scheme Manager shall make appropriate arrangements for the establishment of the Membership of the Pension Board.
- 12.4.8.3 No elected Member or Officer of the Scheme Manager who is responsible for the discharge of any function for the Firefighters' Pension Scheme(s) may be a Member of the Mid and West Wales Fire and Rescue Authority Local Pension Board.

- 12.4.8.4 The Scheme Manager must be satisfied that:
- i. a person to be appointed to the Pension Board as an Employer Representative has the capacity (i.e time and resources) to represent the employer on the Pension Board; and
 - ii. a person to be appointed as a Scheme Member Representative has the capacity to represent Members on the Pension Boards; and
 - iii. a person to be appointed as an Independent Member / Chair has the capacity to fulfil this role on the Pension Board.
- 12.4.8.5 Each Employer Representative and Scheme Member Representative will have an individual voting right.
- 12.4.8.6 The Scheme Manager must be satisfied that any person to be appointed as a Member of the Pension Board does not have a conflict of interest.
- 12.4.8.7 Pension Board Members must endeavour to attend all Pension Board meetings and meet key attendance and training requirements to retain their Membership during the period of their appointment to the Pension Board.
- 12.4.9 Membership: Appointment of Employer Representatives.
- 12.4.9.1 For the purpose of appointing employer representatives to the Board, nominations will be sought from all Fire and Rescue Authority Elected Members for two representatives who meet an agreed person specification criteria.
- 12.4.9.2 Two further Employer Representatives will be selected from applications invited from eligible Officers. The closing date for applications will be a minimum of 2 weeks from date of advert.
- 12.4.9.3 Application packs will be prepared and made available to those who request an application form.

- 12.4.9.4 The applications will be evaluated by the Scheme Manager against an agreed person specification criteria. In such circumstances, the maximum number of Officer representatives will be 2 to ensure at least 2 Elected Member represents the employer on the Pension Board.

- 12.4.10 Membership: Appointment of Scheme Member Representatives
 - 12.4.10.1 Scheme Member Representatives will be selected through an advertised appointment process to ensure that all Members within the Firefighters' Pension Scheme(s) must have an equal opportunity to be considered for the role of Scheme Member Representative.

 - 12.4.10.2 A closing date for applications will be a minimum of 2 weeks from date of advert.

 - 12.4.10.3 Application packs will be prepared and made available to those who request an application form.

 - 12.4.10.4 The applications will be evaluated by the Scheme Manager against agreed person specification criteria and short-listed accordingly.

- 12.4.11 Membership: Appointment of Independent Member / Chair.
 - 12.4.11.1 Given the specialist knowledge and requirements of this role, it is considered appropriate that the Scheme Manager appoint a professional independent chair. Appropriate individuals will be contacted about their interest in the role and interested candidates will be assessed via a competitive process. The Scheme Manager will appoint the most appropriate candidate.

- 12.4.12 Term of Office.
 - 12.4.12.1 The Employer Representatives are appointed for a 3 year period from the date they are appointed to the Pension Board. This period may be extended by up to 2 years (i.e maximum 5 year term) if agreed by the Scheme Manager, in particular to assist in continuity of experience on the Pension Board.

- 12.4.12.2 The Scheme Member Representatives are appointed for a 3 year period from the date they are appointed to the Pension Board. This period may be extended by up to 2 years (i.e. maximum 5 year term) if agreed by the Scheme Manager, in particular to assist in continuity of experience on the Pension Board. Membership of the board will automatically cease if the individual is no longer a scheme Member.
- 12.4.12.3 The Independent Member / Chair will be appointed for a 3 year period from the date they are appointed to the Pension Board. This period may be extended by up to 2 years (i.e maximum 5 year term) if agreed by the Scheme Manager, in particular to assist in continuity of experience on the Pension Board.
- 12.4.12.4 Any Pension Board Member may be reappointed for further terms following an appointment process.
- 12.4.13 Removal of Pension Board Members.
- 12.4.13.1 All Pension Board Members shall observe Mid and West Wales Fire and Rescue Authority's Codes of Conduct for Members and Officers. A finding of failure to do so may result in removal from the Pension Board.
- 12.4.13.2 Other than in ceasing to be eligible, or due to finding a breach of conduct, a Pension Board Member may only be removed from office during the term of appointment by the unanimous agreement of all other Pension Board Members and with approval from the Scheme Manager.
- 12.4.13.3 In the event of persistent non-attendance of a Pension Board Member, or for failure to meet key attendance and training requirements, the tenure of that Membership will be reviewed, which could lead to the removal of that Member from the Board.
- 12.4.13.4 Removal of the Independent Member / Chair requires Scheme Manager approval and lies outside these Terms of Reference.

12.4.14 Resignation by Pension Board Members.

12.4.14.1 Any Pension Board Member may resign at any time, by giving 3 months' notice in writing to the Independent Member / Chair of the Board. This can be facilitated through the Democratic Services Officer.

12.4.14.2 The Independent Member / Chair may resign at any time by giving 3 months' notice to the Chair of the Fire Authority.

12.4.14.3 If a Pension Board Member acting as an employer representative leaves either the Fire Authority or the employment of the Fire Service they will no longer be eligible to sit on the Pension Board.

12.4.15 Meeting Arrangements.

12.4.15.1 Role of the Independent Member / Chair.

- i. To ensure that all Pension Board Members show due respect for process, that all views are heard and considered, and that decision on recommendations are democratically made where consensus cannot be reached.
- ii. To uphold and promote the purpose of the Pension Board and to interpret its Terms of Reference when necessary.
- iii. To ensure that Pension Board Members have the knowledge and skills to undertake the role, and maintain a training record.
- iv. To ensure that Pension Board Members record conflicts of interest.
- v. To act as a professional adviser for the Pension Board or arrange such advice as required subject to agreement by the Clerk/Monitoring Officer to the Authority.
- vi. To agree the agenda and approve the minutes for Pension Board meetings.
- vii. With the Democratic Services Officer, to ensure an attendance record is maintained.
- viii. To write reports as required by Mid and West Wales Fire and Rescue Authority on the work of the Pension Board.
- ix. To discharge any other tasks that may be required by Mid and West Wales Fire and Rescue Authority and deemed appropriate to the role of Independent Member / Chair of the Pension Board.
- x. To annually review the performance of the Board.
- xi. The decision of the Independent Member / Chair on all points of procedure and order, and the Independent Member / Chair's interpretation of the Terms of Reference shall be final.

12.4.15.2 Meetings of the Pension Board.

- i. The Pension Board will meet at Mid and West Wales Fire and Rescue Service Headquarters.
- ii. The Pension Board is not a meeting of the Authority and as such meetings will not be open to the general public. See point 12.4.15.18 (Attendance by others) for further information as to who may attend Pension Board meetings.
- iii. The Pension Board will meet a minimum of three times per year. If Pension Board Members do not believe that this is sufficient to discharge their duties and responsibilities effectively, the Independent Member / Chair can make a request to the Clerk/Monitoring Officer to the Authority to seek approval to hold additional meetings.
- iv. Urgent business of the Pension Board between meetings may, in exceptional circumstances, be conducted via communications between Members of the Pension Board including telephone conferencing and emails. Lawful records must be kept and reported formally at the next Pension Board.
- v. The Independent Member / Chair will agree the agenda and the Clerk to the Authority and the Section 151 Officer will approve the reports prior to each Board meeting. Any Member of the Pension Board shall be entitled to request that an item be placed on an agenda for a future meeting subject to the approval by the Independent Member / Chair.
- vi. The Democratic Services Officer will ensure that the agenda and any papers for the Pension Board meeting is issued at least three clear working days in advance of the meeting except in the case of matters of urgency.
- vii. Draft minutes of each meeting including all actions and agreements will be recorded and circulated to all Pension Board Members within 10 working days after the meeting. These draft minutes will be subject to formal agreement by the Independent Member / Chair taking consideration of comments by Pension Board Members (which may be done electronically between meetings).
- viii. Although not a meeting of the Authority, the minutes will be in the public domain but may, at the discretion of the independent Member / Chair be edited to exclude items on the grounds they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A (2) of the Act and/or they represent data covered by the Data Protection Act 1998.

12.4.15.3 Quorum.

- i. All Members of the Pension Board are expected to regularly attend meetings.
- ii. The minimum attendance for a meeting of the Pension Board is 3 Members, including at least:
 - 1 Employer Representative
 - 1 Scheme Member Representative
 - the Independent Member / Chair
- iii. Subject to agreement by the Independent Member / Chair this could include remote attendance.

12.4.15.4 Voting.

- i. Voting will be by majority. A tied vote will be recorded as such.
- ii. Employer and Scheme Member Pension Board Members will each have an individual voting right. The Independent Member / Chair will not have a vote.
- iii. Voting will be by a show of hands.
- iv. The results of any voting outcomes will be reported in the Pension Board minutes.
- v. Any Pension Board Member can ask for the way in which they voted to be recorded in the minutes.

12.4.15.5 Remuneration and Expenses.

- i. Remuneration for Members of the Pension Board will be limited to a refund of actual expenses incurred in attending Pension Board meetings and training. It is expected that employers of Pension Board Members will provide appropriate capacity to allow the Member to perform this role within their normal working day without any reduction to pay.
- ii. Expense claims should be submitted no later than 1 month following the incursion.

12.4.15.6 Conflicts of Interest.

- i. A conflict of interest is defined in the Public Service Pensions Act 2013 as:
'in relation to a person, means a financial or other interest which is likely to prejudice the person's exercise of functions as a Member of the board (but does not include a financial or other interest arising merely by virtue of Membership of the scheme or any connected scheme).'
- ii. Each Member of the Pension Board (as well as any other attendees participating in the meeting) will be expected to declare, verbally and in writing, on appointment and

at each meeting, any interests which may lead to conflicts of interest in the subject area or specific agenda of that Pension Board.

- iii. The Independent Member / Chair of the Pension Board must be satisfied that the Pension Board is acting in accordance with:
 - the conflicts of interest requirements of the Public Service Pensions Act 2013, the Firefighters' Pension Scheme(s) Regulations, and relevant Codes of Conduct; and
 - in the spirit of any national guidance or code of practice in relation to conflicts of interest at the Pension Board.
- iv. Each Member of the Pension Board, or a person proposed to be appointed to the Pension Board, (as well as attendees participating in the meeting) must provide the Independent Member / Chair of the Pension Board with such information as he or she reasonably requires for the purpose of demonstrating that there is no conflict of interest.
- v. The Clerk/Monitoring Officer to the Authority and Section 151 Officer will jointly adopt the role of ensuring that the Independent Member / Chair of the Pension Board does not have a conflict of interest in the same way as the Independent Member / Chair does in relation to all other Pension Board Members.

12.4.15.7 Knowledge and Understanding.

- i. A Member of the Pension Board will have knowledge and understanding of:
 - the legislation and associated guidance of the Firefighters' Pension Scheme(s), and Firefighters' Compensation Scheme;
 - any policies, procedures or decision making processes about the administration of the Firefighters' Pension Scheme(s) adopted by Mid and West Wales Fire and Rescue Authority.
- ii. A Member of the Pension Board must have knowledge and understanding of the law relating to pensions and any other matters which are prescribed in Regulations.
- iii. It is for individual Pension Board Members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a Member of the Pension Board.
- iv. Pension Board Members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. Pension Board Members are therefore required to maintain a written record of relevant training and development.

- v. Pension Board Members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses, and report on their personal progress.

12.4.15.8 Attendance by Others.

- i. The following Officers or their Deputies will attend Pension Board meetings as required:
 - Clerk to the Authority and Monitoring Officer
 - Section 151 Officer
 - Director of Resources
 - Head of Human Resources
 - Head of Finance
 - Pensions Officer
 - Other Officers or advisers of Mid and West Wales Fire and Rescue Authority involved with administering the Firefighters' Pension Scheme(s) on behalf of the Scheme Manager, subject to prior approval by the Clerk to the Authority, or at the request of the Independent Member / Chair of the Pension Board.
 - Any other person subject to approval in advance by the Clerk to the Authority or the Independent Member / Chair of the Pension Board.
- ii. Any such attendees will be permitted to participate in discussions at the discretion of the Independent Member / Chair of the Pension Board.
- iii. Members of the public are not permitted to attend.

12.4.16 Publication of Pension Board Information

- i. In accordance with the Public Service Pensions Act 2013, Mid and West Wales Fire and Rescue Authority is required to publish information about the Pension Board including:
 - a. who the Pension Board Members are;
 - b. representation on the Pension Board;
 - c. the role of the Pension Board;
 - d. these Terms of Reference.
- ii. In accordance with good practice, Mid and West Wales Fire and Rescue Authority may publish other information relating to the Pension Board as considered appropriate and which may include:
 - a. the agendas and minutes;

- b. training and attendance logs;
- c. the annual report on the work of the Pension Board.
- iii. All or some of this information may be published using the following means or other means as considered appropriate from time to time:
 - On the Mid and West Wales Fire and Rescue Authority website.
- iv. Information may be excluded from publication on the grounds it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A (2) of the Act and/or it represents data covered by the Data Protection Act 1998.

12.4.17 Annual Report

- i. The Pension Board must produce an annual report of the work of the Pension Board.
- ii. The annual report must be provided to the Scheme Manager for presentation at the September meeting of the Fire Authority.
- iii. The annual report should include: -
 - i. a summary of the work of the Pension Board and a work plan for the coming year;
 - ii. details of areas of concern reported to or raised by the Pension Board and recommendations made;
 - iii. details of any declarations of conflicts of interest that have arisen in respect of individual Pension Board Members;
 - iv. any areas of risk or concern the Pension Board wish to raise with the Scheme Manager;
 - v. details of training received and identified training needs; and
 - vi. details of any expenses and costs incurred by the Pension Board and any anticipated expenses for the forthcoming year.

12.4.18 Receipt of Advice and Information

The Pension Board may make use of Advisers from time to time, subject to any applicable regulation and/or legislation, but this will be an optional resource subject to cost and approval.

12.4.19 Accountability

The Pension Board will act collectively and individually and be accountable to the Scheme Manager as the administering authority.

12.4.20 Review

12.4.20.1 These terms of reference will be reviewed annually.

12.4.20.2 These Terms of reference will be incorporated into the Fire Authority's Constitution and may be amended by the same means as permitted for the Constitution.

12.4.21 Definitions and Interpretation

12.4.21.1 All references to Officers are Officer within Mid and West Wales Fire and Rescue Service unless otherwise stated.

12.4.21.2 The undernoted terms shall have the following meanings when used in this document:

Local Pension Board' or 'Pension Board'	The Local Pension Board for Mid and West Wales Fire and Rescue Authority, administering authority for the Mid and West Wales Fire and Rescue Authority Firefighters' Pension Scheme(s) as required under the Public Service Pensions Act 2013.
Scheme Manager'	Mid and West Wales Fire and Rescue Authority as administering authority.
'Chair	The appointed Chairperson of the Pension Board
'Firefighters' Pension Scheme(s)'	Firefighters' Pension Scheme 1992, Firefighters' Pension Scheme (Wales) 2007 and the Modified Scheme, Firefighters' Pension Scheme (Wales) 2015.

12.4.22 Scheme Advisory Board

- i. A Scheme Advisory Board for Wales has been formed by the Welsh Government and consists of representatives from the Welsh Government, Mid and West Wales Fire and Rescue Service, South Wales Fire and Rescue Service, North Wales Fire and Rescue Service and The Pensions Regulator. There is also representation on the Board from Representative Bodies whose Members are eligible to join or are current contributors to the firefighter pension schemes – namely, The Fire Brigades Union (FBU), Retained Firefighters Union (RFU), Fire Officers Association (FOA), and the Association of Principal Fire Officers (APFO).
- ii. A Member of the Fire Authority will be represented to sit on the Scheme Advisory Board.

ARTICLE 13 – OFFICERS

13 Officers

13.1 Appointment

13.1.1 The Appointments Committee interviews and appoints the Deputy Chief Fire Officer, Assistant Chief Fire Officers, Section 151 Officer and the Clerk/Monitoring Officer). The appointment of the Chief Fire Officer is reserved to the full Fire Authority.

13.1.2 These Authority appointments will be made in line with the Authority Standing Orders, set out within this Constitution. Appointment of all staff below these levels is delegated to the Chief Fire Officer, who may authorise nominated Officers to make such appointments as necessary.

13.2 Management arrangements.

13.2.1 The Authority may engage such staff as it considers necessary to carry out its functions.

13.2.2 Chief Officers - the Authority's management structure at Chief Officer level is set out in the table below.

Post	Function and areas of responsibility
Chief Fire Officer / Head of Paid Service	<ul style="list-style-type: none">• Overall corporate management and operational responsibility.• Overall management responsibility for all Officers and services.• Strategic and corporate policies.• Professional Advisor to the Authority.
Deputy Chief Fire Officer/ Director of Service Delivery	<ul style="list-style-type: none">• The six County commands.• Service Control.• All Wales Emergency Response Resilience Joint Emergency Strategy Group (JESG).• Operational Response.• Community Safety.• Corporate Communications and Business Development.• Deputising for the Chief Fire Officer.
Assistant Chief Officer/ Director of Resources	<ul style="list-style-type: none">• Finance.• Procurement.• Information Technology and Communications.• Estates.• Human Resources.

	<ul style="list-style-type: none"> • Deputising for the Deputy Chief Fire Officer.
Assistant Chief Fire Officer/Director of Operational Support and Improvement	<ul style="list-style-type: none"> • Operational Risk Management . • People Development. • Training Delivery. • Transport. • Corporate Risk. • Deputising for the Deputy Chief Fire Officer.

13.2.3 The Authority also has the designated statutory posts:

Designation	Post
Head of Paid Service	Chief Fire Officer
Section 151 Officer	Section 151 Officer
Monitoring Officer	Clerk/Monitoring Officer to the Fire Authority

13.2.4 Such posts will have the functions described in sections 13.3 - 13.5 below.

13.2.5 Structure - The Head of Paid Service/Chief Fire Officer will determine and produce a description of the overall departmental structure of the Authority, showing the management structure and deployment of Officers.

13.3 Functions of the Head of Paid Service/Chief Fire Officer

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

- i. How the performance by the Authority of its different functions is co-ordinated;
- ii. The number and grades of staff required by the Authority to perform its functions;
- iii. The organisation of the Authority's staff;
- iv. The appointment and proper management of the Authority's staff.

13.3.2 Restrictions on functions. The Head of Paid Service/Chief Fire Officer cannot be the Clerk/Monitoring Officer, but may hold the post of Section 151 Officer if he/she is qualified to hold the post.

13.4 Functions of the Clerk/Monitoring Officer to the Fire Authority

- 13.4.1 Ensuring lawful and fair decision-making under Section 5 of the Local Government and Housing Act 1989. The Clerk/Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for Members, staff and the public. This includes making urgent changes as necessary as set out in Article 16. The Clerk/Monitoring Officer will also be responsible for advising on or clarifying the Constitution. After consulting with the Head of Paid Service and Section 151 Officer, the Clerk/Monitoring Officer will, under Section 5 of the Local Government and Housing Act 1989, report to the full Authority if he or she considers that any proposal, decision or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will stop the proposal or decision being implemented, until the report has been considered.
- 13.4.2 Supporting and advising the Standards Committee. The Clerk/Monitoring Officer will contribute to promoting and maintaining high standards of conduct by supporting, training and advising the Standards Committee.
- 13.4.3 The Clerk/Monitoring Officer will receive and act on reports on maladministration made by the Ombudsman and report them to the Fire Authority.
- 13.4.4 Conducting investigations. The Clerk/Monitoring Officer will, if appropriate, conduct investigations into matters referred by the Ombudsman in to breaches of the code of conduct and make reports or recommendations about them to the Standards Committee/Fire Authority.
- 13.4.5 Providing advice. The Clerk/Monitoring Officer will advise all Councillors on the exercise and scope of their powers; and the Authority on its power to take decisions; to deal with maladministration; probity and compliance with the code of conduct. He/she will also advise in conjunction with the Section 151 Officer on any issues of financial impropriety and budget and policy framework issues.
- 13.4.6 Restrictions on posts. The Clerk/Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service/Chief Fire Officer.

13.4.7 Corporate Complaints Procedure. The Clerk/Monitoring Officer will supervise arrangements for the effective administration of the Authority's Corporate Complaints Procedure.

13.4.8 The Clerk/ Monitoring Officer can take any action on behalf of the Authority in urgent or appropriate circumstances following consultation with the Chair. Any such action shall be reported to the Fire Authority.

13.5 Functions of the Section 151 Officer

13.5.1 Ensuring lawful and financially prudent decision making. After consulting the Head of Paid Service and the Clerk/Monitoring Officer, the Section 151 Officer will report to the Authority and the Authority's external auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure; or is unlawful and is likely to cause a loss or deficiency; or if the Authority is about to enter an item of account unlawfully. This is a statutory duty under Section 6 of the Local Government and Housing Act 1989.

13.5.2 Administration of financial affairs. The Section 151 Officer will have responsibility for the administration of the Authority's financial affairs. This is a statutory duty under Section 6 of the Local Government and Housing Act 1989.

13.5.3 Providing advice. The Section 151 Officer will advise Members on their scope of powers and authorities to take decisions; deal with financial impropriety; probity; and budget and policy framework issues.

13.5.4 The Section 151 Officer will also support and advise Members and Officers in their respective roles.

13.5.5 Providing financial information. The Section 151 Officer will provide financial information to Members of the public and the community at large; and to such external agencies, bodies or organisations as appropriate.

13.5.6 Restriction on posts. The Section 151 Officer cannot be the Clerk/Monitoring Officer.

13.6 Section 151 Officer and the Clerk/Monitoring Officer

The Authority will provide the Section 151 Officer and the Clerk/Monitoring Officer with such offices, accommodation and other resources as they need to perform their duties. This is a requirement under Sections 5 and 6 of the Local Government and Housing Act 1989.

13.7 Officers Conduct

Officers will comply with the Officers' Code of Conduct and the protocol on Officer/Member relations set out in Part 5 of this Constitution.

13.8 Employment

The recruitment, selection and dismissal of Officers will comply with the Authority's Standing Orders and adopted policies and procedures relating to Employment in the Mid and West Wales Fire and Rescue Authority. The appointment of such Officers will be in accordance with the delegations set out in within this Constitution and any relevant procedures and protocols.

ARTICLE 14 – DECISION MAKING

14 Decision Making.

14.1 Responsibility for decision making.

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

14.2 Principles of decision making

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

- i. On the basis of merit and in the public interest.
- ii. Decisions will be lawful and in accordance with financial propriety and prudence.
- iii. Decisions will be in accordance with the principles of proportionality.
- iv. Decisions will be made following due consideration and after the taking of professional advice from Officers and/or appropriately qualified advisors.
- v. Following due consultation.
- vi. Made with full respect for the principles of equality of opportunity.
- vii. That when required decisions will be made in accordance with the rules of natural justice, in accordance with the principles of the European Convention on Human Rights.
- viii. Decisions will be made with a presumption in favour of openness and in accordance with the relevant principles governing access to information and lawful data processing.
- ix. Made in accordance with the principle of sustainability in line with the Authority's policy and the principles set out in the Well-being of Future Generations (Wales) Act 2015.
- x. Have due regard to the Equality Act 2010 and the Socio-economic Inequalities (Wales) Regulations 2021.
- xi. Having due regard to appropriate national, strategic, local policy and guidance.
- xii. That all decisions and the reasons for them are clearly stated together with the reason for the decision and any other relevant matters.

14.3 Types of decision

14.3.1 Decision making by the full Authority in relation to its functions

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

14.3.2 Decision making procedures followed by the full Authority

The Authority will follow the Authority Procedure Rules set out within this Constitution when considering any matter. For the avoidance of doubt the full Fire Authority shall have the power to make any decision delegated or authorised to any other Committee, Panel, Officer or other body under the Constitution.

14.3.3 Decision making by Committees or Sub-Committees established by the Authority

The Authority's Committees or Sub-Committees will follow those parts of the Authority Procedure Rules set out within this Constitution which apply to them.

14.3.4 Decision Making by Officers

This Constitution sets out the scheme of delegated Authority to Officers. Officers have full delegated power for operational and managerial decision making and for any necessary action within their authorised remit in accordance with the terms of the Officer Delegation scheme.

14.3.5 Decision Making by an Authority body acting in a quasi judicial manner

The Authority body, or a Member or an Officer acting in a quasi judicial manner determining or considering (other than for purposes of giving advice) the rights of any person will follow the rules of natural justice and the principles contained in the relevant provisions of the European Convention on Human Rights, and the Human Rights Act 1988.

14.3.6 Access to Information

The Access to Information Procedure Rules set out within this Constitution applies to all decision-making processes as specified in those Rules.

ARTICLE 15: LEGAL, FINANCE AND CONTRACT MATTERS

15 Legal, Financial and Contract Matters.

15.1 Financial regulations

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

15.2 Contract Standing Orders

Every contract entered into by the Authority will comply with Financial Regulations and Contract Standing Orders set out within this Constitution.

15.3 Legal proceedings

The Chief Fire Officer, after consultation with the Clerk/Monitoring Officer and Section 151 Officer is jointly and severally authorised with the Clerk/Monitoring Officer to obtain legal advice and assistance, and to commence, defend, or participate in, any legal proceedings in any case, where necessary, and/or in order to give effect to or defend decisions of the Authority, or in any case where the Chief Fire Officer after consultation with the Clerk/Monitoring Officer and Section 151 Officer considers it necessary to protect the Authority's interest. In situations involving a conflict of interest involving the Chief Fire Officer, the Clerk/Monitoring Officer shall be duly authorised to undertake any steps set out above.

15.4 Authenticating documents

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

Any contract, as defined under Contract Standing Orders (within this Constitution), entered into on the Authority's behalf in the performance of its function, must be signed by the Clerk/Monitoring Officer, or any other person authorised by the him/her;

or such contracts when appropriate must be made under the Common Seal of the Authority and witnessed by the Clerk/Monitoring Officer (or any other person specifically authorised to sign on his or her behalf). A schedule of authorised signatories will be maintained by the Clerk/Monitoring Officer.

15.5 The Common Seal of the Authority

The Common Seal of the Authority must be kept, in a safe place, by the Clerk/Monitoring Officer. A decision made by the Authority, a Committee or Officer, any part of the Authority, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Clerk/Monitoring Officer, should be sealed. The Clerk/Monitoring Officer or some other person authorised by him or her will witness the affixing of the Common Seal.

15.6 Delegated Authority

15.6.1 The Chief Fire Officer and Service Directors are given delegated powers to act on behalf of the Authority relating to any matters within functional portfolios for which the Chief Fire Officer and/or each Director is responsible, except for those matters specifically reserved to the Authority or any of its Committees.

15.6.2 Officers exercising their delegated powers shall do so in accordance with:

- i. the budget and policy framework;
- ii. the Constitution; and
- iii. the specific terms of their delegation.

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

ARTICLE 16: REVIEW AND REVISION OF THE CONSTITUTION

16 Review and Revision of the Constitution.

16.1 Duty to monitor and review the Constitution

16.1.1 The Clerk/Monitoring Officer will monitor and review the operation of the Constitution, to ensure compliance with the law and good practice and that the aims and principles of the Constitution are given full effect.

16.1.2 He or she will submit a report to the Democratic Services Forum, detailing any changes he or she considers necessary unless the amendments are required as a matter of urgency, or required to clarify the Constitution or to set out routine changes to reflect administrative practice or changes to the operational or management structure of the Authority or Service or the general law. The Democratic Services Forum (without prejudice to the above responsibility of the Clerk/Monitoring Officer) will receive any reports from the Clerk/Monitoring Officer and may make recommendations for changes to the Constitution to the full Authority.

16.2 Changes to the Constitution

16.2.1 Approval

Changes to the Constitution will only be approved by the full Authority after the Democratic Services Forum, with the advice of the Clerk/Monitoring Officer, have considered any proposals, except when a report is made by the Clerk/Monitoring Officer in urgent circumstances without being considered by the Democratic Services Forum.

16.2.2 Exception to the requirement in 16.2.1

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

- i. Changes to the delegated functions to Officers as allocated by the Chief Fire Officer (Part 2);

- ii. Amendments required to give effect to any changes in the law, or urgent changes required to clarify or modify the Constitution.
- iii. Changes required to set out routine changes to reflect administrative practice or changes to the operational or management structure of the Authority or Service.

ARTICLE 17: INTERPRETING THE CONSTITUTION

17 Interpreting the Constitution.

17.1 Suspending the Constitution

17.1.1 Limit to suspension

The Articles of this Constitution may not be suspended. However, the rules mentioned in (17.1.3) below may be suspended by the full Authority, to the extent permitted in those rules and the law.

17.1.2 Procedure to suspend

A motion to suspend any rules will not be moved without notice, unless at least half the total numbers of Members are present and under paragraph 19.35 (Article 19), at least two thirds of Members present vote in favour of the suspension. The extent and duration of suspension will be proportionate to the result to be achieved - taking account of the purposes of the Constitution in Article 1 - and must only be for long enough to transact the particular item of business requiring the suspension.

17.1.3 Rules capable of suspension

Rules that may be suspended in line with paragraph (17.1.1) are specified in the Standing Order Procedures of the Authority contained within this Constitution, specifically paragraphs 19.10 and 19.11.

17.2 Matters of interpretation

17.2.1 The ruling of the Chair of the Authority as to the construction or application of the Constitution or as to any proceedings of the Authority are final and shall not be challenged at any meeting of the Authority. Such interpretation will have regard to the purposes of the Constitution contained in article and any advice from the Clerk/Monitoring Officer if appropriate. Matters of interpretation, and the Chair's ruling on the interpretation or application of the Constitution or Authority proceedings, must be applied in line with the Standing Order Procedures of the Authority set out within this Constitution and cannot be challenged other than by legal proceedings.

17.2.2 Where the Constitution permits the Authority to choose between different courses of action, the Authority will always choose that option which it thinks is closest to the purposes stated in Article 1.

The following words, phrases and terms shall have the meanings ascribed to them unless the context requires or it is otherwise provided at law.

Index of Terms

Word, Phrase or Term	Meaning
Access to Information Procedure Rules	The rules so titled set out in Part 5 of the Constitution.
Article	An article of the Constitution.
Authority	The corporate overseeing and maintaining Mid and West Wales Fire and Rescue Service.
Budget	The financial document used to project future income.
Budget and Policy Framework Rules	The rules so titled within the Financial Procedure Rules.
Chair	The person elected by the Fire Authority as the Chair of a Committee or appointed as the Chair of Sub-Committee.
Chief Officer	The Chief Fire Officer, Deputy Chief Fire Officer, Clerk/Monitoring Officer, Section 151 Officer, Assistant Chief Fire Officer and Assistant Chief Officer.
Clear days	Mean days excluding the day when the document is first made available for inspection or dispatched to Members and the date of the meeting to which it relates but includes any intervening date when the document is available for public inspection.
Committee	A Committee or Sub-Committee of the Authority.
Committee meeting procedure rules	The rules so titled set out within this Constitution.
Confidential information	Confidential information as defined by section 100A (3) of the Local Government Act 1972.
Constitution	This Constitution, as amended.
Contract Procedure Rules	The Contract Standing Orders and Procurement Rules set out within this Constitution.
Councillor	A Member of the Authority.

Employee	An employee of the Authority.
Exempt information	Information of a nature described in Schedule 12A of the Local Government Act 1972 as more particularly set out in the Access to Information Procedure Rules.
Financial Procedure Rules	The rules so titled set out in Part 3 of the Constitution.
Head of Paid Service	The Officer designated by the Authority under section 4 of the Local Government and Housing Act 1989, namely the Chief Fire Officer.
Member	Unless otherwise stated means a Member of the Fire Authority or a Committee or body to which the rule or requirement applies.
Members Allowances Scheme	The scheme referred to within this Constitution.
Monitoring Officer	The Officer designated by the Authority under section 5 of the Local Government and Housing Act 1989, namely the Clerk/Monitoring Officer to the Fire Authority.
Ombudsman	Public Services Ombudsman for Wales.
Proper Officer	An Officer of the Authority designated for that purpose by the Authority and in the absence of such designation the Head of Paid Service will be deemed to be the Proper Officer.
Section 151 Officer	The Officer designated by the Authority under section 151 of the Local Government Act 1972 as the person having responsibility for administration of the financial affairs of the Authority. Legislation for the S151 responsibility in Local Authorities equates to S112 of the Local Government Finance Act 1988 for Combined Fire Authorities.
Working day	Means any day on which the main offices of the Authority are open for usual business and for the avoidance of doubt the phrase 'clear working days' shall exclude the day when notice is given or the documents are made available for inspection or are dispatched to Members as the case may be and the date of the meeting or event to which it relates.
Writing	A requirement that something shall be submitted in writing will be satisfied by the submission by email to an address designated by the proper Officer for that purpose provided that it is transmitted by the Member concerned from the Members e-mail address and in such circumstances will be deemed to have been signed by the Member concerned.

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Note:

- i. Reference to any statute or statutory provision includes a reference to:
 - a. The statute or statutory provision as from time to time amended, extended, re-enacted or consolidated; and
 - b. All statutory instruments or orders made pursuant to it.
- ii. Words denoting the singular number only shall include the plural and vice versa.
- iii. Words denoting any gender include all genders.
- iv. The headings in this document are inserted for convenience only and shall not affect the construction or interpretation of the Constitution.
- v. References to a designated employee of the Fire Authority includes (except where the law prescribes that the function, action or the like must be taken by that person alone) a person duly authorised to act for or on behalf of that person provided that the employee designated by or for the purposes of the Constitution shall remain responsible to the Authority.
- vi. References to a post or designation shall be deemed to include a reference to the employee for the time-being performing those functions where the post or designation name is altered or the functions are reallocated and where there is a reference to a generic title (e.g. Corporate Director, Chief Officer) such reference will be deemed to include other posts whatever their designation or name but being within the same tier of management or responsibility.

17.3 Publication

17.3.1 All copies of the Constitution will be available in both English and Welsh. The Authority is committed to treating the Welsh and English language on the basis of equality.

17.3.2 The Clerk/Monitoring Officer will provide an electronic copy of this Constitution to each Member of the Authority, as soon as practicable after he or she has provided a declaration of acceptance of office on first being nominated to the Authority.

- 17.3.3 The Clerk/Monitoring Officer will ensure that copies of the Constitution are available for inspection at the Authority's main administrative offices, and other appropriate locations; and that copies are made available to Members of the local press and the public by publication on the Authority's website.
- 17.3.4 Further information on the role and remit of the Authority is publicised on the Service website www.mawwfire.gov.uk / www.tancgc.gov.uk .

PART 2: FUNCTIONS

ARTICLE 18: RESPONSIBILITY FOR FUNCTIONS

18 Responsibility for Functions.

18.1 The principles of delegation.

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

18.1.2 All the powers of the Authority are vested in and are exercisable by the full Authority. The Authority may exercise any or all of these powers itself or discharge or delegate them to its Committees, other bodies, or Officers as set out in this Constitution. The hierarchy of decision taking is set out within the Constitution as follows:

- The full Authority - the Authority will solely exercise the functions reserved in Article 4;

Without prejudice to the above all other powers of the Authority are delegated as follows:

- i. Resource Management Committee;
- ii. Performance, Audit and Scrutiny Committee;
- iii. Standards Committee;
- iv. The Appointments Committee;
- v. The Investigating and Disciplinary Committee;
- vi. The Chief Fire Officer's Remuneration Committee;
- vii. Other bodies as set out within this Constitution;
- viii. Officers - will exercise the delegated functions as set out in the Scheme of Delegation set out below:

18.2 Scheme of Delegation for Officers

18.2.1 This Scheme of Delegation sets out the ways in which the Authority delegates its powers to the Officers of Mid and West Wales Fire and Rescue Authority (hereinafter referred to as 'the Authority') to exercise the functions of the Authority.

- 18.2.2 The Scheme is without prejudice to the exercise of the Authority's functions by the Authority and/or its Committees.
- 18.2.3 An Officer may authorise a named Officer to exercise all or some of his/her delegated functions. Such authorisation will be exercised in accordance with this scheme. An Officer must keep a written record of the powers he or she has authorised to undertake and the Officer to whom such authorisation has been made.
- 18.2.4 An Officer may, instead of exercising a delegated function, refer a matter to the Authority or a Committee if considered appropriate in the particular circumstances.
- 18.2.5 The exercise of any function delegated or authorised under the scheme is subject to and must be exercised in accordance with the following:-
- i. the policies, practices and procedures of the Authority and its Committees;
 - ii. the Authority Procedure Rules and Financial Procedure Rules set out within this Constitution;
 - iii. the budget of the Authority;
 - iv. prior consultation with and involvement of other Officers where their responsibilities are affected;
 - v. any other requirements of good practice or probity consistent with the ethical standards applicable generally within public service and the principles of decision making set out in Article 14.
- 18.2.6 Before exercising a delegated or authorised function, an Officer must consider whether the decision to be taken is such as to require reference to/discussion with the Section 151 Officer, the Clerk/Monitoring Officer and any of the following Members of the Authority:
- i. The Chair;
 - ii. The Deputy-Chair;
 - iii. The Chair and Deputy-Chair of the appropriate Committee.

- 18.2.7 Before exercising a delegated or authorised function, an Officer must similarly consider whether to consult any other Officer. If there is a dispute between Officers about the exercise of a function, the matter shall be referred to the Clerk/Monitoring Officer for decision.
- 18.2.8 A reference in the scheme to a statute includes any regulation or order made under it.
- 18.2.9 A reference in the scheme to a statutory instrument, regulation, or order, rule, circular or guidance includes any modification, amendment or re-enactment of it.
- 18.2.10 Reference to the Chief Fire Officer is reference to the post of Chief Fire Officer / Head of Paid Service.
- 18.3 Functions delegated to Chief Fire Officer, Section 151 Officer and Clerk/Monitoring Officer**
- 18.3.1 To exercise all the functions of the Authority which can lawfully be delegated and which are consistent with the discharge of the above Officer's responsibilities in accordance with his/her job description and/or principal accountabilities, and the power to take such other actions which the Officer considers is calculated to facilitate, or is conducive or incidental to, the discharge of those functions. Without prejudice to the generality of this delegation, to exercise the functions set out in other parts of the scheme subject to the qualifications therein.
- 18.3.2 To exercise the powers of the Authority under the Local Government (Goods and Services) Act 1970 (Sale and purchase of goods/services to/from other public bodies.)
- 18.3.3 To exercise the functions given by the Authority Procedure Rules and Financial Procedure Rules.
- 18.3.4 To appoint consultants for work directly associated with the discharge of the Authority's responsibilities.

18.3.5 All references to the Clerk/Monitoring Officer and Section 151 Officer shall be deemed to include their lawfully appointed deputies who will be authorised to act in these roles in their absence.

18.4 Functions delegated to the Chief Fire Officer

18.4.1 To exercise the functions of the Head of Paid Service, specifically including the power to deal with all matters relating to the appointment (including the method of appointment), disciplinary procedures, suspension, dismissal, relegation, pay, promotion, supervision, compensation, conditions of service, redundancy, recruitment, qualification, training, health, safety, welfare, housing allowances and the provision of vehicles, telephones and any other matters relating to the employment of persons in the paid service of the Service, both uniformed and support staff.

18.4.2 Subject to:

- i. any statutory restrictions and requirements;
- ii. any conditions of service requirements;
- iii. such policies, procedures and practices as may be determined by the Authority from time to time and;
- iv. the provisions set out in paragraph 18.4.3.

18.4.3 The power in paragraph 18.4.1 shall not include any matter:

- i. arising from a proposal for major restructuring;
- ii. which constitutes a major change in the Authority's or Service's policies, procedures or practices;
- iii. under the Superannuation Acts relating to the payment and enhancement of pensions;
- iv. relating to the appointment of the Deputy Chief Fire Officer, the Section 151 Officer, and the Clerk/Monitoring Officer, all of whom shall be appointed by the Appointments Committee.
- v. All matters relating to the Chief Fire Officer, Section 151 Officer and the Clerk/Monitoring Officer covered by HR-6.20 shall be dealt with in accordance with the procedures set out in that policy and matters relating to the Deputy Chief Fire Officer and Assistant Chief Fire Officer and Brigade Managers covered by policy HR-6.21 shall be dealt with in accordance with the procedures set out therein.

- 18.4.4 To exercise the functions of the Authority under the Regulatory Reform (Fire Safety) Order 2005 and any other applicable legislation.
- 18.4.5 In addition to the provisions of Article 18.3.1 the Chief Fire Officer is authorised jointly and severally, and/or after consultation with the Clerk/Monitoring Officer to obtain legal advice or assistance and to commence, institute, defend or settle legal proceedings (either in the name of the Fire Authority or an individual Officer of the Authority) arising at common law or under any enactment, statutory instruments order or bye law conferring functions upon the Authority, or in respect of functions undertaken by it and also to lodge an appeal or take appropriate steps in respect of dealing with any such proceedings. For the avoidance of doubt this Authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise and counter-notices and notices to quit and to any proceedings which the Chief Fire Officer considers it expedient to take for the promotion or protection of the interests of the inhabitants of the Authority's area. In the event of a conflict of interest involving the Chief Fire Officer, the Clerk/Monitoring Officer shall be authorised to take any or all of the above steps.
- 18.4.6 To settle, subject to consultation with the Clerk/Monitoring Officer and Section 151 Officer, any claim by or uninsured claim against the Authority up to the value of £50,000. This power is exercised jointly and severally with the Section 151 Officer and the Clerk / Monitoring Officer. Settlement of claims for amounts in excess of £50,000 should be submitted to the Resource Management Committee.
- 18.4.7 To authorise the exercise of powers of entry, inspection and survey and the carrying out of emergency works by staff of the Service or contractors acting on behalf of the Authority and/or the Service upon land or buildings.
- 18.4.8 Jointly with the Section 151 Officer, to agree in the best interests of employees under the Local Government Pensions Scheme Regulations 1995 (as amended) to commute pension payments in cases of exceptional ill-health.

- 18.4.9 The power to deal with all matters in respect of land or buildings and structures thereon, including sale, purchase, exchange, leasing, mortgaging, charging, granting of options or other dealings, subject to:
- i. any statutory restrictions and requirements;
 - ii. such policies, procedures and practices as may be determined by the Authority from time to time;
 - iii. the requirements of financial regulations; and
 - iv. the provisions of paragraphs 18.4.10 and 18.4.11.
- 18.4.10 The power in paragraph 18.4.9 above shall not include any matter:
- i. arising from a proposal for major restructuring or reorganisation;
 - ii. which constitutes a major change in the Authority's or Service's policies, procedures or practices;
 - iii. relating to any dealing in land or buildings which involves a receipt or payment exceeding £100,000 in aggregate, unless the Authority has given prior approval, either specifically or as part of an approved project, and the actual transaction value is no more than 15% higher than the estimate on which the approval was based; and
 - iv. where the Authority has required the Chief Fire Officer to advise them in advance of a transaction being concluded because of its sensitivity or size.
- All such matters set out above can only be dealt with by the Fire Authority.
- 18.4.11 All land/building disposal shall not be undertaken without prior approval of the Authority or Resource Management Committee if the proceeds from sale are not in accordance with, and in any event no lower than 10% of, a valuation provided by the District Valuer.
- 18.4.12 The exercise of incidental powers under section 5 of the Fire and Rescue Services Act 2004.
- 18.4.13 To discharge his duties in accordance with the Corporate Plan and any policies approved by the Authority under Sections 6 to 12 of the Fire and Rescue Services Act 2004.

- 18.4.14 To make, vary or revoke any arrangements with other persons in accordance with sections 13 to 17 of the Fire and Rescue Services Act 2004.
- 18.4.15 To make decisions on charges under Section 19 of the Fire and Rescue Services Act 2004, in accordance with the Authority's policy on charging.
- 18.4.16 To make decisions on the exercise of powers at sea or under the sea under Section 20 of the Fire and Rescue Services Act 2004.
- 18.4.17 To the extent not covered elsewhere, to make decisions on operational deployment of staff, equipment etc and the use of buildings in accordance with the Corporate Plan. This delegation does not include the power to close a fire station unless that is explicitly mentioned in the Plan or has been the subject of a resolution by the Authority.
- 18.4.18 To enter into agreements in respect of water supply under Part 5 of the Fire and Rescue Services Act 2004.
- 18.4.19 To authorise employees of the Fire and Rescue Authority under Part 6, Sections 44, 45 and 46 of the Fire and Rescue Services Act 2004.

18.5 Functions delegated to Directors

The term Director in this context means the Deputy Chief Fire Officer, Assistant Chief Fire Officers and Assistant Chief Officer

- 18.5.1 If a function, power or responsibility has not been specifically reserved to the Authority, then an appropriate Committee or body of the Authority, or the Chief Fire Officer, or the person deputising for the Chief Fire Officer, or the Director within whose remit the matter falls is authorised to act or carry out that function.
- 18.5.2 The Authority and its Committees will set and make decisions on matters of significant policy. Directors have express authority to take all necessary actions to implement Authority and Committee decisions that commit resources, within agreed budgets, as necessary and appropriate.

- 18.5.3 Directors are empowered to take all operational decisions, within agreed policies, in relation to the services for which they are responsible.
- 18.5.4 In relation to all delegated Authority conferred on Directors by this Constitution, the Chief Fire Officer may authorise and allocate responsibility for exercising particular powers in the interests of effective corporate management as he or she thinks fit.
- 18.5.5 Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Fire Officer, or his or her nominee, has power to act, following consultation with and the agreement of the Clerk/ Monitoring Officer.
- 18.5.6 Such delegations should be interpreted widely to facilitate the operational running of the organisation, the effective deployment of resources and the efficient delivery of services.
- 18.5.7 In the absence of the Chief Fire Officer, any appropriate Directors and other Line Managers who are so designated within the Service's Discipline, Grievance and Capability Policies shall exercise on behalf of the Chief Fire Officer the functions designated to him/her, in so far as they relate to the management of individuals within their respective directorates or functions. This shall include all decisions relating to appointments / discipline etc., except in individual cases where the Chief Fire Officer or Directors may decide to reserve such authority to themselves.
- 18.5.8 In the absence of the Chief Fire Officer, any appropriate Directors and other Line Managers who are so designated shall exercise on behalf of the Chief Fire Officer the functions designated to him/her in so far as they relate to the management of individuals within their respective directorates or functions.
- 18.6 Functions delegated to the Section 151 Officer**
- 18.6.1 To exercise all those powers and functions specified in the Authority's Financial Regulations and Standing Orders for the Regulation of Contracts.

- 18.6.2 To settle, subject to consultation with the Chief Fire Officer and the Clerk/Monitoring Officer, any claim by or uninsured claim against the Authority up to a settlement value of £50,000. This power is exercisable jointly and severally with Chief Fire Officer and the Clerk / Monitoring Officer.
- 18.6.3 To be the Officer with responsibility for the proper administration of the Authority's financial affairs under section 151 of the Local Government Act 1972 and meeting the requirements under section 113 of the Local Government Finance Act 1988 to be a Member of one of the recognised accountancy bodies.
- 18.6.4 To manage all of the Authority's financial affairs and services including the operation of its bank accounts and funds.
- 18.6.5 To write off irrecoverable debts and determine the payment period for debts where the debtors offer to pay by instalments where the debt in question does not exceed £20,000.
- 18.6.6 To change the balance between borrowing and other long term liabilities within the Authorised Limit for external debt and within the Operational Boundary, while keeping within the overall limits.
- 18.6.7 To decide on the appropriate method of financing of vehicles (be it leasing or otherwise) at the time of procurement.

18.7 Functions delegated to the Clerk/Monitoring Officer

- 18.7.1 To obtain legal advice and assistance and to commence or institute, defend or settle proceedings or decide the action to be taken in respect of legal proceedings and other matters involving the Authority, to arrange appearance or representation before courts or tribunals in any such proceedings and matters, and to arrange for counsel, solicitors and other experts to represent the Authority at any legal proceedings, public inquiries, and other matters involving the Authority. This power can be exercised jointly and severally with the general delegation conferred on the post of Chief Fire Officer set out in article 18.4.5.

- 18.7.2 To lodge or enter objections or observations to any proposal affecting the Authority.
- 18.7.3 To enter into, enforce and terminate agreements and contracts.
- 18.7.4 To settle, subject to consultation with the Chief Fire Officer and Section 151 Officer, any claim by or uninsured claim against the Authority up to a settlement figure of £50,000. This is exercisable jointly and severally with the Chief Fire Officer and Section 151 Officer.
- 18.7.5 To take any action to implement any decision taken by or on behalf of the Authority, including the signature and service of statutory and other notices and any document; and to affix the Authority's seal to any document where required.
- 18.7.6 To investigate and where possible resolve complaints against the Authority or to refer them to external investigators or investigation by the Public Services Ombudsman for Wales.
- 18.7.7 To be the Proper Officer for the Authority under the relevant legislation and in particular to receive the following:
- i. Notification of the appointment of a Member by a Constituent Authority,
 - ii. Resignation by a Member.
 - iii. Notices under the Authority's approved Code of Conduct for Members.
 - iv. Notices under the Local Government (Committees and Political Groups) Regulations 1990.
 - v. Declaration by a Member to observe the Authority's approved Code of Conduct for Members.
- 18.7.8 To exercise the functions of Proper Officer in relation to Sections 100A to 100K of the Local Government Act 1972 (supply of agenda papers, determination exempt information etc).
- 18.7.9 To sign summonses to attend meetings of the Authority.
- 18.7.10 To maintain the statutory register of Members' interests.

- 18.7.11 To resolve any issues regarding attendance of Members at conferences, courses etc and the payment of Members' allowances, after consultation with the Group Leaders, where there is insufficient time to refer the matter to a meeting of the Authority.
- 18.7.12 To amend rates of Members' travelling and subsistence allowances in line with changes in maximum rates made from time to time by the Independent Remuneration Panel for Wales.
- 18.7.13 To ensure that each Constituent Authority shall, so far as is practicable, appoint such number of representatives to be Members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other Constituent Authorities' areas.

The Clerk/Monitoring Officer is responsible for calculating the composition of the Authority to ensure the Authority shall consist of not more than 25 Members save that, where under the Combination Order the minimum number of Members of the Authority resulting from the operation would be greater than 25, the Authority shall consist of that number of Members⁴.

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

⁴ Mid and West Wales Fire Services (Combination Scheme) Order 1995, <http://www.legislation.gov.uk/ukxi/1995/3229/schedule/made>

PART 3: AUTHORITY PROCEDURE RULES

ARTICLE 19: STANDING ORDERS

19 Standing Orders

19.1 General Interpretation

19.1.1 These standing orders govern:

- i. The Authority Standing Orders
- ii. Access to Information Rules;
- iii. Financial Procedure Rules;
- iv. Contract Standing Orders.

19.1.2 In these Standing Orders /Authority Procedure Rules:

- i. "The Authority" means the Fire and Rescue Authority constituted under the Combination Order for the combined area of Mid and West Wales.
- ii. "The combined area" means the Fire Authority area comprising the areas of Carmarthenshire County Council, Ceredigion County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council, Powys County Council and City and County of Swansea Council.
- iii. "Constituent Authority" means a council referred to in the combined area.
- iv. "The Fire and Rescue Service" means the Fire and Rescue Service established for the combined area to be known as the Mid and West Wales Fire and Rescue Service.
- v. "The Clerk" means the person appointed by the Authority to act as its Clerk and Monitoring Officer.
- vi. "The Section 151" means the person appointed by the Authority to act as its Treasurer.
- vii. Unless expressly provided to the contrary, the Standing Orders/Authority Procedure Rules will apply to all meetings of the Fire Authority, its Committees, Panels and other decision making bodies.

19.1.3 The financial activities of the Authority are governed by the Financial Procedure Rules, Contract Standing Orders and Financial Standards and any other financial rules or protocols issued by the Section 151 Officer.

19.1.4 All Committees and Sub-Committees of the Authority, Panels and decision making bodies, including all Members of the Authority and every Officer of the Authority or other person acting on behalf of the Authority shall observe and comply with the above rules in discharging their duties.

19.2 Authority Standing Orders

Constitution of the Combined Fire Authority

19.2.1 The Authority shall consist of, not more than 25 Members in accordance with the Mid and West Wales Fire Services (Combination) Order 1995⁵ (as amended) (The Combination Order), appointed by the Constituent Authorities having regard both to the relative numbers of electors in the individual Constituent Authorities' areas and also to the requirements of political proportionality across the combined area.

19.2.2 Each Member of the Authority shall be appointed by a Constituent Authority from its own Members.

19.2.3 Each Constituent Authority shall, so far as is practicable, appoint such number of representatives to be Members of the Authority as is proportionate to the number of local government electors in its area in relation to the number of such electors in each of the other Constituent Authorities' areas.

19.2.4 A Member of the Authority shall come into office on the date of his/her appointment or on the date stipulated in the appointment document and shall, subject to subparagraphs (19.2.5) to (19.2.6) below, hold office for such period or periods as shall be determined by the Constituent Authority which appoints him/her.

19.2.5 A Member of the Authority may resign his/her Membership by giving notice in writing to that effect to the Clerk/Monitoring Officer.

⁵ <http://www.legislation.gov.uk/uksi/1995/3229/schedule/made>

- 19.2.6 A Member of the Authority who ceases to be a Member of the council/Constituent Authority which appointed him/her shall cease to be a Member of the Authority.
- 19.2.7 A person shall be deemed to be in breach of their duty to attend the Authority if he/she fails to attend a meeting of the Authority for a period of six months and the Clerk/Monitoring Officer shall, as set out in paragraph 2.5 of Article 2, report the breach to the Constituent Authority with a view to the removal of the Member from the Authority unless there are extenuating circumstances.
- 19.2.8 If a Member of the Authority resigns, becomes disqualified or otherwise ceases to be a Member of the Authority before the expiry of his/her period of office, the council which appointed him/her shall appoint a representative to replace him/her from the relevant political group, who shall come into office on the date of his/her appointment or the date stipulated and, unless he/she resigns, becomes disqualified or otherwise ceases to be a Member of the Authority, shall hold office for the remainder of the period for which his/her predecessor would have held office had he/she not resigned, become disqualified or otherwise ceased to be a Member of the Authority.
- 19.2.9 If a Member of the Authority resigns, becomes disqualified or otherwise ceases to be a Member of the Authority within six months before the end of his/her term of office, the council/ Constituent Authority which appointed him/her shall not be required to appoint a representative to replace him/her for the remainder of such term unless, on the occurrence of the vacancy (or in the case of a number of simultaneous vacancies, the occurrence of the vacancies), the total number of unfilled vacancies in the Membership of the Authority exceeds one-third of the number of Members of the Authority.

19.3 Meetings of the Authority

- 19.3.1 The Annual Meeting of the Authority shall be held on the second Monday in the month of June and shall be held at the Fire and Rescue Service Headquarters, or in accordance with the relevant requirements if appropriate.

- 19.3.2 Meetings of the Authority, other than the Annual General Meeting, shall be held on such other days and in such other places or in such a manner as the Authority may determine.
- 19.3.3 Unless in special circumstances the Chair shall fix some other hour for holding any meeting, all meetings shall be held at 10.00 in the forenoon.
- 19.3.4 An extraordinary meeting of the Authority may be called at any time at the request of the Chair or any other five Members addressed, in writing, to the Clerk/Monitoring Officer.
- 19.4 Chairperson of the Authority or Meeting**
- 19.4.1 The Authority shall elect a Chair, and may elect a Deputy Chair, from among its Members.
- 19.4.2 The Chair and, if a Deputy Chair is elected, the Deputy Chair, shall, subject to the Authority Procedure Rules, hold office for a period of one year from the date of their election and subject to being re-elected at the Annual Meeting, continue in this office for a further period of one year.
- 19.4.3 On a casual vacancy occurring in the office of Chair or, if a Deputy Chair has been elected, the Deputy Chair, the Authority shall elect from its Members a person to replace the Chair, and may so elect a person to replace the Deputy Chair, as the case may be.
- 19.4.4 The election to replace the Chair under sub-paragraph 19.4.2 above shall take place not later than the next following ordinary meeting of the Authority.
- 19.4.5 If both the Chair and Deputy Chair of the Authority are absent from or cannot participate in a meeting of the Authority, another Member of the Authority chosen by the Members of the Authority present shall preside.

19.4.6 The Chair shall have the duty of upholding and promoting the Constitution and, following advice from the Monitoring Officer interpreting and applying the Constitution and its procedure rules at meeting of the Authority. All rulings of the Chair regarding the interpretation of the Constitution or procedure rules shall be final and not open to challenge at the meeting.

19.5 Committees

19.5.1 There shall be established on a permanent basis a Resource Management Committee, a Standards Committee and a Performance Audit and Scrutiny Committee.

19.5.2 The Authority may by resolution establish other Committees or Sub-Committees from time to time.

19.5.3 The Authority shall, at the Annual General Meeting, appoint Members to serve on Committees and may at any time vary their Membership subject to any statutory provision in that respect.

19.6 Quorum

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

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

- i. At least three Members are present, including the chair;
- ii. At least half the Members present (including the chair) are independent Members; (As provided by the Standards Committee (Wales) Regulations 2001⁶; and The Standards Committees (Wales) (Amendment) Regulations 2006⁷).

⁶ The Standards Committee (Wales) Regulations 2001, <http://www.legislation.gov.uk/wsi/2001/2283/contents/made>

⁷ The Standards Committees (Wales) (Amendment) Regulations 2006, <http://www.legislation.gov.uk/wsi/2006/1849/contents/made>

19.7 Members attending Committee meetings of which they are not members

19.7.1 A Member of the Authority may attend a meeting of any Committee or Sub-Committee of which he/she is not a Member and with the permission of the Chairperson may speak but not vote at such a meeting.

19.8 Record of attendance and interests

19.8.1 An attendance sheet or book shall be provided by the Clerk/Monitoring Officer to the Authority at every meeting of the Authority, Committee and Sub-Committee on which each Member present at the meeting shall enter his/her name, and the time of arrival and departure recorded, together with details of any personal or prejudicial interest declared.

19.9 Order of business

19.9.1 Except as otherwise provided by sub-paragraph 19.9.2 below, the order of business at any meeting of the Authority shall be to:

- i. elect a person to take the Chair for that meeting if the Chair and Deputy-Chair are absent;
- ii. receive apologies for absence;
- iii. receive any declarations of any personal or prejudicial interests from Members;
- iv. deal with any business having precedence by statute;
- v. deal with any Chair's announcements or personal statements;
- vi. confirm the Minutes of the last Meeting of the Authority;
- vii. dispose of business (if any) remaining from the previous meeting;
- viii. fill vacancies and appoint Members on Committees;
- ix. receive and if appropriate consider reports from Officers;
- x. consider notices of motion in the order in which they have been received;
- xi. other business, if any, specified in the summons;
- xii. authorise the sealing of documents not otherwise authorised.

19.9.2 With the consent of the Chair, the Authority may, by Resolution at any meeting, vary the order of business set out in sub-paragraph 19.9.1 above.

19.9.3 Except as otherwise provided by sub-paragraph 19.9.4 below, the order of business at any Committee or Sub-Committee meeting shall be to:

- i. elect a person to take the chair for that meeting if the Chair and Deputy-Chair are absent; (except in the case of the Standards Committee where either the Chair or Deputy Chair, in accordance with The Standards Committees (Wales) Regulations 2001, must be present);
- ii. receive apologies for absence;
- iii. receive any declarations of interest from Members;
- iv. deal with any business having precedence by statute;
- v. deal with any Chair's announcements or correspondence;
- vi. confirm the Minutes of the last Meeting of the Committee;
- vii. dispose of business (if any) remaining from the previous meeting;
- viii. receive and consider reports or minutes of any Sub Committees if requested;
- ix. receive and consider reports from Officers;
- x. other business, if any, specified in the summons.

19.9.4 With the consent of the Chair, the Committee or Sub-Committee may, by Resolution at any meeting, vary the order of business set out in sub-paragraph 19.9.3 above, and may deal with any items of urgent business brought forward pursuant to Section 100B(4) of the Local Government Act 1972. Any matters to be considered under items of urgent business should be received in writing by the Clerk/Monitoring Officer, by no later than 09:00hrs on the day of the meeting.

19.9.5 Under Section 100B(4) of the Local Government Act 1972, the meeting can consider urgent items of business if the urgent item of business is delivered in writing by 09:00hrs on the day of the meeting, and the Chair of the meeting is, by reason of special circumstances, which shall be specified to Members, of the opinion that the item should be considered as a matter of urgency and cannot be deferred to the next meeting.

19.10 Motions

19.10.1 Notices of Motions

Except as provided by paragraphs 19.11, every notice of motion shall be in writing, signed by the Member or Members of the Authority giving the Notice, and delivered, at

least ten clear days before the next meeting of the Authority to the office of the Clerk/Monitoring Officer by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every Member of the Authority.

19.10.2 Motions to be set out in Summons

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

19.10.3 Motions not Moved

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

19.10.4 Scope of Motion

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

19.11 Motions which may be moved without notice

19.11.1 The following motions may be moved without notice:

- i. Appointment of a Chair of the meeting at which the motion is made.
- ii. Motions relating to the accuracy of the minutes of the last meeting of the Authority.
- iii. To change the order of business on the agenda to exclude the public or press in accordance with Access to Information Rules.
- iv. Appointment of an ad hoc Committee, or Panel, or working group or Members thereof, so far as arising from an item mentioned in the summons to the meeting.
- v. Adoption of reports and recommendations of Committees or of Officers and any consequent resolutions.
- vi. That leave be given to withdraw a motion.
- vii. Amendments to motions.
- viii. Authorising the sealing of documents.
- ix. Extending the time limit for speeches.
- x. That an item of business specified in the summons shall have precedence.

- xi. Suspending Standing Orders.
- xii. That a Member named be not further heard or do leave the meeting.
- xiii. Giving consent of the Authority where the consent of the Authority is required by these Standing Orders.
- xiv. Motions arising from correspondence or other items specified in the summons to the meeting.
- xv. Procedural motions including motions relating to the method of voting, adjournment, order of business, the putting of the question and procedure to next business.

NOTE: Requests for information or administrative action by Members arising from debate are not required to be moved and will be acted upon by Officers accordingly.

19.12 Minutes

- 19.12.1 Fire Authority /Committee (as appropriate) minutes can only be approved by the Fire Authority/Committee that the minutes are relevant to. Committee minutes are not to be submitted to the Fire Authority unless specifically requested.
- 19.12.2 The Chair shall put the question: "That the minutes of the previous meeting of the Authority/Committee held on (the day in question) be approved as a correct record".
- 19.12.3 No discussion shall take place upon the minutes, except upon their accuracy, until the minutes have been approved as a correct record and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chair shall duly sign the minutes.
- 19.12.4 Once the minutes have been approved for accuracy the Chair may invite questions or a brief discussion on matters arising from the minutes, but these should not result in any further amendment or changes to the minutes.

19.13 Rules of debate

- 19.13.1 A motion or amendment, unless notice has been given pursuant to paragraphs 19.11, shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with paragraphs 19.11 it shall, if so required by the Chair, be put in writing and handed to the Chair before it is further discussed and put to the meeting.

19.13.2 The mover of an original motion shall have a right to speak for no more than five minutes and also have the right to reply (but for not more than five minutes) at the close of the debate upon such motion, immediately before it is put to the vote, or before the motion, "That the debate be now adjourned" or "That the Authority do now adjourn" is put.

If an amendment is proposed, the mover of the original motion shall be entitled to reply at the close of the debate upon the amendment. A Member exercising a right of reply shall confine himself/herself strictly to answering or addressing previous observations and shall not introduce any new matter. After every reply to which this Standing Order refers, a decision shall be taken without further discussion. The right of reply shall not extend to the mover of an amendment which, having been carried, has become a substantive motion.

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

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

19.13.5 Every Member shall be addressed by his/her correct title.

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

19.13.7 Where it appears to him/her to be for the convenience of the Authority, the Chair, with the consent of the Members concerned, may decide and announce in advance that he/she will call named Members in a given order or at specified points in the debate.

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

- 19.13.9 A Member may rise to a point of order or personal explanation at any time and shall have precedence over other business provided that the point of order shall be very briefly stated to the Chair in the form of a single question, concerned solely with the proper conduct of the Authority or the point of personal explanation be brief and confined to some material part of a former speech by a Member at the same meeting which may have been misunderstood.
- (NB A point of order shall relate only to the rules of debate or conduct of the meeting).
- 19.13.10 The ruling of the Chair upon all points of order shall be final and, except by way of Motion after notice, shall not be open to discussion provided that before the Chair shall rule upon any point of order he/she shall, if asked, first give some opportunity to a Member to make a brief representation thereon.
- 19.13.11 A Member shall not speak more than once on any motion or amendment except in the exercise of the right of reply given to the mover of an original motion, as outlined within paragraph 19.12, or on a point of order or by way of personal explanation, or by consent of the Chair.
- 19.13.12 A Member who has not previously spoken at that meeting on the question under discussion may at the conclusion of the speech of another Member move without comment "That the question be now put", "That the debate be now adjourned" or "That the Authority do now adjourn" on the seconding of which the Chair, if, in his/her opinion the question before the meeting has been sufficiently discussed, shall, subject to the right of reply given by paragraph 19.13.2 put that motion to the vote and, if it is carried, the question before the meeting shall be put to the vote, or the subject of debate shall be deemed to have been disposed of for that day, or the meeting shall stand adjourned, as the case may be.
- 19.13.13 Whenever the Chair rises during a debate all Members, including those speaking, shall be silent.
- 19.13.14 When a motion is under debate no other motion shall be moved unless to the following effect:
- i. to amend or withdraw the motion;

- ii. to adjourn the meeting;
- iii. to adjourn the debate;
- iv. to proceed to the next business;
- v. that the question be now put;
- vi. that a Member be not further heard;
- vii. under paragraph 19.18 that a Member do leave the meeting;
- viii. a motion under Section 100A of the Local Government Act 1972, to exclude the public.

19.14 Amendment of Motion

19.14.1 An amendment shall be to:

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

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

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

19.15 Alteration of Motion

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

19.16 Withdrawal of Motion

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

19.17 Rescission of preceding resolution

19.17.1 No motion shall be moved:

- i. to rescind any resolution passed within the preceding six months; or
- ii. to the same effect as a motion which has been rejected within the preceding six months; unless notice thereof is given pursuant to Standing Order APR 19.10.

This Standing Order shall not apply to motions which are moved under paragraphs 19.10 or by the Chair or other Member of a Committee in pursuance of a report or recommendation of a Committee, or on the recommendation of the Clerk/Monitoring Officer.

19.18 Disorderly conduct

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

19.18.2 If, after a motion under sub-paragraph 19.18.1 above has been carried, the misconduct or obstruction is continued and, in the opinion of the Chair, renders the due and orderly dispatch of business impossible, the Chair, in addition to any other powers vested in him/her may, without question, put, adjourn or suspend the sitting of the Authority for such period as he/she in his/her discretion shall consider expedient.

19.19 Disorderly conduct of public

If a Member of the Public interrupts the proceedings at any meeting, the Chair

may, after warning, order his/her removal from the Meeting room. In the case of general disturbance in any part of the room open to the public, the Chair may order that that part shall be cleared.

19.20 Recording of meetings

The filming, photographing or recording of by any means of the whole or part of any Committee meeting is prohibited unless specifically permitted by law, the Local Government and Elections (Wales) Act, or by decision of the Authority. The Democratic Services Officer has responsibility for audio recording full Fire Authority and Committee meetings for administrative purposes and to stream it via the Fire Authority web pages.

19.21 Admission of Press and Public

Members of the press and general public will be admitted to all Authority Committee meetings but can be excluded by resolution under section 1 (2) of the Public Bodies (Admission to Meetings) Act 1960, as amended by Section 100 of the Local Government Act 1972 or under the Local Government and Elections (Wales) Act 2021.

19.22 Voting

19.22.1 Every question shall be determined by a show of hands or in accordance with the remote meeting regulations of the Local Government and Elections (Wales) Act, and on the requisition of any Member supported by a third other Members who promptly and together signify their support by rising in their places, the voting on any question shall be recorded in the minutes to show how each Member present and voting gave their vote or abstained as the case may be.

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

19.23 Voting on appointments

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

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

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

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

19.24 Appointment of employees

19.24.1 The appointment of the Chief Fire Officer is made by the Fire Authority and the appointment of the Deputy Chief Fire Officer, the Assistant Chief Fire Officers, Directors, The Monitoring Officer and Section 151 Officer shall be made by the Appointments Committee, with formal designation of these Officers reserved for full Fire Authority.

19.24.2 Where the Authority proposes to appoint employees, and it is not proposed that the appointment be made exclusively from among its existing staff, the Chief Fire Officer shall:

- i. draw up a statement specifying –
 - a. the duties of the employee concerned, and;
 - b. any qualifications or qualities to be sought in the person to be appointed;
- ii. 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 that all Chief Officer appointments shall be publicly advertised (except in relation to interim appointments up to 12 months).

- iii. make arrangements for a copy of the statement mentioned in sub-paragraph 19.24.2 (i) to be sent to any person on request.

19.24.3 Where a post has been advertised as provided in sub-paragraph 19.24.2 (ii) above the Chief Fire Officer shall:

- i. Interview all qualified applicants for the post, or
- ii. Select a shortlist of such qualified applicants and interview those included on the shortlist.
- iii. Where no qualified person has applied further arrangements should be made for advertisement in accordance with subparagraph 19.24.2 (ii) above.
- iv. Arrange for the appropriate body to conduct the interview process.

19.25 Motions affecting persons employed by the Authority

If any question arises which would be likely to result in the disclosure to Members of the public of exempt information (relating to particular employees etc.) of the categories described in paragraphs 1 and 2 of Part I of Schedule 12A of the Local Government Act 1972, such questions shall not be the subject of discussion until a motion to exclude the public has been proposed and voted upon.

19.26 Personal interests of Members

19.26.1 Any Member who has a personal or prejudicial interest in any matter before the Authority or its Committees or Sub-Committees, or any other decision making body of the Authority must comply with the provisions of the Members Code of Conduct.

19.26.2 If any Member of the Authority has any pecuniary interest direct or indirect within the meaning of Section 95 of the Local Government Act 1972, or any modification or re-enactment thereof (hereafter called "the said Act") in any contract, proposed contract or other matter which imposes a disability, such Member shall, notwithstanding the fact that he/she may previously have disclosed the said interest to his/her Constituent Authority before such contract, proposed contract or other matter shall be under consideration by the Authority or any Committee thereof, forthwith declare his/her interest and withdraw completely from the meeting while the item conferring disability is under consideration, unless:

- i. the disability imposed under the said Section 95 has been removed or excluded by the Secretary of State under Section 97 of the said Act in which case the Member

shall before the contract, proposed contract or other matter as aforesaid shall be under consideration, disclose orally both the interest concerned and the existence of the dispensation; or

- ii. the contract, proposed contract or other matter is under consideration by the Authority as part of the report of a Committee and is not itself the subject of debate.

19.27 Interests of Officers in contracts

19.27.1 Officers shall always comply with the requirements of the Code of Conduct for Officers set out in Article 34 of the Constitution. The Clerk/Monitoring Officer shall record particulars of any interests declared by an Officer of the Authority and any such record shall be made available during office hours to the inspection of any Member of the Authority.

19.27.2 The Clerk/Monitoring Officer shall make a record of any notice given by an Officer of the Authority, under Section 117 of the Local Government Act, 1972, of a pecuniary interest in a contract and any such record shall be made available during office hours to the inspection of any Member of the Authority.

19.28 Canvassing of Members, Recommendations and References

19.28.1 Canvassing of Members of the Authority directly or indirectly for any appointment under the Authority shall disqualify the candidate concerned for that appointment. The purport of the Standing Order shall appear in every form of application for that appointment to the Authority's service.

19.28.2 A Member of the Authority shall not solicit for any person any appointment under the Authority.

19.28.3 A Member of the Authority shall be precluded from giving a written or oral reference of the candidates' ability, experience or character for submission to the Authority with an application for appointments.

19.29 Relatives of Members or Officers

- 19.29.1 A candidate for any appointment under the Authority who knows that he/she is related to any Member or Senior Officer of the Authority shall, when making application, disclose that relationship on the application form. The Chief Fire Officer, on receiving the application, shall arrange for the matter to be reported to the Clerk/Monitoring Officer, who will arrange for the Member or senior Officer to sign a form of declaration. The Clerk/Monitoring Officer shall maintain a register of any such disclosures made.
- 19.29.2 The purport of this Standing Order shall be included in any form of application.
- 19.29.3 For the purpose of this Standing Order “Senior Officer” means any Officer of Group Manager or above or Officers whose posts are graded in the Principal Officer Range D or above and persons shall be deemed to be related if they are husband and wife or if either of them or the spouse of either of them is the son or daughter or grandson or grand-daughter or brother or sister or nephew or niece of the other, or of the spouse of the other.

19.30 Discipline of employees

- 19.30.1 All personnel will be subject to the relevant disciplinary procedures drawn up either in accordance with statutory provisions for the relevant bodies’ National Agreements, with the Chief Fire Officer being authorised to apply the approved disciplinary procedures.
- 19.30.2 Every employee shall have the right of appeal against any formal disciplinary action in accordance with the relevant disciplinary procedure and best practice guidance issued by ACAS.

19.31 Signature of documents

- 19.31.1 Where it is proper that any document be signed on behalf of the Authority it shall, unless any enactment otherwise requires, or authorises, or where the Authority shall have specifically given the necessary authority to some other person for the purpose of such proceedings, be signed by or in the name of the Chief Fire Officer or in the name of the Clerk/Monitoring Officer or their duly appointed representatives.

19.32 Inspection of documents

19.32.1 A Member of the Authority may for purposes of his/her duty as such Member, but not otherwise, on application to the Clerk/Monitoring Officer, inspect any document which has been considered by a Committee or by the Authority, and if copies are available shall, on request, be supplied for the like purposes with a copy of such document.

Provided:

- i. that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she has an interest; or
- ii. that this Standing Order shall not preclude the Clerk/Monitoring Officer from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client or which is in his/her opinion and that of the Chief Fire Officer of a confidential nature.

19.32.2 All minutes kept by the Authority shall be open for the inspection of any Member of the Authority during office hours.

19.32.3 Members shall respect the marking of documents as "Private" or "Confidential" and the contents of such documents or information contained therein shall not be imparted to anyone without the consent of the Authority.

19.33 Inspection of Lands, Premises, etc.

19.33.1 Unless specifically authorised to do so by the Authority, a Member of the Authority shall not issue any order in respect of any works which are being carried out or on behalf of the Authority, or claim by virtue of his/her Membership of the Authority any right to inspect or to enter upon any lands or premises which the Authority has the power or duty to inspect or enter.

19.33.2 Any Member of the Authority desiring to visit any premises is authorised to do so provided they comply with the requirements of this provision. Members shall inform the Chief Fire Officer of any can request to visit any land, premises or stations, and must notify either the person in control of the land, or the County Commander, or any other more senior Officer, of their intention to do so in order to arrange a convenient time for such a visit.

19.33.3 Members should also be aware of and comply with the provisions regulating access to 'confidential' and 'exempt' information as defined in the Access to Information rules of this Constitution regarding any matters arising during or as a result of any visit to premises.

19.33.4 All Members are also required to adhere to the relevant protocol for Member visits and abide by the Members Code of Conduct.

19.34 Emergency action

19.34.1 Notwithstanding any powers specifically given by the Authority, the Chief Fire Officer, the Clerk/Monitoring Officer and the Section 151 Officer individually or jointly, in consultation with the Chair or Deputy Chair of the Authority, shall be empowered to act on behalf of the Authority in regard to any matter which in their opinion requires immediate action, but does not justify the holding of a special meeting of the Authority or one of its Committees.

19.34.2 Each and every decision made under and in pursuance of the above sub-paragraph above shall be deemed to be a resolution of the Authority and any reference in these Standing Orders to a resolution of the Authority shall be construed accordingly;

19.34.3 A decision made under and in pursuance of sub-paragraph 19.34.1 above shall be reported by the Clerk/Monitoring Officer to the next meeting of the Authority where Members are entitled to ask questions concerning the decision made.

19.35 Suspension of Standing Orders

Any of the preceding Standing Orders may be suspended in regard to any business at the meeting where its suspension is moved, but except upon notice of motion duly given in pursuance of paragraphs 19.10 shall not be suspended unless there are present at least one half of the whole number of Members of the Authority and at least two thirds of those present vote in favour of the suspension.

19.36 Interpretation of Standing Orders

The ruling of the Chair of the Authority or the Chair of the Committee as to the construction or application of any of these Standing Orders, or as to their application

to any proceedings of the Authority or the Committee as the case may be, shall not be challenged at that meeting.

19.37 Welsh Language

In all proceedings of the Authority, the Welsh Language and English Language shall have the same status and validity.

19.38 Standing Orders to be given to Members

An electronic copy of these Standing Orders shall be given to each Member of the Authority by the Clerk/Monitoring Officer.

ARTICLE 20 - ACCESS TO INFORMATION

20 Access to Information

20.1 Scope

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

20.2 Additional rights to information

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

20.3 Rights to attend meetings

Members of the public may attend all meetings subject only to the exceptions in these rules and the requirements for virtual meetings as set out in the Local Government and Elections (Wales) Act 2021.

20.4 Notices of meetings

The Authority will give at least three clear working days notice of any meeting by posting details of the meeting at Mid and West Wale's Fire and Rescue Service Headquarters, Carmarthen and on the Authority's website.

20.5 Access to agenda and reports before the meeting

The Authority will make copies of the agenda and reports open to the public and available for inspection at the designated office at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Clerk/Monitoring Officer will make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda. These provisions are also subject to the requirements of the Local Government and Elections (Wales) Act 2021 and/ or any related legislation.

20.6 Supply of copies

The Authority will supply copies of:

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

- ii. any further statements or particulars necessary to indicate the nature of the items in the agenda; and if the Clerk/Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs or by electronic means.

20.7 Access to minutes etc after the meeting

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

- i. the minutes of the meeting or record of decisions taken by the Authority, its Committees and all other Committees excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- ii. 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;
- iii. the agenda for the meeting; and
- iv. reports relating to items when the meeting was open to the public.

20.8 Background papers

20.8.1 List of background papers:

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

- i. disclose any facts or matters on which the report or an important part of the report is based; and
- ii. which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

20.8.2 Public inspection of background papers:

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

20.9 Summary of Public's rights

These rules constitute the written summary of the public's rights to attend meetings and to inspect and copy documents as required by Sections 100A - H and schedule 12A of the Local Government Act 1972 and the Local Government and Elections (Wales) Act 2021.

Copies will be kept at and available to the public at Mid and West Wales Fire and Rescue Service Headquarters, Carmarthen. The information can also be accessed on the Authority's website.

20.10 Exclusion of access by the Public to meetings

20.10.1 Public and private meetings of the Authority and its Committees:

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

20.10.2 Confidential information - Requirement to exclude the public:

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

20.10.2 Exempt information - Discretion to exclude public:

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

20.10.3 Meaning of confidential information:

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

20.10.4 Meaning of exempt information:

The categories of exempt information and the conditions relating thereto are set out below:

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

Category of Exempt Information	Qualification
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12. Information relating to a particular individual	Public interest test applies (see below)
13. Information which is likely to reveal the identity of an individual	Public interest test applies (see below)
14. Information relating to the financial or business affairs of any particular person (including the Authority holding that information)	Information falling within paragraph 14 is not exempt information virtue of that paragraph if it is required to be registered under: the Companies Act 1985 the Friendly Societies Act 1974 the Friendly Societies Act 1992 the industrial and Provident Societies Acts 1965 to 1978 the Building Societies Act 1986; the Charities Act 1993 Public interest test applies (see below)
15. Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the Authority or a Minister of the Crown and the employees of, or office holders under, the Authority.	Public interest test applies (see below)
16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	No public interest test
17. Information that reveals that the Authority proposes: <ul style="list-style-type: none"> • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment 	Public interest test applies (see below)
18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public interest test applies (see below)
(In relation to a meeting of a Standards Committee, or a Sub-Committee, which is convened to consider a matter referred under the	Public interest test applies (see below)

<p>Provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):</p> <p>18A – Information which is subject to any obligations of confidentiality</p> <p>18B – Information which relates to in any way to matters concerning national security</p> <p>18C – The deliberations of a standards Committee or a Sub-Committee of a standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.</p>	
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20.10.5 Public Interest Test

Information which:

- i. falls within any of paragraphs 12 to 15, 17 and 18 above; or
- ii. is not prevented from being exempt by virtue of the qualifications above.

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

INTERPRETATION: WALES

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

- i. “employee” means person employed under a contract or service;
- ii. “financial or business affairs” includes contemplated, as well as past or current, activities;
- iii. “labour relations matter” means –
 - a. Any of the matters specified in paragraphs (a) to (g) of section 218(i) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or
 - b. Any dispute about a matter falling within paragraphs (a) above;

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

- i. “office holder”, in relation to the Authority, means the holder of any paid office appointments to which are or may be made or confirmed by the Authority or by any joint board on which the Authority is represented or by any person who holds any such office or is an employee of the Authority;
 - ii. “registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).
2. Any reference in Parts 4 and 5 and this is Part of the Schedule to “the Authority” is a reference to the principal council or, as the case may be, the Committee or Sub-Committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference –
- i. In the case of a principal council, to any Committee or Sub-Committee or whose functions the Committee discharges: and
 - ii. In the case of a Committee, to –
 - a. Any constituent or principal council
 - b. Any other principal council by which appointments are made to the Committee of whose functions the Committee discharges; and
 - c. Any other Committee or Sub-Committee of a principal council falling within subparagraph (I) or (II) above; and
 - iii. In the case of a Sub-Committee, to –
 - a. The Committee, or any of the Committees, of which it is a Sub-Committee; and
 - b. Any principal council which falls within paragraph (b) above in relation to that Committee”.

20.11 Exclusion of access by the Public to reports

If the Clerk/Monitoring Officer so advises, the Authority may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with the Authority Procedure Rules 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.

20.12 Record of decisions

20.12.1 The decision record;

A written record will be made of every decision made by the Authority and its Committees.

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

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

20.12.2 When preparing the decision record the Clerk/Monitoring Office or an Officer designated by him / her when attending any meeting of the Authority or its Committees, will produce a decision record by way of an Action Note, normally within three clear working days of the meeting.

20.13 Additional rights of access for Members

20.13.1 Rights of access

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

20.13.2 Limitation on rights

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

20.13.3 Nature of rights

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

PART 4: FINANCIAL PROCEDURE RULES

Article 21 – FINANCIAL PROCEDURE RULES

21 Financial Procedure Rules

21.1 Introduction

21.1.1 Background

- i. Financial Procedure Rules provide the framework for managing the Authority's financial affairs and are part of the Mid and West Wales Fire and Rescue Authority's Constitution. They apply to every Member and employee, and anyone acting on the Authority's behalf.
- ii. Financial Procedure Rules explain the procedures which must be followed to ensure high standards of financial management. They govern the day to day operation of the Authority's financial administration and protect the interests of the Authority and all those involved with financial administration.
- iii. The Section 151 Officer is responsible for preparing detailed Financial Procedure Rules and for maintaining a continuous review thereof. The Section 151 Officer, and in his/her absence the Head of Finance, will issue advice and guidance to underpin the Financial Procedure Rules that Members, employees and others acting on behalf of the Authority are required to follow.
- iv. In the event of dispute as to the meaning of any of the provisions of the Financial Procedure Rules, the matter shall be determined by the Section 151 Officer or in his/her absence the Deputy Section 151 Officer.

21.1.2 Role of the Section 151 Officer

- i. The Section 151 Officer is the person who has the statutory responsibility for the proper administration of the financial affairs of the Authority (Local Government Finance Act 1972, section 151).
- ii. The specific duties of the Section 151 Officer include:
 - a. Prescribing the accounting systems.
 - b. Prescribing the form of accounts.
 - c. Prescribing the form of financial records.
 - d. Ensuring the approved accounting systems are observed.
 - e. Ensuring the accounts and supporting records are kept up to date.
 - f. On behalf of the Authority, maintaining an adequate and effective internal audit in accordance with the Accounts and Audit Regulations 1996.

- iii. The Section 151 Officer also has the duty to report to Members and the Appointed Auditor (Audit Wales) on unlawful expenditure and over-commitment of resources (Local Government Finance Act 1988).

21.1.3 Role of the Chief Fire Officer and Directors

- i. Operational control of the Fire Service rests with the Chief Fire Officer. As such the financial implications of operational decisions are primarily a matter for the Chief Fire Officer.
- ii. Whilst the Chief Fire Officer is accountable for the deployment of the resources, he/she will delegate functions, including those of a financial nature to individual officers, for example, budgetary control, ordering of goods and services, and payment of accounts.
- iii. Directors, in consultation with the Section 151 Officer, are responsible for:
 - a. The financial management and administration of those services and activities allocated to them.
 - b. The monitoring and control of expenditure against their service area capital and revenue budgets.
 - c. Ensuring that the systems of internal control are capable of carrying out the activities of the Authority in an effective and efficient manner, securing as far as possible the completeness and accuracy of records, safeguarding assets, and ensuring value for money.
- iv. The Chief Fire Officer and Directors are responsible for ensuring that all officers in their service areas are aware of the existence and content of the Authority's Financial Procedure Rules, and guidance documents which underpin them. Each officer is required to understand and comply with the Financial Procedure Rules. Failure to comply may result in disciplinary action against the officer.
- v. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other assets of the Authority for personal use unless authorised to do so. They should strive to ensure value for money to the Fire Service and the local community and to avoid legal challenge to the Authority.

21.1.4 Emergencies

In the event of an Emergency (as defined in Section 138 of the Local Government Act 1972), the Chief Fire Officer will be empowered to incur expenditure which is essential

to meet any urgent needs created by the individual situation, subject to such action being subsequently reported to the Executive Board and the Fire Authority.

21.1.5 Items not covered by the Financial Procedure Rules

From time to time issues will arise which were not foreseen when these Financial Procedure Rules were drawn up. Officers are required to act prudently in such cases and where there is any doubt over the propriety of an action relating to a financial matter, the Officer should seek guidance from the Section 151 Officer prior to committing the Authority to the action in question.

21.1.6 Changes and Suspension of Financial Procedure Rules

- i. The Clerk/Monitoring Officer may, after consultation with the Section 151 Officer and the Chief Fire Officer, authorise departure from the Financial Procedure Rules, if he/she is satisfied that such departure is in the interests of the Authority. The Clerk/Monitoring Officer shall maintain a register of any such authorisations, which shall be available for inspection by any Member of the Authority, and the Authority's auditors. Any such departures will be reported to the Authority.
- ii. Financial systems and accounting procedures will be subject to amendments over time. There may be changes in statutory requirements, accounting practice, or the introduction of new technology which lead to Financial Procedure Rules becoming outdated. In the event of such changes, the Section 151 Officer shall amend the Financial Procedure Rules as appropriate. Such amendments will be reported to the Fire Authority.

21.2 **Financial planning and budget preparation**

- i. The Section 151 Officer, in consultation with the Chief Fire Officer shall formulate a medium-term financial strategy and timetable for the preparation of the annual revenue estimate and capital programme for the approval of the Fire Authority. Subsequently, a medium-term financial plan, revenue estimate for the forthcoming year, and capital programme shall be prepared. These shall be submitted to the Authority for approval in the form of a joint report of both Officers.
- ii. The Authority shall agree a budget requirement for the ensuing financial year on the advice of the Chief Fire Officer and Section 151 Officer. The Authority will notify an estimate of its net expenses for the next financial year to the Constituent Authorities for consultation purposes by the 31st December annually, and subsequently before

- the 15th February annually, give notice to each Constituent Authority of the amount of the contribution to be paid by that Authority in the next financial year.
- iii. The level of contribution shall be determined in accordance with the provisions of Mid and West Wales Fire Services (Combination Scheme) Order 1995 Part IV Combined Fire Service Fund.
 - iv. The revenue budget must be constructed to ensure that resource allocation properly reflects the plans and priorities of the Fire and Rescue Authority. Budgets (spending plans) are formulated and agreed so that the Authority can plan, authorise, monitor and control the way money is allocated and spent. It is unlawful for an Authority to budget for a deficit.
 - v. Preparation of the Capital Programme will take account of the over-arching Capital Strategy and the affordability, sustainability and prudence of capital investment plans. The Prudential Indicators and Minimum Revenue Provision Policy will be reported in the Treasury Management Strategy Statement and approved by the Fire Authority.
 - vi. The Capital Strategy sets out the long-term context in which capital expenditure and investment decisions are made. The purpose of the Capital Strategy is to demonstrate how the Authority determines its priorities for capital investment, decides how much it can afford to borrow and its risk appetite. The Capital Strategy is approved by the Fire Authority.

21.3 Revenue budget and capital programme budget monitoring

- i. The Chief Fire Officer shall have the power to incur expenditure on behalf of the Fire Service within the revenue budget and the capital programme approved by the Fire Authority.
- ii. The Chief Fire Officer is responsible for monitoring the actual level of income and expenditure throughout the year and ensuring that the approved budget and capital programme is not exceeded. Quarterly monitoring reports for revenue and capital shall be submitted to the Resource Management Committee by the Section 151 Officer and the Chief Fire Officer. The reports shall be in the format agreed by the Authority. The Resource Management Committee will report on such monitoring to the Fire Authority as necessary.
- iii. The Section 151 Officer and Chief Fire Officer shall report the actual income and expenditure as soon as practicable after the end of the financial year.
- iv. The Section 151 Officer is responsible for:
 - a. developing an effective framework of budget management and control; and

- b. providing appropriate financial information to enable budgets to be monitored effectively.
- v. The scheme of virement between budget heads in the approved capital programme and revenue budgets is intended to enable officers to manage budgets with a degree of flexibility within the following constraints:
 - a. That the virement can be contained within the overall totals of the budget approved by the Authority.
 - b. Virements up to £10,000 - Heads of Department / Command may vire within a department or a command.
 - c. Virements up to £25,000 - Corporate Heads may vire within and between departments or commands within a directorate.
 - d. Virements between £25,001 and £50,000 - Directors may vire between departments or commands within a directorate.
 - e. Virements up to £50,000 between directorates must be agreed by the relevant Directors.
 - f. Virements between £50,001 and £200,000 require approval in writing of the Section 151 Officer and Chief Fire Officer.
 - g. Virements in excess of £200,000 require approval of the Fire Authority.
 - h. All the above amounts are the cumulative maximum that can be vired in or out of a department or command per financial year.
 - i. That the proposed virement will not result in additional costs in future years' budgets which cannot be met through ongoing income or savings.
- vi. If virement results in increased overall commitment of future years' budgets or a change in the stated policy of the Authority, the approval of the Section 151 Officer and the Authority are required.
- vii. Proposals which cannot be met from within the approved budget, or cannot be funded by increased income, savings or virement, shall be referred to the Authority for approval as supplementary estimates. If approved, they are required to be notified to the Constituent Authorities for consultation before being actioned.
- viii. No expenditure which is subject to grant funding or other external funding shall, without specific prior approval of the Authority, be incurred until written confirmation is given that such funding is forthcoming and that any match funding can be met from existing budgets.
- ix. No expenditure which requires the approval of a Government Department or the Welsh Government, shall be incurred until approval has been received, or written assurance that such approval will be given in due course.

21.4 Accounts

- i. It is the Section 151 Officer's statutory responsibility to ensure that adequate systems and procedures exist to account for all income and expenditure of the Authority.
- ii. The Section 151 Officer shall be responsible for:
 - a. The preparation of statutory and other accounts.
 - b. The public inspection of the accounts.
 - c. Ensuring that all accounting entries of the Authority are properly administered and recorded, and that safe and efficient arrangements exist for carrying out financial transactions in all areas of the Authority and the Fire and Rescue Service.
 - d. Ensuring that the annual Statement of Accounts is compiled in accordance with the CIPFA Code of Practice on Local Authority Accounts.
 - e. Determining accounting policies and ensuring that they are applied consistently.
 - f. Determining accounting procedures of the Authority.
- iii. The Chief Fire Officer shall confer with the Section 151 Officer and obtain his/her endorsement before introducing or amending any computerised system, or administrative procedures used for financial administration.

21.5 Financial reserves strategy

21.5.1 Reserves Held

- i. The Authority will maintain reserves as provided for in prevailing legislative and regulatory requirements.
- ii. The Authority will not maintain funds for contingency purposes other than those reported as reserves.
- iii. The Authority will seek to avoid using reserves to fund a general deficit in the net revenue budget as this represents an unsustainable financial position.
- iv. In addition to a general reserve, the Authority will maintain earmarked reserves for specified purposes where this is necessary to meet one-off costs associated with specific initiatives, liabilities, or reasonably foreseeable risks.

21.5.2 Reserves Responsibility

- i. Within the existing statutory and regulatory framework, it is the responsibility of the Section 151 Officer to advise the Fire Authority about the level of reserves that it should hold, and to ensure that there are clear protocols for their establishment and use. The Section 151 Officer is therefore responsible for:

- a. The creation, deletion, and assessment of the adequacy of the reserves and transfers in and out of reserves.
 - b. The adequacy of reserves will be assessed at least annually.
 - c. Reporting to Members as required within this Strategy.
- ii. There is currently no direct role for both Welsh Government or UK Ministers to determine or advise on the appropriate level of reserves for specific Authorities. This is a matter for local determination given the particular risks, circumstances and plans which prevail at any time. However, section 26 of the Local Government Act 2003 gives Ministers in England and Wales a general power to set a minimum level of reserves for Authorities.

21.5.3 Reporting of Reserves

- i. The reporting of reserves in the financial statement will meet the prevailing accounting codes of practice applicable to the Authority.
- ii. In order to ensure transparency and scrutiny, publicly accessible reports containing further detail will be presented to the Resource Management Committee, Performance Audit and Scrutiny Committee and the Fire Authority, as appropriate, when agreeing the Medium-Term Financial Plan and when reporting the financial outturn for the preceding financial year.
- iii. Information regarding reserves will be maintained and reported on when reporting the financial outturn for the previous year including the purpose of reserves, assessment of adequacy, and transfers in and out of reserves.

21.5.4 Usable Reserves

- i. The Authority may hold Usable Reserves for three main purposes:
 - a. To establish a working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing, this forms part of general reserves.
 - b. To establish a contingency to cushion the impact of unexpected events or emergencies – this also forms part of general reserves.
 - c. As a means of building up funds often referred to as earmarked reserves, to meet known or predicted requirements; earmarked reserves are accounted for separately but remain legally part of the General Fund.
- ii. The Authority will also hold a “Capital Receipts Reserve”. This reserve holds the proceeds from the sale of non-current assets and can only be used for capital purposes in accordance with regulations.

- iii. In addition, where revenue grants are unspent but have no spending conditions, or where the conditions have been met and expenditure has yet to take place, the unspent grant will be held in earmarked reserves.
- iv. The Authority may also carry provisions in accordance with the strict definitions contained in accounting codes of practice. A provision is a specific liability, but of uncertain timing or amount.

21.5.5 Unusable Reserves

- i. Unusable reserves arise out of the interaction of legislation and proper accounting practice, either to record revaluation gains, or as an adjustment to accounts, in order to reconcile accounting requirements driven by reporting standards set out in statutory requirements. These reserves which are not resource-backed and cannot be used for any other purpose, are described below:
 - a. The Revaluation Reserve – this is a reserve that records unrealised gains in the value of property, plant and equipment. The reserve increases when assets are revalued upwards and decreases as assets are depreciated, or when assets are revalued downwards or disposed of.
 - b. The Pensions Reserve – this is a specific accounting mechanism used to reconcile the payments made for the year to various statutory pension schemes.
 - c. The Capital Adjustment Account – this is a specific accounting mechanism used to reconcile the different rates at which assets are depreciated under proper accounting practice, and are financed through the capital controls system.
 - d. Accumulated Absences Account – this account absorbs the differences that would otherwise arise on the General Fund balance from accruing for compensated absences earned but not taken in the year, e.g. annual leave entitlement carried forward at 31 March.
 - e. The Financial Instruments Adjustment Account – this is a specific accounting mechanism used to reconcile the different rates at which gains and losses (such as the premiums on the early repayment of debt), are recognised under proper accounting practice and are required by statute to be met from the General Fund.
- ii. Other such reserves may be created in the future where developments in local authority accounting practice result in timing differences between the recognition of income and expenditure, under proper accounting practice and under statute or regulation.

21.5.6 Adequacy of Reserves

- i. In order to assess the adequacy of reserves when setting the budget, the Section 151 Officer will take account of the strategic, operational and financial risks facing the Authority. The assessment of risks will include external risks, such as matters that may affect business continuity as well as internal risks, for example, the ability to deliver planned efficiency savings.
- ii. The following significant risks which could impact the adequacy of reserves have been identified and will be kept under review:
 - a. Increases in inflation which could impact on the prices of commodities.
 - b. Changes in interest rates which could impact on borrowing costs and investment returns.
 - c. Unforeseen demand led pressures.
 - d. Changes in service delivery.
 - e. Not achieving or delay in achieving planned efficiencies and savings.
 - f. Significant unforeseen legal costs.
 - g. Changes to capital funding assumptions.
 - h. Reduction in estimated level of external funding.
 - i. Risks inherent in Collaborative / Partnership working and outsourcing arrangements.
 - j. The availability of reserves, government grants and other funds to deal with major incidents.
 - k. General financial climate, spending reviews and future funding levels.
 - l. Risks attributable to pandemics.
- iii. Any plans for using reserves will need to consider the need and ability of the Authority to replenish reserves and the risks to which the Authority will be exposed whilst replenishing the reserves. Once utilised, reserves have limited scope for replenishment and this is usually achieved through a budget underspend.

21.6 Income

21.6.1 Introduction

- i. The Chief Fire Officer shall have in place arrangements to ensure the proper collection, accounting and banking of all income due to the Authority. These shall be approved by the Section 151 Officer and subject to ongoing review as circumstances change.
- ii. Income is generated through a number of sources and controls should be in place to safeguard the money due to the Authority. Budget Holders are responsible for ensuring there are adequate procedures within their areas of responsibility in order to

ensure that the requirements of the Section 151 Officer are met for the collection and banking of cash income, and for the prompt raising of sundry debtor accounts.

- iii. Income, which is not of an official nature, for example, certain deductions from payroll and local fundraising, is dealt with under "Voluntary Funds".
- iv. A receipt must be offered whenever cash is received, unless specific dispensation has been agreed by the Section 151 Officer.

21.6.2 Receipts

- i. Receipts will be in a form approved by the Section 151 Officer. Receipts may be electronically generated receipts, tickets, hand-written receipts, or till receipts. All receipting stationery must be properly controlled by a responsible officer.
- ii. Where monies are transferred between officers for accounting or paying-in, the transfer of money should be acknowledged in a permanent written record, a copy of which is to be retained by both the individual / establishment handing over the money and the receiving officer. Where this is impractical, the Head of Finance should be advised and alternative procedures agreed.

21.6.3 Cashing of Cheques

Under no circumstances should any Authority monies be used to cash personal or third-party cheques. No amounts should be used for any unofficial purposes and under no circumstances should any employee borrow or take money from cash income collected.

21.6.4 Shortages and Surpluses

Any shortages or surpluses arising when reconciling the cash collected with receipts should be clearly noted in the appropriate control record. Shortages and surpluses must be reported to the Head of Finance as they occur and not used to balance each other out. The Chief Fire Officer should decide whether an employee is expected to make up shortages due to error. If errors are frequent or significant in value, disciplinary action may be appropriate regardless of whether the individual has offered to make good the value of the shortages.

21.6.5 Cash Tills

Where cash tills are operating, all income received should be registered through the till. Keys to cash tills should be held securely. Operators should reconcile till records

to cash received and ensure income is banked promptly, recommended on a weekly basis. Till records should be submitted to the Finance Department for checking and reconciliation to bank statements on a monthly basis.

21.6.6 Cash Floats

Where a department requires a change float, for example mess facilities, the Section 151 Officer will arrange for an advance of cash to the collecting officer. The cash float should be adequate but not unnecessarily large so as to create a security problem. When paying in cash takings, the change float should be retained by the collecting officer for future change requirements.

21.6.7 Banking Cash

- i. Cash held on Service premises should be banked promptly, recommended on a weekly basis, to minimise risk. Where cash is left on Service premises overnight, it must be adequately secured in a locked receptacle, preferably in a safe and subject to cash holding limits.
- ii. All money collected must be paid promptly into the Authority's bank account. Bank paying-in slips must be completed showing separate totals for cash and cheques. Information recorded on the paying-in slip should be sufficient to identify the debt to which it relates. Banking returns should be submitted to the Finance Department in the form prescribed by the Section 151 Officer.

21.6.8 Grant Income

All claims for government grant and all estimates or forecasts thereto shall be provided to the Section 151 Officer or Head of Finance before submission. Note should be made of due dates, as late submission can result in future advances of grant being suspended.

21.6.9 Credit Income

Credit Income sums due to the Authority, in excess of £10, will be invoiced on an official sundry debtor invoice form. All invoices shall be raised promptly and in accordance with the Authority's Debt Management Policy.

The sundry debtor invoice must always include a reference number, which should be quoted by the customer on all payments in order to identify the account being paid.

21.6.10 Cancellation of Debts

The Head of Finance is authorised to cancel debts where the debt has been raised in error. Where a department requests the cancellation of a debt raised in error, the Head of Finance will require a submission from the budget holder and a written explanation of the reason for cancellation.

21.6.11 Write-Off of debts

- i. Debts of the Authority shall only be written off in accordance with the Authority's Debt Management Policy. The Authority operates the following write-off policy (value per Debtor):
 - a. Write-offs up to £2,500 can be approved by the Head of Finance. A record of such write offs shall be maintained and made available for inspection by any Members of the Fire Authority on request.
 - b. Write-offs between £2,500 and £20,000 must be approved by the Section 151 Officer after consultation with the Chief Fire Officer. An annual report of such write-offs will be provided to the Resource Management Committee.
 - c. Write-offs in excess of £20,000 require approval of the Fire Authority.

21.6.12 Debit / Credit Card Income

Officers responsible for taking payments by credit or debit cards must be mindful of, and ensure compliance with, the Payment Card Industry Data Security Standard and the Authority's guidance in this respect. Particularly but not exclusively, the directive not to record or retain in any format (paper or electronic) the customers' card details.

21.6.13 Internal Recharges

The sundry debtors' system should not be used for internal recharges. The Head of Finance should be contacted for clarification of the appropriate and most efficient method for recharging, whether occurring on a regular or ad hoc basis. VAT should not be charged on any internal transactions.

21.7 **Gifts, Loans and Sponsorship**

- 21.7.1 Gifts of money and gifts or loans of other property may be accepted if they will enable the Authority either to enhance or extend the service which they would normally be expected to provide.

- 21.7.2 Gifts, loans and sponsorship can be accepted from any source which has genuine and well-intentioned reasons for wishing to support specific projects. The Chief Fire Officer or Directors will determine whether the support is acceptable.
- 21.7.3 The Authority should, however, take care in deciding whether or not to accept offers of gifts, loans or sponsorship. The Authority should ensure that priority is given to meeting the needs of the Service rather than those of the sponsor. Examples of where the acceptance of gifts, loans or sponsorship would be inappropriate are as follows:
- i. Accepting offers from sources which come under the direct scrutiny of the police.
 - ii. Where the provider seeks endorsement of a product or service in order to gain preferential treatment in supplying or contracting goods and services to the Authority.
 - iii. Accepting offers from suppliers who have a contract with the Authority which is less than one year away from expiry.
 - iv. Offers apparently made to influence the direction of a particular policy or operation.
 - v. Offers made in association with companies already in a contractual arrangement to provide goods or services to the Authority, which could be construed by the competitors as preferential treatment.
 - vi. Projects of limited benefit in terms of the Fire and Rescue Service objectives, or which could distract effort from tackling agreed priorities.
 - vii. Offers which could involve the Authority in additional costs.
 - viii. Offers of gifts, loans or sponsorship with conditions attached.
 - ix. Offers of equipment which is incompatible.
- 21.7.4 The Authority should not enter arrangements to support activities which cannot be readily discontinued since funding by the donor could be withdrawn at any time.
- 21.7.5 Where offers of gifts, loans or sponsorship are made from more than one company in a competing market, care should be taken to demonstrate an unbiased approach in accepting and/or rejecting any offer.
- 21.7.6 A record of all gifts, loans and sponsorships received, with a value estimated to exceed £25, should be maintained by the Chief Fire Officer for inspection by the Section 151 Officer and the Authority's auditors.

21.7.7 The Chief Fire Officer should annually report details of gifts, loans and sponsorship to the Performance, Audit and Scrutiny Committee. Amounts above an agreed sum (£10,000) should be referred to the Performance, Audit and Scrutiny Committee for approval before they are accepted.

21.8 Purchasing

21.8.1 Introduction

Officers are required to abide by the Authority's Contract Standing Orders. Central arrangements have been established for the purchase of all routine operational and administrative supplies and all requisitions must therefore be processed through the Procurement system. The Contract Standing Orders provide the minimum requirements for purchasing, for more complex procurement requirements the advice of the Head of Procurement and Contracting should be sought.

21.8.2 IT Hardware and Software

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

21.8.3 Orders for "non-standard" goods and services

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

21.8.4 Support Service from a Constituent Authority

In accordance with the provisions of Part II of the Mid and West Wales Fire Services (Combination Scheme) Order 1995, the Authority may make arrangements with any Constituent Authority for the use by the Authority of the services of officers and employees of the Constituent Authority. This will include the making of contracts and payments on behalf of the Authority by the Constituent Authority.

- 21.8.5 **Leasing - Compliance with Finance Regulations**
Complex rules exist to govern the classification of Authority Capital Expenditure in relation to leasing arrangements. In order to ensure that arrangements are treated correctly, all leasing, rental, hire purchase agreements, deferred purchase agreements and other arrangements where the use of an asset is acquired without the ownership of it being acquired, must be referred to the Head of Finance prior to the arrangement being finalised.
- 21.9 Petty cash imprest accounts**
- 21.9.1 The Section 151 Officer shall approve and provide such petty cash imprest accounts as he/she considers appropriate for the purposes of defraying petty cash and other expenses.
- 21.9.2 The Chief Fire Officer or a Director is required to designate a member of staff to be responsible for each Petty Cash Imprest Account. It is advisable that another person is nominated to provide segregation of duties between the security and management of the account, from the daily administration and balancing of the account. All Petty Cash floats should be kept in a locked receptacle and access restricted to designated staff.
- 21.9.3 Payments shall be limited to minor items of expenditure and must be supported by receipts, or other relevant vouchers, together with adequate reason why receipts were not available. Official Purchase Orders should be raised wherever possible and as a guide, no payments in excess of £100 should be made from petty cash except in exceptional circumstances which must be approved by the Head of Finance or a Director.
- 21.9.4 Claims should be made monthly, or more frequently if appropriate, on a form specifically provided for the purpose. Claims should be supported by receipts, invoices or other relevant vouchers where practical. In order to reclaim Value Added Tax (VAT), the invoices must detail the suppliers VAT registration number where appropriate.

- 21.9.5 At the time of each claim, the responsible officer for the account must ensure that the expenditure and the balance remaining are correct and fully accounted for. This control should be formally evidenced.
- 21.9.6 All Petty Cash Imprest Accounts must be reconciled at financial year end and certificates returned to the Head of Finance in the prescribed timescale.
- 21.10 Orders for goods, works and services**
- 21.10.1 Purchase Orders (PO) must be issued for all goods, works and services to be supplied to the Service or the Authority, unless the Section 151 Officer has specifically and formally approved alternative arrangements.
- 21.10.2 Purchase Orders are not required for recurring payments, for example gas, electricity, water, rent, rates, petty cash disbursements, and any other orders agreed in writing by the Section 151 Officer. A record of recurring payments should be maintained by the Head of Finance.
- 21.10.3 Where Purchase to Pay is used, a requisition must be completed on the Financial Management System which will be workflowed to the authorising officer, who must be an authorised signatory for both ordering goods and invoice payment. Once authorised, the requisition is converted to a Purchase Order. New suppliers must be approved by the Procurement Team prior to raising requisitions.
- 21.10.4 Purchase Orders should be raised prior to work being undertaken. Where, as a matter of urgency orders have been placed verbally, a Purchase Order shall be issued in confirmation as soon as practicable. This Purchase Order must be clearly marked as a confirmation order and a copy retained.
- 21.10.5 The Chief Fire Officer will determine those staff who have authority to certify Purchase Orders within their respective Departments and a list of those staff maintained. These must be notified to the Section 151 Officer.

- 21.10.6 Details of Authorised Signatories should be made available to all staff within the Department who are responsible for exercising the control of checking that the document is authorised. This is in addition to the requirement to provide the details to the Section 151 Officer.
- 21.10.7 Purchase Orders must be based on the actual price (excluding VAT) which is to be paid. This must be clear at the time of ordering and entered on the Purchase Order.
- 21.10.8 The delivery details on the Purchase Order must be a Service premise. Goods must not be delivered to personal addresses, other than in exceptional circumstances with the prior approval of appropriate Director.
- 21.10.9 Prior to placing a Purchase Order, the officer authorising the Purchase Order must ensure that funds exist for the expenditure from within the budget and that the order represents value for money and, where appropriate that the Contract Standing Orders have been complied with.
- 21.10.10 To minimise risk arising from building work, orders for property-related works should be made by the Estates department.
- 21.10.11 Officers should be aware that they must not benefit personally from purchases made on the Authority's behalf. For example, free gifts supplied under promotional offers should be placed in the ownership of the Authority. Also, financial inducements to the personal benefit of the officer are prohibited. See Article 25 – guidance on the giving and receipt of gifts and hospitality and Article 34 – Code of Conduct for Officers.
- 21.10.12 The Authority's purchasing arrangements should not be used under any circumstances to obtain goods or services for private or personal consumption.
- 21.11 Payments of accounts**
- 21.11.1 Introduction
- i. The Chief Fire Officer shall have in place systems of control to ensure the proper payment of accounts. These shall be approved by the Section 151 Officer and subject to ongoing review as circumstances change.

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

21.11.2 Purchase Order Invoices

- i. For Purchase to Pay purchase order payments, when the requisitioning or authorising officer is satisfied that all goods and services ordered have been received to a satisfactory standard; a 'Goods Received Note' shall be entered into the payments system to release the invoice for payment. To prevent delay in payment, the goods receipt / delivery note must be registered on the system as soon as the goods are received, staff should not wait for the invoice before carrying out this task.
- ii. Where the actual amount shown as payable on the invoice varies from the value shown on the order by more than the prescribed tolerance; the authorising officer must investigate the cause of the variance and indicate this on the payment system.

21.11.3 Non-Purchase Order Invoices

- i. For non-Purchase Order invoices, such as utility payments, the supply of the service must be verified and recorded as received prior to the original invoice being submitted for payment.
- ii. When Purchase to Pay is not in use, prior to obtaining final approval, the following appropriate checks must be undertaken before the invoice is processed:
 - a. That the goods have been received, the work carried out or the service rendered satisfactorily.
 - b. Prices and charges are correct and have been checked to contracts or quotations.
 - c. The arithmetic is correct and appropriate discounts have been deducted.
 - d. The invoice has not previously been passed for payment.
 - e. Appropriate entries have been made in inventories and stock records as required.
 - f. The officer undertaking the checks should not also give final approval for the invoice.
- iii. The Chief Fire Officer or an officer delegated by him/her should certify final approval that the account is properly payable by the Authority.

21.11.4 Authorisation

- i. The Chief Fire Officer or Directors will determine those Staff who have authority to certify invoices for payment within their respective Departments. These officers must be notified to the Section 151 Officer and Head of Finance.

- ii. For Purchase to Pay purchase order payments, provided the amount of the invoice is within a set tolerance level, authorisation for payment of the invoice has already taken place at the requisition authorisation stage. In this case, invoices are scanned, matched to the order and paid without further authorisation.
- iii. Where input is carried out on-line through the Financial Management System Back Office within the Department, details of Authorised Signatories should be made available to all staff within the Department who are responsible for exercising the control of checking that the document is authorised. This is an addition to the requirement to provide the details to the Section 151 Officer.
- iv. Where an authorised signatory is responsible for raising / approving orders for goods / services, a separate authorised signatory must give final approval for the payment of the invoices, ensuring segregation of duties is maintained.

21.11.5 Timeliness of Processing Invoices

- i. In order to ensure that the Authority complies with the requirements of:
 - a. The Late Payment of Commercial Debts (Interest) Act 1998.
 - b. Late Payment of Commercial Debts Regulations 2002, 2013 and 2018.
 - c. The Authority's Performance Indicator for the prompt payment of undisputed invoices within 30 days
- ii. Staff must:
 - a. Pay Purchase Order invoices promptly.
 - b. Register goods received on the system as soon as the goods are received, staff should not wait for the invoice before carrying out this task.
 - c. Submit Purchase Order invoices to the central accounts payable section within 5 working days of receipt.
 - d. Where a dispute has occurred with the supplier regarding the invoice, this must be highlighted clearly on the invoice.
 - e. Ensure all paper invoices are date stamped at the point of initial receipt and at each internal point where any part of the processing takes place.
 - f. Ensure electronic invoices are recorded as received on the date they are received in the Finance Unit email Inbox.
 - g. Record the actual date of submission on the batch header.
- iii. Any claims for interest on overdue accounts must be referred to the central accounts payable section (Finance department) for investigation.

- 21.11.6 Value Added Tax (VAT)
For the Authority to reclaim VAT on individual payments, the Authority is required under VAT Regulations to obtain the supplier's VAT registration number and invoice to be addressed to Mid and West Wales Fire and Rescue Service.
- 21.11.7 Invoices in Dispute
If an account is alleged not to have been paid, full enquiries, including checking on the Financial Management System, must be made prior to processing the copy invoice for payment to ensure that the original invoice has not been paid. Where a copy invoice is passed for payment following sufficient checking, the copy invoice shall be clearly marked to indicate that it is a copy.
- 21.11.8 Supplier Statements
Under no circumstances should suppliers' statements be approved and passed for payment.
- 21.11.9 Construction Industry Scheme – Tax Deduction
- i. For certain types of construction work, the Authority is obliged under HMRC's Construction Industry Scheme (CIS) Regulations to deduct tax at source from sub-contractor payments, at the appropriate rate, from the invoiced amount. Those CIS sub-contractors paid under deduction must have the labour / material split shown on the invoice and entered onto the Financial Management System. Further guidance can be obtained from the central payments team.
 - ii. Sub-contractors must be verified and registered on the Financial Management System.
- 21.11.10 Financial Coding
The Section 151 Officer requires that all expenditure be properly coded to appropriate budget headings. Errors in coding may result in delays which the originating department will be held responsible for.
- 21.11.11 Outstanding Accounts
Budget Holders must ensure that appropriate arrangements are in place during the financial year, especially in the lead up to and at the year-end (31st March), to identify outstanding accounts which should be charged to the previous financial year. Such

accounts should be promptly passed for payment prior to the formal closure of the accounts, in line with guidance notes from the Section 151 Officer and Head of Finance.

21.11.12 Payments in Advance

Payment in advance for goods and services is only made where it is necessary in order to secure the particular supply required, or where a beneficial discount would otherwise be lost. Examples where payments in advance are requested include, but not exhaustive, service level agreements, annual software licensing costs, subscriptions, and training courses.

21.11.13 Credit Notes

Credit notes should only be accepted from a supplier where there is a clear and regular ongoing relationship. To avoid delays in processing credit notes, Departments should not pass credit notes for processing as a matter of course, without checking whether there is an ongoing relationship with the supplier. In such cases, alternative methods of recovery should be adopted. The Head of Finance will ensure any credit notes outstanding after 3 months are referred back to departments who will be responsible for making arrangements to recover the overpayment.

21.11.14 Payments to Individuals for Services

Where an individual has been engaged to perform a service, Budget Holders must ensure that the relevant employment status checks have been undertaken in accordance with Her Majesty's Revenue and Custom legislation. The outcome of the status checks shall determine if the individual is to be paid by invoice or be subject to Tax and National Insurance deduction through the payroll process.

21.12 Purchase cards

21.12.1 The Section 151 Officer is responsible for the issue, control and withdrawal of purchase cards (this includes credit cards and prepayment cards).

21.12.2 Purchase Cards are used as part of the Authority's procurement and purchasing arrangements. Purchase Cards should only be used where Purchase to Pay is not appropriate.

- 21.12.3 Cardholders must conduct Purchase Card transactions within set agreed limits and in accordance with guidance issued by the Finance Department. Cardholders are responsible for ensuring the security of their card including username, password and personal identification number (PIN).
- 21.12.4 Cardholders must maintain an appropriate audit trail for each transaction, including obtaining an itemised HMRC compliant VAT receipt to support all purchases. Cardholders are responsible for reconciling transactions via the online purchase card system and for adhering to the deadlines specified in the guidance.
- 21.12.5 The Authority makes one payment per month to the Bank to cover all card transactions and the reconciled transactions are exported each month into the Authority's Financial Management System to charge the appropriate cost centre(s).
- 21.12.6 Reconciliations and approvals must be carried out by an authorising officer who is not the cardholder in accordance with the deadlines specified in the Guidance.
- 21.12.7 The cardholder may only use the card for business purposes.

21.13 Payroll

- 21.13.1 The Chief Fire Officer, or the appropriate Director or officers delegated by them to exercise this function, must ensure that proper arrangements are in place to ensure that the Human Resources Department is notified of any change in circumstances which may affect an individual's pay. Such changes would include:
- i. Appointments, retirements, resignations, dismissals, secondments, transfers, severance, restructuring and new posts.
 - ii. Absences from duty for sickness or other reasons apart from approved annual leave or flexi-leave within normal entitlements.
 - iii. Changes in remuneration, including normal increments, regrading and pay awards relating to national and local agreements.
 - iv. Changes in hours of work and / or duties or any other factors affecting rates of pay or total pay.
 - v. All information necessary to maintain records of service, superannuation, income tax, national insurance and other statutory or non-statutory obligations concerning employees' records.

- 21.13.2 Notifications must be submitted promptly on standard forms and approved by authorised officers.
- 21.13.3 The Chief Fire Officer will determine those staff who have authority within their respective Departments to certify changes. These officers must be notified to the Section 151 Officer.
- 21.13.4 All records and documents shall be maintained in a form approved by the Section 151 Officer.
- 21.13.5 Timesheets must be approved by an authorised signatory. Any exceptions to this must be specifically approved in writing by the Section 151 Officer, who may require compensating controls to be put in place.
- 21.13.6 The Chief Fire Officer shall ensure that proper controls are in place in the payment process to minimise the risk of fraudulent activity. All staff will be paid by direct credit transfer into their personal bank accounts.
- 21.13.7 Advances of pay outside the provisions of the normal payroll may be actioned in the following circumstances:
- i. Where an employee has commenced work but pay records cannot be processed in time for the pay run, and where delay until the following pay date may cause hardship.
 - ii. Where there are exceptional circumstances justifying an advance to an individual employee.
 - iii. To remedy an error or difficulty in processing the payroll.
- 21.13.8 There should be procedures to ensure that advances of pay are properly processed through the payroll, that no duplication of payment will occur, and that no payment is in excess of the amount due to the employee at the time of payment.

21.13.9 The Chief Fire Officer must ensure that adequate procedures are in place to identify and record staff absences due to annual leave, flexi-leave, special leave, unpaid leave and sick leave. The procedures adopted by the Authority in respect of management of all leave should be followed.

21.13.10 The Director of Resources will periodically carry out certification exercises to obtain verification from employing Departments of the accuracy of payroll records. Directors must ensure that their Departments respond fully and promptly to employment certification exercises carried out by the Director of Resources.

21.14 Pensions

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

21.15 Travelling and Subsistence allowances

21.15.1 Staff are eligible to claim travel and subsistence expenses incurred in the execution of their duties, in accordance with the Authority's Travelling and Subsistence procedures and agreed allowances.

21.15.2 It is the responsibility of the employee and the authorising manager to ensure that the most economical and sustainable methods of travel and accommodation, where relevant, are utilised for every journey, and to share transport wherever possible. All staff are expected to travel in the most economical manner appropriate in the discharge of their duties.

21.15.3 Claims for travelling and subsistence should, wherever possible, be made during the month after the expenditure is incurred and should be submitted on a form approved for the purpose by the Section 151 Officer.

- 21.15.4 As a general rule the mileage to be claimed will be that actually covered on the approved journey provided always that the journey route starts and finishes at the individual's usual place of duty (base) and does not include an element of private mileage, which should be deducted.
- 21.15.5 If an employee travels directly from home to a place of duty other than the employee's base and or returns home directly from that place of duty, the mileage claimed is the actual mileage incurred less any private mileage undertaken for convenience purposes.
- 21.15.6 The exception to this rule is where an employee travels directly from home to a place of duty other than their base, and / or return home directly from that place of duty, but passes through the town / city of their base, the mileage to be claimed is actual mileage incurred less the normal commuting mileage, i.e. the difference between the two.
- 21.15.7 The Chief Fire Officer or an officer delegated by him/her shall certify final approval for these allowances. Such authorised officers will be those persons authorised to certify final approval on suppliers' invoices. Claims for reimbursement must be supported by relevant VAT receipts.
- 21.15.8 The certifying officer shall satisfy himself/herself that the journeys are reasonable and in accordance with the discharge of official duties. Also, that the distances, method of travel and other related expenses are reasonable in the circumstances.
- 21.15.9 Following approval of manual claims, claim forms should not be returned to the claimant; claim forms should be retained by the Payroll Section following processing. No officer should certify their own expenses claims. Late submissions will be authorised at the discretion of the authorised signatory.
- 21.15.10 Elected Members are also entitled in certain circumstances to claim travelling, subsistence and conference expenses. These claims are to be certified by the Head of Corporate Communications and Business Development.

21.16 External funding

21.16.1 Introduction

From time to time, it may be possible for the Fire and Rescue Authority to secure grant or other financial assistance from external bodies, in pursuance of its key strategic objectives. There is comprehensive grant guidance available from the Finance Department which must be adhered to where relevant to the project.

21.16.2 Maximising entitlements

- i. In order to maximise such opportunities, Directors must ensure that appropriate systems are in place to identify schemes where grant assistance may be available, to submit accurately costed applications and, where grant is awarded, to ensure prompt claiming of monies due.
- ii. Applications should be made only for assistance towards schemes which are consistent with the Authority's objectives. Where a potential grant will only cover part of the expenditure to be incurred, due consideration must be given to how the remainder (the Authority's contribution) can be financed. In addition, any ongoing revenue consequences of undertaking the scheme must be clearly identified.

21.16.3 Notifying Chief Fire Officer

The Chief Fire Officer must be promptly notified of all proposed grant applications, and be provided with sufficient detailed information, as set out above, to enable him/her to authorise submission of approved applications in good time. The Head of Finance should also be promptly notified of all proposed grant applications.

21.17 Voluntary Funds

21.17.1 "Voluntary Funds" for the purpose of these Financial Procedure Rules are any funds which do not belong to the Authority, but are administered wholly or in part by employees of the Authority by virtue of their employment by the Authority. Where any "Voluntary Funds" are administered by an employee of the Authority, by virtue of his/her office, there is a responsibility on the part of the Authority to protect the interests of the donors and beneficiaries of the fund.

- 21.17.2 All “Voluntary Funds” operating in relation to the Service's Functions shall be operated under arrangements approved by the Section 151 Officer. The Section 151 Officer shall be informed of the purpose and name of all Voluntary Funds maintained by employees in the course of their duties with the Authority. The Section 151 Officer should be consulted prior to the establishment of any new funds.
- 21.17.3 Adequate records must be maintained in order to properly account for all expenditure and income. An Annual Statement of the Accounts should be prepared and submitted to the Authority’s Finance Department who will audit the fund. The Section 151 Officer shall be entitled to obtain details relating to the administration and financial transactions of all “Voluntary Funds”.
- 21.18 Banking arrangements**
- 21.18.1 The Section 151 Officer is responsible for making arrangements for the banking requirements of the Fire and Rescue Service and is responsible for regularly tendering, at least every 7 years, Banking Services.
- 21.18.2 The opening and closing of any bank accounts in relation to official funds must only be undertaken with the specific approval of the Section 151 Officer. The Section 151 Officer shall determine those officers who will be authorised signatories on the bank mandate.
- 21.18.3 Bank accounts shall stand in the name of Mid and West Wales Fire and Rescue Authority Fund / Cronfa Awdurdod Tân Canolbarth a Gorllewin Cymru.
- 21.18.4 If the Authority makes arrangements with all or any of the Constituent Authorities for the use of their banking arrangements, then they shall be operated in accordance with instructions issued by the Section 151 Officer.
- 21.18.5 The Chief Fire Officer is responsible for the daily management and operation of the bank accounts and he/she should ensure that there are proper controls in the day to day running of the accounts.

- 21.18.6 There should be secure and efficient arrangements for on-line banking and all transactions must be dually authorised. There should be safe and efficient arrangements for the control of access to blank cheques and the preparation, signing and despatch of cheques. Where appropriate cheques shall be signed manually in accordance with the bank mandate.
- 21.18.7 There should be proper arrangements in place to facilitate the monthly reconciliation of the Authority's bank account(s).
- 21.18.8 Any new arrangements for the collection of income via debit or credit cards must only be made with the approval of and in consultation with the Head of Finance. The Section 151 Officer may specify aspects of the procedures required for such systems in order to ensure that accounting arrangements are satisfactory.

21.19 Leasing

- 21.19.1 The written approval of the Section 151 Officer or Head of Finance should be obtained before any lease in respect of property or equipment is entered into. Note that the term "Leasing" in this regulation includes all leasing, rental, hire purchase agreements, deferred purchase agreements and other arrangements, where the use of an asset is acquired without the ownership.
- 21.19.2 Appropriate records must be maintained in respect of all lease agreements and that all property which is subject to such agreements is identifiable. When assets which are subject to a lease are to be disposed of, Directors are required to ensure that the Head of Finance is advised in order that contractual obligations in the individual leases can be complied with.

21.20 Treasury Management

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

- 21.20.2 The Chief Fire Officer is responsible for the Authority's Treasury Management function under arrangements approved by the Section 151 Officer. Treasury Management deals with Cash Flows, Borrowing and Lending on the Authority's Bank Accounts. The administration of Loans and Investments will accord with the principles of the CIPFA Code of Practice relating to Treasury Management in Local Authorities.
- 21.20.3 The Authority is required to receive and approve, as a minimum, three main treasury reports each year, which incorporate a variety of policies, estimates and actuals including:
- i. Treasury Management Strategy Statement.
 - ii. A mid-year treasury management report.
 - iii. An annual treasury management report.
- 21.20.4 Scrutiny of Treasury Management is undertaken by the Fire Authority, Resources Management Committee or Performance, Scrutiny and Audit Committee as appropriate.

21.21 Insurance and Risk Management

- 21.21.1 The Chief Fire Officer, in consultation with the Section 151 Officer, is responsible for the administration of the Authority's Risk Management and Insurance arrangements.
- 21.21.2 The Chief Fire Officer is required to ensure that an active approach is taken to Risk Management. Consideration should be given to means by which risks can be minimised. A Business Risk Management Group exists to consider strategic and operational risk management issues.
- 21.21.3 The Chief Fire Officer will notify the Section 151 Officer promptly in writing of any matters affecting insurance cover, including details of all new risks and changes to existing risks as part of the ongoing Business Risk Management protocols.

21.21.4 The Chief Fire Officer is jointly authorised with the Clerk/Monitoring Officer, to obtain legal advice and assistance and commence, defend, settle or compromise any uninsured claims against the Authority (see Article 15.3 – Legal Proceedings). The Chief Fire Officer shall notify the Section 151 Officer in writing of any substantial loss, liability, damage or anything likely to lead to a significant claim against the Authority.

21.21.5 The Corporate Risk Department will be responsible for insurance arrangements, claims management and communication with the Authority's insurers.

21.22 Internal Audit

21.22.1 It is a statutory requirement upon the Authority to make arrangements for an adequate and effective Internal Audit function and for the Internal Auditors to have access to any information from the Authority which they require to carry out their duties. Whilst Internal Audit has these statutory obligations and powers, it is to be seen as a function which is provided as a service to management in order to assist in the proper, economic, efficient and effective use of resources.

21.22.2 Internal Audit undertakes systems reviews and other related work. Internal Audit may review any area of operations and must be given unlimited access to records, assets, premises and/or personnel.

21.22.3 The annual Internal Audit plan is agreed by Internal Audit with the Section 151 Officer after consultation with the Chief Fire Officer or designated officer.

21.22.4 The Chief Fire Officer or designated officer may, if he deems appropriate, commission value for money and systems-based audits to assist the efficient administration of the Fire and Rescue Service.

21.22.5 The Chief Fire Officer or designated officer will receive regular, at least quarterly, Internal Audit reports as a matter of course.

21.22.6 The Authority's Performance, Audit and Scrutiny Committee will receive Internal Audit reports and regular updates on progress in relation to the agreed audit plan.

- 21.22.7 The Section 151 Officer is to be notified immediately if the Chief Fire Officer becomes aware of any fraud, malpractice or irregularity within the Service.
- 21.22.8 Internal Audit operates in accordance with the Public Sector Internal Audit Standards (PSIAS) established in 2013, which are the agreed professional standards for Internal Audit in Local Government.
- 21.22.9 Internal Audit is independent of the functions which it reviews and acts in an independent and impartial manner at all times. The Head of Internal Audit has unrestricted access to Senior Management and reports directly to the Authority's Performance, Audit and Scrutiny Committee.
- 21.23 Fraud and irregularity**
- 21.23.1 Introduction
- i. Mid and West Wales Fire and Rescue Authority is committed to the establishment and maintenance of the highest standards of financial probity for all its officers and members and to ensuring that the Authority is seen to be above reproach when dealing with any case of suspected fraud or corruption within the Authority.
 - ii. To demonstrate this commitment, the Fire and Rescue Authority has adopted a comprehensive Anti-Fraud and Anti-Corruption policy and Corporate Criminal Offence policy which outline the approach to the prevention and detection of fraud. It is intended that these policies will reduce the risk to the Authority's assets, prevent the facilitation of tax evasion, and ensure that adequate procedures are in place to deal with suspected cases of fraud and irregularity.
- 21.23.2 Reporting Procedures
- i. It is vital that any case of suspected fraud or corruption by any officer or member of the Authority is reported immediately to the Chief Fire Officer or designated officer in order that prompt investigations can be initiated.
 - ii. The Section 151 Officer is to be notified immediately if the Chief Fire Officer or designated officer becomes aware of any suspected or actual fraud, malpractice or irregularity within the Service.

21.24 Assets of the Fire Authority

- 21.24.1 The Chief Fire Officer is responsible for the custody of all buildings, equipment and stores of the Authority and for the proper security in accordance with the Authority's risk management policies.
- 21.24.2 Stocks and Stores
- i. The Chief Fire Officer shall be responsible for maintaining proper records and for the custody of the stocks and stores of the Authority.
 - ii. These inventories and stores records shall be kept in such a form as approved by the Section 151 Officer.
 - iii. Stores control systems should be appropriate to the items, the risks faced and the costs of the controls. Where a formal stores system is in operation the following procedures should be in place:
 - a. Levels ordered are reasonable.
 - b. Purchases are secured on delivery.
 - c. The receipt of items is adequately recorded with records updated promptly.
 - d. Stocks and stores are secured.
 - e. The issuing or disposal of materials is adequately controlled and recorded.
 - f. Returns or write-offs are adequately and promptly recorded.
 - g. Regular stocktakes (at least annually) are undertaken and involve members of staff who are not involved in the daily administration of stocks and stores.
 - h. Significant or recurring discrepancies must be reported to the Head of Finance.
 - iv. The Section 151 Officer shall be entitled to receive, on request, from each Chief Officer, such information as is required relating to the levels of stock held and valuations of stock.
- 21.24.3 Property, Plant and Equipment
- i. The Chief Fire Officer shall maintain an asset register of all Property, Plant and Equipment with an estimated value in excess of £5,000, including Land and Buildings owned or leased by the Authority, operational vehicles, technical equipment and ICT hardware. The accuracy of the data held on the asset register should be verified annually.
 - ii. Heads of Department / Command are required to ensure that appropriate records are maintained of equipment, furniture, plant and machinery held by individual officers or within departments and commands. The aim of such records (inventories) will be to

assist in the management of such items and to catalogue items at risk as the records may be used to identify any losses which occur. All inventories must be physically verified and updated on at least an annual basis.

- iii. The acquisition, disposal or management of property, plant and equipment will be undertaken within limits and in accordance with arrangements approved by the Authority in its Contract Standing Orders and the Service's Disposal procedure. The Chief Fire Officer will take appropriate professional advice within these constraints.
- iv. The Head of Estates shall be responsible for making appropriate arrangements for the safe custody of all Title Deeds.
- v. Individual members of staff are required to behave responsibly on and in respect of Authority premises so as not to put the health and safety of themselves or others at risk. Employees not authorised or qualified to carry out works to buildings should not take any such work upon themselves without first consulting the Estates Department. Employees may find themselves personally liable to civil or criminal proceedings if they carry out works, however minor, which endanger others. For example, drilling holes for new shelving could release asbestos into the office environment. Any significant risks which are identified in relation to Authority premises should be referred to the Estates Department.
- vi. Any transaction which exceeds thresholds set in the contract standing order should be subject to the prior approval of the Authority.

21.25 Security - premises and staff

21.25.1 Introduction

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

21.25.2 Incoming Mail

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

21.25.3 Outgoing Mail

Outgoing mail should be adequately protected whilst in the custody of the Authority. The level of protection required will be influenced by the nature of the items to be dispatched, i.e. the extent to which valuables or payments are likely to be included.

21.25.4 Receipt of Goods

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

21.25.5 Personal Security of Authority Staff

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

21.25.6 Access to and Security of Buildings

- i. Directors, Heads of Department / Command and Officers in Charge are required to implement reasonable security measures for Authority premises.
- ii. Staff are required to comply with the measures implemented. For example, doors must be closed / locked outside normal occupation times or when unattended for long periods. Staff must not let unidentified persons through security doors (e.g. by holding the door open for them); visitors must be accompanied within secure areas, particularly when operational activities are underway.
- iii. Arrangements must be put in place to ensure that all premises are locked and secure upon the departure of either cleaning staff or the last member of staff working at each location. Where necessary, a roster of named individuals with responsibility for ensuring the security of premises should be compiled.

21.25.7 Background Checks on Employees

- i. For all employees who have responsibility for any of the following activities:
 - a. Handling money.
 - b. Purchasing or disposal of goods.

- c. Administering debtor or creditor accounts.
- d. Computer operations and programming.
- ii. The Corporate Head of Resources, or an officer delegated by him/her, will obtain, prior to appointment, satisfactory references, in writing, to confirm the honesty and integrity of each employee involved in those activities. Such references shall be obtained directly from former employers for the three years immediately preceding engagement and before the employee is entrusted without supervision. References need not be obtained in respect of employees who have satisfactorily and continuously served the Fire Authority for at least one year in another capacity before being entrusted with the duties referred to above.
- iii. In respect of employees joining directly from school, college / university or government sponsored training schemes, two character references shall be obtained. Directors should ensure that it is reasonable to place reliance on these referees, and a written copy of each reference must be retained on individuals' personnel records.
- iv. These procedures do not affect any other procedures regarding background checks on employees in areas which fall outside the scope of the Authority's Financial Procedure Rules, for example the Disclosure and Barring Service vetting required for all personnel working with children or young persons, and the Police vetting required for all personnel working at the Joint Fire Control.

21.26 Personal use of Authority equipment

21.26.1 Introduction

- i. Instances in which staff are entitled to make personal use of Authority equipment should be strictly limited and should be specifically approved by Heads of Department / Command. Written records should be maintained. In all cases, the full cost of personal use of Authority equipment must be fully reimbursed to the Authority.
- ii. Directors and Heads of Department / Command should be aware of the impact of personal use of equipment on the productivity of employees and appropriate monitoring arrangements should be in place.
- iii. Authority mail franking facilities are not to be used for private purposes, even if full reimbursement is offered.

21.26.2 Hiring Out of Authority Equipment or Facilities

- i. The hiring or letting of Authority equipment or facilities to or by the public, members of staff or members of the Authority should be approved in advance by the Chief Fire

Officer, either specifically or by a policy decision, in accordance with arrangements approved by the Section 151 Officer.

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

21.26.3 Authority Vehicles

- i. Authority vehicles are not to be used for private purposes.
- ii. Taking a pool car home has potential income tax implications and VAT implications which must be considered. Advice should be sought from the Section 151 Officer to ensure that taxable liabilities are considered and properly administered, consistent with the requirements of HM Revenue and Customs.

21.27 Retention of financial records

21.27.1 The Chief Fire Officer shall be responsible for ensuring that all financial records are retained for the required time period set out in the Authority's document retention policy. Depending on the type of record there are different retention periods, a schedule of retention periods is maintained by the Director of Resources.

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

21.27.3 Records due for disposal must be disposed of in an appropriate manner depending on the content of the documents. All documents relating to personal data must be disposed of in a manner which preserves their confidentiality. Confidential records which are not of a personal nature must also be disposed of securely. The Head of Estates is responsible for making arrangements for the disposal of confidential waste.

21.28 Controlled corporate financial stationery

21.28.1 Introduction

- i. For numerous routine financial and administrative processes, there are standardised and controlled corporate documents available. These documents help to ensure that the required controls have been implemented and ensure efficient use of staff time, as

the format is predefined. This section relates to items of controlled corporate financial stationery. These are controlled by the Resources Directorate with the exception of cheques which are controlled by Carmarthenshire County Council.

- ii. The following forms are defined as 'controlled stationery' and must be used at all times for the relevant functions.
 - a. Bank Paying-in Books.
 - b. Official manual cheques.
 - c. Imprest Account Books.
 - d. Mess Claim Books.

21.28.2 Management of Controlled Stationery

- i. The Head of Finance is responsible for the ordering storage, issue and reconciliation of controlled stationery (except computer cheques), and he/she will ensure that:
 - a. Ordering arrangements are secure to prevent unauthorised ordering.
 - b. Controlled stationery is held securely from the moment of delivery to the Authority to its issue to users.
 - c. That formal records are kept of receipts and issues, providing an audit trail of which documents have been provided to which users.
 - d. That regular stock takes are carried out and formally evidenced.
- ii. Carmarthenshire County Council is responsible for the ordering, storage, issue and reconciliation of computer cheques.

21.28.3 Users of Controlled Stationery

- i. All personnel who are allocated controlled stationery by the Finance Department will:
 - a. Comply with the requirements of the Head of Finance regarding the recording of the issue of the stationery.
 - b. Hold sufficient but not excessive stocks of controlled stationery.
 - c. Store all unused controlled stationery securely.
 - d. Comply with instructions from the Head of Finance regarding the use and completion of controlled stationery
 - e. Ensure that spoilt items of controlled stationery are retained as evidence that they have not been improperly used.

21.29 Employee declarations

All employees are required to comply with the Authority's annual certification procedures in respect of personal interests and other declarations such as related party transactions. Any non- financial or financial interest that could bring about conflict with the Authority's interests must be declared. In addition, all offers of gifts and hospitality (whether accepted or not) with a value estimated to exceed £25 which arises as a direct result from your duties must be formally declared. Heads of Department / Command are responsible for ensuring that appropriate procedures are in place to make employees aware of the requirements of the Employee Declarations Policy. In addition, Heads of Department must ensure that appropriate procedures are in place to allow employees to declare any relevant issues and operate an Annual Declaration Exercise within their departments.

21.30 Value Added Tax (VAT)

21.30.1 The Section 151 Officer shall establish appropriate systems of control for the proper accounting of VAT inputs and outputs.

21.30.2 The Section 151 Officer will also produce and distribute a VAT guidance document to all departments and commands etc. to enable officers to comply with HMRC VAT regulations.

21.31 INFORMATION TECHNOLOGY

21.31.1 The Chief Fire Officer shall be responsible for ensuring that the requirements of the UK General Data Protection Act, Data Protection Act 2018 and all other data protection legislation are being satisfied and will assign oversight to a designated Senior Information Risk Owner (SIRO) and Data Protection Officer.

21.31.2 Adequate security is essential in any computerised system particularly those used in the processing of personal data.

- 21.31.3 Care should be taken to prevent accidental disclosure either to unauthorised staff or to members of the public. Also, screens must be left in a secure mode, either by locking the screen or logging out, when left unattended for a period of time. The Service's Information Security Policy Document (ISPD) governing use of computer equipment located on the Information and Communications Technology intranet site, must be observed.
- 21.31.4 All computer systems should require users to enter a password before access is gained unless the system has specifically been set up to not require it. In order to prevent unauthorised access to computer systems it is important that passwords are protected as follows:
- i. Ensuring the guidance for passwords in the Service's Information Security Policy Document, or as specified by the application or system that is being used, is followed.
 - ii. Officers, employees, and Members must never disclose their password to others.
 - iii. Passwords must not be written down on paper or on an insecure media.
 - iv. When staff leave their posts accounts must be disabled or passwords must be changed.
- 21.31.5 All important and Service critical data must be stored securely and backed up frequently to a location that is in a different location to the primary data to ensure resilience.
- 21.31.6 In order to prevent the spread of malware and ensure the Service remains compliant with software licensing agreements, users must ensure that no unauthorised or unlicensed software is loaded on to any computer. Laptop computers can be particularly vulnerable as home use may not allow computers to be automatically updated as often or be subject to the same scrutiny at when used in the office. If there is a need for new software to be loaded on to any computer, then it must be done via a request through the ICT ticketing system.
- 21.31.7 Care should be taken to ensure that equipment is as physically secure as possible. This applies particularly to laptop computers and/or other mobile devices which can be easily taken away.

21.31.8 Internet usage may be monitored to ensure that the Authority's systems are not used for inappropriate or unlawful purposes. The guidance contained in the Service's Information Security Policy Document must be adhered to by all staff and members.

21.31.9 All staff must use Email appropriately, as users and the Service may be liable for inappropriate use. Guidance on internet, intranet and e-mail usage is outlined within this constitution and the Information Security Policy Document.

21.32 Electronic Signatures

21.32.1 Wherever possible “wet” signatures should be used for signing and sealing documents and agreements.

21.32.2 Where an electronic signature is used this should be using a recognised digital signing tool or using a method that accurately verifies your identity. There is no one specific process that must be followed but the signer should request details from the form creator or form administrator of what would be considered acceptable if it is not stated explicitly. A person receiving a digital form with an electronic signature should ensure that the signature can be authenticated or otherwise request an additional or alternative method of verification.

ARTICLE 22 CONTRACT STANDING ORDERS

22 Contract Standing Orders

22.1 Introduction and Overview

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

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

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

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

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

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

- 22.1.7 Where one department is proposing a specific procurement, the Service will consider the impact on other Departments and / or other services provided and consider one overall Corporate contract.
- 22.1.8 Before a tender or RFQ notice is published, the Approved Officer must ensure adequate budgetary provision and appropriate Committee approval where relevant. All tenders over £120,000 must be through the buy4wales/sell 2wales portal and signed off by the Head of Procurement and Contracting before publishing, similarly all RFQ`s must be signed off and authorised for publishing.
- 22.1.9 All substantial procurement projects should have a contract manager designated by the sponsoring department to ensure delivery of the desired outcome and management of the contract.
- 22.1.10 Approved Officers will seek all necessary legal, financial and professional advice before commencing.
- 22.1.11 Where an exemption is granted by the Head of Procurement and Contracting from competition, or limited competition a formal contract must still be issued by the Approved Officer before commencement of trading.
- 22.1.12 All variations to contract (in line with the original objectives/specification) must be formally recorded on a “variation to contract” form and endorsed by all parties.
- 22.1.13 Contracts should be let on a “whole life costing” basis taking into account initial, ongoing and disposal costs as is considered good procurement practice. This shall apply to sustainable elements of a contract which may incur costs up front, but lead to savings or greater efficiencies overall during the life of the project or asset.
- 22.1.14 Whenever possible contracts should incorporate a clause for disposal in line with prevailing guidelines e.g. Waste Electrical and Electronic Equipment (WEEE) Directive.

- 22.1.15 All Contracts or formal Agreements must be recorded within the departmental section of the Corporate Contract Register.
- 22.1.16 Any “Approved or Select List” of preferred bidders, whether in manual or electronic format, must give equal opportunity to perspective suppliers by rotation of those invited to tender to ensure no one supplier is favoured.
- 22.1.17 To facilitate the administration of an “Approved or Select List” the “Constructionline” register of pre-qualified suppliers may be utilised where appropriate. No other form of Approved or Select list shall be maintained.
- 22.1.18 Where a contract is let it shall be under the Fire Authority’s own Conditions of Contract / Terms and Conditions, Standard J.C.T or I.C.E. conditions and subject to the Laws of England and Wales.
- 22.1.19 Approved Officers must contact the Procurement Department for guidance and advice, provision of standard procurement documentation and templates including PQQ, ITT, evaluation criteria, quality/cost scoring matrix, standard terms and conditions and training in the use of specific tendering portals and evaluation tools, including electronic procurement where appropriate and advantageous to the tendering process.
- 22.1.20 Formal documentation required for quotes/tendering must be kept for six years after the completion of the contract.
- 22.1.21 You can access the Wales Fire and Rescue Services Contract Standing Orders by clicking [here](#).

PART 5: CODES AND PROTOCOLS

ARTICLE 23 - CODE OF CONDUCT FOR MEMBERS

23 Code of Conduct for Members

23.1 Mid and West Wales Fire and Rescue Authority Code of Conduct for Members and Co-opted Members

23.1.1 Part 1: Interpretation

In this code:

- 23.1.1.1 “Co-opted Member” (“aelod cyfetholedig”), in relation to a relevant Authority, means a person who is not a Member of the Authority but who:
- i. is a Member of any Committee or Sub-Committee of the Authority, or
 - ii. is a Member of, and represents the Authority on, any joint Committee or joint Sub-Committee of the Authority;
 - iii. and who is entitled to vote on any question which falls to be decided at any meeting of that Committee or Sub-Committee.
- 23.1.1.2 “Meeting” (“cyfarfod”) means any meeting:
- i. of the relevant Authority;
 - ii. of any executive or board of the relevant Authority;
 - iii. of any Committee, Sub-Committee, joint Committee or joint Sub-Committee of the relevant Authority or of any such Committee, Sub-Committee, joint Committee or joint Sub-Committee of any executive or board of the Authority; or
 - iv. where Members or Officers of the relevant Authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990(12), and includes circumstances in which a Member of an executive or board or an Officer acting alone exercises a function of an Authority.
- 23.1.1.3 “Member” (“aelod”) includes, unless the context requires otherwise, a co-opted Member.
- 23.1.1.4 “Relevant Authority” (“awdurdod perthnasol”) mean:
- i. a County Council;
 - ii. a County Borough Bouncil;
 - iii. a Community Council;

- iv. a Fire and Rescue Authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(13) or a scheme to which section 4 of that Act applies;
- v. a National Park Authority established under section 63 of the Environment Act 1995(14).

23.1.1.5 “You” (“chi”) means you as a Member or co-opted Member of a relevant Authority.

23.1.1.6 “Your Authority” (“eich awdurdod”) means the relevant Authority of which you are a Member or co-opted Member.

23.1.1.7 In relation to a Community Council, references to an Authority’s Monitoring Officer and an Authority’s Standards Committee are to be read, respectively, as references to the Monitoring Officer and the Standards Committee of the County or County Borough Council which has functions in relation to the Community Council for which it is responsible under section 56(2) of the Local Government Act 2000.

23.1.2 Part 2: General provisions

23.1.2.1 Save where paragraph 23.1.2.3 applies, you must observe this code of conduct:

- i. whenever you conduct the business, or are present at a meeting, of your Authority;
- ii. whenever you act, claim to act or give the impression you are acting in the role of Member to which you were elected or appointed;
- iii. whenever you act, claim to act or give the impression you are acting as a representative of your Authority; or
- iv. at all times and in any capacity, in respect of conduct identified in paragraphs 23.1.2.6(i) and 23.1.2.7.

23.1.2.2 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.

23.1.2.3 Where you are elected, appointed or nominated by your Authority to serve:

- i. on another relevant Authority, or any other body, which includes a Police and Crime Commissioner or Local Health Board you must, when acting for that other Authority or body, comply with the Code of Conduct of that other Authority or body; or
- ii. on any other body which does not have a Code relating to the conduct of its Members, you must, when acting for that other body, comply with this Code of Conduct, except

and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

23.1.2.4 You must:

- i. 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;
- ii. show respect and consideration for others;
- iii. not use bullying behaviour or harass any person; and
- iv. not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your Authority.

23.1.2.5 You must not:

- i. 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; or
- ii. prevent any person from gaining access to information to which that person is entitled by law.

23.1.2.6 You must:

- i. not conduct yourself in a manner which could reasonably be regarded as bringing your office or Authority into disrepute;
- ii. report, whether through your Authority's confidential reporting procedure or direct to the proper Authority, any conduct by another Member or anyone who works for, or on behalf of your Authority, which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- iii. report to the Public Services Ombudsman for Wales and to your Authority's monitoring Officer any conduct by another Member which you reasonably believe breaches this Code of Conduct;
- iv. not make vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, your Authority.
- v. You must comply with any request of your Authority's monitoring Officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

- 23.1.2.7 You must not:
- i. 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;
 - ii. use, or authorise others to use, the resources of your Authority:
 - a. imprudently;
 - b. in breach of your Authority's requirements;
 - c. unlawfully;
 - iii. other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the Authority or of the office to which you have been elected or appointed;
 - iv. improperly for political purposes; or
 - v. improperly for private purposes.

- 23.1.2.8 You must:
- i. when participating in meetings or reaching decisions regarding the business of your Authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your Authority's Officers, in particular by:
 - a. the Authority's Head of Paid Service;
 - b. the Authority's Director of Resources;
 - c. the Authority's Clerk / Monitoring Officer;
 - ii. the Authority's Chief Legal Officer (who should be consulted when there is any doubt as to the Authority's power to act, as to whether the action proposed lies within the policy framework agreed by the Authority or where the legal consequences of action or failure to act by the Authority might have important repercussions);
 - iii. give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your Authority.

- 23.1.2.9 You must:
- i. observe the law and your Authority's rules governing the claiming of expenses and allowances in connection with your duties as a Member; and
 - ii. avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your Authority), material benefits

or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

23.1.3 Part 3: Interests

23.1.3.1 Personal Interests

- i. You must in all matters consider whether you have a personal interest, and whether this Code of Conduct requires you to disclose that interest.
- ii. You must regard yourself as having a personal interest in any business of your Authority if —
 - a. it relates to, or is likely to affect —
 - i. any employment or business carried on by you;
 - ii. any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
 - iii. any person, other than your Authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a Member;
 - iv. any corporate body which has a place of business or land in your Authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
 - v. any contract for goods, services or works made between your Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - vi. any land in which you have a beneficial interest and which is in the area of your Authority;
 - vii. any land where the landlord is your Authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
 - viii. any body to which you have been elected, appointed or nominated by your Authority;
 - ix. any:
 1. Public Authority or body exercising functions of a public nature;
 2. company, industrial and provident society, charity, or body directed to charitable purposes;
 3. body 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 your Authority's area, in which you have Membership or hold a position of general control or management;
 6. any land in your Authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- b. sub paragraph (b) is omitted; or
- c. a decision upon it might reasonably be regarded as affecting:
- i. your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
 - ii. any employment or business carried on by persons as described in 23.1.3.1(ii) (c) (i);
 - iii. any person who employs or has appointed such persons described in 23.1.3.1(ii) (c) (i), any firm in which they are a partner, or any company of which they are directors;
 - iv. any corporate body in which persons as described in 10(2) (c) (i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
 - v. any body listed in paragraphs 23.1.3.1 (ii) (a) (ix) I to xi, in which persons described in 23.1.3.1(ii) (c) (i) hold a position of general control or management, to a greater extent than the majority of:
 1. in the case of an Authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 2. in all other cases, other council tax payers, ratepayers or inhabitants of the Authority's area.

23.1.3.2 Disclosure of Personal Interests

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

- iii. Subject to paragraph 23.1.3.5 (i) (b) below, where you have a personal interest in any business of your Authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- iv. You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 23.1.3.2 (i), give written notification to your Authority in accordance with any requirements identified by your Authority's monitoring Officer from time to time but, as a minimum containing:
 - a. details of the personal interest;
 - b. details of the business to which the personal interest relates; and
 - c. your signature.
- v. Where you have agreement from your monitoring Officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 23.1.4.1 (i), your obligations under this paragraph 23.1.3.2 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.
- vi. For the purposes of sub-paragraph (iv), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a Member of your Authority.
- vii. For the purposes of sub-paragraph (iii), 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.

23.1.3.3 Prejudicial Interests

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

- ii. another Public Authority or body exercising functions of a public nature in which you hold a position of general control or management;
- iii. a body to which you have been elected, appointed or nominated by your Authority;
- iv. your role as a school governor (where not appointed or nominated by your Authority) unless it relates particularly to the school of which you are a governor;
- v. your role as a Member of a Local Health Board where you have not been appointed or nominated by your Authority;
- b. relates to:
 - i. the housing functions of your Authority where you hold a tenancy or lease with your Authority, provided that you do not have arrears of rent with your Authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
 - ii. the functions of your Authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
 - iii. the functions of your Authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your Authority;
 - iv. the functions of your Authority in respect of an allowance or payment made under sections 22(5), 24(4) and 173 to 176 of the Local Government Act 1972, an allowance or pension under section 18 of the Local Government and Housing Act 1989 or an allowance or payment under section 100 of the Local Government Act 2000;
- c. your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.
- iii. The exemptions in subparagraph 23.1.3.3 (ii) (a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

23.1.3.4 Overview and Scrutiny Committees

- i. You also have a prejudicial interest in any business before an overview and scrutiny Committee of your Authority (or of a Sub-Committee of such a Committee) where:
 - a. that business relates to a decision made (whether implemented or not) or action taken by your Authority's executive, board or another of your Authority's Committees, Sub-Committees, joint Committees or joint Sub-Committees; and

- b. at the time the decision was made or action was taken, you were a Member of the executive, board, Committee, Sub-Committee, joint-Committee or joint Sub-Committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

23.1.3.5 Participation in Relation to Disclosed Interests

- i. Subject to sub-paragraphs (ii), (iii) and (iv), where you have a prejudicial interest in any business of your Authority you must, unless you have obtained a dispensation from your Authority's standards Committee —
 - a. withdraw from the room, chamber or place where a meeting considering the business is being held—
 - i. where sub-paragraph (ii) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
 - ii. in any other case, whenever it becomes apparent that that business is being considered at that meeting;
 - b. not exercise executive or board functions in relation to that business;
 - c. not seek to influence a decision about that business;
 - d. not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
 - e. not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- ii. Where you have a prejudicial interest in any business of your Authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- iii. Sub-paragraph (i) does not prevent you attending and participating in a meeting if:
 - a. you are required to attend a meeting of an overview or scrutiny Committee, by such Committee exercising its statutory powers; or
 - b. you have the benefit of a dispensation provided that you —
 - i. state at the meeting that you are relying on the dispensation; and
 - ii. before or immediately after the close of the meeting give written notification to your Authority containing:-

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

23.1.4 Part 4: The Register of Members' Interests

- i. Subject to sub-paragraph (iii), you must, within 28 days of:
 - a. your Authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your Authority; or
 - b. your election or appointment to office (if that is later), register your financial interests and other interests, where they fall within a category mentioned in paragraph 23.1.3.1 (ii) (a) in your Authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your Authority's monitoring Officer.
- ii. You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (i), register that new personal interest or change by providing written notification to your Authority's monitoring Officer.
- iii. Sub-paragraphs (i) and (ii) do not apply to sensitive information determined in accordance with paragraph 23.1.4.1 (i).
- iv. Sub-paragraph (i) will not apply if you are a Member of a relevant Authority which is a community council when you act in your capacity as a Member of such an Authority.

23.1.4.1 Sensitive information

- i. Where you consider that the information relating to any of your personal interests is sensitive information, and your Authority's monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 23.1.4.
- ii. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (i) is no longer sensitive

information, notify your Authority's monitoring Officer asking that the information be included in your Authority's register of Members' interests.

- iii. In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

23.1.4.2 Registration of Gifts and Hospitality

You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above £25, provide written notification to your Authority's monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage.

23.2 Mid and West Wales Fire and Rescue Service Self-regulatory Protocol for Local Resolution of Complaints

23.2.1 General Principles

- i. This protocol seeks to promote high standards of conduct and behaviour as a means of strengthening respect and trust among Members. It is NOT intended to replace the Code of Conduct, rather it is intended to sit alongside the Code, enabling inappropriate behaviour of a low level and which would benefit from local determination to be dealt with.
- ii. The protocol does not replace the Member-Officer Relations Protocol set out in the Authority's Constitution, but seeks to complement it.
- iii. Members will make all reasonable attempts to resolve disputes through agreed internal processes set out in this protocol subject to their obligations under the Members' Code of Conduct.
- iv. Referral to external regulators will only take place after the matter has been considered under the protocol, and as a last resort subject to Members' obligations under the Code of Conduct.
- v. Members will avoid personal confrontation in any public forum, especially at the full Authority and other Committee meetings, and through the media.
- vi. These commitments will not stifle legitimate political debate or scrutiny.
- vii. Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for Members of their own political groups.
- viii. Group Leaders individually and collectively will work and use their best endeavours to ensure compliance with this protocol.
- ix. Members will commit to undertaking training and development in support of this protocol.

23.2.2 The standards of conduct

Members shall commit to the following standards of conduct: -

23.2.2.1 Public Behaviour

- i. To show respect to and for each other.
- ii. Not make personal abusive comments about each other.
- iii. Not publish anything insulting about each other.
- iv. Not make malicious allegations against each other.

- v. Not publish or spread any false information about each other.
- vi. To show respect for diversity and equality.
- vii. To use social media responsibly and in accordance with the Members' Code of Conduct and this protocol.

23.2.2.2 Behaviour in Meetings

- i. To behave with dignity.
- ii. Show respect to each other and Officers.
- iii. To show respect to the Chair and obey his/her decisions and, in return Members can expect the Chair to show respect to Members.
- iv. Show respect to Members of the public.
- v. Not use indecent language nor make racial remarks or other remarks which may be considered to show prejudice, or which may be deemed to be offensive to any section of society.

23.2.2.3 Confidentiality

- i. To keep the confidentiality of exempt papers and any other documents which are not publicly available documents.
- ii. Not to release confidential information to the press or the public.
- iii. Not to use confidential information for purposes other than that intended.

23.2.3 Roles / Procedure

23.2.3.1 All complaints involving breaches of the Code should be made to the Public Services Ombudsman for Wales, other than those covered by this protocol, which should be made to the Clerk/Monitoring Officer to be dealt with under this protocol, and who will determine whether and how it will be dealt with under this protocol.

- i. Complaints by Members regarding Members of their own group or other Members:
 - a. A complaint by a Member relating to a Member of the same group will be referred to the Group Leader. A complaint by a Member concerning the activities of a Member of a different political group will be discussed with the complainant's own Group Leader, who will then refer the issue to be dealt with under 23.2.4.3 and 23.2.4.4 and also notify the Group Leader with responsibility for the Member against whom the complaint is made.

- b. Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal, resolved through face to face meetings. Group Leaders will need to retain some records but the process will not be “document heavy”. The emphasis should be on training, education, mediation and conciliation.
 - c. When appropriate, a further sanction such as removal from a Committee or an outside body, may be used in extreme cases or after persistent breaches. In exceptional cases the matter may be referred to the Public Services Ombudsman for Wales.
 - d. Complaints about Group Leaders from Members of their own group will be dealt with by their Deputies.
- ii. Complaints regarding Unaffiliated Members.
 - a. As far as unaffiliated Members are concerned, the Chair of the Authority will undertake the role of Group Leader. Concerns regarding the conduct of an unaffiliated Member should be referred to the Chair who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation.
 - b. A complaint made against the Chair, who is also a Group Leader or an unaffiliated Member, will be dealt with by the Deputy Chair.
- iii. Complaints by Members against Members of other groups, which are unresolved under section 23.2.4.3, or by Members of the public or Officers, will be referred to the Local Resolution Panel.
 - iv. In the case of persistent breaches the matter shall be referred to the Ombudsman by the Clerk/Monitoring Officer or in his/her absence the Deputy Monitoring Officer.

23.2.4 Local Resolution Panel

23.2.4.1 Role:

To consider and deal with complaints by Members against Members of other groups, which cannot be resolved as set out above, or by Members of the public or Officers, will be referred to the Local Resolution Panel.

23.2.4.2 Composition:

- i. Group Leaders and an Independent Member of the Standards Committee (or in their absence, their deputies).
- ii. The Chair of the Local Resolution Panel will be the Member of the Standards Committee. A quorum will be three.

- iii. It is important that any allegations made under the protocol are dealt with quickly and effectively with the co-operation of all parties involved. Each party must make themselves available to attend a hearing held thereunder as a matter of priority.
- iv. Following commencement of the protocol process, the complainant may elect at anytime to refer the matter to the Ombudsman for investigation, in which case the protocol process will be discontinued and cannot subsequently be resumed.

23.2.4.3 Local Resolution Procedure

- i. Stage 1 is an informal resolution by the Member's Group Leader or, for unaffiliated Members, by the Chair of the Authority in accordance with the principles in 23.2.4.3. If this is unsuccessful, the matter will proceed to Stage 2.
- ii. Where the complaint cannot be resolved as set out above, the matter will be referred to the Local Resolution Panel (stage 2).
- iii. The Member(s) or individual making the complaint will be asked to submit the substance of the complaint in writing to the Clerk/Monitoring Officer (including identifying which standard(s) of conduct is/are alleged to have been breached) together with any written evidence they wish to submit for consideration at the hearing.
- iv. The Member(s) who is the subject of that complaint will be asked to provide a written response to that complaint together with any written evidence they wish to submit for consideration at the hearing.
- v. If the Clerk/Monitoring Officer has not participated in the matter to a significant extent he/she shall be the Investigating Officer.
- vi. The Clerk/Monitoring Officer if he/she has already participated in the matter to a significant extent will notify the Deputy Monitoring Officer or a legal Officer of receipt of the complaint who shall thereafter have conduct of the matter as the 'Investigating Officer'.
- vii. Both the Member(s) or individual(s) making the complaint and the Member(s) against whom the allegation(s) has been made must respond promptly to all correspondence relating to the matter including requests to confirm availability in respect of scheduling the hearing itself. Member(s) should not unreasonably delay confirming a date which they are available to attend the hearing and must make themselves available to attend as a matter of priority.
- viii. The papers relevant to the matter will be distributed to the Members of the Committee in accordance with the Authority's Access to Information Rules.

- ix. No additional evidence may be produced without the prior consent of the Chair of the Committee.
- x. Each party must give notification in writing to the Investigating Officer of any witnesses they intend to call to give evidence at the hearing. It is the responsibility of the party calling the witness to ensure that witness is available to attend on the agreed date. If either side wishes not to be present or fails to attend, the hearing may be held in their absence.
- xi. Should they deem it appropriate the Local Resolution Panel may invite the Authority's Officers to attend the hearing to answer any questions they may have any relevant to the matter before it. (If appropriate the formal Standards Committee procedure may be adopted or followed for these purposes).

23.2.4.4 Sanction / Outcomes

- i. The Panel can resolve:
 - a. That there is no basis to the complaint.
 - b. That there is a basis to the complaint but that no further action is required.
 - c. That there is a basis to the complaint and that the Member should be censured, and or undergo further training or be dealt with by any other appropriate means.

ARTICLE 24 THE REGISTER OF MEMBERS' INTERESTS

24 The Register of Members' Interest

24.1 Registration of Financial and Other Interests and Memberships and Management Positions

- 24.1.1 Members are required, in accordance with paragraph 23.1.4 of the Code of Conduct, to declare and record any interests in a register kept by the Monitoring Officer, and to notify the Monitoring Officer in writing of any changes to these interests, or the existence of any new interests within 28 days of being elected or appointed, or the changed, or of the Member becoming aware of the interest. Paragraph 23.1.4 states:
- i. Subject to sub-paragraph (iii), you must, within 28 days of—
 - a. your Authority's Code of Conduct being adopted or the mandatory provisions of this model code being applied to your Authority; or
 - b. your election or appointment to office (if that is later).
 - ii. Register your financial interests and other interests, where they fall within a category mentioned in paragraph 23.1.3.1 (ii) (a) in your Authority's register maintained under section 81(1) of the Local Government Act 2000 by providing written notification to your Authority's monitoring Officer.
 - iii. You must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under sub-paragraph (i), register that new personal interest or change by providing written notification to your Authority's monitoring Officer.
 - iv. Sub-paragraphs (i) and (ii) do not apply to sensitive information determined in accordance with paragraph 23.1.4.1 (i)
 - v. Sub-paragraph (i) will not apply if you are a Member of a relevant Authority which is a community council when you act in your capacity as a Member of such an Authority.
- 24.1.2 Sensitive information. Paragraph 23.1.4.1 states:
- i. Where you consider that the information relating to any of your personal interests is sensitive information, and your Authority's monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 23.1.4.

- ii. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (i) is no longer sensitive information, notify your Authority's monitoring Officer asking that the information be included in your Authority's register of Members' interests.
- iii. In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

24.1.3 Registration of Gifts and Hospitality. Paragraph 23.1.4.2 states:

- i. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above £25, provide written notification to your Authority's monitoring Officer of the existence and nature of that gift, hospitality, material benefit or advantage.

ARTICLE 25 – GUIDANCE ON THE GIVING AND RECEIPT OF GIFTS AND HOSPITALITY

25 Guidance on the giving and receipt of gifts and hospitality

25.1 General

In this code “Benefit” means gifts; hospitality; loans and any other favour.

25.2 Receipt of Benefits

25.2.1 In the private sector, corporate hospitality and promotions are accepted as part of the normal conduct of business. However, within local government a greater burden of responsibility rests with Members (and employees) not only to ensure the propriety of all dealings, but also to be able to demonstrate it publicly.

25.2.2 Each Member is personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in local government.

25.3 Procedure

25.3.1 When an offer of a Benefit is made to a Member the Member should consider whether or not to accept the Benefit by applying the guidance set out below. (If in doubt the offer should be refused, or the advice of the Clerk/Monitoring Officer sought before the Benefit is accepted).

25.3.2 A Member must within 28 days of receiving any gift or hospitality over the value of £25 provide written notification to the Clerk/Monitoring Officer of the existence and nature of that gift of hospitality received by the Member.

25.3.3 The Clerk/Monitoring Officer or designated person appointed by the Clerk/Monitoring Officer will then record the details of the gift of hospitality in a register.

25.3.4 The Register will be open for inspection during normal office hours by:

- i. the Chief Fire Officer;
- ii. the Clerk/Monitoring Officer;

- iii. the Section 151 Officer;
- iv. the External Auditor;
- v. all Members of the Authority;
- vi. all Members of the Public.

25.4 Guidance on Receipt of Benefit

25.4.1 When considering whether or not to accept the offer of a Benefit the Member should take into account the following criteria:-

- i. the nature of the benefit;
- ii. the value of the benefit;
- iii. the motivation of the offer or in offering the benefit;
- iv. the timing of the offer of the benefit.

25.4.2 Benefit which should be refused.

An offer of any of the following Benefits should always be refused:

- i. Gifts of Cash.
- ii. Benefits of a personal nature from organisations which have dealings with the Authority (e.g. work to Members private property; holiday bookings).
- iii. Benefits of a value which a reasonable Member of the public would think may influence the Member or affect the propriety of any dealings by the Authority.
- iv. Benefits which a reasonable Member of the public would regard as an inducement for the business of the Authority.
- v. Benefits offered at sensitive times (e.g. during a tendering process).
- vi. Loans (preferential or otherwise) from persons or organisations which have or could have dealings with the Authority (other than Banks, Building Societies or other major financial lending institutions).

25.4.3 Benefits which may be accepted:

The following Benefits may be accepted:

- i. Promotional calendars, diaries, pens or other gifts relating to the Members work for the Authority which are low in value.
- ii. Working lunches or other meals if:
 - a. Modest in value.
 - b. Provided to allow the parties to continue to discuss relevant Authority business.
 - c. Those Members who receive the Benefit are properly involved in the business under consideration.
- iii. Goodwill gestures or gifts of a value which a reasonable Member of the public would consider that acceptance would not influence the Member concerned or the propriety of any dealings by the Authority:
- iv. Offers to attend purely social or sporting functions if:
 - a. They are part of the life of the Community.
 - b. The Authority should be seen to be represented at such functions.

- c. Hospitality offered as part of attendance at relevant conferences and courses where it is clear that the hospitality is corporate rather than personal.
- d. Invitations to trade fairs or similar events where this is a general invitation to customers and others.

25.5 Giving of Hospitality

25.5.1 Procedure

The procedure for giving hospitality is that the Member should:

- i. ensure that prior Authority approval has been obtained;
- ii. ensure that the hospitality provided complies with the guidance set out in paragraph 25.5.2 below;
- iii. keep receipts for all expenditure on hospitality;
- iv. submit claims for reimbursement of any expenditure on hospitality with copies of such receipts; certification that the expenditure complies with these guidelines; the numbers of persons involved and the Authority to incur the expenditure.

25.5.2 Guidance on provisions of Hospitality

25.5.2.1 Hospitality should only be provided if;

- i. it is provided to allow the parties to continue to discuss relevant Authority business; or
- ii. it is provided as part of arrangements for the reception and entertainment by way of official courtesy of distinguished persons visiting the area of the Authority or persons representative of or connected with Local Government or other public services whether inside or outside the U.K. as provided under S.176 of the Local Government Act 1972.

25.5.2.2 Any hospitality must be provided on a modest scale

25.5.2.3 So far as practicable hospitality should be preferably provided at the Authority's premises.

25.5.2.4 If it is necessary to provide hospitality outside the Authority's premises, this must be on a modest scale appropriate to the occasion.

25.5.2.5 The number of recipients of hospitality must be restricted and, in any event, must not be beyond those directly involved with the business under consideration or the relevant official courtesy visits.

ARTICLE 26 – CODE AND GUIDANCE ON OFFICIAL VISITS BY MEMBERS

26 Code and guidance on official visits by Members

26.1 Proposal by Members

- 26.1.1 Members proposing to undertake an official visit on behalf of the Authority should submit the following details to the Clerk/Monitoring Officer:-
- i. the location of the visit;
 - ii. the purpose of the visit;
 - iii. the duration of the visit;
 - iv. the numbers of Members and Officers; proposing to make the visit;
 - v. the proposed method of travel to the location and itinerary of the visit;
 - vi. whether an overnight stay is required, and justification of travelling time and distance;
 - vii. the estimated cost of the visit;
 - viii. The estimated benefit to the Authority in making the visit.
- 26.1.2 The Clerk/Monitoring Officer after consultation with the Chief Fire Officer, or Deputy Chief Fire Officer shall then report the proposal to the appropriate Authority/ Committee setting out the above details and the estimated cost of attendance in respect of travel and accommodation or travelling and subsistence allowances in order that the Authority may make a decision on the matter.

26.2 Proposal by Chief Officers

26.2.1 Chief Officers proposing an official visit by elected Members on behalf of the Authority shall inform the Clerk/Monitoring Officer of the proposal in order that the Clerk/Monitoring Officer can provide an assessment of the cost to the Authority of travel and accommodation or travelling and subsistence allowances and an indication as to whether sufficient budgetary provision is available.

26.2.2 The Chief Fire Officer shall then submit a report to the appropriate Committee setting out the matters set out in above including details of estimated costs.

26.3 Expenses of Visit

26.3.1 The Authority may agree to pay expenses as follows:-

- i. in the case of visits within the U.K. travel and subsistence allowances equivalent to the maximum rates specified by the Independent Remuneration Panel for Wales.
- ii. in the case of visits outside the U.K. subsistence and travel allowances at the maximum rates specified by the Welsh Government for the performance of approved duties or such reasonably higher amount as reflects the higher cost of meals or accommodation abroad;
- iii. expenses incurred in the reception and entertainment by way of official courtesy of persons representative of or connected with local government or other public services whether inside or outside the U.K;
- iv. other expenses reasonably incurred by or on behalf of Members during the visit (such as reciprocating hospitality on a modest scale) where proof of such expenditure is provided.

26.3.2 Where possible accommodation, meals and methods of travel should be booked and payable by the Authority direct in order to maximise discounts available and to avoid the need for individuals having to pay expenses from their own funds or requiring cash allowances.

26.3.3 Expenditure incurred in the reception and entertainment by way of official courtesy should comply with the Authority's Guidance in giving hospitality. In summary this means that:

- i. Prior approval of the Authority to incur expenditure on such hospitality is required;
- ii. The hospitality provided must be of a modest scale appropriate to the occasion;

- iii. If a full meal is appropriate, the cost must not normally exceed the maximum allowed
- iv. in accordance with the Members Allowances rates set by the Authority;
- v. The number of recipients of hospitality must be restricted and must not extend beyond those directly involved in the relevant official courtesy visit;
- vi. Expenses will not be paid by the Authority in the respect of personal expenditure incurred by Members or Officers including the following:
 - a. Purchase of alcoholic drinks (except a moderate amount taken as part of a meal which qualifies for subsistence payment);
 - b. renting of videos/dvd's.

26.4 Reporting Back

A report shall be prepared by the relevant Chief Officer or a Member who attended the visit, and submitted to the next meeting of the appropriate Committee detailing the results/outcome of the visit.

26.5 Checking Entitlement to Expenses

Members who consider that they are entitled to claim travel and subsistence allowances in relation to a visit should in cases of doubt check and confirm entitlement with the Clerk/Monitoring Officer, or his/ her representative.

26.6 Monitoring of Expenditure

The Clerk/Monitoring Officer or his/her representative shall be responsible for monitoring expenses and allowances payable as a result of such visits.

ARTICLE 27 - FORM OF INDEMNITY TO MEMBERS AND OFFICERS

27 Form of Indemnity to Members and Officers

27.1 Introduction

27.1.1 This indemnity is made under S.101 of the Local Government Act 2000 and the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006, and is supplementary to the provisions of S.265 of the Public Health Act 1875 as extended by S.39 and S.44(1) the Local Government (Miscellaneous Provisions) Act 1976.

27.1.2 The Mid and West Wales Fire and Rescue Authority indemnifies each Member and Officer of the Authority against any claim liability loss and/or damage in relation to any action or failure to act by any Member or Officer which:

- i. is authorised by the Authority; or
- ii. forms part of or arises from any powers conferred, or duties placed upon that Member or Officer as a consequence of any function being exercised by that Member or Officer (whether or not in exercising that function the Member or Officer does so in the capacity of Member or Officer of the Authority):
 - a. at the request of or with the express approval of the Authority; or
 - b. for the purposes of the Authority.

27.1.3 Without prejudice to the generality of this indemnity (above) the indemnity extends to action:

- i. taken under delegated powers;
- ii. taken personally under any specific statutory provision such as Chief Fire Officer/Head of Paid Service, Section 151 Officer, Clerk/ Monitoring Officer, by Officers;
- iii. taken at Partnerships, informal joint working arrangements, charitable organisations, companies (however constituted) when the Member or Officer is serving as the Authority's representative on these bodies;
- iv. (For the purpose of this indemnity "Member" includes independent Members who sit on the Authority's Standards Committee).

27.2 Conditions and Limitations applying to the Indemnity

27.2.1 Good faith

A Member or Officer relying on the indemnity:

- i. must believe that the action, or failure to act, in question was within the powers of the Authority; or
- ii. where that action or failure to act comprises the issuing or authorising of any document containing any statement as to the powers of the relevant Authority, or any statement that certain steps had been taken or requirements fulfilled, believed that the contents of that statement were true; and,
- iii. in either case that it was reasonable for that Member or Officer to hold that belief at the time when that Member or Officer acted or failed to act; the Authority will provide the indemnity in relation to an act or failure to act which is subsequently found to be beyond the power of that Member or Officer in question, but only to the extent that the Member or Officer reasonably believed that the act or failure to act in question was within that Member or Officer's powers at the time at which that Member or Officer failed to act.

27.3 Repayment of cost

27.3.1 Where any indemnity is given to a Member or Officer in relation to the defence of criminal proceedings or proceedings alleging a breach of the code of conduct, then:

- i. in relation to criminal proceedings if the Member or Officer is convicted of a criminal offence then the sums expended by the Authority or its insurers in relation to those proceedings must be reimbursed to the Authority or to the insurers;
- ii. where the proceedings relate to an allegation against a Member of a breach of the code of conduct:
 - a. if a finding is made that finds that the Member has failed to comply with the code of conduct (or the Member has admitted that failure) and as a consequence the Member is suspended, partially suspended or disqualified, then the sums expended by the Authority or its insurer must be reimbursed to the Authority or its insurers.
 - b. in the case of an allegation of a breach of the code of conduct and there is a finding that the Member has failed to comply with the code of conduct (or the Member has admitted that failure) and as a result the Member is censured or has some penalty imposed other than suspension, partial suspension or disqualification then if the Authority's Standards Committee deems it appropriate the sums expended by the Authority or its insurers must be reimbursed to the Authority or its insurers.

27.4 Level of representation

27.4.1 In the case of professional representation of a Member or Officer under the terms of this indemnity the Member or Officer must obtain the prior approval of the Authority through its Standards Committee of the nature and extent of that representation, provided always that the decision on the level or extent of representation will not unreasonably restrict the right of the individual Member or Officer to properly defend those proceedings.

27.5 Defamation

27.5.1 This indemnity does not extend to the making by a Member or Officer of any claim in relation to an alleged defamation of that Member or Officer.

27.6 General Principles

27.6.1 The Authority will provide the Member or Officer with reasonable and proportionate access to Authority employees and Authority resources and facilities to enable the individual Officer to properly respond to allegations of personal liability being advanced;

27.6.2 The Authority will allow legal representation for a Member or Officer separately from the Authority's own legal advisers (and/or the Authority's insurers' legal advisers) where the interests of the Authority and the individual Officer may conflict or in such other circumstances where it is agreed between the Authority and the individual Officer that separate legal representation is appropriate.

27.6.3 The Authority will not seek to recover from an individual Member or Officer any losses incurred by the Authority as a result of an action or failure to act by the Member or Officer concerned except:

- i. where the Member or Officer involved did not reasonably believe that the act or omission in question was within his powers at the time when that act or omission took place, or
- ii. where the action or failure to act constituted a criminal offence.

ARTICLE 28 - SCHEDULE OF MEMBERS REMUNERATION

28 Schedule of Members Remuneration

The Schedule of Members Remuneration is made under the Local Government (Wales) Measure 2011 with regard to Independent Remuneration Panel for Wales (IRPW) Regulations. The most recently published Schedule of Members Remuneration is available within the Library section of the Authority's website and can be accessed [here](#).

ARTICLE 29 - MEMBER SUPPORT AND DEVELOPMENT

29 Member Support and Development

29.1 Key Principles

29.1.1 The Authority provides support Services for Members:

- i. Officers, including administrative Officers and facilities.
- ii. Information Communication Technology (ICT) facilities.
- iii. Development and training.
- iv. Members research facility in the Corporate Communication and Business Development Department.
- v. Allowances and expenses.
- vi. Making travel and accommodation arrangements.
- vii. Official transport.

29.1.2 There are three constraints on the use of these facilities: legal limits, cost factors, and the importance of providing equivalent facilities to all political groups.

29.1.3 Members must not abuse these facilities and the rules do not affect the activities of Members using other resources, for example using support provided by their political parties.

29.1.4 Authority resources must not be used for party political publicity. "Publicity" has a very wide legal definition – any communication to any section of the public is covered. The Members Code of Conduct also provides guidance.

29.1.5 Resources are limited, so explicit limits are placed on copying, posting etc. These can be waived in exceptional circumstances by the Clerk/Monitoring Officer or Democratic Services Officer.

29.1.6 Members using ICT facilities must abide by the Authority's email and internet code.

- 29.1.7 Members must not use any facilities for their own private purposes, unless they are using spare capacity at no cost to the Authority and in accordance with any instructions given by the Authority.
- 29.1.8 Official cars are made available to Members and Officers solely for use on official duties.
- 29.1.9 Members allowances, and subsistence and travel expenses are paid in accordance with the Members allowance scheme and relevant legislation. Members may only claim expenses that they have actually incurred, and that they needed to incur for Authority activities.

ARTICLE 30 – REMOTE ATTENDANCE AT MEETINGS

30 Remote Attendance at meetings

30.1 The Local Government and Elections (Wales) Act 2021

30.1.1 The Local Government and Elections (Wales) Act 2021 provides a permanent provision for Fire Authorities to conduct meetings remotely. This provision enables Members to participate in meetings on the basis of full or partial remote attendance, so long as individual members are able to speak, and be heard by other participants.

30.1.2 The Act requires Fire Authorities to ensure meetings are remotely accessible to members of the public (except for items of business from which the public can be legitimately excluded) and that Authorities make and publish arrangements setting out how remote working will operate.

ARTICLE 31 - PROTOCOL FOR MEMBER/OFFICER WORKING ARRANGEMENTS

31 Protocol for Members / Officer working arrangements

31.1 Introduction

31.1.1 This protocol reflects the recommendations of the Committee on Standards in Public Life in relation to standards of conduct in local government. In particular, the Committee recommended the adoption by all local authorities, of a written Code of Conduct for Members and for Officers. The Authority has adopted separate Codes of Conduct for Members and Officers which embody the mandatory provisions contained in regulations made by the Welsh Government.

31.1.2 This protocol should be read and applied in conjunction with those Codes of Conduct. The principles and procedures set out in this protocol are already, to a large extent, established and form the basis of the Authority's working arrangements. The purpose of this protocol is to provide guidance on Member/Officer working arrangements, particularly in any case of doubt or difficulty.

31.1.3 In particular, this protocol aims to support the enhancement of local democracy by:

- i. Facilitating the participation of Members and Officers in the Authority's democratic processes.
- ii. Assisting Members, and those Officers who support them, in their role as representatives of the community, within the Authority and externally.
- iii. Clarifying arrangements for the provision of information and support for Members and their party groups.

31.1.4 This protocol is also intended to assist Members and Officers in maintaining the highest standards of integrity and propriety, and ensuring that all that they do is seen by others to be done properly, fairly and, where possible, openly.

- 31.1.5 The following extract from the respective codes of conduct for Members and Officers are relevant:
- i. "Members must not do anything which compromises, or which is likely to compromise the impartiality of the Authority's employees."
 - ii. "Mutual respect between employees and Members is essential to good local government, and working relationships should be kept on a professional basis."
 - iii. "Employees should deal with the public, Members and other employees sympathetically, efficiently, and without bias."

31.1.6 In line with the National Code's reference to "mutual respect", it is important that any dealings with Members and Officers should observe reasonable standards of mutual courtesy and respect, and that neither should seek to take unfair advantage of their position in any circumstances.

31.2 Member/Officer communication

31.2.1 Members should communicate with Officers at the appropriate level, which will normally involve the Chief Fire Officer, appropriate Director or Head of Department.

31.2.2 In communicating with Members, Officers should have regard to the requirements of this protocol, and any other instructions issued by the Chief Fire Officer and/or the Executive Leadership Team.

31.3 Officer advice to Party Groups

31.3.1 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Authority business in advance of such matters being considered by the Authority, or the relevant Committee. Party Groups may properly call upon Officers to support and contribute to such deliberations.

31.3.2 The support provided by Officers can take many forms, ranging from a briefing meeting with a Chair prior to an Authority or Committee meeting, to a presentation to a full Party Group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever Party Group or Groups is for the time being in control of the Authority, such support is and should be made available to all Party Groups.

- 31.3.3 Certain points must however be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:
- i. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Authority business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed.
- 31.3.4 Party Group meetings, whilst they form part of the preliminaries to Authority decision making, are not empowered to make decisions on behalf of the Authority. Conclusions reached at such meetings do not therefore rank as Authority decisions and it is essential that they are not communicated (inside or outside the organisation), interpreted or acted upon as though they have that official status.
- 31.3.5 Similarly, where Officers provide information and advice to a Party Group meeting in relation to a matter of Authority business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee when the matter in question is considered.
- 31.3.6 Officers will not provide information and advice to a party group meeting which includes persons who are not Members of the Authority. Such persons are not bound by the Members' Code of Conduct (in particular, the provisions concerning the declaration of interests and restrictions on disclosure of confidential information) and for this and other reasons Officers would not be able to provide the same level of information and advice as they would to a meeting of Members only.
- 31.3.7 Officers must respect the confidentiality of any Party Group discussions at which they are present and should not, in particular, relay the content of any such discussion to another Party Group. However, the fact that they attended and gave advice should be made known to all groups, together with an offer to attend the respective groups if requested

31.3.8 Any request by or for an Officer to attend a meeting arranged by a Party or Party Group, for the purpose of presenting information to the meeting (e.g. in relation to an issue or proposal affecting or involving the Authority) must be made to the Chief Fire Officer who will arrange the appropriate attendance. Officers attending will normally be graded Assistant Chief Fire Officer / Director or above, accompanied if necessary by relevant specialist colleagues. They will attend in their official capacity, will be politically neutral, and attendance will not signify support for any particular political view, proposal or response. Such attendance will generally be avoided during the period between the announcement and conclusion of any local or parliamentary election affecting the area involved.

31.3.9 At any public meeting organised by any Party Group, or by any individual Member (rather than by the Authority), Officers, as defined in above, will attend only to provide information which is publicly available. Officer attendance at such a meeting will not be appropriate during any "pre-election" period (between the announcement and conclusion of any local or parliamentary election affecting the locality), unless this is with the prior approval of the Authority. Any particular difficulty or uncertainty concerning Officer advice to Party Groups should be raised with the Chief Fire Officer or with the Clerk/Monitoring Officer who will, where appropriate, discuss with the relevant Group Leader(s).

31.4 Support services and facilities for Members and Party Groups

31.4.1 The only basis on which the Authority can lawfully provide support services and facilities (e.g. stationery, printing, photocopying, secretarial and translation services, meeting rooms, transport etc.) to Members is to assist them in discharging their role as Members of the Authority. Except as may be provided in other agreed Authority policies, such support services and facilities must therefore only be used on Authority business. They should never be used in connection with party political or campaigning activity. Requests for support should be channelled through the Chief or Deputy Chief Fire Officer or the Head of Corporate Communications and Business Development.

31.5 Members' access to information and to Authority documents

- 31.5.1 Members are free to request any department to provide them with such information, explanation and advice about that department's function as they may reasonably need in order to assist them in discharging their role as Members of the Authority. This can range from a request for general information about some aspect of a department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Departmental Director.
- 31.5.2 The legal rights of Members to inspect Authority documents arise partly from statute and partly from the common law (judicial decisions).
- 31.5.3 Members have a statutory right to inspect any Authority document which contains material relating to any business which is to be transacted at an Authority or Committee meeting and extends not only to reports that are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to certain items that appear as exempt items on the Agenda for any meeting. These contain information which is (by statute) exempt from publication because, for example, it relates or refers to employees, the proposed terms of a contract or contractual negotiations or other commercially-sensitive information, industrial relations negotiations, legal advice or legal proceedings.
- 31.5.4 The common law right of Members is much broader and based on the principle that any Member has a prima facie right to inspect Authority documents, so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Authority. This principle is commonly referred to as the "need to know" principle.

- 31.5.5 Whether a Member is, in any particular case, entitled to exercise this common law right depends therefore upon the Member's ability to demonstrate that he/she has the necessary "need to know". In this respect, a Member has no right to a "roving commission" to examine documents of the Authority. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know" for a purpose necessary to enable the Member to carry out his or her public duties. This question must initially be determined by the Director whose department holds the document in question (with advice from the Clerk/Monitoring Officer). In the event of a dispute, the question may be referred for determination by the Chief Fire Officer and Director responsible for the function or purpose for which the document is held, again with advice from the Clerk/Monitoring Officer.
- 31.5.6 In some circumstances e.g. a Committee Member wishing to inspect documents relating to the functions of that Committee a Member's "need to know" will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.
- 31.5.7 Whilst the term "Authority document" is very broad and includes, for example, any document produced by whatever means with Authority resources, it is accepted by convention that a Member of one Party Group will not have a "need to know", and therefore no right to inspect, a document which forms part of the internal working of another Party Group.
- 31.5.8 Further and more detailed advice regarding Members' rights to inspect Authority documents may be obtained from the Clerk/Monitoring Officer.
- 31.5.9 Finally, Authority information provided to a Member must only be used by the Member for the purpose for which it was provided; that is, only to enable the proper performance of the Member's duties as a Councillor. This point is emphasised in the Code of Conduct for Members in the following terms:
- Members:
- i. must not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so;

- ii. must not prevent any person from gaining access to information to which that person is entitled by law.

31.6 Officer/Chairperson relationships

31.6.1 It is clearly important that there should be a close working relationship between the Chairs of Committees and the Directors, Head of Services and other senior Officers of any department which reports to Committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other Party Groups, or with any other individual or organisation.

31.6.2 Whilst the Chair may routinely be consulted as part of the process of drawing up the Agenda for a forthcoming meeting, it must be recognised that in some circumstances the proper conduct of business may require a particular matter to be included on an Agenda. Directors will always be fully responsible for the contents of any report submitted in their name. Any issue concerning the inclusion of any item on an Agenda or the submission of any particular report that cannot be agreed between a Chair and a Director should be referred to the Clerk/Monitoring Officer. There may also be circumstances in which the Chief Fire Officer (as Head of Paid Service) or the Section 151 Officer (as statutory Finance Officer), or Clerk/Monitoring Officer, will be under a duty to submit a report.

31.6.3 In relation to action under any delegated power, it is important to remember that the law only allows for decisions (relating to the discharge of any of the Authority's functions) to be taken by a Committee, a Sub-Committee or a designated Officer with delegated powers. The law does not at present allow for any such decision to be taken by a Member alone, or indeed by any other single Member. On some occasions when the Authority makes a decision it may be delegated to an Officer. The Constitution specifies the extent of Delegation to Officers and how that is to be exercised.

31.6.4 It must be remembered that Officers within a department are accountable to their Director, and that whilst Officers should always seek to assist a Chair (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Director. It should also be noted that the Chief Fire Officer has statutory responsibility, as Head of Paid Service, for ensuring the proper organisation and management of the Authority's staff, and has therefore an overall responsibility for the direction and management of all Officers.

31.7 Correspondence

31.7.1 Correspondence including e-mails between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member, except at the discretion of the Departmental Director, or with the agreement of the Member concerned, where necessary for the proper conduct of business. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, "blind" copies of such correspondence should not be circulated.

31.7.2 Official letters on behalf of the Authority should normally be sent out in the name of the appropriate Officer rather than in the name of Member. It may be appropriate in certain circumstances (e.g. representations to a government minister or correspondence with the Chair of another public Authority) for a letter to be issued in the name of the Chair of the Authority. Letters which, for example, create obligations, confirm or deny the acceptance of any liability, or given instructions on behalf of the Authority should always be sent out in the name of the Chief Fire Officer or the appropriate Director or Head of Services or other Senior Officer.

31.8 Publicity and the Media

31.8.1 Contact with the media on issues related to the Authority, or to Authority business, including the issue of press release, must always be handled through the Communications team within the Corporate Communications and Business Development Department.

31.8.2 Any Member who approaches the media purporting to speak on behalf of the Authority on any item involving or affecting the Authority, without first approaching or consulting with the Chair, relevant Committee Chair and or the Corporate Communications and Business Development department, may rendered be personally responsible for such action, including potential legal action.

31.9 Personal relationships

31.9.1 No Member or Officer should allow any personal connection or relationship with any other Member or Officer to affect the performance of his or her official responsibilities or the taking of any action or decision by or on behalf of the Authority. This includes, for example, any family relationship, Membership of the same household, or any business connection. Members and Officers should always consider how such a relationship or connection would be likely to be regarded by anyone outside the Authority, or by any other Member or Officer, and avoid creating any impression of bias or unfairness.

31.9.2 An Officer who is, or becomes personally connected or related to any Member should notify the Chief Fire Officer and Clerk/Monitoring Officer in writing.

31.9.3 Members should take into account any personal relationship or connection with any other Member or Officer, and be aware of the need to register and declare a pecuniary or non-pecuniary interest, and personal and prejudicial interests (including related party transactions) whenever appropriate.

31.10 Involvement of Councillors in local issues

31.10.1 Whenever a public meeting is organised by the Authority to consider a local issue, all the Constituent Authority Members representing that area should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Authority undertakes any form of consultative exercise on a local issue, the local Members from the relevant Constituent Authority should be notified at the outset of the exercise.

31.10.2 Members should also be aware that their primary duty, whilst serving as a Member of the Fire Authority regarding Fire Authority business, is to the Fire Authority itself.

31.11 Further guidance

- 31.11.1 Any Member of the Authority, who needs further guidance on any of the matters referred to in this Protocol, or on any similar or related issue, is advised to contact the Chief Fire Officer or Clerk/Monitoring Officer. Any Officer needing such guidance should refer initially to their manager, who will consult senior management and obtain advice as necessary.

ARTICLE 32 INTERNET, INTRANET AND E-MAIL USAGE

32 Internet, Intranet and E-mail usage

The Service's Information Security Policy Document (ISPD) sets out guidelines for Members on internet, intranet and email usage. The most recently published document is available for Members and employees to view on the Authority's website and can be accessed [here](#).

ARTICLE 33 – CODE OF CORPORATE GOVERNANCE

33 Code of Corporate Governance

33.1 Introduction

33.1.1 The term Corporate Governance refers to ‘the system by which the Authority directs and controls its functions and relates to the community it serves’. It is therefore, the totality of policies, management systems, procedures and structures that together determine and control the way in which the Authority manages its businesses, formulates its strategies and objectives, for the greater good of the communities of Mid and West Wales.

33.1.2 The Authority recognises its responsibility as a public service organisation to both provide a vision for the community it serves and to lead by example in its decision making and other processes and actions, with Members and Officers acting in accordance with high standards of conduct.

33.1.3 These principles are reflected in the Authority’s Vision, Mission and Values which are set out in the Service’s Corporate Plan and which are regularly reviewed to ensure that they continue to reflect the needs of our service and our communities. The need for sustainability is being embedded within the organisation and this will be reflected in the way the individual objectives are managed locally.

33.1.4 In order to undertake this responsibility Mid and West Wales Fire and Rescue Authority is committed to upholding the three fundamental principles of Corporate Governance, as set out in the guidelines published by Chartered Institute of Public Finance and Accountancy/ Society of Local Authority Chief Executives (CIPFA/SOLACE).

33.2 Openness and Inclusivity

33.2.1 Openness is required to ensure that stakeholders can have confidence in the decision-making and management processes of the Authority, and in the approach of the individuals within it. An inclusive approach will also ensure that all stakeholders and potential stakeholders have the opportunity to engage effectively with the decision-making processes and actions of the Authority.

33.3 Integrity

33.3.1 This comprises both straightforward dealing and completeness. The Authority will at all times act with honesty, selflessness and objectivity, maintaining high standards of propriety and probity in the stewardship of public funds and management of its affairs. An effective control framework encompassing decision-making procedures, service delivery, quality of financial and performance reporting are imperative in conjunction with personal standards and professionalism of both staff employed within the service and Members of the Authority.

33.4 Accountability

33.4.1 The Authority have established processes whereby Members and Staff employed are responsible for their decisions and actions, including stewardship of public funds and all aspects of performance, and are therefore submitted to appropriate external scrutiny. This is achieved by all parties having a clear understanding of those responsibilities and having clearly defined roles within a robust structure.

33.4.2 The Authority has established a Code of Corporate Governance which is a public statement of the commitment to these principles and sets out clearly the way in which this commitment is being, or will be, met.

33.4.3 The code is divided into seven principles, as identified by CIPFA/SOLACE 'Delivering Good Governance in Local Government Framework' 2016; each of which covers a particular aspect of responsibilities in terms of corporate governance. These are:

- i. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.
- ii. Ensuring openness and comprehensive stakeholder engagement.
- iii. Defining outcomes in terms of sustainable economic, social, and environmental benefits.

- iv. Determining the interventions necessary to optimise the achievement of the intended outcomes.
- v. Developing the entity's capacity, including the capability of its leadership and the individuals within it.
- vi. Managing risks and performance through robust internal control and strong public financial management.
- vii. Implementing good practices in transparency, reporting, and audit to deliver effective accountability.

33.4.4 The code takes each of these principles in turn and presents the ways in which the principles of corporate governance should be reflected in each. The measures by which the Authority comply with the requirements are also identified.

33.4.5 The statement of assurance which fronts this document is incorporated within the Authority's Statement of Accounts.

33.4.6 The Authority's most recently published Code of Corporate Governance is available for Members and employees to view within the Library section of the Authority's website and can be accessed [here](#). The Authority's Annual Governance Statements can also be accessed [here](#).

ARTICLE 34 - CODE OF CONDUCT FOR OFFICERS

34 Code of Conduct for Officers

34.1 Introduction

34.1.1 This Code of Conduct includes the statutory requirements of the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001, which came into force on the 28th July 2001. The Order provides that by virtue of section 82(7) of the Local Government Act 2000 the terms of appointment or conditions of employment of employees of relevant authorities to whom the code applies are to be deemed to incorporate the Code of Conduct set out in the Schedule to the Order. This document satisfies that requirement.

34.2 General Principles

34.2.1 The public is entitled to expect the highest standards of conduct from all employees (full time, part time, temporary and casual) who work for the Authority. The role of such employees is to serve their employing Authority in providing advice, implementing its policies, and delivering services to local communities. In performing their duties, employees must act with integrity, respect, honesty, impartiality and objectivity. Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management, any deficiency in the provision of service.

34.2.2 This Code explains how employees should deal with any conflicts of interest, confidential matters and offers of gifts or hospitality. Employees must follow these guidelines and it is important to understand that any deliberate breach will be viewed as a serious disciplinary matter, which could lead to dismissal and prosecution for a criminal offence. The procedures for handling any breaches of this Code are contained within the Service's Anti-Fraud and Anti-Corruption policy and Corporate Criminal Offence policy.

34.3 Accountability

34.3.1 Employees work for their employing Authority and serve the whole of that Authority. They are accountable to, and owe a duty to that Authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

34.4 Treatment of Information

34.4.1 Openness in the dissemination of information and decision making should be the norm. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, Authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information. Particular emphasis must be placed on strict observance with the Authority's policies in relation to the Acts of Parliament dealing with Data Protection, Human Rights and Freedom of Information. Employees should consult their immediate line manager if there is any uncertainty regarding the status of any type of information.

34.4.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a Member which is personal to that Member and does not belong to the Authority, should not be divulged by the employee without the prior approval of that Member, except where such disclosure is required or sanctioned by the law.

34.5 Political Neutrality

34.5.1 Employees serve the Authority as a whole. It follows they must serve all Members and not just those of a particular political group, and must ensure that the individual rights of all Members are respected.

- 34.5.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality, and any advice therefore should only be in respect of professional matters.
- 34.5.3 Employees, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work. When employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities. A schedule of politically restricted posts is shown in paragraph 34.2.1.
- 34.5.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraph 5.1 to 5.2.

34.6 Relations with Members, the public and other employees

34.6.1 Members

34.6.1.1 Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to Members and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and Members is essential to good local government, and working relationships at all times should be kept on a professional basis.

34.6.2 The Public and Service User

34.6.2.1 Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority. Employees should deal with the public, Members, and other employees sympathetically, efficiently, and without bias. In particular, the principles embodied in the Fire Authority's Equality and Fairness policies must be strictly observed in all dealings with the public, and other employees.

34.6.3 Contractors

34.6.3.1 All relationships of a business or private nature with external contractors, or potential contractors, should be made known, in writing, to the Director Resources. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown in the tendering process to businesses run by, for example, friends, partners or relatives. No part of local communities should be discriminated against.

34.6.3.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors should declare that relationship to the appropriate manager.

34.6.3.3 If an employee has such interest, they must not be involved in any way in awarding any work or orders. As a matter of general principle, it is not considered desirable to award any contracts for works or services to business enterprises in which personnel have a direct pecuniary interest.

34.7 **Appointment of Staff and Other Employment Matters**

34.7.1 Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. It would be unlawful to make an appointment based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work. Similarly no canvassing on behalf of the applicant must take place.

34.8 **Outside Commitments**

34.8.1 Employees should not take outside employment that conflicts with the Authority's direct interests.

34.8.2 Employees should follow the Authority's rules on the ownership of intellectual property or copyright created during their employment.

34.9 Employees Undertaking Private Work

- 34.9.1 Employees of the Mid and West Wales Fire and Rescue Authority are NOT permitted to undertake private work which relates to any matters likely to require consideration or approval by the Authority or an employee authorised to act on its behalf without the prior written consent of the Authority. This consent will be given by Section 151 Officer or the Deputy Chief Fire Officer and requests for such consent must be made, in writing, initially to the Corporate Head of Resources, through normal line management processes.
- 34.9.2 Where an employee may desire to undertake work for their personal gain not falling under the relevant provisions of Paragraph 34.8.1, guidance can be sought from the Corporate Head of Resources.
- 34.9.3 Should the Corporate Head of Resources and the Head of Department encounter any difficulty in sanctioning such a request, the matter may be pursued using the Service's Grievance Procedure for employees.

FAILURE TO ADHERE TO THE ABOVE RULING WILL CONSTITUTE GROSS MISCONDUCT AND MAY RESULT IN SUMMARY DISMISSAL IN ACCORDANCE WITH THE AUTHORITY'S DISCIPLINARY PROCEDURES.

34.10 Personal Interests

- 34.10.1 Whilst employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others.
- 34.10.2 Employees must declare in writing to their appropriate Director or Head of Department any financial or non-financial interests that could reasonably be considered that could bring about conflict with the Authority's interests. Examples could include any employment or business carried out by you or a Member of your family, or any organisation to which you belong which has, or seeks to have, a contractual or business relationship with the Authority or Service.

34.10.3 Employees must comply with rules on the declaration of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Employees must not accept benefits from a third party unless authorised to do so by the Authority.

34.11 Equality Issues

34.11.1 All employees should ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All Members of the local community, customers and other employees have a right to be treated with fairness and equity, free of all unlawful discrimination. Failure to do so will be regarded as gross misconduct and may result in summary dismissal under the provisions of the Authority's disciplinary procedures.

34.12 Separation of Role during Tendering

34.12.1 Employees involved in the tendering process must be aware of the need for accountability and openness.

34.12.2 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

34.12.3 Employees who are privy to confidential information on tenders or costs for contractors must not disclose that information to any unauthorised party or organisation. Failure to follow this ruling will result in disciplinary action in accordance with the Authority's disciplinary procedure.

34.12.4 Employees must ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

34.13 Corruption

34.13.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it will be for the employee to demonstrate that any such rewards have not been corruptly obtained. It is therefore unlawful to receive any reward or fee for any activity related to an individual's employment with the Authority. Gifts of little or no intrinsic value, such as promotional diaries or pens, etc., must be recorded in the Register of Gifts and Hospitality, held by the Head of Corporate Communications and Business Development at Mid and West Wales Fire and Rescue Service Headquarters.

34.14 Stewardship

34.14.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised in writing to do so. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

34.15 Hospitality

34.15.1 Employees should exercise discretion in offering and accepting hospitality. They should bear in mind how it might affect relations with the party offering it and how it might be viewed by the Authority, other potential suppliers / contractors, the public and other Officers.

- 34.15.2 Offers of hospitality should only be accepted if there is a genuine need to impart information or represent the Authority in the community. Offers to attend purely social, cultural or sporting functions should be accepted only when these are part of the life of the community and where the Authority should be seen to be represented. All offers of hospitality, whether or not accepted, should be recorded in writing, together with the estimated value, in the Authority's gifts and hospitality register, kept in the office of the Head of Corporate Communications and Business Development. Hospitality that is to be accepted must be authorised in advance, and in writing, by the appropriate Service Director or Head of Department. If in doubt, the advice of the Section 151 Officer should be sought, although personnel should generally interpret doubt, in connection with any offers of gifts or hospitality, as confirmation that they should be recorded, and probably declined.
- 34.15.3 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority, and such offer recorded in the Authority's hospitality register.
- 34.15.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.
- 34.15.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear that hospitality is corporate rather than personal. Where visits to inspect equipment etc. are required, employees should ensure that the Authority meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

34.16 Gifts

- 34.16.1 Employees must ensure that they in no way become involved in any conflict of interest in their duties. They must not, either directly or indirectly, accept a gift, reward or benefit from any Member of the public or any organisation with whom they are brought into contact by reason of their duties other than:
- i. Modest gifts or gifts of a promotional nature e.g. calendars, diaries and other similar low or no value articles.

- ii. Gifts on the conclusion of any courtesy visit to a firm or factory of a sort normally given by that firm.

34.16.2 Any other gifts offered or delivered should be returned with a polite and courteous explanation.

34.16.3 All gifts and offers (including inducements such as air miles, vouchers etc.) with a cash or in kind value estimated to exceed £25.00 should be notified in writing to an immediate line manager and recorded, together with an estimated value, in the Authority's Gifts and Hospitality Register, kept by the Democratic Services Officer at Mid and West Wales Fire and Rescue Service Headquarters. Should there be any doubt over whether hospitality can be accepted, then such queries should be referred in writing to the Section 151 Officer.

34.16.4 It is always wise to err on the side of caution. A gift which is clearly expensive should raise a question, even if it otherwise falls within one of the categories mentioned above. If in doubt, the advice of the Section 151 Officer should be sought. The guiding principle should be "when in doubt, opt out". The best safeguard against impropriety or suspicion of impropriety is complete openness.

34.17 Sponsorship - Giving and Receiving

34.17.1 Where an outside organisation wishes to sponsor or is seeking to sponsor an Authority activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

34.17.2 Where the Authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the Section 151 Officer of any such interest. Similarly, where the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

34.18 Whistle-blowing / Protected Disclosures

34.18.1 In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and the Authority's confidential reporting procedure i.e. the Whistle-blowing Procedure.

34.18.2 A copy of the Whistle-blowing / Protected Disclosures procedure is available for Members and employees to view within the Library section of the Authority's website and can be accessed [here](#). Alternatively you can contact the Corporate Head of Resources, directly and confidentially on 0370 6060699 if you would prefer not to request a copy from your line manager.

34.18.3 Employees are reminded that particular attention should be paid to anything which impacts in any way on children and vulnerable adults.

- i. The Authority has a high duty of care in the way that it delivers services to children and vulnerable adults and one of the elements of that duty is to ensure that staff who may come into contact with these groups in any way whatsoever have not been convicted of criminal offences which might affect whether it is appropriate for that Member of staff to have dealings with either of these groups. For that reason employees are required within seven days of conviction of a criminal offence to report details of that to the Corporate Head of Resources and in this context: conviction of a criminal offence" includes a formal caution given by the police in place of a summons to appear before a court.
- ii. This requirement does not apply to criminal offences which are dealt with by the way of a fixed penalty in place of an appearance before a court

34.19 Investigations by the Clerk/Monitoring Officer

34.19.1 Where the Clerk/Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000 an employee must comply with any requirement made by the Clerk/Monitoring Officer in connection with such an investigation.

34.20 Politically Restricted Posts

- 34.20.1 Under the Local Government and Housing Act, posts meeting the following criteria are regarded as Politically Restricted: -
- i. Head of Paid Service
 - ii. Clerk/Monitoring Officer
 - iii. Section 151 Officer
 - iv. Section 151 Officer's Representative
 - v. Deputy Chief Fire Officer
 - vi. Assistant Chief Officer
 - vii. Posts not falling under the above which the Fire and Rescue Authority consider to fall within the following:
 - a. Anyone giving advice on a regular basis to the Fire and Rescue Authority, any Committee or Sub Committee, or any Joint Committee on which the Fire and Rescue Authority is represented; or
 - b. Anyone speaking on behalf of the Fire Authority on a regular basis to journalists and broadcasters.

34.21 Intellectual Property

- 34.21.1 Mid and West Wales Fire and Rescue Service encourages its workforce to achieve its goals via the use of innovative work or ideas, and this Policy addresses the ownership rights in, and to, such Intellectual Property.
- 34.21.2 For the purposes of this policy the term Intellectual Property includes, but is not limited to, innovation, discoveries and any creation, conception or production of something or some process which did not previously exist; whether as a result of mental processes or scientific investigation and experimentation.
- 34.21.3 The Mid and West Wales Fire and Rescue Service, as employer, shall be entitled to ownership of any such Intellectual Property, where it is created in the normal course of an individual's employment with the organisation.

- 34.21.4 Subject to this all records, documents, papers, (including all copies or summaries thereof), copyright protected works made or acquired by the employee in the course of his or her employment, together with world-wide copyright and design rights in all the inventions and/or innovations, shall be and remain the property of Mid and West Wales Fire and Rescue Service.
- 34.21.5 If an individual feels that the Service is getting outstanding benefit from their invention / innovation, then he or she can apply to the Comptroller-General of Patents, Designs and Trade-Marks for an award of compensation.
- 34.22 Secondary Employment APT&C Staff**
- 34.22.1 It is not the intention of the Fire Authority to preclude employees undertaking secondary employment, however permission is required to undertake such work. For Staff remunerated at Grade 6 or below such permission should be sought from the Director of Resources and for staff of Grade 7 and above, such permission is required from the Chief Fire Officer.
- 34.22.2 In the case of Officers remunerated at Grade 7 and above it is expected that by the very nature of their duties and responsibilities at that level the opportunities for undertaking secondary employment will necessarily be restricted.
- 34.22.3 The overriding principals to be taken into account in granting permission to undertake secondary employment are that such employment should NOT:
- i. take an unreasonable portion of the individual's time in relation to their contracted hours of employment with the Authority;
 - ii. overlap with the individual's official duties, where that individual is involved in making decisions in relation to areas similar or connected with the outside work;
 - iii. involve the individual with an organisation which is seeking work or money from the Fire Authority, or is in disagreement with the Authority in relation to policy on a particular proposal;
 - iv. affect the ability of an individual to perform their duties in a safe and adequate manner; and
 - v. be in conflict in any way with the Authority's Officer Code of Conduct.

ARTICLE 35 – MEMBERS’ ATTENDANCE PROTOCOL

35 Members’ Attendance Protocol

35.1 Members’ Attendance Protocol Introduction

The Authority has high expectations of its elected co-opted and independent Members. In return, the Authority and its Officers provide Members with a wide range of support and information.

35.2 Protocol

The Authority’s general expectations of all Members in relation to attendance are laid out below:

35.2.1 Members are expected to use their reasonable endeavours to attend at least 66% of the meetings of the Authority and the Committees of which they are a Member.

Attendance will be reported to the Democratic Services Forum on a quarterly basis to consider whether there is a need to highlight any attendance issues with individual Members / Group Leaders. The Democratic Services Forum have powers to seek such information as appropriate when attendance is deemed to fall short of what is expected. Such powers relate specifically to attendance at meetings of the Fire Authority and its standing Committees. However, information of attendance at other meetings and seminars arranged by the Authority including working groups etc. will also be collected.

35.2.2 Officers will support Members by maintaining records of Members’ attendance at Authority and Committee meetings. The Authority will support Members in meeting this expectation by keeping meeting times and dates under review from year to year.)

35.2.3 Members are expected to use their reasonable endeavours to attend all training and development activities that are arranged by the Authority. It is expected that Members attend 66% of such sessions provided by the Authority.

35.2.4 Members are expected to use their reasonable endeavours to attend all of the training and development activities booked for them personally in line with the results of their training and development needs analysis. Members who find they are unable to attend such training through ill-health or other unavoidable commitment are expected to advise the Corporate Communication and Business Development department immediately.

(Officers will support Members by maintaining records of Members' attendance at training events. The Authority will support Members in meeting this expectation by keeping training times and venues under review from year to year.)

35.2.5 As part of their Training and Development Needs Analysis, Members will have the opportunity to discuss with the Head of Corporate Communication and Business Development any issues surrounding training and development activities undertaken, Authority and Committee meetings attended, information about external bodies on which Members represent the Authority, regional and national events and any other matters that have consumed Members' time, attention and resources.

(Officers will support this by maintaining records of Committee meetings attended by Members.)

35.2.6 Members are expected to notify the Authority's Corporate Communication and Business Development department if they are unable to attend an Authority / Committee meeting, as soon as they become aware that they will not be present.

(Officers will support Members in meeting this expectation by ensuring that the name and telephone number of the Democratic Services Officer is provided in order that Members are aware of their appropriate point of contact. Officers will accept notification of Members' apologies to the Authority / Committee by letter, telephone or e-mail, and Officers will ensure that these forms of communication are appropriately forwarded in the event of Officer absence.)

35.2.7 Members who are Members of a Working Group or Forum which allow substitution and/or include substitutes amongst their Membership are expected by the Authority to arrange for a substitute Member to attend in their place if they become aware that they are unlikely to be able to attend a particular meeting.

(Officers will support Members in meeting this expectation and in making the substitute system work effectively by ensuring that all full Members and all substitute Members are kept fully apprised of meeting dates and venues.)

35.2.8 Members are expected to use their reasonable endeavours to engage with the Authority's processes for assessing their training and development needs and with the arrangements for Officers to draw up a programme of activities intended to meet these needs. Members are also expected to participate in any programme of training and development activities they have agreed with Officers.

(Officers will support Members in meeting this expectation by publishing a Members' Training and Development strategy and by offering an individual training and development needs assessment at the request of Members, on an annual basis.)

PART 6: MEMBERS' PRESS AND SOCIAL MEDIA PROTOCOL

ARTICLE 36 - MEMBERS PRESS AND MEDIA PROTOCOL

36 Members' Press and Media Protocol

36.1 Introduction

36.1.1 This protocol will operate along with the Member/Officer Protocol.

36.2 Role of the corporate communications department

36.2.1 The Corporate Communications and Business Development department will continue to develop and promote the Fire Authority's reputation across the full range of its activities. It will provide objective professional advice to the whole Fire Authority, will remain non-party political and will support and promote corporate initiatives in consultation with the Chair of the Fire Authority, the Chief Fire Officer and Officers, including media information, briefings, publications, events and other communications.

36.3 Principles

- i. No surprises;
- ii. Think Local Member;
- iii. Appropriate spokespersons;
- iv. Compliance with Code of Recommended Practice on Local Authority Publicity and Members Code of Conduct;
- v. Supporting Members.

36.4 Protocols

36.4.1 No surprises

- i. All media releases will be sent electronically to all Members at the same time as they are sent to the media, unless they have requested otherwise.
- ii. All media releases will be published on the Service website, within 24 hours of them being sent to the media.
- iii. It would be productive for media relations if Members notified the Corporate Communication and Business Development department when they are thinking of approaching the media.

36.4.2 Think Local

- i. Wherever possible, Officers in all directorates responsible for organising media events will ensure the relevant local Members have been informed and where practical, invited, in advance.
- ii. If there are one or two identifiable and specific divisions, Officers will aim to seek the views of local Members for inclusion in a media release where relevant time allows.
- iii. If a media release affects one or two identifiable and specific area, Officers will endeavour to copy-in that media release to the Members in those divisions at the same time it is disseminated to the media.
- iv. When a media enquiry relates to an identifiable and specific area and requires a political response, Officers, where relevant, will advise journalists to call the local Fire Authority Member.
- v. When a media release relates to an identifiable and specific area, Officers will include, wherever possible, a name and contact number for the local Member.

36.4.3 Appropriate spokespersons

- i. Media Officers will endeavour, wherever possible, to quote the Chairperson of the Fire Authority or the Chief Fire Officer on operational issues.
- ii. Officers to whom the exercise of powers is delegated will speak on operational/technical matters, where relevant.

36.4.4 Codes of Conduct/Practice

- i. Media relations involving individual Fire Authority Members must conform to the Code of Recommended Practice on Local Authority Publicity.
- ii. Members must abide by the Members Code of Conduct and, in particular, must not disclose to the media any confidential or exempt information.
- iii. Members wishing to publicise themselves or their groups for political purposes must do so in an independent capacity without using Service resources.
- iv. Members are asked to avoid any implication they are speaking on behalf of the Fire Authority when issuing 'political statement' news releases.
- v. Whilst news releases issued by the Fire and Rescue Service may acknowledge the part played by individual Members, as holders of particular positions in the Fire Authority, personalisation of issues or personal image making should be avoided.

36.4.5 Support

- i. Training on dealing with the media will be made available to the Chairperson and Deputy Chairperson.
- ii. Events designed to bring together Members and the media, will be arranged by the Corporate Communication and Business Development department as and when appropriate.

ARTICLE 37 - MEMBERS SOCIAL MEDIA PROTOCOL

37 Members Social Media Protocol

37.1 What is Social Media?

37.1.1 How does the Code of Conduct apply to social media sites?

When considering the application of the Code to social media, it is essential to consider whether the Code will apply to your social media site and which paragraphs you should be aware of in order to ensure ethical use of social media sites. For the Code to apply to your use of social media Part 2 of the Code needs to be satisfied. Part 2 makes it clear that the Code only applies when you are acting in your official capacity. Official capacity is defined as conducting the business of the authority or acting, claiming to act or giving the impression that you are acting as a councillor. The decision as to whether you are acting in your official capacity will depend on the particular facts of each case and the circumstances surrounding your social media site. There are a number of issues that will be taken into account when assessing this. These include:

- i. How well known or high profile you are as a Member the more likely it is that you will be seen as acting in your official capacity when you blog or use a social networking sites. Anonymous use of social media can also lead to a breach of the code were it can be proved that a Member uploaded the site content and that they were acting in their capacity as a Member.
- ii. The privacy settings on your blog or social media site. If you have a private, personal blog, ensure that you have appropriate privacy settings so that you decide who can read your posts. If you have a political blog this may well be open to all readers. If constituents are able to see your posts, they may assume that you are acting in your official capacity as their representative.

37.1.2 The profile on your social media site. You should set out clearly in your profile if this is a political or personal social media site. Identifying this will enable readers to better understand if you are seeking to act in your official capacity or not. Nevertheless it may be possible in a personal social media site to give the impression that you are acting as a Member even though you have stated otherwise. Also, you cannot discuss council business on a personal social media site and/or make gratuitously offensive remarks about others.

37.2 Using Social Media

- 37.2.1 When using social media sites you should bear in mind the following paragraphs of the Code of Conduct for Members as it applies to your online behaviour just as it would to any other form of communication.
- 37.2.2 Paragraph 23.1.2.4 (i) (ii) (iii) (iv) - Treating others with respect: The aim of the Code is not to stifle political opinions and arguments. As such, political comments and comments about ideas are less likely to be seen as disrespectful and result in a breach of the Code. However, personal remarks aimed at an individual may be interpreted as being disrespectful and could lead to a breach of the Code.
- 37.2.3 Paragraph 23.1.2.5 (i) – Disclosing confidential information: Before releasing any information on your blog or social media site, check if it is confidential and if you have the right to release it, if in doubt ask for advice.
- 37.2.4 Paragraph 23.1.2.6 (i) – Disrepute: As a Member of the Fire Authority your actions and behaviour are subject to greater scrutiny than that of ordinary Members of the public. You should be aware that your actions might have an impact on your office or authority. Dishonest or deceitful behaviour in your role as an Authority Member may bring the Authority into disrepute.
- 37.2.5 Paragraph 23.1.2.7 (i) (ii) (a-d) – Use of resources: You must not use Fire authority resources “improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.” Also you must ensure that these resources are not used improperly “for political purposes” - including party political purposes.
- 37.2.6 You should also consider other online activities where the Code may apply:
- i. Forum posts. If you go on to a forum and identify yourself as a Member then it is likely that the Code will apply when you post entries. If you put content on the site which you could only have obtained as a Member it is possible to argue that you have given the impression that you were acting as a Member even if you did not identify yourself as such when you made the posting.
 - ii. Comments made by others. It is also important to regularly check your own blog or social media site to ensure there are no defamatory or obscene comments posted by others. If this does happen you should remove the posts as soon as you become

aware of them. You should also take steps to discourage users from posting such comments in the future.

- iii. “Friends” on social media sites. You should be aware that anyone you include as a friend on social media sites could be regarded as a “person with whom you have a close association” within the meaning of paragraph 8 of the code – personal interests. Simply including someone on a site as a friend does not establish a close association but it is one factor that would be taken into account in deciding whether such an association exists.

37.3 Human rights considerations

- 37.3.1 In considering whether your use of social media has breached the Code, Article 10 of the European Convention on Human Rights (the right to freedom of expression) must also be taken into account. You are less likely to breach the Code where you are making genuine political statements. This means that you are less likely to breach the Code if your comments are about another Member’s political position or are a genuine expression of political differences with someone. The courts have established that this is because of the fundamental importance of freedom of political expression in a democratic society. However, any political expression should avoid being just an expression of personal anger or abuse towards someone since insults and abuse do not normally qualify for the protection of Article 10. If you make rude comments about a Member of the public or an Officer of an authority it is more likely that you will be found to have breached the Code.

37.4 Other issues to consider

- 37.4.1 There are also considerations apart from the Code that should be taken into account when using online media. The following is a brief guide to some of the legal pitfalls in establishing personal blogs. Almost all of these can be avoided if your online content is objective, balanced, informative and accurate. In the main, you have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences.

37.5 Libel

37.5.1 If you publish an untrue statement about a person which is damaging to their reputation they may take a libel action against you. This will also apply if you allow someone else to publish something libellous on your website if you know about it and do not take prompt action to remove it. A successful libel claim will result in an award of damages against you.

37.6 Bias and Predetermination

37.6.1 When deliberating major Fire Authority decisions, you should avoid publishing anything on your blog that might suggest you have already made up your mind about a matter you may be involved in determining. Otherwise, the decision runs the risk of being invalidated.

37.7 Copyright

37.7.1 Placing images or text on your site from a copyrighted source (e.g. extracts from publications, photos etc) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission in advance. Breach of copyright may result in an award of damages against you.

37.8 Data protection

37.8.1 Avoid publishing the personal data of individuals unless you have their express written permission.

37.9 Obscene material

37.9.1 You should avoid publishing anything in your blog that people would consider obscene. Publication of obscene material is a criminal offence.

37.9.2 Social media sites and Blogging are effective ways to engage with broad communities. In order to blog successfully, you should ensure that you comply with the Code and any other legal requirements. It is also important to note that, the ethical use of online social media is not limited to what is covered in the Code. You should also consider the Ten General Principles of Public Life (Nolan Principles).

37.9.3 While a Member may not be investigated or censured for using online media in certain ways, his/her conduct might still be viewed as less than exemplary and attract adverse publicity for the Authority.

ARTICLE 38 – FURTHER INFORMATION

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Further information

If you require any further information regarding the Authority's Constitution, please contact the Democratic Services Officer by telephone 0370 60 60 699 or email j.owens@mawwfire.gov.uk.