

## Review of Scheme of Delegation to Officers and of Standing Orders

### Report of the Clerk

For further information about this report please contact Sharon Lloyd, Corporate Services Manager on 01743 260210.

### 1 Purpose of Report

To review the Fire Authority's Scheme of Delegation to Officers and Standing Orders and to agree proposed amendments.

### 2 Recommendations

The Fire Authority is requested to review and agree any proposed amendments to:

- The Scheme of Delegation to Officers;
- Standing Orders for the Regulations of Proceedings and Business;
- Standing Orders relating to Contracts; and
- Financial Regulations Standing Orders.

### 3 Background

As part of its constitution the Fire Authority has in place the following documents:

- A Scheme of Delegation to Officers;
- Standing Orders for the Regulation of Proceedings and Business;
- Standing Orders relating to Contracts; and
- Financial Regulations Standing Orders.

Although not a legal requirement, it is deemed good practice for local authorities to review annually the above documents.

## 4 Scheme of Delegation to Officers

The Scheme of Delegation to Officers, which can be found at Appendix A, has been reviewed and the following change is proposed. Any additions proposed are shown in bold italic type and proposed deletions are struck through.

It is proposed that under the Delegations to the Authority Solicitor on Page 6, 3.6 be removed as the authority to deal with such applications now rests with the Standards Committee, as per their delegation.

- 3.6 ~~To provide a Certificate of Opinion regarding politically restricted posts under section 3 of the Local Government and Housing Act 1989.~~

## 5 Standing Orders for the Regulation of Proceedings and Business

The Standing Order for the Regulation of Proceedings and Business, which can be found at Appendix B, has been reviewed the following changes are proposed. Any additions proposed are shown in bold italic type and proposed deletions are struck through.

It is proposed that Standing Order No 7 Part 2 is amended to read as follows. This will help to avoid duplication if the situation arises where for example Committee constitutions are considered at the May meeting of the Committee and subsequently agreed at the June meeting of the Fire Authority. There would then be no need for the constitutions to be brought before the Fire Authority again at its Annual Meeting unless there have been further changes to their contents.

### **Standing Order No 7 Appointment of Committees and Sub-Committees**

- 2 The Authority shall at ~~its Annual Meeting~~ ***least annually*** review the constitution and composition of any committees or sub-committees which have been appointed – see Standing Order 6.3 above

This change would also need to be reflected in Standing Order No 6 Part 3 which would now read as follows:

### **Standing Order No 6 Order of Business**

- 3 ~~At the Annual Meeting of the Authority~~ ***least annually*** in addition to the statutory and other business the Agenda shall include an item to consider the constitution of committees and sub-committees and their membership.

## 6 Standing Orders relating to Contracts

The Standing Orders relating to Contracts which can be found at Appendix C, have been reviewed and the following changes are proposed. Any additions proposed are shown in bold italic type and proposed deletions are struck through.

On page 4 at C2 and page 6 at F3 and G2, change the tender threshold limits to reflect the European Union threshold limits.

**C2** The Authority requires that all contracts for 'supplies' or 'services' over ~~£140~~**156**,000 or the European Union Public Sector Contract Threshold, if lower, have a tender exercise in accordance with EU legislation, even if this amount is below the limit set by the EU. This will ensure legal compliance and use of best practice. 'Works' contracts in excess of £500,000 must be addressed in accordance with clause C3 below and may require an EU compliant tender procedure.

Advice must be sought from the Authority's Solicitor or equivalent expert in the event that the use of EU procedures is deemed to be necessary.

**F3** Where the consideration payable may be reasonably expected to exceed ~~£140~~**156**,000 or the European Union Public Sector Contract Threshold, if lower, for 'supplies' or 'services', or ~~£3,500~~**900**,000 for 'works', the contractors must be chosen using the EU Tendering Procedure.

**G2** The value of the contract is less than ~~£10~~**15**,000 and contract failure would not create a serious risk to the Authority or service delivery.

On page 4 at D1 and on page 12 at M5 change the reporting of exemptions to the Fire Authority in order to allow sufficient time to report to the Fire Authority if the award is close to the meeting date.

**D1** Exemptions from this Standing Order may be obtained where there are special circumstances justifying such exemption, or in cases of urgency. The Chief Fire Officer and the Treasurer, after consultation with the Chair of the Authority, may exempt any contract from any such provision. All such exemptions shall be reported to ~~the a~~ **next**-meeting of the Authority **or relevant committee within 6 months of award.**

### **M5 Consortium Purchasing and Standing Offer Arrangements**

Where the tender is for a standing offer comprising a range of different goods or services at different tender prices, the Chief Fire Officer, after consultation with the Chair or Vice-Chair of the Strategy and Resources Committee, may accept the most suitable tender irrespective of contract value **PROVIDED THAT** full details of the contract in question shall be recorded in the Register together with a statement of reasons and reported to ~~the following a~~ **a** meeting of the Authority or relevant Committee **within 6 months of award.**

## Explanatory Note

*The Chief Fire Officer may accept lowest cost tenders where expenditure is included in approved estimates. Where other than lowest cost tender is accepted in compliance with these Standing Orders, reasons must be recorded in the Register and reported to ~~the following~~ a meeting of the Authority or relevant committee.*

On page 2 at A6 make the following deletion:

- A6** The financial limits specified within these Standing Orders are subject to EU Directives and review by the Authority. ~~The limits have been set out below the statutory levels, to ensure compliance and the use of best practice in high value contracts.~~

On page 16 at P4 make the following deletion:

- P4** Where an appropriate British Standard or British Standard Code of Practice issued by the British Standards Institution or equivalent European Standard is current at the date of the tender, every contract shall, where reasonable and practicable, require that, all goods and materials used or supplied and all workmanship shall not be inferior to that standard.

~~The contractor shall use his best endeavours to comply in all respects with the provisions of ISO9000 in respect of the quality of the work carried out under any contract.~~

## 7 Financial Regulations Standing Orders

The Financial Regulations Standing Orders which can be found at Appendix D, have been reviewed and the following changes are proposed. Any additions proposed are shown in bold italic type and proposed deletions are struck through.

### Financial Regulation 2 – Financial Planning

#### 2.7 Preparation of the Capital Programme and ~~Borrowing~~ **Funding** Plan

The Treasurer is responsible for ensuring that a capital programme and ~~borrowing~~ **funding** plan are prepared on an annual basis for consideration by the Authority.

### Financial Regulation 7 – Treasury Management

All treasury management operations of the Authority shall be carried out in accordance with its Treasury **Policy and Strategy and with its Investment Strategy.** ~~with~~ **All operations must be within** guidelines based upon the CIPFA Code of Practice for Treasury Management.

## **8 Financial Implications**

There are no financial implications arising from this report.

## **9 Legal Comment**

The proposed changes to Standing Orders are lawful and the Fire Authority has the power to act as proposed in this report.

## **10 Equality Impact Assessment**

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

## **11 Appendices**

### **Appendix A**

Scheme of Delegation to Officers

### **Appendix B**

Standing Orders for the Regulation of Proceedings and Business

### **Appendix C**

Standing Orders relating to Contracts

### **Appendix D**

Financial Regulations Standing Orders

## **12 Background Papers**

There are no background papers associated with this report.

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Business Continuity Planning		Legal	*
Capacity		Member Involvement	*
Civil Contingencies Act		National Framework	
Efficiency Savings		Operational Assurance	
Environmental		Retained	
Financial	*	Risk and Insurance	
Fire Control/Fire Link		Staff	
Information Communications and Technology		Strategic Planning	
Freedom of Information / Data Protection / Environmental Information		West Midlands Regional Management Board	
Integrated Risk Management Planning		Equality Impact Assessment	*

# **Shropshire and Wrekin Fire and Rescue Authority**

## **Scheme of Delegation to Officers**

- 1 Conditions of Delegations**
  
- 2 Delegations to Chief Fire Officer**
  - 2.1 General**
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- 3 Delegations to the Authority Solicitor**
  
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# Shropshire and Wrekin Fire and Rescue Authority

## Delegations to Officers

This scheme grants delegated powers to the Chief Fire Officer, Authority Solicitor and Treasurer (“the Chief Officers”) under section 101 of the Local Government Act 1972 and any other enabling powers.

### 1 Conditions of Delegations

- 1.1 It is the duty of Chief Officers to whom the exercise of powers is delegated to keep members of the Authority properly informed of activity arising within the scope of the delegated powers given to them.
- 1.2 In exercising delegated powers a Chief Officer shall consult with such other officers as is appropriate in the circumstances and shall have regard to any advice given.
- 1.3 It shall always be open to a Chief Officer to seek authority or guidance from the Authority and to elect not to exercise delegated powers; or to consult with Members on the exercise of delegated powers.
- 1.4 This Scheme does **not** delegate:
  - a) any matter reserved to the Authority;
  - b) any matter which may by law not be delegated to an officer;
  - c) any matter which would involve expenditure (whether capital or revenue) in excess of the relevant budgetary provision for that matter or in contravention of Financial Regulations.
- 1.5 The exercise of delegated powers by a Chief Officer shall be in accordance with:
  - a) the policies of the Authority and their decisions from time to time;
  - b) the Authority’s Standing Orders and Financial Regulations from time to time in force.
- 1.6 The term “officer” means the holder of post named as having delegated powers or duties under this scheme.



## **2 Delegations to Chief Fire Officer**

### **2.1 General**

- 2.1.1 To make a formal response on behalf of the Authority to any White Paper, Green Paper, Government Consultation Paper or draft European Union Directive without reference first to the Authority when the timescale does not allow, after consultation with the Chair and Vice-Chair of the Authority and Chairs of the four main committees – Strategy and Resources, Audit and Performance Management, Human Resources and Standards (if relevant).
- 2.1.2 To control all matters of day-to-day administration of the Fire and Rescue Service, which shall include taking and implementing decisions that are:
- a) concerned with maintaining the operational effectiveness of those services;
  - b) matters incidental to the discharge of the Authority's functions, which fall within a policy decision taken by the Authority.
- 2.1.3 To make, issue and serve such notices, orders, statements and other documents as may be necessary or appropriate for those purposes or to give effect to, or carry out, any decision of his/her under powers delegated to him/her under this Scheme.
- 2.1.4 To submit comments on any town and country planning matter, building regulations, safety of sports grounds and other applications or licences, where the Authority is a consultee, statutory or otherwise.

### **2.2 Enforcement of Legislation**

- 2.2.1 To exercise all the powers of the Authority as an enforcement authority under relevant legislation. Without prejudice to the generality of this provision he/she may in particular carry out the following:
- 2.2.2 Authorise the commencement of criminal proceedings (after consultation with the Authority Solicitor) for any breach of any law or regulation, the enforcement of which the Authority is empowered to undertake;
- 2.2.3 Take appropriate action on behalf of the Authority under The Regulatory Reform (Fire Safety Order) 2005;
- 2.2.4 Designate persons as Inspectors under Article 26 of the Fire Safety Order;

2.2.5 Authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Fire Safety Order:

- a) to enter any premises which he has reason to believe it is necessary for him to enter for the purpose mentioned above and to inspect the whole or part of the premises and anything in them, where such entry and inspection may be effected without the use of force;
- b) to make such inquiry as may be necessary for any of the following purposes –
  - i) to ascertain, as regards any premises, whether the provisions of this Order or any regulations made under it apply or have been complied with; and
  - ii) to identify the responsible person in relation to the premises;
- c) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records (including plans) –
  - i) which are required to be kept by virtue of any provision of this Order or regulations made under it; or
  - ii) which it is necessary for him to see for the purposes of an examination or inspection under this article, and to inspect and take copies of, or of any entry in, the records;
- d) to require any person having responsibilities in relation to any premises (whether or not the responsible person) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this article;
- e) to take samples of any articles or substances found in any premises which he has power to enter for the purpose of ascertaining their fire resistance or flammability; and
- f) in the case of any article or substance found in any premises which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause danger to the safety of relevant persons, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is, in the circumstances, necessary).

## **2.3 Personnel**

- 2.3.1 To ensure that nationally and locally agreed conditions of service are properly implemented.
- 2.3.2 After consultation with the Treasurer to authorise the implementation of any nationally agreed pay award in respect of all employees, subject to any element of discretion being referred to the Authority for consideration.
- 2.3.3 To decide upon all personnel issues which do not necessitate changes in the approved establishment.
- 2.3.4 To vary the grading of individual non-uniformed posts up to (but not including) Assistant Chief Officer (including progression within and between grades), having regard to the national job evaluation scheme and in consultation with the relevant trade union(s).
- 2.3.5 To make and terminate appointments of uniformed and non-uniformed staff up to (but not including) posts designated Assistant Chief Officer.
- 2.3.6 To ensure that the Fire Authority's disciplinary policy and procedures, based on the Advisory, Conciliation and Arbitration Service (ACAS) best practice guidance, are properly applied and enforced.
- 2.3.7 In the following matters the Chief Fire Officer shall consult the Chair of the Authority before exercising delegated powers:
  - a) Approving visits abroad by officers on official business and the expenses thereof.
- 2.3.8 To take decisions in connection with legislation relating to firefighters' pensions, after having consulted with the Treasurer on budgetary implications and the Authority Solicitor on any legal basis.
- 2.3.9 To comply with the duties and obligations of the Pension Scheme Managers, as required by the Welfare Reform and Pensions Act 1999.

## **2.4 Management of Land and Property**

- 2.4.1 To manage and maintain land and property daily, whether owned or leased.
- 2.4.2 To approve generally the acquisition of land and property and all associated transactions, estimated at a cost of up to £3,000.
- 2.4.3 To deal with any urgent matters, not otherwise delegated, in consultation with the Treasurer, Chair and Vice-Chair.

### **3 Delegations to the Authority Solicitor**

- 3.1 To take all necessary steps, including the obtaining of Counsel's advice, in connection with any matter concerning the Authority and incur expenditure in connection therewith.
- 3.2 To institute on behalf of the Authority such proceedings or take such other steps as he/she may consider necessary to:
  - a) secure the payment of any debt;
  - b) recover possession of any land;
  - c) enforce the performance of any obligations due to the Authority and to take such steps as he/she may consider necessary to enforce any judgement or order obtained in any such proceedings after consultation with the Chair of the Authority;
  - d) sign or affix the Authority's seal to documents necessary to give effect to property matters dealt with pursuant to these delegated powers.
- 3.3 To enter a defence to any claim brought against the Authority.
- 3.4 To execute and issue all legal documents necessary to implement decisions made by the Authority or its committees or officers in pursuance of delegated powers, except where another officer has been authorised to take such action or the Clerk has authorised him/her to do so.
- 3.5 To authorise any person to appear on behalf of the Authority in any court, tribunal or inquiry on any matter relating to the business of the Authority.
- 3.6 ~~To provide a Certificate of Opinion regarding politically restricted posts under section 3 of the Local Government and Housing Act 1989.~~
- 3.7 The above powers may be delegated to a solicitor other than the Authority Solicitor.

## **4 Delegations to the Authority Treasurer**

- 4.1 To undertake all matters of day-to-day financial administration for the service, in accordance with the Standing Orders and Financial Regulations of the Authority.
- 4.2 In agreement with the Chief Fire Officer, and after consultation with the Chair and the Vice Chair, in cases of urgency to approve virement, supplementary revenue and capital votes not otherwise covered by the Treasurer's delegated authority. Action taken under this delegation must be reported to the next meeting of the Authority.

### **4.3 Supplementary Revenue Votes**

- 4.3.1 To approve supplementary revenue votes for items which are of a formal, unavoidable or relatively small amount and which are not inconsistent with approved budgetary policy and which:
- a) result from pay awards or price increases not taken into account in approved revenue votes;
  - b) result from expenditure arising from the mandatory implementation of Acts of Parliament or other government directives;
  - c) relate to goods, services or other expenses which were budgeted for and properly ordered or committed in the previous year but which, owing to delays in delivery or execution, have to be accounted for in the following year. (It is implicit that the original budgetary provision should remain unspent at the end of the year of provision);
  - d) are urgently necessary to maintain existing services and cannot reasonably be met from appropriate approved revenue votes;
  - e) do not exceed £10,000 in total for any one purpose and do not entail significant expenditure in subsequent years.
- 4.4 Virement (i.e. the transfer of sums approved for a specified purpose to another purpose) may be authorised by the Treasurer in accordance with Financial Standing Orders provided:
- a) there are no greater consequential revenue effects in later years;
  - b) the proposals are not inconsistent with approved budgetary policy and the overall budget situation;
  - c) that it does not involve the transfer of sums between votes where the activities in one of the votes are outside the control of the Authority, e.g. debt charges, pensions;

- d) that it does not involve the transfer of sums to the appointment of staff or other purpose which will commit the Authority to a significant additional level of expenditure in future years or which will initiate new policies or the extension of existing policies.

#### **4.5 Supplementary Capital Votes**

- 4.5.1 To approve supplementary capital votes subject to the limitations set out in Financial Standing Orders.

### **5 Interpretation**

- 5.1 In this scheme the powers of the Chair may in the absence or unavailability of the Chair be exercised by the Vice-Chair.
- 5.2 Any reference in this scheme to any enactment shall be deemed to include a reference to any statute incorporated therewith or any Statutory Instrument, Order in Council, Byelaws or other Order made thereunder and any enactment repealing, amending or extending the provisions thereof. Any reference to the Authority shall, where the sense allows be deemed to include references to a Committee.

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## **Standing Orders for the Regulation of Proceedings and Business of Shropshire and Wrekin Fire and Rescue Authority**

***Any reference in these Standing Orders to the Authority shall,  
where the sense allows, be deemed to refer also to its committees.***

### **Standing Order No 1 Meetings of the Authority**

- 1 The annual meeting of the Shropshire and Wrekin Fire Authority (“the Authority”) shall be held on a day and at a time to be fixed by the Authority between 1 March and 31 July in each year.
- 2 In addition to the annual meeting of the Authority and any extraordinary meetings convened by the Chair or by Members of the Authority, in accordance with paragraph 3 of Schedule 12 of the Local Government Act 1972 (the 1972 Act), meetings for the transaction of general business shall be held in each year at such intervals upon such days as the Authority may at its annual meeting (or other appropriate meeting) determine, unless otherwise ordered by the Authority and subject to any lawful alteration, which special circumstances may render desirable.
- 3 The annual meeting, any extraordinary meeting and other meetings of the Authority shall be held at such venues and at such times as the Authority may from time to time determine.
- 4 No person shall smoke in the room where any meeting of the Authority is taking place.
- 5 Subject to the statutory provisions allowing for urgent meetings, at least 5 clear working days before the meeting of the Authority:
  - (a) Notice of the time and place of the intended meeting shall be published at:  
The Shirehall, Shrewsbury;  
The Civic Offices, Telford; and  
Brigade Headquarters, Shrewsbury.
  - (b) A summons to attend the meeting, specifying the business proposed to be transacted and signed by the Clerk to the Authority shall be left at or sent by post to the usual place of residence of every Member.
- 6 An item of business may not be considered at a meeting of the Authority unless either:
  - (a) A copy of the agenda including the item (or copy of the item) has been open to inspection by the public in pursuance of paragraph 5 above for at least 5 clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened;  
or



- (b) By reason of special circumstances, which shall be specified in the minutes, the person chairing the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 7 The Chair of the Authority may cancel or rearrange the date of a meeting at any time before the agenda has been published, if he/she feels there is insufficient business to justify the meeting or there is some other good reason why it would not be appropriate to hold the meeting on the day originally proposed.
  - 8 A Chair's Report shall be prepared following each meeting of the Authority and shall be sent to each of the constituent authorities. The Chair shall answer any questions regarding any of the Reports, put by the constituent authority of which he/she is a Member. The Vice-Chair shall answer any questions regarding the Reports, put by the constituent authority of which he/she is a Member.
  - 9 If neither the Chair nor the Vice-Chair is available he/she may nominate a member to respond on his/her behalf.

## **Standing Order No 2 Election of Chair and Vice-Chair**

The Authority shall at its Annual Meeting elect a Chair and appoint a Vice-Chair, who shall, unless he/she resigns that office, continue in office until immediately after the election of the Chair and appointment of Vice-Chair at the next Annual meeting.

## **Standing Order No 3 Powers of Vice-Chair**

- 1 The provisions of Section 5(3) of the 1972 Act shall not apply except in those cases:
  - (a) where by reason of illness, absence from the area of the Authority or from the relevant meeting of the Authority, it is not possible or practicable for the Chair to act; or
  - (b) where the office of Chair is vacant; or
  - (c) where the Chair has authorised the Vice-Chair either specifically or generally to exercise the Chair's powers under the said section.

## **Standing Order No 4 Chair of Meeting**

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

## **Standing Order No 5 Quorum**

- 1 If during any meeting of the Authority the Chair or any Member of the Authority queries whether or not there is a quorum present the Clerk to the Authority shall call over and record the names of the Members of the Authority who are present in the meeting and if it appears that there is not a quorum present the meeting shall stand adjourned to a time to be fixed by the Chair, or if s/he does not fix a time, to the next ordinary meeting of the Authority.
- 2 A Quorum for a meeting of the Authority shall be one-third of the total number of Members of the Authority including at least one Member from each constituent Authority (In practice this shall be 6 Members). The requirement for a quorum to include at least one Member from each constituent authority shall not apply to committees or sub-committees of the Authority.

## **Standing Order No 6 Order of Business**

- 1 Except as otherwise provided by paragraph (2) of this standing order, the order of business at every meeting of the Authority shall be:
  - (a) To choose a person to preside if the Chair and Vice-Chair are absent.
  - (b) To deal with any business required by statute to be done before any other business.
  - (c) To receive any declarations of interest from Members
  - (d) To receive any questions, statements or petitions, raised under Standing Order 14, from members of the public.
  - (e) To approve as a correct record and sign the minutes of the last meeting of the Authority.
  - (f) To deal with any business expressly required by statute to be done.
  - (g) To receive communications sent to the Chair or the Clerk to the Authority and to take such action thereon as may be deemed necessary.
  - (h) To dispose of business (if any) remaining from the last meeting.

- (i) To answer any questions asked under Standing Order 10.
  - (j) To receive and consider reports, minutes and recommendations of committees and to pass such resolutions thereon as may be deemed necessary.
  - (k) To consider motions in the order in which notice has been received.
  - (l) To receive the Clerk to the Authority's report and to pass such resolutions thereon as may be deemed necessary.
  - (m) To authorise the sealing of documents in accordance with Standing Order 26.
  - (n) Other business, if any, specified in the summons.
  - (o) To consider any item not on the Agenda which by reason of special circumstances the Chair is of the opinion should be considered as a matter of urgency under the provisions of section 100 B (4) (b) of the 1972 Act.
- 2 The Chair may at any meeting vary the order of business, but such a variation shall not displace business falling under items (a), (b), (c) and (d) in paragraph 1 of this Standing Order.
- 3 ~~At the Annual Meeting of the Authority~~ **least annually** in addition to the statutory and other business the Agenda shall include an item to consider the constitution of committees and sub-committees and their membership.

## **Standing Order No 7**

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

- 1 The Authority may at any meeting appoint such committees and sub-committees as it thinks fit and shall determine the number of members to serve on each such committee or sub-committee.
- 2 The Authority shall at ~~its Annual Meeting~~ **least annually** review the constitution and composition of any committees or sub-committee which have been appointed - see Standing Order 6.3 above.
- 3 Any committees or sub-committees appointed by the Authority shall as the first item of business at its first meeting consider the appointment of a Chair and Vice-Chair.

- 4 When appointing committees (other than the Standards Committee) the Authority shall determine the overall number of seats on each committee and allocate numbers of seats to political groups and to Independent Members in accordance with the Local Government and Housing Act 1989 and regulations made under that Act.
- 5 When appointing the Standards Committee the Authority shall allocate numbers of seats to Authority Members and Independent Members in accordance with the Local Government Act 2000 and regulations made under that Act.

### **Standing Order No 8 Notices of Motion**

- 1 Notice of every motion, other than a motion which under Standing Order 9 may be moved without notice, shall be given in writing, signed by a proposer and seconder and delivered during normal office hours at least seven clear days before the next meeting of the Authority to the Clerk to the Authority at the office of the Clerk to the Authority by whom it shall be dated and numbered in the order in which it is received.
- 2 The Clerk to the Authority shall set out in the summons for every meeting of the Authority all motions of which notice has been duly given in the order in which they have been received, unless the Member giving such a notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting, or has since withdrawn it in writing.
- 3 If a motion set out in the summons is not moved either by the Member who gave notice thereof or by some other Member on his/her behalf it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.
- 4 (a) If the subject matter of any motion of which notice has been duly given comes within the province of any committee or committees it shall, upon being moved and seconded, stand referred without discussion to such committee or committees, or to such other committee or committees as the Authority may determine, for consideration and report.  
  
(b) The Chair, if s/he considers it convenient and conducive to the despatch of business, may allow the motion to be dealt with at the meeting of the Authority at which it is brought forward.
- 5 Every motion shall be relevant to some matter in relation to which the Authority has powers or duties or which affects the Authority.
- 6 The Chair shall have the power to exclude any notice of motion which is not relevant to the Authority or which s/he feels may bring the Authority into disrepute if discussed.

## **Standing Order No 9**

### **Motions and Amendments which may be moved without notice**

The following motions and amendments may be moved without notice:

- 1 Appointment of a Chair of the meeting at which the motion is made.
- 2 Motions relating to the accuracy of the minutes.
- 3 That an item of business specified in the summons has precedence.
- 4 That the matter be referred to a committee.
- 5 Appointment of a committee or Members thereof, occasioned by an item mentioned in the summons to the meeting.
- 6 Adoption of reports and recommendations of committees or officers and any consequent resolutions.
- 7 That leave be given to withdraw a motion.
- 8 Extending the time limit for speeches.
- 9 Amendments to motions.
- 10 That the Authority proceed to the next business.
- 11 That the question be now put.
- 12 That the debate be now adjourned.
- 13 That the Authority do now adjourn.
- 14 Authorising the sealing of documents.
- 15 Suspending Standing Orders, in accordance with Standing Order 31.
- 16 A motion under Section 100A of the Local Government Act 1972, to exclude the public or press.
- 17 That a Member under Standing Order 16 be not further heard or do leave the meeting.
- 18 Requesting a Member to leave under Standing Order 21 (prejudicial interest).
- 19 Giving consent of the Authority where the consent of the Authority is required by these Standing Orders.

## **Standing Order No 10 Questions**

- 1 A Member of the Authority may ask the Chair of a committee any question on an item of the report/minutes of the committee when that item is under consideration by the Authority.
- 2 A Member of the Authority may, if 2 clear working days notice in writing has been given to the Clerk to the Authority and such notice is signed by a Member, ask the Chair of the Authority or the Chair of any committee any question on any matter in relation to which the Authority has powers or duties or which affects the Authority.
- 3 Every question shall be put and answered without discussion by
  - (a) a direct oral answer; or
  - (b) reference to a publication of the Authority containing the desired information; or
  - (c) a written answer circulated within 14 days to all Members of the Authority.
- 4 A Member asking the question shall have the right to respond to an oral answer from the Chair, the response being constrained to the answer given. Supplementary questions may not be put.
- 5 The Chair shall have the right to sum up and bring the matter to a conclusion.
- 6 No other Members shall be permitted to respond or put supplementary questions.
- 7 Answers and responses shall be limited to 3 minutes.

## **Standing Order No 11 Minutes**

- 1 The Chair shall put the question that the minutes of the meeting of the Authority held on the .....day of .....be agreed and signed as a correct record.
- 2 No discussion shall take place upon the minutes, except upon their accuracy, 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 sign the minutes then or at the conclusion of the meeting in question.
- 3 The minutes of any extraordinary meetings shall be presented to the next ordinary meeting and not to another extraordinary meeting.

- 4 Where an extraordinary meeting is called there shall be no requirement to sign the minutes of the previous ordinary meeting at that extraordinary meeting. Those minutes shall be taken to the next ordinary meeting for agreement and signature.

## **Standing Order No 12 Expressions of Dissent**

No protest or expression of dissent shall be entered upon the minutes of the Authority or its committees provided that if, in the opinion of a Member, it is being proposed that the Authority or a committee shall make a decision which is ultra vires or otherwise illegal s/he may ask that s/he shall be dissociated from such a decision and a record of his/her request shall be made in the minutes of the Authority or the committee.

## **Standing Order No 13 Rules of Debate for Authority Meetings**

### **Motions and Amendments**

- 1 A motion or amendment shall not be discussed unless it has been proposed and seconded, and unless notice has already been given in accordance with Standing Order 8, it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put into the meeting.

### **Secunder's Speech**

- 2 A Member when seconding a motion or amendment may, if s/he then declares his/her intention to do so, reserve his/her speech until later in the debate.

### **Only one Member to speak at a time**

- 3 A Member when speaking shall address the Chair. If two or more Members indicate they wish to speak by raising their hand, the Chair shall call on one to speak; the other or others shall then wait to be called to speak by the Chair. While a Member is speaking the other Members shall remain silent, unless wishing to make a point of order or in personal explanation in which case the Chair will call that Member to speak.

### **Content and Length of Speeches**

- 4 A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order. A Member moving a resolution or amendment shall not speak for more than 10 minutes in support thereof and no other speech shall exceed 5 minutes, except by consent of the Authority.

### **When a Member may speak again**

- 5 A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;

- (b) if the motion has been amended since s/he last spoke, to move a further amendment;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which s/he spoke was carried;
- (d) in exercise of a right of reply given by paragraph 12 of this Standing Order;
- (e) on a point of order;
- (f) by way of personal explanation;
- (g) to move in so many words 'That the question be now put'; or
- (h) at the discretion of the Chair.

### **Amendments to Motions**

6 An amendment shall be relevant to the motion and shall be:

- (a) to refer a subject of debate to a committee for consideration or reconsideration; or
- (b) to leave out words; or
- (c) to leave out words and insert or add others; or
- (d) to insert or add words.

7 Subject to paragraph 8 below, only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

8 The Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Authority's business.

9 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.

### **Alteration of a Motion**

10 A Member may with the consent of the Authority signified without discussion:

- (a) alter a motion of which s/he has given notice; or
- (b) with the further consent of his/her seconder alter a motion which s/he has moved,



if (in either case) the alteration is one which could be made as an amendment thereto.

### **Withdrawal of Motion**

- 11 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.

### **Right of Reply**

- 12 The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his/her amendment provided that, if that amendment becomes the substantive motion, the mover shall have a right of reply to the debate on that motion.

- 13 When a motion is under debate, no other motion shall be moved except the following:-

- (a) to amend the motion;
- (b) to postpone consideration of the motion;
- (c) to adjourn the meeting;
- (d) to adjourn the debate;
- (e) to proceed to the next business;
- (f) that the question be now put;
- (g) that a Member be not further heard;
- (h) by the Chair under Standing Order 16.2 that a Member do leave the meeting; or
- (i) a motion under Section 100A of the Local Government Act 1972 to exclude the public or press.

- 14 A Member may move without comment at the conclusion of a speech of another Member, "That the Authority proceed to the next business", "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 shall proceed as follows:

- (a) on a motion to proceed to next business: unless in his/her opinion the matter before the meeting has been insufficiently discussed, the Chair shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
- (b) on a motion that the question be now put: unless in his/her opinion the matter before the meeting has been insufficiently discussed, the Chair shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his/her right of reply under paragraph 12 of this Standing order before putting his/her motion to the vote;
- (c) on a motion to adjourn the debate or the meeting: if in his/her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion s/he shall put the adjournment motion to the vote without giving the mover of the original motion his/her right of reply on that occasion.

#### **Point of Order**

- 15 A Member may raise a point of order at any time. The Chair will hear him/her immediately. A point of order may relate only to an alleged breach of these Authority Standing Orders or the law. The Member must state the Standing Order or law and the way in which he/she considers it has been breached. The ruling of the Chair on the matter will be final and shall not be open to discussion or debate.

#### **Personal Explanation**

- 16 A Member may make a personal explanation at any time. A personal explanation may relate only to some material part of an earlier speech made by a Member, which appears to have been misunderstood in the present debate, or to refute personal allegations. The ruling of the Chair on the admissibility of a personal explanation will be final and shall not be open to any debate or discussion.

#### **Respect for Chair**

- 17 Whenever the Chair speaks during a debate a Member then speaking shall be silent.

### **Standing Order 14**

#### **Public Participation at Meetings**

##### **Questions, Statements and Petitions**

- 1 Provision shall be made on the public part of the Agenda of each ordinary and, at the Chair's absolute discretion, special meetings of the Authority, of the Strategy and Resources Committee, of the Audit and Performance Management Committee, of the Human Resources Committee, of the Standards Committee, and of the Health Panel for members of the public ('a person') to participate in accordance with the rules below.

- 2 For the purposes of this standing order, a person shall include any elector living within Shropshire and any other party with interests within Shropshire. It will exclude any employee of the Authority in relation to any matter connected with their employment; any representative of an employee or group of employees; any person in a contractual relationship with the Authority in relation to any matter connected with that contract; any elected member of any local authority on a matter concerning that local authority or (unless the Chair determines otherwise) any person appointed or engaged to speak on behalf of another.
- 3 Written, facsimile or e-mail notice of questions, statements or petitions must be given to the Clerk by 5pm three clear working days before the relevant meeting.
- 4 Normally, a maximum of three matters will be received and the total period of public participation may be up to 10 minutes. If notice is received of more than three matters to be raised at the same meeting, matters discussed will be at the discretion of the Chair. Matters shall only be permitted if they relate to an item on the Agenda, and will be taken at the relevant time. No questions, which seek any information of a personal nature or confidential information, shall be answered.
- 5 No person shall be permitted to ask more than one question at any meeting and it shall be in the absolute discretion of the Chair to decide whether a person has in fact asked more than one question on any given occasion.
- 6 The Chair shall be entitled to refuse to allow a question to be put to the meeting, if, in the Chair's opinion, that question has previously been asked and answered and there has been no subsequent change in circumstances. The Chair shall advise Members in general terms of such a refusal.
- 7 A person submitting a question after three questions have already been received from other persons shall be offered the option of a written reply. The opportunity to discuss more than three items remains at the discretion of the Chair.
- 8 A person may address the Authority or committee with regard to questions, statements or petitions him/herself for a period not exceeding three minutes and the remarks shall relate only to the issues in respect of which notice has been given. The Chair shall have discretion to extend the participation period at the expiry of the 10-minute period to allow completion of the question in progress or to terminate the participation period prior to the expiry of the 10-minute period.
- 9 Any question shall be directed at the Chair who may reply orally at the meeting or in writing following the meeting or who may decline to reply. A reason for declining to reply must be given. The Chair may ask another Member of the Authority or committee or an officer to reply on his behalf.

- 10 The Chair shall, without response, receive any petition although the person presenting a petition of 10 or more signatures may speak to it.
- 11 Where a group is raising a question or making a statement at the meeting a representative must be nominated to speak on behalf of the group at the meeting.
- 12 No response need be made to statements but Members of the Authority or committee can allude to them in the course of the consideration of the relevant item on the agenda.
- 13 With the express permission of the Chair and within the overall time allowed, a supplementary question from the member of the public or spokesperson may be permitted and Members of the Authority or committee may put questions to the member of the public.
- 14 In accordance with Standing Order 32, the Chair's ruling on the construction or application of this Standing Order shall be final and not open to debate or challenge.

#### **Authority and Committee Agenda and Reports**

- 15 So far as is practicable, relevant Authority and committee agenda and reports will be given to all persons attending the meeting.

#### **Disturbance by Members of the Public**

- 16 The Chair shall warn a member of the public who interrupts the proceedings at any meeting. If the interruption continues, the Chair may order that person's removal from the meeting room. In case of general disturbances in any part of the meeting room open to the public the Chair may order that part to be cleared.

### **Standing Order No 15**

#### **Motions affecting persons employed by the Authority**

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

### **Standing Order No 16**

#### **Disorderly Conduct**

- 1 If any Member of the Authority is, in the opinion of the Chair, misconducting himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Authority, the Chair or any other Member may move "That the

Member named be not further heard”, and the motion if seconded shall be put and determined without discussion.

- 2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall:
  - (a) either move “That the Member named do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or
  - (b) adjourn the meeting for such period as the Chair considers expedient.
- 3 In the event of general disturbance which makes the due and orderly dispatch of business impossible, the Chair may, in addition to any other power vested in him/her adjourn the meeting for such period as the Chair considers expedient.
- 4 A Member or Members of the Authority named in a motion carried under this Standing Order shall comply with such motion immediately.

### **Standing Order No 17**

#### **Disturbance by Members of the Public**

If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If s/he continues the interruption the Chair may order his/her removal from the meeting room. In case of general disturbance in any part of the meeting room open to the public the Chair may order that part to be cleared.

### **Standing Order No 18**

#### **Rescission of Preceding Resolution**

- 1 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof given in pursuance of Standing Order 8 bears the names of at least five Members of the Authority. When any such motion or amendment has been disposed of by the Authority it shall not be open to any Member to propose a similar motion within a further period of six months.
- 2 This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee.

### **Standing Order No 19**

#### **Voting/Recording of Votes**

##### **Majority**

- 1 Any matter shall be decided by a simple majority of those Members voting and present in the room at the time the question was put.

- Chair's Casting Vote**
- 2 If there are equal numbers of votes for and against, the Chair shall have a second or casting vote. There shall be no restriction on how the Chair chooses to exercise a casting vote. It may be cast for or against the proposal or the Chair may decide not to use it. In the latter case the motion would not be carried.

- Show of Hands**
- 3 Unless a recorded vote is demanded under Standing Orders 19.4 or 19.5, the Chair will take the vote by a show of hands, or, if there is no dissent, by the affirmation of the meeting.

- Recorded Vote**
- 4 If three Members demand it, the names of those for and against the motion or amendment and of those abstaining from voting will be taken down in writing and entered into the minutes.

- Right to require Individual (Named) Vote to be Recorded**
- 5 Where any member requests it immediately after a vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

- Voting on Appointments**
- 6 If there are more than two people nominated for any position to be filled (including any Chair or Vice-Chair) and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The voting may take place by ballot, if the Authority so determines, and, in the case of equality of votes for two or more candidates, then the Chair shall have a second or casting vote in accordance with Standing Order 19.2.

## **Standing Order No 20**

### **Attendances**

- Record of Attendances**
- 1 Every Member of the Authority attending a meeting of the Authority or of any of its committees or sub-committees of which s/he is a Member shall sign his/her name in the attendance book or sheet.

- Appeal Hearings**
- 2 Any Member, who has been involved with a decision, shall not be permitted to sit on any subsequent panel or committee dealing with an appeal against such a decision.

- Attendances in the absence of a Quorum**
- 3 The Clerk to the Authority shall keep a record of the attendances of Members of the Authority at Authority meetings and at meetings of each of the committees of the Authority or of the sub-committees or working parties thereof, whether there be a quorum or not.

- Records of other attendances and approved duties**
- 4 The Chief Financial Officer of the Authority or other person authorised for the time being to make any payments to Members of the Authority under Section 18 Local Government and Housing Act 1989 and sections 100 and 105 of the Local Government Act 2000 or any regulations made thereunder shall keep such records of the attendances, approved duties, conferences, meetings, visits and other occasions qualifying for such payments as such officer considers necessary or desirable and Members of the Authority shall supply to such officer such details thereof as s/he reasonably prescribes.

- Failure to attend meetings**
- 5 Where a Member fails, throughout a period of six months from the date of their last attendance, to attend any meeting of the Authority, then the appropriate Political Group Spokesperson shall be advised of the non-attendance, unless the failure to attend was as a result of some reason approved by, or on behalf of, the Authority or one of the Constituent Authorities before the expiry of that period.

Where an Independent Member of the Standards Committee fails, throughout a period of six months from the date of their last attendance, to attend any meetings of that Committee, then the Chair of the Committee shall be advised or the Chair of the Fire Authority, where the non-attendance relates to the Chair of the Standards Committee.

A 'meeting of the Authority' includes meetings of the Authority itself, of its committees and panels and outside body attendance, where the Member is a named Member of that body.

## **Standing Order No 21**

### **Interest of Members in Contracts and other matters**

If any Member of the Authority has any personal interest as described in the Authority's Code of Conduct ('Code of Conduct'), in any contract, proposed contract, or other matter, that Member shall declare that interest before any meeting where the contract, proposed contract or other matter, is to be discussed or as soon as it comes to light; and

If any Member of the Authority has any personal interest, which is also a prejudicial interest as described in the Code of Conduct in any contract, proposed contract or other matter, that Member must declare that they have a prejudicial interest and the nature of that interest and must withdraw from the room;

Unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, the Member can also attend the meeting for that purpose (however, the member must immediately leave the room once they have finished or when the meeting decides the Member has finished if that is earlier);

or:

Unless in the case of both a personal and prejudicial interest the Standards Committee grants a dispensation in favour of the Member/s concerned in accordance with the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002.

### **Standing Order No 22 Interest of Officers in Contracts**

The Clerk to the Authority shall record in a book to be kept for the purpose brief particulars of any notice given by an officer of the Authority under Section 117 of the 1972 Act of a pecuniary interest in a contract, and the book and such notices shall be open during office hours to the inspection of any Member of the Authority.

### **Standing Order No 23 Canvassing of, and recommendations by, Members**

- 1 Canvassing of Members of the Authority or any committee of the Authority directly or indirectly for any appointment under the Authority may, if the Authority so decides, disqualify the candidate concerned for that appointment.
- 2 A Member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not prevent a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

### **Standing Order No 24 Relatives of Members or Officers**

A candidate for any appointment under the Authority who knows that s/he is related to any Member or officer of the Authority shall when making application disclose that relationship to the Clerk to the Authority. A candidate who fails to disclose such a relationship may be disqualified from the appointment and if appointed may be liable to dismissal without notice. Every Member and senior officer of the Authority shall disclose to the Clerk to the Authority any relationship known to him/her to exist between him/herself and any person whom s/he knows is a candidate for an appointment under the Authority. The Clerk to the Authority shall report to the Authority or to the appropriate committee any such disclosure made to him/her.



## **Standing Order No 25 Custody of Seal**

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

## **Standing Order No 26 Sealing of Documents**

- 1 The common seal of the Authority shall not be affixed to any document unless the sealing has been authorised by a resolution of the Authority or of a committee to which the Authority has delegated its powers in this behalf, but a resolution of the Authority (or of a committee where that committee has the power) authorising the acceptance of any tender, the purchase, sale, letting, or taking of any property, the issue of any stock, the presentation of any petition, memorial, or address, the making of any contract, or the doing of any other thing, shall be a sufficient authority for sealing any document necessary to give effect to the resolution.
  
- 2 One of the following persons shall be present at the sealing and shall attest the seal:
  - (a) Chair
  - (b) Vice-Chair
  - (c) Clerk to the Authority
  - (d) any other officer authorised by the Clerk

An entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person, who has attested the seal.

## **Standing Order No 27 Authentication of documents for Legal Proceedings**

Where any document will be a necessary step in legal proceedings on behalf of the Authority it shall be signed by the Clerk to the Authority or the Solicitor of the Authority unless any enactment otherwise requires or authorises, or the Authority gives the necessary authority to some other person for the purpose of such proceedings.

## **Standing Order No 28**

### **Inspection of Documents**

- 1 A Member of the Authority may, for the purposes of his/her duty as such Member but not otherwise, inspect any document which has been considered by a committee or by the Authority on application to the Clerk to the Authority and if copies are available shall on request be supplied for the like purposes with a copy of such a document.
- 2 A Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which s/he is professionally interested or in which s/he has a prejudicial interest within the meaning of the Code of Conduct. This Standing Order shall not preclude the Clerk to the Authority or the Solicitor of the Authority from declining to allow inspection of any document which is or in the event of legal proceedings which would, be protected by privilege arising from the relationship of Solicitor and client.
- 3 All reports made or minutes kept by any committee shall, as soon as the committee has concluded action on the matter to which such reports or minutes relate and after they have been approved by the Authority, be open for inspection by any Member of the Authority.

## **Standing Order No 29**

### **Inspection of Lands, Premises, etc.**

Unless specially authorised to do so by the Authority or a committee, a Member of the Authority shall not have any right to issue any order respecting any works which are being carried out by 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.

## **Standing Order No 30**

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

Any motion to add to, vary or revoke these Standing Orders other than for the purpose of compliance with any statutory requirement shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

## **Standing Order No 31**

### **Suspension of Standing Orders**

All of these Standing Orders except Standing Order 19.5 (Right to Require Individual Vote to be Recorded) may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Authority are present and the majority of those present is in favour. Suspension can only be for the duration of the meeting.

## **Standing Order No 32**

### **Interpretation of Standing Orders**

- 1 The Interpretation Acts shall apply to these Standing Orders.
- 2 The ruling of the Chair as to the construction or application of any of these Standing Orders, or as to any proceedings of the Authority, shall be final and not open to debate or challenge.
- 3 In these Standing Orders, any reference to a statutory provision, regulations, order or code of conduct shall be construed as a reference to the statutory provision, regulations, order or code of conduct as amended, substituted or extended from time to time.

## **Standing Orders relating to Contracts**

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**Annexe 1: The Approved List Tendering Procedure**

# Standing Orders relating to Contracts

## Part I - General

### A Scope

- A1** The objective of these Standing Orders is to ensure that any contract or series of aggregated purchases is properly regulated. Every contract, whether made by, or on behalf of, Shropshire and Wrekin Fire Authority (the Authority), shall comply with these Standing Orders unless specially authorised otherwise (see Special Exemption). These Standing Orders do not apply to contracts of employment or contracts relating to interests in land.
- A2** These Standing Orders are supported by Procurement Policies and Procurement Procedures set out in Brigade Orders. The Chief Fire Officer will review the Procurement Policies and Procedures from time to time.
- A3** These Standing Orders must be used in conjunction with the Financial Regulations Standing Orders of the Authority and apply to all contracts for works and the supply of goods and of services to the Authority. They remain subject to any relevant statutory or regulatory requirement of law or the European Union (EU).
- A4** There is delegated to the Chief Fire Officer and, in his absence, to the Deputy Chief Fire Officer power to enter into contracts on behalf of the Authority, subject to compliance with these Standing Orders.
- A5** In these Standing Orders, unless otherwise stated, references to the Chief Fire Officer include such officers to whom the Chief Fire Officer may have delegated in writing the powers in question. It also includes the Treasurer to the Authority, where he/she is making purchases on behalf of the Authority.
- A6** The financial limits specified within these Standing Orders are subject to EU Directives and review by the Authority. ~~The limits have been set out below the statutory levels, to ensure compliance and the use of best practice in high value contracts.~~
- A7** No increase in the amount payable by the Authority will be permitted except as specifically provided for in the contract.
- A8** The notes to these Standing Orders (printed in italics) are for guidance only and do **NOT** form part of Standing Orders.

## **B Definitions**

The following expressions shall have the following meanings assigned to them:

- B1** “*A tender*” means a written offer to execute works or supply goods or materials or services.
- B2** “*A quotation*” means a written estimate of the likely cost or charge for the execution of works or the supply of goods or materials or services.
- B3** “*A contract*” means any contract in writing or otherwise for the execution of works, the supply of goods or materials or services. It excludes contracts for the sale or purchase of any interest in land or of employment.
- B4** “*Consideration payable*” means the total value of consideration payable by or to the Authority under the contract or any series of contracts of which it forms a part.
- B5** “*Negotiation*” means any alteration in the terms of a tender offered to the Authority and shall include any variation in the terms of a tender, whether by deletion of any requirement or provision or the rectification of any error or omission or otherwise.
- B6** “*EU Legislation*” or “*EU Directives*” mean the European Union Procurement Directives that set out the compulsory expenditure thresholds and procedures for procurement of supplies, services and works. The Directives providing current information can be found on the Système d’Information pour les Marchés Publics website (<http://simap.eu.int>).

### ***Explanatory Note***

*The Directives set out specific requirements for the following:*

- (i) Wording of advertisements*
  - (ii) Choice of open or restricted procedures for tendering*
  - (iii) Minimum timescales for the tendering procedure*
  - (iv) Use of standards or brand names in specifications*
  - (v) Criteria for the award of contracts*
  - (vi) Contract award notices*
- B7** “*Aggregated Value*” means the total value of a series of purchases made of similar items or groups of items during the term of the contract.
- B8** “*The Register*” means the contract register containing schedules of action taken in prescribed form which shall be maintained by Chief Fire Officer and be open to inspection by any Member of the Authority.

## C Application

**C1** The procedures in these Standing Orders apply to all contracts with third parties and to all sub-contracts (where a sub-contractor is specified by the Authority to a contractor), and to those contracts to which the provisions of the Local Government Act 1988 apply.

**C2** The Authority requires that all contracts for 'supplies' or 'services' over £140,156,000 or the European Union Public Sector Contract Threshold, if lower, have a tender exercise in accordance with EU legislation, even if this amount is below the limit set by the EU. This will ensure legal compliance and use of best practice. 'Works' contracts in excess of £500,000 must be addressed in accordance with clause C3 below and may require an EU compliant tender procedure.

Advice must be sought from the Authority's Solicitor or equivalent expert in the event that the use of EU procedures is deemed to be necessary.

**C3** A business case detailing the procurement process to be used must be prepared and approved by the Authority for all contracts with an aggregated value of more than £500,000.

### **Explanatory Note**

*The terms 'supplies', 'services' and 'works' in clause C2 above are defined in European procurement thresholds.*

*In legal terms a contract can arise from an oral arrangement just as much as from written documentation. The value of the contract will dictate the form of the documentation as set out in these Orders. For contracts made by the placing of an order, the Authority's official order form and the resulting invoice will be the written evidence; and for contracts where the order was initially placed orally or by purchase card the resulting invoice will be the written evidence. Where the contract arises from the acceptance of a tender, the document will be the Chief Fire Officer's acceptance letter (or notification) and the tender documents.*

## D Special Exemptions

**D1** Exemptions from this Standing Order may be obtained where there are special circumstances justifying such exemption, or in cases of urgency. The Chief Fire Officer and the Treasurer, after consultation with the Chair of the Authority, may exempt any contract from any such provision. All such exemptions shall be reported to the ~~the~~ **a next meeting of the Authority or relevant committee within 6 months of award.**

**D2** In seeking such an exemption it must be clearly stated in the report to the Authority or relevant Committee those paragraphs of this Standing Order for which an exemption is requested and the reasons therefore.

### **Explanatory Note**

*It must be capable of demonstration to a third party that such a course of action was justified and in the best interests of the Authority.*

*A formal process for obtaining approval for exemptions is provided which may be used if alternative purchasing arrangements represent best value.*

## **E Consortium Purchasing and Collaborative Arrangements**

**E1** On every occasion the Authority enters into a contract where the proposed contract is one to which the Authority will be a party in common with other fire or public authorities as part of a consortium or collaborative arrangement, these Standing Orders will not be applicable, provided that such action does not contravene any statutory or EU requirement. The consortium or lead purchaser of the collaborative group must have its own Standing Orders or approved purchasing strategy, copies of which must be provided to, and approved by, the Treasurer prior to any procurement.

**E2** Further requirements to ensure a consortium tender is bona fide are at Standing Order N 'Tenders to be Bona Fide'.

### **Explanatory Note**

*The existence of Standing Orders within a consortium or collaborative arrangement cannot be assumed to deliver compliance. Copies of these or the purchasing arrangement applied must be provided to the Treasurer for approval.*

## **F When tenders are required**

**F1** The Chief Fire Officer must obtain tenders prior to awarding a contract except when matching the circumstances set out in Standing Order G 'When Tenders Are Not Required'.

**F2** The tendering process should also be followed for those contracts where the supplier will cause serious risk to the Authority or service delivery if the contract does not perform as required. An assessment of this risk is required for all contracts.

**F3** Except as specified in Standing Orders E1 and G4, where the consideration payable to or by the Authority under any contract may be reasonably expected to exceed £10,000 the contractors must be chosen by one of the following methods:

- (i) Selective Tendering by Advertisement
- (ii) Selective Tendering from Identified Contractors



(iii) The EU Tendering Procedure

Where the consideration payable may be reasonably expected to exceed £140~~156~~,000 or the European Union Public Sector Contract Threshold, if lower, for 'supplies' or 'services', or £3,500~~900~~,000 for 'works', the contractors must be chosen using the EU Tendering Procedure.

- F4** Where contracts below the figures referred to in G2 are entered into, the spirit of Standing Orders shall be followed and, whenever practicable, two competitive quotations or catalogue prices shall be obtained.

***Explanatory Note***

*Part II to these Standing Orders sets out Tendering Procedures.*

**G When tenders are not required**

- G1** If an exemption from a requirement to tender has been obtained as in Special Exemptions above (Standing Order D).
- G2** The value of the contract is less than £40~~15~~,000 and contract failure would not create a serious risk to the Authority or service delivery.
- G3** The goods or services are supplied under Consortium Purchasing and/or collaborative arrangements through its own process in accordance with Standing Order E.
- G4** The goods or services are supplied under national procurement arrangements (through FireBuy)
- G5** A contract may be entered into by the Authority other than in accordance with Standing Order F in the following circumstances, subject to consultation with the Chair and Treasurer of the Authority:
- (i) Where there is only one supplier and no acceptable alternative.
  - (ii) Where it has been decided to standardise by buying from only one supplier.
  - (iii) For the extension of, addition to, or maintenance of, existing goods materials or services, where this can only be done satisfactorily by the original contractor or supplier.
  - (iv) For the urgent supply of goods, where the Chief Fire Officer is satisfied that the tender process would prevent the supply of goods within the required timescale.

- (v) For the supply of used or second-hand goods or materials, where the market for such goods or materials is such that it would be unreasonable to tender, or where the time required to complete the tender process is likely to lead to the loss of opportunity to purchase a used or second-hand item.
- (vi) For the supply of goods, materials or services in any other circumstances, where the Chief Fire Officer is satisfied that there are proper service reasons for not tendering for the supply of goods, materials or services, and where he is satisfied that there will be no financial disadvantage to the Authority as a result of not so tendering.
- (vii) Where the Chief Fire Officer enters into a contract as described in sub-clauses (i) to (vi) above, it must be determined that such action is reasonable and a written record must be entered in the Register of the action taken and the reason and reported to the Authority.

### ***Explanatory Note***

*Tenders are usually the most appropriate way to demonstrate public probity and to secure best value for the Authority.*

*Use of any one of the tendering procedures will be governed by a number of factors, the most important being the anticipated value of the contract in question.*

## **H Contract Values**

- H1** Where the contract is for the purchase of a related group of items, the contract is worth the total price, or estimated total price, of the group.
- H2** Where the contract is for goods to be provided by way of short-term hire, the contract is worth the capitalised value of the goods to be provided. The capitalised value is obtained by multiplying the periodic payment to be made to the hirer by the minimum number of payments agreed to be made under the contract.
- H3** Where the contract is continuous, it is worth the amount which the Treasurer certifies to be the total value of goods or services, which will be taken by the Authority under the contract during the life of the contract.
- H4** Contract figures shall be reckoned exclusive of VAT.

### **Explanatory Note**

*In determining contract values, care must be taken to ensure that the requirements of EU Directives are not breached. In the event of any uncertainty, advice must be obtained from the Authority's Solicitor and or procurement advisor.*

*The total value of a contact where the various components are priced separately but bought from a single supplier to be used together will be for the cost of all the related items.*

## **Part II - Tendering Procedures**

### **I Advertising**

#### **I1 Selective Tendering by Advertisement**

An advertisement saying what the contract is for and asking for the names of contractors interested in tendering must appear in at least one local newspaper circulating throughout the County area and in a relevant trade journal, where considered appropriate. Details shall be entered in the Register.

A copy of the advertisement may be sent to all appropriate contractors.

The number of contractors invited to tender shall be in accordance with Standing Order J2 (i) and (ii).

#### **I2 Selective Tendering from Identified Contractors**

Tenders may be invited from specialist contractors identified by the organisation. The number of contractors invited to tender shall be in accordance with clauses J2 (i) and (ii).

### **Explanatory Note**

*The Chief Fire Officer may maintain a list of 'approved' contractors including those who have previously provided, or been invited to provide, goods or services. Suppliers may also be identified through consultation with users of similar goods or services or through review of specialist press.*

#### **I3 The EU Tendering Procedure**

Advertisements shall be placed in the Official Journal of the European Union to accord with European Law and any directive of the EU for the time being in force in the United Kingdom.

## **J Invitation to Tender**

**J1** Selection of contractors in accordance with this Standing Order for individual projects shall be made by the Chief Fire Officer or his duly nominated representative.

## **J2 Number of External Contractors to be Invited to Tender**

(i) Contracts estimated to cost less than £25,000

Not less than 2 contractors shall be invited to tender, provided that where the sole contractor on the **Approved List** is considered suitable, that contractor may be invited to tender.

(ii) Contracts estimated to cost £25,000 or more

Not less than 4 contractors shall be invited to tender, unless fewer than 4 contractors have applied and are considered suitable, when all shall be invited to tender.

(iii) Contracts estimated to cost £100,000 or more

Not less than 6 contractors shall be invited to tender, unless fewer than 6 contractors have applied and are considered suitable, then all shall be invited to tender.

**J3** Tenderers will be advised that the Authority does not bind itself to accept the lowest or any tender.

## **K Submission of Tenders**

### **K1 Form and Receipt of Tenders**

Each invitation to tender shall state that:

- (i) No tender will be received except
  - a) in a plain sealed envelope which may bear the word "Tender" followed by the subject to which it relates but shall not bear any name or mark indicating the sender; or
  - b) to a defined electronic mail box specifically for this purpose.
- (ii) The officer to whom tenders are to be returned shall make arrangements for every tender received to be retained in secure custody unopened until the time appointed for its opening.

## **K2 Return Date**

Tenders in respect of each contract shall be returnable by the time and date specified in the contract documentation which shall be the same date and time for each particular contract. Failure to comply will render a tender void and unacceptable.

Tenders submitted by facsimile will not be considered as valid and will render the tender void and unacceptable.

The Chief Fire Officer shall maintain all tender documents received by him/her, including matters provided for as prime costs or provisional sums in larger contracts for building works, for a period of 2 years. All documentation received from the successful contractor shall be maintained for the full contract (including warranty) period or such longer period as he/she thinks fit.

### ***Explanatory Note***

*A variation to such procedures may be required as a consequence of the need to adhere to EU Directives, or if tenders are to be received by the Authority's solicitor or procurement advisor.*

*Officers must ensure that a properly addressed return label including the date and time of return is sent out with all tender documents.*

*Wherever practicable a minimum of 10 working days should be allowed for the return of tenders, but officers should consider the adequacy of any time given.*

*Particular care should be taken to ensure that the identity of the sender is not known prior to the formal opening process.*

*A unique email address will be established for each tender and this address will not be accessed until the formal tender opening.*

## **L Opening of Tenders**

**L1** At least two persons shall be present at the opening of tenders.

**L2** The Register shall record all tenders opened and those in attendance at the opening of tenders and show:

- (i) The numbers of tenderers invited to tender; and
- (ii) Those who did tender with the amount of the tender price and period for completion.

The entry in the Register shall be signed by the person opening the Tender and countersigned by witnessing officer.

- L3** Tenders shall not be opened, if they are received after the closing time and date or if they do not comply with any provision set out in K above.
- L4** Where the circumstances so warrant, the Chief Fire Officer may postpone for a reasonable period of time the closing time and date for receipt of tenders, provided that all persons from whom tenders have been invited are notified by the same method and that no tenders have been opened.
- L5** No substantive alteration or amendment shall be permitted to any tender received.

***Explanatory Note***

*A variation to such procedures may be required as a consequence of the need to adhere to EU Directives, or if tenders are to be received by the Authority's solicitor or procurement advisor.*

*Standing Order L4 is to cater for circumstances, such as a postal strike, where some extension of the closing date for the receipt of tenders may be desirable in the interests of fair competition and to provide best value to the Authority.*

*Once all tenders have been evaluated, any corrected arithmetical error included in a successful tender should be referred to the tenderer for acceptance. No other amendment may be made.*

**M Acceptance of Tenders**

- M1** The Chief Fire Officer will identify the most economically advantageous tender, having regard for cost and quality of supply.
- M2** The Chief Fire Officer may accept the most economically advantageous tender, if it is also the lowest cost compliant tender.
- M3** After consultation with the Chair and/or Vice Chair of the Strategy and Resources Committee, the Chief Fire Officer may accept the most economically advantageous tender, if this is not the lowest compliant tender.

In assessing the most economically advantageous tender the following must be considered:

- (i) A material improvement in specification or quality in contrast to the lowest cost tender and where the Chief Fire Officer is of the opinion that there are justifiable reasons by virtue of specification that a tender other than the lowest cost tender represents the best value for money.

- (ii) When the supplies tendered for are not available for immediate supply and where in the opinion of the Chief Fire Officer by reason of their non-availability another tender might reasonably be regarded as the most economically advantageous tender.

All action taken under this Standing Order shall be recorded in the Register together with particulars and a statement of reasons and reported to the following meeting of the Authority or relevant Committee.

**M4** Negotiations should normally only be carried out with an identified preferred tenderer (that identified as lowest cost or most economically advantageous).

In some circumstances, particularly complex tenders involving some element of contractors design, it may be necessary to carry out negotiation with some or all of the tenderers in order to identify the preferred tenderer. In these cases negotiations may be carried out with any tenderer regarding any aspect of their tender, including cost, design and specification.

All negotiations will be conducted on an ethical basis; the principle being to improve the quality or value of the submission and with the contractor being clearly advised of the objectives to be achieved through negotiation.

Negotiations will not be carried out competitively between tenderers and all tendered submissions will remain confidential.

Negotiations will normally be carried out by at least two officers, including at least one with specialist procurement training. Full records of all negotiations will be maintained, including details of suggested amendments from either party and the purpose, effect and justification for these proposals.

**M5 Consortium Purchasing and Standing Offer Arrangements**

Where the tender is for a standing offer comprising a range of different goods or services at different tender prices, the Chief Fire Officer, after consultation with the Chair or Vice-Chair of the Strategy and Resources Committee, may accept the most suitable tender irrespective of contract value **PROVIDED THAT** full details of the contract in question shall be recorded in the Register together with a statement of reasons and reported to the following a meeting of the Authority or relevant Committee **within 6 months of award.**

***Explanatory Note***

*A compliant tender is one that meets the specification criteria in all important aspects, and is submitted in accordance with the tender arrangements. A tender which does not meet the specification criteria or which is not submitted in accordance with the tender arrangements may be rejected and not considered. The reasons for this rejection must be recorded.*

*Negotiation may be used to improve offers received, particularly through incorporation of a contractor's alternative proposals or suggestions; however it is not appropriate for all contracts. In many cases, particularly fixed priced tenders, it may be more appropriate to accept or decline offers on the basis of information provided.*

*When carrying out negotiations Officers must be aware of the risk of misinterpretation of their actions and ensure that sufficient records are maintained to demonstrate probity.*

*No substantive alteration or amendment to any tender shall be permitted, except as part of a formal negotiation process.*

*Particular note should be taken of the clause M4 above. Negotiation is, and must be seen to be, a process for improving the quality or value of submissions, not a process to enable appointment of a contractor other than the initially successful tenderer.*

*The use of 'normally' in clause M5 is to enable negotiation by telephone. Negotiation of potentially contentious areas should be conducted in meetings with at least 2 officers present.*

*The Chief Fire Officer may accept lowest cost tenders where expenditure is included in approved estimates. Where other than lowest cost tender is accepted in compliance with these Standing Orders, reasons must be recorded in the Register and reported to ~~the following~~ a meeting of the Authority or relevant committee.*

## **N Tenders to be bona fide**

**N1** The following expressions in Standing Orders N2 and N3 below shall have the following meanings assigned to them:

- (i) "Person" includes any persons and any body of persons, corporate or unincorporated.
- (ii) "Person outside the consortium" means, where the consortium is a partnership a person other than a partner or an employee of a partner or the partnership, or where the consortium is a company a person other than a company holding shares in the consortium or any employee of such a company or the consortium.
- (iii) "Agreement" or "Any agreement or arrangement" includes any such arrangement or transaction, formal or informal and whether legally binding or not.



**N2** Every person or body submitting a tender for consideration by the Authority shall certify that it is a bona fide tender intended to be competitive and that the tenderer has not fixed or adjusted the amount of the tender by, or under, or in accordance with, any agreement with any person and that he or it has not done, and undertakes not to do, at any time before the hour and date specified for the return of the tender, any of the following acts:

- (i) Communicating to a person, other than the person calling for those tenders, the amount or approximate amount of the proposed tender, except where the disclosure, in confidence, of the approximate amount of the tender was necessary to obtain insurance premium quotations required for the preparation of the tender.
- (ii) Entering into any agreement or arrangement with any person that he or it shall refrain from tendering or as to the amount of any tender to be submitted.
- (iii) Offering or paying, or giving or agreeing to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above.

**N3** In the case of a consortium submitting a tender for consideration by the Authority the consortium shall certify that it is a bona fide tender which is intended to be competitive and that they have not done and will not do at any time before the hour and date specified for the return of the tender any of the following acts:

- (i) Entering into any agreement with any person outside the consortium with the aim of preventing tenders being made or as to the amount of any tender or the conditions on which the tender is made.
- (ii) Informing a person outside the consortium, other than the person calling for the tender, of the amount or the approximate amount of the tender, except where the disclosure, in confidence, of the approximate amount of the tender was necessary to obtain insurance premium quotations required for the preparation of the tender.
- (iii) Causing or inducing any person to enter into such an agreement as is mentioned in paragraph (i) above or to inform the consortium of the amount of any rival tender for the contract.

**O Nominated Sub-Contractors / Nominated Suppliers under a main contract**

**O1** No nominated sub-contractor shall be engaged in work for the Authority who has not first produced to the appropriate Officer of the Authority:

- (i) A sub-contractor's tax certificate in accordance with legislation; and
- (ii) A statement in writing satisfying the Authority as to compliance with the Authority's policies, such as its health and safety policy.

**O2** Sub-contractors or suppliers to be nominated to a main contractor shall be appointed in accordance with these orders, as if they were a contractor to be employed by the Authority.

**O3** It shall be a condition of the employment by the Authority of any person (not being an officer of the Authority) to supervise a contract that, in relation to such contract, he/she shall comply with the requirements of this paragraph as if he were an officer of the Authority.

**P The Contract**

**P1 Form of Contract**

Every contract for the execution of work or the supply of goods or services exceeding £2,500 shall be in writing and signed by a person duly authorised by these Standing Orders. Verbal agreements or agreements made by the use of purchase cards are required to comply with the spirit of these Standing Orders.

**P2** Every contract in writing shall specify:

- (i) The work, materials, matters or things to be furnished, had or done.
- (ii) Where appropriate, the price to be paid, with a statement of discounts or other deductions.
- (iii) Where appropriate, the time or times within which the contract is to be performed.

**P3 Liquidated and Ascertained Damages**

Contracts for the execution of work shall provide, where appropriate, for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

#### **P4 Standards**

Where an appropriate British Standard or British Standard Code of Practice issued by the British Standards Institution or equivalent European Standard is current at the date of the tender, every contract shall, where reasonable and practicable, require that, all goods and materials used or supplied and all workmanship shall not be inferior to that standard.

~~The contractor shall use his best endeavours to comply in all respects with the provisions of ISO9000 in respect of the quality of the work carried out under any contract.~~

#### **P5 Cancellation of Contract**

There shall be inserted in every contract executed as a Deed a clause empowering the Authority to cancel the contract and to recover from the contractor the amount of any loss sustained by the Authority as a result of such cancellation in each of the following cases:

- (i) If the contractor or any person engaged by him shall have offered or have given or agreed to give to any person:
  - Any gift or consideration of any kind as an inducement
  - Any reward for doing or not doing any thing in relation to the obtaining of the contract
  - Any reward for showing or not showing favour or disfavour in relation to any contract with the Authority
- (ii) If the contractor or any person engaged by him shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or shall have given any fee or reward, the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.
- (iii) If the contractor shall fail to comply with any provision of these Standing Orders.

### **Part III - Miscellaneous**

#### **Q Sales**

- Q1** Surplus goods and materials belonging to the Authority may be sold by the Chief Fire Officer subject to compliance with Financial Regulations.
- Q2** Where sales are proposed, the procedures set out in these Standing Orders for the purchase of goods shall be followed, but "highest" shall be substituted for "lowest" in relevant paragraphs.

## **R The Appointment of Consultants**

**R1** Any consultant, who is responsible to the Authority for the preparation and/or supervision of a contract on its behalf, shall:

- (i) Comply with these Standing Orders as though he were the Chief Fire Officer, subject to the modification that the procedure to be followed for inviting, opening and accepting tenders shall be approved in advance by the Chief Fire Officer;
- (ii) At any time during the carrying out of the contract, produce on request to any officer authorised by the Authority all the records maintained by him in relation to the contract; and
- (iii) On completion of a contract, transmit all such records to the Chief Fire Officer.

## **S Agency Contracts**

**S1** In relation to a contract or sub-contract which is being let on behalf of a Public Agency, (e.g. the Home Office) any provision of these Standing Orders which is inconsistent with the Standing Orders of that Agency will at the discretion of the Chief Fire Officer not apply in relation to that contract.

## The Approved List Tendering Procedure

- (a) This paragraph shall have effect where the Authority or the Chief Fire Officer in accordance with a delegated power has determined that a list shall be kept of persons to be invited to tender for contracts for the execution of any work or supply of goods or services of specified categories, values, or amounts.
- (b) The list shall:
- (i) Be compiled and maintained by the Chief Fire Officer;
  - (ii) Contain the names of all persons who wish to be included in it and are approved by the Chief Fire Officer; and
  - (iii) Indicate for which category or categories and values a person is approved.
- (c) At least 4 weeks before the list is first compiled or such other lesser period as may be provided by statute, notices inviting applications for inclusion in it shall be published in one or more newspapers or journals circulating among such persons as undertake contracts of the specified values or amounts or categories and on which days.
- (d) The list shall be kept under review. As part of each review each person whose name appears in the list shall be asked whether he wishes his name to remain therein and notices inviting applications for inclusion in the list shall be published as provided by sub-paragraph (c) of this paragraph. A review shall take place at intervals not exceeding 3 years.
- (e) **References**
- Technical References shall be sought for all contractors wishing to be included in the list. Financial references shall be sought prior to any invitation to tender for supplies estimated to exceed £25,000 in value or amount and for contracts which will cause serious risk to the Authority if not performed as required. The need to obtain such references for other contracts shall be at the discretion of the Treasurer.
- (f) No contractor shall be included in a list to tender for contracts unless it has demonstrated competence in accordance with the Authority's supplier approval policy. This policy sets requirements for information and standards relative to the type of risk the contract represents to the Authority.

## **Financial Regulations for Shropshire and Wrekin Fire Authority**

*The notes to these Standing Orders (printed in italics) are for guidance only and are NOT part of these Standing Orders. The Supporting Procedures attached as an appendix will be those agreed by the Authority under these Standing Orders but will not form part of the Standing Orders.*

### **Status of Financial Regulations**

Financial regulations provide the framework for managing an Authority's financial affairs. They apply to every Member and officer of an Authority and everyone working on behalf of an Authority.

These regulations identify the financial responsibilities of the Authority and its Committees, the Chief Fire Officer, the Monitoring Officer and the Treasurer. These officers should maintain a written record where these responsibilities have been delegated to members of their staff, including seconded staff. Where responsibilities have been delegated or devolved to other responsible officers, references to 'chief officer' or other statutory title in the regulations should be read as referring to them.

All members of staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.

The Treasurer is responsible for maintaining a continuous review of the financial regulations and advising the Authority of any additions or changes necessary. The Treasurer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Authority.

Chief officers are responsible for ensuring that all staff in their departments are aware of their responsibilities according to the financial regulations and other internal regulatory documents and comply with them.

The Treasurer is responsible for issuing advice and guidance to underpin the financial regulations, which Members, officers and others, acting on behalf of the Authority are required to follow.

Officers should comply with the Financial Standing Orders of both the West Midlands Regional Management Board and the Fire Authority but, for the avoidance of doubt, where there is any conflict or lack of clarity between the two, officers must ensure that those of the Fire Authority are followed.

# Financial Regulation 1 – Financial Management and Control

## 1.1 The Authority and its Committees

The Authority is responsible for adopting the constitution and code of conduct and for determining the financial management and policy framework, within which the Authority operates. It is also responsible for setting and monitoring compliance with the overall framework of policy and control. The framework is set out in Standing Orders. The Authority is responsible for monitoring compliance with policies in the decision making process.

## 1.2 The Standards Committee

The Standards Committee is responsible for promoting and maintaining high standards of conduct amongst members. In particular, it has responsibility for advising on the adoption of the code of conduct, its operation, and its updating.

## The Statutory Officers

### 1.3 Chief Fire Officer

The Chief Fire Officer is responsible for the strategic management of the Authority as a whole. He or she must report to, and provide information for the Authority and its other committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

### 1.4 It is the responsibility of the Chief Fire Officer:

- To ensure that all principal officers are advised of the financial implications of all proposals and that they are agreed by the Treasurer;
- To sign contracts on behalf of the Authority;
- To establish protocols to ensure that principal officers consult with relevant officers before taking a decision within his/her delegated authority. In doing so he/she must take account of legal and financial liabilities and risk management issues, which may arise from the decision; and
- To consult with the Treasurer on any matter, which is liable to affect the Authority's finances materially, before any commitments are made.

### 1.5 Monitoring Officer

The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and, therefore, provides support to the Standards Committee. The Monitoring Officer is also responsible for reporting any breaches of the law to the Authority.

## **1.6 The Monitoring Officer must ensure that:**

- Decisions made by principal officers and the reasons for them are made public. He or she must also ensure that members are aware of decisions made by principal officers and of those made by officers, who have delegated responsibility;
- Members are advised about who has authority to take particular decisions;
- Members are advised, by him/her and the Treasurer, about any decision, which is likely to be considered contrary or not wholly in accordance with the policy framework or budget.

Contrary to the budget may mean:

- Initiating a new policy;
- Committing expenditure in future years to above the budget level;
- Causing the total expenditure financed from precepts to increase by more than a specified amount.

## **1.7 Treasurer**

The Treasurer has statutory duties in relation to financial administration and stewardship on behalf of the Authority. The statutory responsibility cannot be overridden. The statutory duties arise from:

- Section 151 of the Local Government Act 1972
- The Local Government Finance Act 1988
- The Local Government and Housing Act 1989
- The Accounting and Audit Regulations 2003

## **1.8 The Treasurer is responsible to the Authority for:**

- The proper administration of the Authority's financial affairs;
- Setting financial management standards and monitoring their compliance;
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
- Preparing the revenue budget, capital programme and borrowing plan;
- Advising on the Finance Procedures Manual, the documentation of financial processes and procedures for reference purposes.

## **1.9 Section 114 of the Local Government Finance Act 1988 requires the Treasurer to report to the Authority, if one of its officers:**

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



## 1.10 Virement

The Authority is responsible for agreeing procedures for virement of expenditure between budget headings.

*[These procedures are set out as an appendix to these standing orders]*

The Chief Fire Officer is responsible for agreeing in-year virements within delegated limits, in consultation with the Treasurer.

## Financial Regulation 2 – Financial Planning

### 2.1 The Authority is responsible for approving the following:

- The policy framework
- The Medium Term Financial Plan
- The budget
- The capital programme and borrowing plan
- The Corporate Plan and Annual Report

### 2.2 The Policy Framework

The Authority is responsible for determining a policy framework proposed by principal officers. The framework includes:

- The Corporate Plan and Annual Report
- The community fire safety strategy
- The Medium Term Financial Plan

The Authority is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework.

The Authority is also responsible for determining when a decision will be deemed contrary to the budget or policy framework and should, therefore, be referred back to the Authority by the Treasurer and/or the Monitoring Officer.

The Authority is responsible for setting the level at which principal officers may reallocate budget funds. Principal officers are responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Authority.

*[These procedures are set out as an appendix to these standing orders]*

### 2.3 Preparation of the Medium Term Financial Plan

The Chief Fire Officer is responsible for proposing the Medium Term Financial Plan to the Authority for approval.

## Budgeting

### 2.4 Budget Guidelines

Guidelines on budget preparation are issued to Members and principal officers following consultation with the Treasurer. The guidelines will take account of:

- Legal requirements
- Medium-term planning prospects (at least 3 years)
- Available resources
- Spending pressures
- Best value and other relevant Government guidelines
- Cross-cutting issues (where relevant)

### 2.5 Budget Format

The general format of the budget will be determined by the Authority in consultation with the Treasurer. The draft budget may include allocation to different services and projects, proposed taxation levels, as appropriate, and contingency funds.

### 2.6 Budget Preparation

The Treasurer is responsible for ensuring that a revenue budget is prepared on an annual basis for consideration by the Authority and/or its committees. The Authority may amend the budget before approving it.

It is the responsibility of principal officers to ensure that budget estimates reflecting agreed service plans are submitted to the Authority.

### 2.7 Preparation of the Capital Programme and ~~Borrowing~~ *Funding Plan*

The Treasurer is responsible for ensuring that a capital programme and ~~borrowing~~ *funding* plan are prepared on an annual basis for consideration by the Authority.

### 2.8 Preparation of the Corporate Plan

The Chief Fire Officer is responsible for proposing the Corporate Plan to the Authority for consideration.

### 2.9 Resource Allocation

The Chief Fire Officer is responsible for securing a resource allocation process, which ensures due consideration of the Authority's policy.

## **Financial Regulation 3 – Control of Resources**

### **3.1 Internal Controls**

Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner, which promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.

The Treasurer is responsible for advising on effective systems of internal control.

It is the responsibility of the principal officers to establish sound arrangements for planning, appraising and controlling their operations in order to achieve economy, efficiency and effectiveness and for achieving their financial performance target.

### **3.2 Staffing**

The Chief Fire Officer is responsible for providing overall management to staff. He or she is responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

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

- Advising the Authority on the budget necessary in any given year to cover estimated staffing levels
- Adjusting the staffing numbers to that which can be funded within approved budget provision, or varying the provision as necessary within that constraint to meet changing operational needs
- Obtaining proper approval for staffing numbers as set by legislation
- The proper use of appointment procedures

### **3.3 Budget Monitoring**

The Treasurer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor the control of expenditure against budget allocation and report to the Authority on variances.

It is the responsibility of budget holders and delegated officers to control income and expenditure within their area and to monitor performance. They should also take any action necessary to avoid exceeding their financial allocation.

### **3.4 Register of Members' Interests**

The Authority is responsible for agreeing procedures for registering Members' interests.

### **3.5 Risk Management**

The Authority is responsible for approving its risk management policy statement and for effecting proper insurance.

The Chief Fire Officer is responsible for preparing the Authority's risk management policy statement and for promoting it throughout the Authority and for advising officers on proper insurance cover.

### **3.6 Security**

The Chief Fire Officer should ensure that records are properly maintained and securely held. He should also ensure that sound arrangements for the security and continuity of service in the event of disaster are in place.

## **Financial Regulation 4 – Systems and Procedures**

### **4.1 Decision-Making Procedures**

The Authority is responsible for approving procedures for reporting key decisions and the financial information associated with them.

*[These procedures are set out as an appendix to these standing orders]*

The Chief Fire Officer should provide a system for record keeping for all the Authority's decisions.

### **4.2 Income and Expenditure**

It is the responsibility of the Chief Fire Officer to ensure that a proper scheme of delegation has been established and is operating effectively. It should identify staff authorised to act on the Chief Fire Officer's behalf, in respect of payments, income collection and for placing orders together with their limits of authority. The Authority is responsible for approving procedures for writing off debts as part of its overall control framework of accountability and control.

### **4.3 Financial Systems and Procedures**

The Treasurer is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Any changes by principal officers to the existing financial systems or the establishment of new systems must be approved by the Treasurer.

Any changes to Authority instructions and procedure notes by principal officers to meet their own specific service needs should be agreed with the Treasurer.

The Chief Fire Officer should ensure that all messing, social and other funds, managed by employees other than Authority funds, are declared to him on an annual basis. The Treasurer is responsible for advising on the financial statements required, and the audit arrangements.

The Treasurer should ensure that staff receive relevant financial training.

#### **4.4 Data Protection**

The Chief Fire Officer should ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation and that staff are aware of their responsibilities under Freedom of Information legislation.

### **Financial Regulation 5 – External Arrangements**

**5.1** The Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders.

The Chief Fire Officer is responsible for approving delegations, including frameworks for partnerships. He/she is the focus for forming partnerships with other local public, private, voluntary and community sector organisations

**5.2** The Chief Fire Officer represents the Authority on partnership and external bodies, as required by statute or the Authority.

**5.3** The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial affairs in partnerships that apply throughout the Authority.

**5.4** The Treasurer must specify the accounting and auditing arrangements to be adopted relating to partnerships and joint ventures and to consider the overall corporate governance arrangements, when arranging contracts with external bodies. He/she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

**5.5 The Chief Fire Officer is responsible for:**

- Ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies;
- Maintaining a register of all contracts entered into with external bodies in accordance with procedures specified by the Treasurer;
- Ensuring that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Treasurer;
- Ensuring that such agreements and arrangements do not impact adversely upon the services provided by the Authority;

- Ensuring that all agreements and arrangements are properly documented; and
- Providing appropriate information to the Treasurer to enable a note to be entered into the Authority's statement of accounts.

## Financial Regulation 6 - Accounting

In compliance with the Audit Regulations 2003, the Authority shall produce financial statements at the end of its accounting period, namely 31 March. These statements, the content and format of which are specified in the Regulations, include:

### Revenue Account

This will record the revenue income and expenditure of the Authority during the accounting period.

“Expenditure” – liability to pay for goods and services received by the Authority.

“Income” – sums due for goods and services supplied by the Authority.

### Capital Account

This will record the capital payments made and capital sums received by the Authority during the accounting period, unless directed otherwise by the Treasurer.

All accounting procedures of the Authority and its officers will be determined by the Treasurer.

## Financial Regulation 7 – Treasury Management

All treasury management operations of the Authority shall be carried out in accordance with its Treasury ***Policy and Strategy and with its Investment Strategy.*** ~~with~~ ***All operations must be within*** guidelines based upon the CIPFA Code of Practice for Treasury Management.

Treasury management shall be under the control of the Treasurer as the officer designated for the purposes of Section 151 of the Local Government Act 1972. All investments shall be made in the name of the Authority and the securities shall be held in accordance with arrangements approved by the Treasurer.