

Appendix 1



NORTH YORKSHIRE
FIRE & RESCUE SERVICE

North Yorkshire
Police, Fire and Crime Commissioner
Fire and Rescue Authority

Corporate Governance Framework

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REFERENCES IN THIS FRAMEWORK – Expanded this section and amended wording

In this document the following specific expressions shall have the following meanings unless otherwise stated:

“The Act”	The Fire and Rescue Services Act 2004.
“The Order”	The Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018.
“The Police, Fire and Crime Commissioner”, “PFCC” or “Commissioner”	The individual occupying the office of Police, Fire and Crime Commissioner for North Yorkshire.
“North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority”, “NYPFCCFRA” or “Authority”	The Commissioner in the capacity as the corporation sole ; the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority.
“Office of the Police, Fire and Crime Commissioner” or “OPFCC”	Staff employed within the Office of the Police, Fire and Crime Commissioner for North Yorkshire.
“Deputy Police and Crime Commissioner” or “DPCC”	A member of the Commissioner’s officials-staff who may exercise the functions of the Commissioner where delegated and in accordance with the <u>2004 and 2011</u> Act and Order, if appointed.
“Chief Executive- Officer ”	The person occupying the position of Chief Executive Officer as Head of Paid Service to the Commissioner’s Office who may exercise the functions of the Commissioner where delegated and in accordance with the Act and Order.
“Monitoring Officer”	The person occupying the position of Monitoring Officer for the Commissioner’s Office and for the Commissioner as corporation sole (the Authority) who must exercise the powers within, and discharge the duties given to them by, the relevant legislation.
“Treasurer”	The person occupying the position of Section 151 Officer/Chief Finance Officer for the Commissioner, and for the Commissioner as corporation sole (the Authority).
“Chief Fire Officer/ Chief Executive ”	The person occupying the position of Chief Fire Officer will be appointed by the Commissioner. They have the responsibility for managing the Fire and Rescue Service. The Chief Fire Officer is designated as the Head of Paid Service for the Commissioner’s Fire Authority.
“Service Area”	The geographical Authority area; the area covered by North Yorkshire County Council and the City of York Council.

"Statutory Officer"

The Chief Executive or the Treasurer/PFCC Chief Finance Officer collectively or individually as the context dictates

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1	STATEMENT OF CORPORATE GOVERNANCE
1.1	Introduction
1.1.1	The Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018 came into force on 15 November 2018 in accordance with section 4A of the Fire and Rescue Services Act 2004. It established a new Fire and Rescue Authority for the area covered by North Yorkshire County Council and the City of York Council.
1.1.2	Within that order it sets out that the person who is the Police and Crime Commissioner for North Yorkshire is also the Police, Fire and Crime Commissioner Fire and Rescue Authority for North Yorkshire . S/he will be known as the Police, Fire and Crime Commissioner (“PFCC” or “the Commissioner”) for North Yorkshire .
1.1.3	The Commissioner is elected every four years <u>in accordance with the law</u> , and has a duty to represent the views of the whole community.
1.1.4	The Commissioner shall establish <u>maintain</u> a Fire and Rescue Service for the area, which shall be known as the North Yorkshire Fire and Rescue Service (“NYFRS”) .
1.1.5	The purpose of this statement is to give clarity to the way the NYPFCCFRA, and North Yorkshire Fire and Rescue Service, will be governed to do business in the right way, for the right reason at the right time.
1.1.6	This statement does not include any responsibilities or requirements of the Commissioner in relation to policing. A separate governance framework exists for the functions of the Commissioner in relation to policing.
1.2	Context
1.2.1	The principal statutory framework within which the organisations will operate is: <ul style="list-style-type: none"> • Fire and Rescue Services Act 2004 (FRSA04, the Act) • Dealing with other types of emergencies, as specified by the Secretary of State in Statutory Instruments (Orders) made under the Fire and Rescue Services Act 2004 • Civil Contingencies Act 2004 • Police Reform and Social Responsibility Act 2011 (PRSR11) • Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017 • Regulatory Reform (Fire and Safety) Order 2005 • Crime and Disorder Act 1998 • Financial Management Code of Practice • Fire and Rescue National Framework for England 2018 • The Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018 (the Order) • Local Government Finance Act 1992 • <u>Health and Safety at Work Act 1974 and associated Regulations</u> • <u>Local Government & Housing Act 1989</u>

1.3	Principles
1.3.1	<p>The core principles adopted are those highlighted by the International Framework standards for good governance in the public sector¹:</p> <ul style="list-style-type: none"> • Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law • Principle B: Ensuring openness and comprehensive stakeholder engagement • Principle C: Defining outcomes in terms of sustainable economic, social and environmental benefits • Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes • Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it • Principle F: Managing risks and performance through robust internal control and strong public financial management • Principle G: Implementing good practices in transparency, reporting and audit to deliver effective accountability <p>The first two principles underpin the whole framework and are implicit in the remaining five principles. The framework also emphasises that local government organisations must try to achieve their objectives whilst acting in the public interest at all times.</p>
1.4	Framework/Instruments of Governance
1.4.1	<p>The Corporate Governance Framework will consist of:</p> <ul style="list-style-type: none"> • A Statement of Corporate Governance - making reference to the statutory framework and local policy • Code of Corporate Governance – sets out how the core principles will be implemented • Scheme of Corporate Governance – defines the parameters within which the corporation sole will conduct their business including delegations and consents • Cooperative arrangements are those arrangement by which the separate elements of the Police, Fire and Crime Commissioner support the exercise of each other's functions
1.5	Leadership
1.5.1	<p>The framework will be reviewed on an annual basis by those individuals holding the posts of, or holding the statutory responsibilities of by the Police, Fire and Crime Commissioner on the recommendation of statutory officers, in consultation with the Audit Committee. (and Deputy if appointed), Chief Fire Officer (and Deputy), Chief Executive Officer of the Police, Fire and Crime Commissioner, Monitoring Officer and Treasurer.</p>

¹ International Federation of Accountants (IFAC) and the Chartered Institute of Public Finance and Accountancy (CIPFA) International Framework: Good Governance in the Public Sector July 2014
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2	CODE OF CORPORATE GOVERNANCE
2.1	Introduction
2.1.1	This Code of Corporate Governance sets out how the Police, Fire and Crime Commissioner will conduct their organisation in accordance with the Statement of Corporate Governance. It will do this by highlighting the key enablers for ensuring good governance.
2.2	Context
2.2.1	<p>This code sets out how the organisation is governed by adopting the principles of good governance as the structure for setting out the statutory framework and local arrangements. The framework uses the definition of governance set out in the International Framework:</p> <p><i>“Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved”.</i></p> <p>The International Framework also states that:</p> <p><i>“To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity’s objectives while acting in the public interest at all times. Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders”.</i></p> <p>The principles of good governance on their own do not define the organisation’s aims or its policies, and they do not address whether a policy decision turns out to be correct. Good governance is about how decisions are made, focusing on matters such as understanding and clarity of aims, the integrity, fairness and transparency of decisions made by individuals and teams, and the effectiveness of controls and accountability mechanisms.</p> <p>Good governance is a living concept. It acknowledges that there is always an element of subjectivity in any decision making process, but locates this within an objective framework. Most commentaries make extensive reference to principles, processes and challenges, and this might suggest a very prescriptive approach. The real challenge for governance lies in the way that organisations live and breathe, how services and relationships evolve, and how they learn from experience. All of this is dynamic, and the processes of good governance must evolve in the same way.</p> <p>Good governance means doing what is right and doing it properly.</p> <p>An overemphasis on processes as criteria for success fails to recognise that good governance is a reflection of the culture of the organisation which needs to be nurtured. The best standards of governance will be attained when the principles are enshrined in the way it is managed. Nothing will be achieved unless the principles are communicated, embedded and observed.</p>

	<p>Good governance is more than a statement of rules and actions, it also about impressions given and implications perceived. High level statements and aspirations must create confidence in stakeholders that the organisation means what it says. The reputation of organisations is damaged when governance fails, and takes a long time to recover.</p> <p>Leaders and staff at all levels must be prepared to buy in to the principles. If the organisation has a positive and active commitment to them can it hope to attain the standards. Economy and efficiency in decision making can be worthwhile, but individuals should not deliberately ignore weaknesses in information and performance, or fail to challenge (and do something about) anything which is or could be perceived as conflicting with the organisation’s commitment to good governance.</p> <p>As a general rule ‘if something doesn’t feel quite right, it probably isn’t right, and it needs attention’.</p>
2.3	<p>Code of Corporate Governance</p> <p>The Commissioner will apply the core principles highlighted by the International Framework standards for good governance in the public sector.</p>
2.3.1	<p>Principle A: Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law</p> <p>The Commissioner is accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.</p> <p>This core principle underlines that, above almost everything else, good governance depends on building a corporate environment where leaders and staff believe personally in acting in accordance with the generally accepted values.</p> <p>The corporate processes which underpin this commitment:</p> <ul style="list-style-type: none"> • The Revised Financial Management Code of Practice July 2018 - requires the Commissioner to ensure that the good governance principles are embedded in the way the organisation operates • The Commissioner has committed to abide by the seven principles of public life (the Nolan Principles)² and these will be central to the conduct and behaviour of everyone in the organisation • The Commissioner will set out their values<u>Values adopted by the Service with the approval of the Commissioner and set out</u> in the respective corporate and strategic plans. <u>The Values adopted by the Service are annexed hereto as Appendix D</u>

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	<ul style="list-style-type: none"> • The Fire Service Code of Ethics as adopted from time to time.
2.3.2	<p>Principle B: Ensuring openness and comprehensive stakeholder engagement</p> <p>Local government, including the fire service, is run for the public good. Organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well institutional stakeholders.</p> <p>The core principle emphasises that local government bodies exist primarily to provide services that people need, and that this will only be achieved if there is a consistent dialogue in both directions.</p> <p>The corporate processes and relationships which underpin this comment:</p> <ul style="list-style-type: none"> • The Commissioner is accountable to local people and will draw on this mandate to set and shape the strategic objectives for North Yorkshire and the City of York in consultation with the Chief Fire Officer, taking into account the Fire and Rescue National Framework for England 2018 requirements • The Fire and Rescue Plan will clearly set out the strategic direction and objectives • The Commissioner can issue a Police, Fire and Crime Plan that outlines the fire and rescue objectives and the police and crime objectives in the same document • The Commissioner’s communication and engagement strategy will set out how local people will be involved with the Commissioner to ensure they are part of decision making, accountability and future direction. This will be a mixture of being part of the yearly planning arrangements and becoming involved in issues of interest to local people as they emerge • The Commissioner will develop arrangements for effective engagement with key stakeholders, ensuring that where appropriate they remain closely involved in decision making, accountability and future direction • The strength of the Commissioner’s working relationship with the Police, Fire and Crime Panel, constituent local authorities and other relevant parties
2.3.3	<p>Principle C: Defining outcomes in terms of sustainable economic, social and environmental benefits</p> <p>The long-term nature and impact of many of the Commissioner’s and Chief Fire Officer’s responsibilities mean that they should seek to define and plan outcomes and that these should be sustainable. Decisions should contribute to the delivery of the intended benefits and outcomes within the organisational strategy, Fire and Rescue Plan and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, staff and representative bodies, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.</p> <p>Public sector programmes will respond to changes in the current environment, but these responses should always be framed within the Commissioner’s and the Chief</p>

	<p>Fire Officer's long-term objectives and aspirations for the service, and the resources available.</p> <p>The corporate processes which underpin this commitment:</p> <ul style="list-style-type: none"> • The Fire and Rescue National Framework for England 2018 requires the Commissioner to issue a Fire and Rescue Plan which defines the fire and rescue objectives (outcomes) and the strategic direction for the fire and rescue service. The Commissioner must have regard to the priorities of the responsible authorities during its development. The Commissioner can issue a Police, Fire and Crime Plan that outlines the fire and rescue objectives and the police and crime objectives in the same document • The organisation will have a corporate/strategic plan Fire and Rescue Plan which sets out how it will operate to support achievement of the outcomes • The Integrated Risk Management Plan (IRMP), known as the Risk and Resource Model in North Yorkshire, prepared by the Chief Fire Officer, will inform and be informed by the Fire and Rescue Plan • Collaboration agreements will set out those areas of business to be undertaken jointly with other fire and rescue authorities, local policing bodies and partners and other emergency services, in order to reduce cost, increase efficiency or increase capability to protect local people • A medium term financial plan will be developed and thereafter reviewed regularly to support delivery of the Fire and Rescue Plan. Protocols will be put in place to ensure proper arrangements for financial management • A complaints protocol will be agreed to provide clarity over the arrangements to respond to the concerns raised by local people, whether they be organisational or individual failures. This will complement other statutory arrangements
2.3.4	<p>Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes</p> <p>The fire and rescue service achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that the fire and rescue service has to make to ensure intended outcomes are achieved.</p> <p>Robust decision making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs whilst still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised.</p> <p>Policy implementation usually involves choice about the approach, the objectives, the priorities and the incidence of the costs and benefits. The Commissioner and the Chief Fire Officer must ensure that they have access to the appropriate skills and techniques to make these choices.</p> <p>The corporate processes which underpin this commitment:</p>

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	<ul style="list-style-type: none"> • The Commissioner will maintain a medium term financial plan which will form the basis of the annual budgets and provide a framework for evaluating future proposals • There will be a comprehensive process of analysis and evaluation of plans, which will normally include option appraisal, techniques for assessing the impact of alternative approaches on the fire and rescue service's outcomes and benefits realisation • Processes will be in place to monitor efficiency and value for money, including benchmarking of performance and costs • The Commissioner should maintain effective workforce development and asset management plans (for example; Estate, Information Technology)
2.3.5	<p>Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it</p> <p>The Commissioner needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mind-set, to operate efficiently and effectively and achieve their intended outcomes within specified periods.</p> <p>A public organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole.</p> <p>While individuals involved in the environment in which the fire and rescue service operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of the leadership and individual staff members. Leadership in the fire and rescue service is strengthened by the participation of people from many different types of background, reflecting the structure and the diversity of communities.</p> <p>Successful outcomes depend on the calibre of the people within the organisation, and it is essential that they have the appropriate skills and support.</p> <p>The corporate processes and relationships which underpin this commitment:</p> <ul style="list-style-type: none"> • The people and personal development strategies of the Commissioner set the climate for continued development of individuals • People development strategy is part of the overarching People Strategy, which at a minimum, takes into account the principles set out in the National Fire Chief Council's people strategy. Individuals will have the responsibility of taking ownership for their own personal development plans which will include their developmental needs • The performance development review processes will ensure that these strategies are turned into reality for staff • This principle will be included in the Fire and Rescue Plan
2.3.6	<p>Principle F: Managing risks and performance through robust internal control and strong public financial management</p> <p>Public bodies need to ensure that the organisation and governance structures they oversee have implemented, and can sustain, an effective performance management</p>

	<p>system that facilitates effective and efficient delivery of planned services. Risk management, business continuity and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes.</p> <p>They consist of an ongoing process designed to identify and address significant risks involved in achieving outcomes.</p> <p>A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability.</p> <p>All public bodies spend money raised from taxpayers and use assets which have been paid for by taxpayers in order to maintain high quality services. The public is entitled to expect high standards of control and the continuous oversight of performance to correct shortfalls and to identify factors which could undermine achievement.</p> <p>The corporate processes and relationships which underpin this commitment:</p> <ul style="list-style-type: none"> • The decision making policy sets out the principles for how decisions will be taken by the Commissioner and the standards to be adopted • A combined forward plan of decisions will be maintained to bring together the business planning cycles for the Fire and Rescue Plan, the Office of the Police, Fire and Crime Commissioner and the integrated business management process for the fire and rescue service. This will ensure proper governance by bringing together the right information at the right time • The Scheme of Corporate Governance highlights the parameters for decision making, including delegations, consents, financial limits for specific matters and standing orders for contracts • An independent audit committee will operate in line with Chartered Institute of Public Finance and Accountability (CIPFA) guidance and within the guidance of the Financial Management Code of Practice³. The audit committee will operate to cover the statutory audit functions of fire and rescue • The risk management strategy establishes how risk is embedded throughout the various elements of corporate governance of the corporation sole, whether operating solely or jointly • Communications and engagement strategies demonstrate how the Commissioner will be made readily available to local people, with those of greater public interest receiving the highest level of transparency, except where operational or legal constraints exist • The forward plan of decisions combined with open and transparent information schemes enables the Police, Fire and Crime Panel to be properly sighted on decisions of the Commissioner
2.3.7	<p>Principle G: Implementing good practices in transparency, reporting and audit, to deliver effective accountability</p>

³ Home Office Revised Financial Management Code of Practice For the Police Forces of England and Wales and Fire and Rescue Authorities created under section 4A of the Fire and Rescue Services Act 2004
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Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

The Commissioner is accountable to local people and draws on this mandate to set and shape the strategic objectives for the area in consultation with the Chief Fire Officer.

The corporate processes which underpin this commitment:

- The Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018 (the Order) [and the 2004 and 2011 Acts](#) sets out the functions of the Commissioner
- The legislation enables the Commissioner to appoint a deputy, whose role will be prescribed by the Commissioner and set out in schemes of delegation where appropriate
- The Fire and Rescue Plan will set out the strategic priorities and how they will be delivered
- To complement this the engagement strategy sets out how local people will be involved with the Commissioner to ensure they are part of the decision making, accountability and future direction
- The Commissioner will develop arrangements for effective engagement with key stakeholders, ensuring that where appropriate they remain closely involved in decision making, accountability and future direction

3	SCHEME OF CORPORATE GOVERNANCE - DELEGATIONS AND CONSENTS
3.1	Introduction
3.1.1	<p>The Statement of Corporate Governance details the key roles of the Commissioner, Chief Executive Officer of the Police, Fire and Crime Commissioner, Chief Fire Officer, the Treasurer, Monitoring Officer and of those who support them. The Chief Fire Officer is designated as the Head of Paid Service for the Commissioner’s Fire and Rescue Authority.</p> <p>The Code of Corporate Governance describes the strategies, arrangements, instruments and controls adopted to ensure good governance in the organisations.</p> <p>This Scheme of Corporate Governance provides a framework which ensures the business is carried out efficiently, ensuring that decisions are not unnecessarily delayed. It forms part of the overall Corporate Governance Framework of the organisations. It should be read in the context of the Statement and the Code.</p> <p>This Scheme of Corporate Governance sets out the delegations by the Commissioner to the Chief Executive Officer of the Police, Fire and Crime Commissioner, other members of their staff, Chief Fire Officer and Fire and Rescue Service staff. It includes other instruments such as the Financial Regulations and the Contract Regulations.</p> <p>This Scheme of Corporate Governance aims to clarify those powers which, for the benefit of good business practice, are given to the statutory officers. The Commissioner may limit these powers and/or withdraw delegation<u>extend, amend or withdraw delegation but may not do so in respect of functions which must as a matter of law be delegated; or functions which must be performed by a particular person under any enactment. This does not refer to the discharging of statutory powers provided by legislation to that position.</u></p> <p>The Commissioner may impose reporting arrangements on any authorised powers.</p> <p>The powers given to officers and staff should be exercised in line with these delegations, the law, financial regulations and contract regulations and also policies, procedures, plans, strategies and budgets.</p> <p>This Scheme of Corporate Governance does not identify all the statutory duties which are contained in specific laws and regulations.</p> <p><u>This Scheme is underpinned by the established conventions of effective, mature, collegiate governance maintained by the Commissioner, the Chief Executive, the Chief Fire Officer and the Chief Constable of North Yorkshire Police.</u></p>
3.2	Key Role of the Police, Fire and Crime Commissioner for North Yorkshire Fire and Rescue Authority
3.2.1	<p>The Commissioner has all the responsibilities provided to them by section 4A of the Fire and Rescue Services Act 2004 and the Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018<u>the 2004 Act, the 2011 Act and the Order and by any other enactment.</u></p>

3.2.2	<p>The Commissioner must put in place arrangements to deliver an efficient and effective fire and rescue service and perform the following key functions:</p> <ul style="list-style-type: none"> • Promote fire safety (section 6 of the Fire and Rescue Services Act 2004) • Provision for the purpose of extinguishing fires and protecting life and property in the event of fires (section 7 of the Fire and Rescue Services Act 2004) • Rescue people and protect people from serious harm in the event of road traffic accidents (section 8 of the Fire and Rescue Services Act 2004) • Dealing with other types of emergencies, as specified by the Secretary of State, in Statutory Instruments (Orders) [Currently, a single Order has been issued, requiring fire authorities to make provision to attend the following types of incident: <ul style="list-style-type: none"> ➢ Chemical, biological, radiological or nuclear emergencies ➢ Emergencies involving the collapse of a building or other structure ➢ Emergencies involving trains, trams or aircraft] • Duty to assess, plan and advise on civil emergencies (section 2 of the Civil Contingencies Act 2004) • Enforce the Regulatory Reform (Fire Safety) Order 2005
3.2.3	<p>The Commissioner is the legal contracting body who owns all the assets and liabilities, and has responsibility for the financial administration of their office and the Fire and Rescue Fund, including all borrowing.</p>
3.2.4	<p>The Commissioner will receive all funding, including the government grants and other sources of income, related to North Yorkshire Fire and Rescue Service.</p>
3.2.5	<p>The Commissioner will set the fire and rescue precept after consultation with; the public of North Yorkshire; the Police, Fire and Crime Panel; the Chief Fire Officer. The policing precept is set separately.</p>
3.2.6	<p>The Commissioner is responsible for delivering <u>setting</u> the strategic vision and holding the Chief Fire Officer to account for delivering that vision.</p>
3.2.7	<p>The Commissioner will be responsible for handling complaints and conduct matters in relation to the Chief Fire Officer and monitoring complaints against North Yorkshire Fire and Rescue Service.</p>
3.2.8	<p>The Police, Fire and Crime Panel is a check and balance on the Police, Fire and Crime Commissioner through reviewing or scrutinising their decisions.</p> <p>The <u>Police, Fire and Crime Panel</u> has a vital role in challenging, scrutinising and supporting the <u>Police, Fire and Crime Commissioner</u>, by scrutinising <u>Police, Fire and Crime Commissioners'</u> precepts and <u>Police, Fire and Crime Plans</u>, conducting confirmation hearings and dealing with complaints against the <u>PFCC</u>.</p>
3.3	<p>General Principles of Delegation</p>
3.3.1	<p>This Scheme of Corporate Governance details the key responsibilities of the Commissioner and those functions which it designates to officers in the Office of the</p>

	Police, Fire and Crime Commissioner and in North Yorkshire Fire and Rescue Service. It replaces all previous policy documents and forms relating to this subject and its content is based on legislation, nationally agreed terms and conditions and good practice.
3.3.2	The Scheme of Corporate Governance Delegations and Consents forms part of the Commissioner's governance framework to ensure that business is carried out effectively and efficiently without unnecessarily delaying decisions. It should be read in the context of the Statement of Corporate Governance and the principles of corporate governance.
3.3.3	The powers set out in the Scheme of Corporate Governance Delegations and Consents should be exercised in accordance with the Commissioners consent, the law, financial regulations and contract regulations as well as policies, procedures, plans, strategies and budgets. It does not identify all the statutory duties which are contained in specific legislation and regulations.
3.3.4	In summary, the Scheme of Corporate Governance Delegations and Consents will: <ul style="list-style-type: none"> a) Define the role of the Police, Fire and Crime Commissioner for North Yorkshire Fire and Rescue Authority, Chief Fire Officer, Chief Executive Officer of the Office of the Police, Fire and Crime Commissioner, and other Chief Officers. b) Set out the functions that the Commissioner cannot delegate. c) Set out the powers and activities delegated by the Commissioner to others to undertake in his/her name.
3.3.5	<p><u>Definitions – moved to start of document</u></p> <p><u>In this document the following specific expressions shall have the following meanings unless otherwise stated:</u></p> <p><u>“The Act”</u> Fire and Rescue Services Act 2004</p> <p><u>“The Order”</u> North Yorkshire Police, Fire and Crime Commissioner (Fire and Rescue Authority) Order 2018</p> <p>North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority (also referred to as the Commissioner) The person occupying the office of Police and Crime Commissioner for North Yorkshire, also known as the North Yorkshire Police, Fire and Crime Commissioner (PFCC).</p> <p>Deputy Police and Crime Commissioner A member of the Police and Crime Commissioner’s officials who may exercise the functions of the Commissioner where delegated and in accordance with the Act and Order, if appointed.</p> <p>Chief Fire Officer/Chief Executive The person occupying the position of Chief Fire Officer will be appointed by the Commissioner. They will have the responsibility for managing the Fire and Rescue Service. The Chief Fire Officer is</p>

	<p>designated as the Head of Paid Service for the Commissioner's Fire Authority.</p> <p>Chief Executive Officer of the Police, Fire and Crime Commissioner The person occupying the position of Chief Executive, Officer Head of Paid Service to the Commissioner's Office who may exercise the functions of the Commissioner where delegated and in accordance with the Act and Order.</p> <p>Treasurer The person occupying the position of Section 151 Officer/Chief Finance Officer for the Commissioner.</p> <p>Monitoring Officer of the Commissioner Fire and Rescue Authority The person occupying the position of Monitoring Officer of the Commissioner who must exercise the powers within, and discharge the duties given to them by, the relevant legislation.</p>
3.3.6	The Commissioner expects anyone proposing to exercise a delegation or an authorisation under this Scheme to draw to the attention of the Commissioner any issue which is likely to be regarded by the Commissioner as unique, exceptional, contentious, repercussive or likely to be politically sensitive before exercising such powers. In assessing whether any issue is likely to fall within those descriptions, the public facing impact of such issues should be taken into account.
3.3.7	In addition, the Commissioner is ultimately accountable for the Fire and Rescue Fund. Before any financial or legal liability affecting the Fund that the Commissioner might reasonably regard as novel, contentious, repercussive or politically sensitive is incurred, prior approval must be obtained from the Commissioner.
3.3.8	The Commissioner has wider responsibilities than those solely relating to the fire and rescue service and these are referred to in the Code of Corporate Governance.
3.3.9	Delegations are set out in this Scheme. The Commissioner may require at any time that a specific matter is referred to them for a decision and not dealt with under the powers of delegation.
3.3.10	Delegations may only be exercised subject to: <ul style="list-style-type: none"> a) Compliance with the Corporate Governance Framework. b) Provision for any relevant expenditure being included in the approved budget.
3.3.11	These arrangements delegate powers and duties within broad functional descriptions. They include powers and duties under all legislation present and future within those descriptions, and all powers and duties incidental to that legislation. The Scheme does not attempt to list all matters which form part of everyday management responsibilities.
3.3.12	Giving delegation under this Scheme does not prevent an officer or member of staff from referring the matter to the Commissioner for a decision or guidance if the officer

	or member of staff thinks this appropriate (for example, because of sensitive issues or any matter which may have a significant financial implication).
3.3.13	When a statutory officer is considering a matter that also falls within another statutory officer's area of responsibility, they should consult the other statutory officers before authorising the action.
3.3.14	All decisions statutory officers make under powers given to them by the Commissioner must be recorded and be available for inspection.
3.3.15	In this document, references made to the statutory officers include officers authorised by them to act on their behalf.
3.3.16	The statutory officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme of Corporate Governance.
3.3.17	The persons appointed as the Chief Executive Officer of the Police, Fire and Crime Commissioner, Chief Fire Officer, Monitoring Officer and Treasurer have some statutory powers and duties relating to their positions that are 'original' in nature and that do not rely on matters being delegated to them.
3.3.18	<p>The Scheme of Corporate Governance Delegations and Consents provides a member of staff with the legal power to carry out functions of the Commissioner. In carrying out these functions the member of staff must comply with all other statutory and regulatory requirements and relevant professional guidance including:</p> <ul style="list-style-type: none"> • Fire and Rescue Services Act 2004 and connected legislation and Order under that Act • Police Reform and Social Responsibility Act 2011 and other legislation under that Act • Fire and Rescue National Framework for England 2018 • The Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018 • Financial Regulations • Contract Regulations • Financial Management Code of Practice 2018 • Regulatory Reform (Fire Safety) Order 2005 • CIPFA Statement on the role of the Chief Finance Officer in public service organisations • APACE Statement on the role of Chief Executive and Monitoring Officer of the Police and Crime Commissioner • HM Government's electoral cycle publication "Delivering through Your Chief Executive & Monitoring Officer" • Any Monitoring Officer Protocol adopted by the Commissioner, the Chief Fire Officer and the Monitoring Officer • The Commissioner's Corporate Governance Framework • The Commissioner's and North Yorkshire Fire and Rescue Services' employment policies and procedures • Data Protection and Freedom of Information legislation

	<ul style="list-style-type: none"> • Health and Safety at Work legislation and codes <p>This list is not exhaustive.</p>
3.3.19	<p>When carrying out any functions, the Commissioner, officers and staff must have regard to the following:</p> <ul style="list-style-type: none"> • The views of the people in their area • Any report or recommendation made by the Police, Fire and Crime Panel on the Annual Report for the previous financial year • The Fire and Rescue Plan (or where there is a joint plan with police and crime objectives the Police, Fire and Crime Plan) and any connected guidance issues by the Secretary of State <p>This list is not exhaustive.</p>
3.3.20	<p>The framework will be reviewed on an annual basis by those individuals holding the posts of, or holding the statutory responsibilities of, Police, Fire and Crime Commissioner (and Deputy if appointed), Chief Fire Officer, Chief Executive Officer of the Police, Fire and Crime Commissioner, Monitoring Officer and Treasurer. This framework will be reviewed on an annual basis by the Police, Fire and Crime Commissioner on the recommendation of statutory officers, in consultation with the Audit Committee.</p> <p>This Scheme allows any person with appropriate authority to delegate that power further (subject to statutory limitations) but before doing so they must inform the Commissioner and comply with any limitation conditions or prohibition issued by the Commissioner. Notification of any sub-delegation shall be given to the Chief Executive Officer for the Police, Fire and Crime Commissioner.</p>
3.3.21	<p>These arrangements do not delegate any matter which by law cannot be delegated to a member of staff.</p>
3.4	<p>Functions of the Police, Fire and Crime Commissioner for North Yorkshire Fire and Rescue Authority</p>
3.4.1	<p>The following functions are assigned as the responsibility of the Commissioner by the Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018 2018 Order and the 2004 or 2011 Acts as the case may be and cannot be delegated:</p> <ol style="list-style-type: none"> a) The function of calculating a council tax requirement (see section 42A of the Local Government Finance Act 1992)(b). b) The function of approving the Fire and Rescue Plan and the Fire and Rescue Statement (within the meaning of Schedule A2 of the FRS Act 2004)(c). c) The function of approving the Integrated Risk Management Plan. d) The function of appointing, suspending or dismissing the Chief Fire Officer. e) The function of holding the Chief Fire Officer to account for functions which are delegated to them or functions of persons under the direction and control of the Chief Fire Officer.

	<ul style="list-style-type: none"> f) The function of approving a pay policy statement prepared for the purposes of section 38 of the Localism Act 2011 (pay policy statements)(d). g) The function of approving arrangements to enter into a reinforcement scheme under section 13 of the Fire and Rescue Services Act 2004 (reinforcement schemes). h) The function of approving arrangements with other employers of firefighters under section 15 of the Fire and Rescue Services Act 2004 (arrangements with other employers of firefighters). i) The function of approving arrangements under section 16 of the Fire and Rescue Services Act 2004 (arrangements for the discharge of functions by others). j) The function of approving plans, modifications to plans and additions to plan for the purpose of ensuring that: <ul style="list-style-type: none"> (i) So far as is reasonably practicable, the Commissioner is able to perform its fire and rescue functions if an emergency occurs. (ii) The Commissioner is able to perform its functions so far as necessary or desirable for the purpose of preventing an emergency, or reducing, controlling or mitigating the effects of an emergency, or taking other action in connection with it. k) The function of approving arrangements for the co-operation of the Commissioner in relation to its fire and rescue functions with other general Category 1 responders and general Category 2 responders in respect of: <ul style="list-style-type: none"> (i) The performance of the Commissioner's duty as a fire and rescue authority under section 2 of the Civil Contingencies Act 2004(d) (ii) Any duties under subordinate legislation made in exercise of powers under that Act. <p><u>The Commissioner nonetheless expects that in respect of non-delegable functions (and all operational fire and rescue matters) that the Chief Fire Officer will establish and maintain a sound system of internal operational governance, including but not limited to policies, procedures and guidance; as well as terms of reference for all meetings whether decision-making or consultative.</u></p>
3.4.2	<p>The following functions are assigned as the responsibility of the Commissioner by the Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018 and can only may be delegated only to a Deputy Police and Crime Commissioner (if one has been appointed):</p> <ul style="list-style-type: none"> a) The function of determining the Commissioner's priorities and objectives for the purposes of the Fire and Rescue Plan and the Fire and Rescue Statement b) The function of attendance at a meeting of the Police, Fire and Crime Panel in compliance with a requirement by the Panel to do so (see section 29 of the Police Reform and Social Responsibility Act 2011 as applied with modifications by paragraph 9 of the Schedule A2 to the Fire and Rescue Services Act 2004). c) The function of appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014 (appointment of local auditor)(b). d) The function of deciding whether to enter into a liability limitation agreement under section 14 of the Local Audit and Accountability Act 2014 (limitation of local auditor's liability).

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3.4.3	The functions detailed in 3.4.1, as set out in the Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018, may only be exercised by the Commissioner, and not delegated to any other officer.
3.5	Functions delegated to the Chief Executive Officer of the Police, Fire and Crime Commissioner
3.5.1	The Scheme of Corporate Governance identifies the role of the Chief Executive Officer as the Chief Executive Officer of the Police, Fire and Crime Commissioner. The formal delegations listed below, are those given to the Chief Executive Officer .
3.5.2	In their absence the Commissioner delegates to the Chief Executive Officer all of his/her functions, except those prohibited by law ⁴ , unless otherwise agreed.
3.5.3	In the event of a significant conflict of interest arising which could preclude the Commissioner from exercising a function, the Commissioner delegates to the Chief Executive Officer the exercise of any functions, except those prohibited by law.
General	
3.5.4	To prepare the Fire and Rescue Plan for submission to the Commissioner.
3.5.5	To provide information to the Police, Fire and Crime Panel, as reasonably required, to enable the Panel to carry out its function.
3.5.6	To sign contracts on behalf of the Commissioner including contracts which are required to be executed under the common seal of the Commissioner.
3.5.7	To consider whether, in consultation with the Chief Fire Officer, to provide indemnity to the Commissioner and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
3.5.8	To consider and approve, in consultation with the Treasurer, provision of indemnity and/or insurance to individual staff of the Commissioner.
3.5.9	To respond to consultations on proposals affecting the Commissioner, if necessary, after first taking the views of the Commissioner, or the Treasurer, as appropriate.
3.5.10	To consider, with the Commissioner, any complaint made against the Chief Fire Officer, and where appropriate, to make arrangements for appointing someone independent to investigate the complaint.
3.5.11	To deal with strategic matters in respect of land or buildings and structures thereon, including purchase, sale, redesign and major configuration in conjunction with the Chief Fire Officer and Treasurer.
3.5.12	To make arrangements for the support of public communications and engagement.

⁴ S18(3)(d) and (7) Police Reform and Social Responsibility Act 2011 and other legislation under that Act, The Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018

3.5.13	To make arrangements for the support to the Commissioner in holding the Chief Fire Officer to account.
3.5.14	To be the Senior Information Risk Owner (SIRO) for the Office of the Police, Fire and Crime Commissioner.
Financial	
3.5.15	The financial management responsibilities of the Chief Executive Officer are set out in the Financial Regulations.
3.5.16	To manage the budget of the Office of the Commissioner, along with the Treasurer.
Staff employed or engaged within the Office of the Commissioner	
3.5.17	To appoint and dismiss staff employed by the Police, Fire and Crime Commissioner, in consultation with the Commissioner.
3.5.18	To make recommendations to the Commissioner with regard to staff of the Police, Fire and Crime Commissioner terms and conditions of service, in consultation with the Treasurer.
3.5.19	To undertake the management of staff employed by the Police, Fire and Crime Commissioner in line with agreed policies and procedures.
3.5.20	To authorise, in line with staff conditions of service, the suspension of any member of staff employed by the Police, Fire and Crime Commissioner.
3.5.21	To bring national agreements on salaries, wages and conditions of staff of the Police, Fire and Crime Commissioner into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Commissioner for a decision.
3.5.22	To approve payment under any bonus or performance-related payment schemes for staff approved by the Commissioner, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
3.5.23	To negotiate with, and reach agreements with, recognised representative bodies on any matters that can be decided locally. All agreements reached must be reported to the Commissioner.
3.5.24	To grant essential or casual car user allowances for staff employed by the Police, Fire and Crime Commissioner or within the Office of the Commissioner.
3.5.25	To issue exemption certificates to staff employed by the Police, Fire and Crime Commissioner whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
3.5.26	To approve the retirement of relevant staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate,

	following advice from a medical practitioner. All ill-health retirements must be reported to the Commissioner before implementation.
3.5.27	Settlement of employment tribunal cases and grievances of staff employed by the Police, Fire and Crime Commissioner or engaged within the Office of the Commissioner with the exception of those cases felt to be exceptional because: <ul style="list-style-type: none"> • They involve a high profile claimant • There is a particular public interest case • There is a real risk that the Commissioner will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed
3.5.28	To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.
Legal	
3.5.29	To affix or authorise the affixing of the common seal of the Commissioner to: <ul style="list-style-type: none"> • All contracts, agreements or transactions in respect of which there is no consideration • All deeds which grant or convey an interest in land • All documents where it is determined by the Commissioner there is a particular need for the seal to be attached
3.5.30	To consider all requests for financial assistance to staff related or connected to the Fire and Rescue Service involved in legal proceedings or inquests, in conjunction with the Chief Fire Officer.
3.5.31	To authorise, after consultation with the Chief Fire Officer, the institution, defence, withdrawal or settlement of any claims or legal proceedings on the Commissioner's behalf, including the completion of necessary documentation in pursuance of court orders, directions and or procedural rules, in consultation with the legal advisor (and Treasurer if there are significant financial implications).
3.5.32	To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Commissioner.
3.5.33	To determine the outcome of an appeal, with the support of independent advisors, in respect of dismissals, individual grievances (Principal Officers only) and awards under the Firefighters' Pension Scheme.
3.6	Functions delegated to the Chief Fire Officer
3.6.1	The Scheme of Corporate Governance identifies the role of the Chief Fire Officer of the North Yorkshire Fire and Rescue Service. The formal delegations listed below, are those given to the Chief Fire Officer.

3.6.2	The Chief Fire Officer must, in exercising functions, which are delegated to them, have regard to the Fire and Rescue Plan.
3.6.3	The Chief Fire Officer will lead and direct the strategic management of the Fire and Rescue Service.
3.6.4	The Chief Fire Officer will exercise all matters of day to day administration of the Fire and Rescue Service (including Emergency Planning and Civil Contingencies).
3.6.5	The Chief Fire Officer will respond to requests made to the Fire and Rescue Service from the Home Office in relation to the developing or hosting new capabilities under national resilience.
Staff employed by the Authority or engaged within the Fire and Rescue Service	
3.6.6	To appoint and dismiss staff employed by the Authority or engaged within the Fire and Rescue Service, in consultation with the Commissioner if required.
3.6.7	To make recommendations to the Commissioner with regard to the Fire and Rescue Service staff terms and conditions of service, in consultation with the Treasurer and other appropriate officers.
3.6.8	To undertake the management of Fire and Rescue Service staff, including disciplinary matters, in line with agreed policies and procedures.
3.6.9	To authorise, in line with staff conditions of service, the suspension of any member of Fire and Rescue Service staff.
3.6.10	To prepare a pay policy statement for the purposes of section 38 of the Localism Act 2011, for submission to the Commissioner.
3.6.11	To bring national agreements on salaries, wages and conditions for Fire and Rescue Staff into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Commissioner for a decision.
3.6.12	To approve payments under any payment schemes in line with service policy for Fire and Rescue Service staff approved by the Commissioner, such as honoraria payments made for taking on extra duties and responsibilities, or similar special payments.
3.6.13	To negotiate with, and reach agreements with, recognised representative bodies on any matters that can be decided locally. All agreements reached must be reported to the Commissioner, along with any attempts of any representative bodies to register a dispute.
3.6.14	To grant essential or casual car user allowances for Fire and Rescue Service staff.
3.6.15	To approve visits abroad by officers on official business and the expenses thereof, in consultation with the Commissioner.

3.6.16	To exercise the various Firefighters' Pension Scheme Discretions ⁵ except in relation to the Chief Fire Officer and any Deputy or Assistant Chief Fire Officers.
3.6.17	To approve the retirement of Fire and Rescue Service staff on the grounds of ill-health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner. All ill-health retirements must be reported to the Commissioner before implementation.
3.6.18	(a) In consultation with the Chief Executive Officer of the Police, Fire and Crime Commissioner, to issue exemption certificates to staff whose posts would otherwise be politically restricted under the Local Government Housing Act 1989.
	<p>NEW DELEGATION</p> <p>(b) in consultation with the Chief Executive, to make arrangements for a Data Protection Officer and the Deputy Chief Fire Officer to be the Senior Information Risk Owner (SIRO) for the Fire and Rescue Service.</p> <p>Note: by established convention, the Deputy Chief Fire Officer undertakes the role of SIRO for the Fire and Rescue Service</p>
3.6.19	The Chief Fire Officer is responsible for ensuring that Fire and Rescue Service staff are aware of the Corporate Governance Framework and provisions and obligations of the Scheme of Corporate Governance Delegations and Consents.
Financial	
3.6.20	The financial management responsibilities of the Chief Fire Officer are set out in the Financial Regulations and the Financial Management Code of Practice 2018.
3.6.21	To undertake the day to day management of procurement in accordance with the Financial Regulations and the Contract Regulations.
3.6.22	To manage the budget of the Fire and Rescue Service, along with the Treasurer.
3.6.23	In consultation with the Treasurer, to enter into any primary authority arrangements with businesses in relation to fire safety regulations.
3.6.24	<p>Additional Delegation:</p> <p>Settlement of employment tribunal cases and grievances of staff employed by the Police, Fire and Crime Commissioner FRA, up to a value of £10,000 with the exception of those cases felt to be exceptional because:</p> <ul style="list-style-type: none"> • They involve a high profile claimant • There is a particular public interest case • There is a real risk that the Commissioner will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed

⁵ The Firefighters' Pensions Scheme (England) Regulations 2014 SI 2014/2848 Scheme Manager Discretions

	Any claims in excess of £10,000 will require the authorisation of the Treasurer before any settlement
Operational Fire and Rescue Service	
3.6.24	To take responsibility for the delivery of arrangements to deliver an efficient and effective fire and rescue service and perform the following key functions: <ul style="list-style-type: none"> • Promote fire safety (section 6 of the Fire and Rescue Services Act 2004) • Provision for the purpose of extinguishing fires and protecting life and property in the event of fires (section 7 of the Fire and Rescue Services Act 2004) • Rescue people and protect people from serious harm in the event of road traffic accidents (section 8 of the Fire and Rescue Services Act 2004) • Dealing with other types of emergencies, as specified by the Secretary of State in Statutory Instruments (Orders)
3.6.25	To prepare the Integrated Risk Management Plan for submission to the Commissioner in accordance with the requirements of the Fire and Rescue National Framework ⁶ .
3.6.26	To prepare the Fire and Rescue Statement for submission to the Commissioner.
3.6.27	To undertake the day to day management of physical assets, including buildings, subject to the provisions of the Financial Regulations.
3.6.28	To exercise the functions of the Commissioner under the Regulatory Reform (Fire Safety) Order 2005, together with any future enactment conferring power upon the Fire and Rescue Service to commence criminal proceedings in any Court of competent jurisdiction, to issue, amend and withdraw prohibition notices on behalf of the Commissioner under that legislation.
3.6.29	To designate persons as Inspectors under article 26, and to authorise members of staff to exercise statutory powers under article 27 of the Fire Safety Order.
3.6.30	To prepare agreements with neighbouring Fire and Rescue Services under Sections 13, 16 and 17 Fire and Rescue Services Act 2004 for submission to the Commissioner.
3.6.31	To authorise the exercise of powers of entry, inspection and survey and the carrying out of emergency works by staff of the Fire and Rescue Service or contractors acting on behalf of the Fire and Rescue Service upon land or buildings.
3.6.32	To prepare plans for performing fire and rescue functions in relation to emergencies and arrangements for co-operation with other agencies under the Civil Contingencies Act 2004.
3.6.33	To submit comments on any town and country planning matters, building regulations, safety of sports grounds and other applications or licences.
3.6.34	In consultation with the Treasurer, to enter into any primary authority arrangements with businesses in relation to fire safety regulations, in accordance with 3.6.23.

⁶ Fire and Rescue National Framework for England 2018
Corporate Governance Framework
V8.0

3.6.35	The fire and rescue service will ensure sufficient arrangements are in place to secure the provision of effective training for all fire and rescue service staff.
3.6.36	To take responsibility for the health, safety and welfare of staff engaged within the Fire & Rescue Service and to discharge And any other relevant statutory duties and functions necessary for the efficient and effective operation of the fire and rescue service.
General	
3.6.37	The Chief Fire Officer will provide regular reports to the Commissioner in order to demonstrate compliance and good governance.
3.7	Functions delegated to the Treasurer
3.7.1	The Scheme of Corporate Governance identifies the role of Treasurer. The detailed financial management responsibilities of the Treasurer are set out in the Financial Regulations.
3.7.2	The Treasurer, as the financial adviser to the Commissioner has a statutory responsibility to manage the Commissioner's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003 (as amended).
3.7.3	To sign contracts on behalf of the Commissioner, irrespective of the value once they have been approved in accordance with the Corporate Governance Framework, except those which are required to be executed under the common seal of the Commissioner. In such cases the Chief Executive Officer is authorised to sign and affix the seal.
3.8	Monitoring Officer
3.8.1	To act as the Commissioner's Monitoring Officer under the Local Government and Housing Act 1989, the Local Government Act 2000 and the Proper Officer under the Local Government Act 1972.
3.8.2	To ensure that the Commissioner carries out their functions lawfully, ensuring lawfulness and fairness in decision making.
3.8.3	To report on matters they believe are, or may be, illegal or amount to maladministration.
3.8.4	To be responsible for providing advice and guidance on the conduct of the Commissioner, a Deputy if appointed, and the Commissioner's Office and to act in accordance with any Monitoring Officer Protocol .
3.9	Statutory Officers

3.9.1	Paragraphs 3.5.18 and 3.6.6 shall not apply to the appointment or dismissal of, or disciplinary action against the Chief Executive Officer of the Police, Fire and Crime Commissioner, Chief Fire Officer, Treasurer or Monitoring Officer.
3.9.2	No disciplinary action in respect of the Chief Executive Officer of the Police, Fire and Crime Commissioner or Chief Fire Officer, except suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action, may be taken by the Commissioner without having due regard to a recommendation in a report made by an independent person. Any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
3.9.3	“Disciplinary action” means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Commissioner, be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Authority has undertaken to renew such a contract, and “designated independent person” must be such person as may be agreed between the Commissioner and the relevant officer.
3.10	Urgent Matters
3.10.1	If any matter which would normally be referred to the Commissioner for a decision arises where it is impractical to obtain the decision of the Commissioner and the matter is urgent, that matter may be decided by the appropriate chief officer.
3.10.2	Appropriate chief officers authorised to decide urgent matters in consultation with the appropriate professional advice are: <ul style="list-style-type: none"> • Chief Executive Officer (all issues other than operational and financial matters) • Chief Fire Officer (all operational matters) • Treasurer (financial matters)
3.10.3	Where possible the appropriate chief officer will consult with the other chief officers before taking an urgent decision unless such consultation is impractical.
3.10.4	Urgent decisions taken must be reported to the Commissioner as soon as practicable and published.
3.11	Functions delegated to a Deputy Police and Crime Commissioner (Where an Authority delegates functions to the DPCC, the DPCC may be known as the Deputy Police, Fire and Crime Commissioner for North Yorkshire)
3.11.1	The Commissioner has the right to appoint a Deputy Police and Crime Commissioner who can act in his/her absence or in accordance with his/her direction in the exercise of all his/her functions, except for those which cannot be delegated as detailed in 3.4.1.

3.11.2	<p>The Commissioner may not make arrangements for the delegation of the following functions of the Authority to any person other than the Deputy Police and Crime Commissioner:</p> <ol style="list-style-type: none"> a) The function of determining the Commissioner’s priorities and objectives for the purposes of the Fire and Rescue Plan and the Fire and Rescue Statement. b) The function of attendance at a meeting of the Police, Fire and Crime Panel in compliance with a requirement by the Panel to do so (see section 29 of the Police Reform and Social Responsibility Act 2011 as applied with modifications by paragraph 9 of the Schedule A2 to the Fire and Rescue Services Act 2004). c) The function of appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014 (appointment of local auditor)(b). d) The function of deciding whether to enter into a liability limitation agreement under section 14 of the Local Audit and Accountability Act 2014 (limitation of local auditor’s liability).
4	DECISION MAKING POLICY
4.1	Introduction
4.1.1	<p>Purpose This policy establishes the approach and principles for decision making by the Police, Fire and Crime Commissioner for North Yorkshire Fire and Rescue Authority. It outlines the decision making process together with providing information on how decisions of strategic public interest will be determined, recorded and published.</p>
4.2	Decision Making Framework
4.2.1	<p>The Commissioner is committed to a robust decision making process and will adopt rigorous standards of probity, regularity and transparency in his/her decision making. All decisions will be taken in the public interest. The Commissioner will review his/her decision making process on a regular basis.</p>
4.2.2	<p>Decisions taken by the Commissioner arise from their statutory duties as the Authority. The statutory framework for decision making by the Commissioner consists of:</p> <ul style="list-style-type: none"> • Fire and Rescue Services Act 2004 • Civil Contingencies Act 2004 • Police Reform and Social Responsibility Act 2011 • Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017 • Regulatory Reform (Fire Safety) Order 2005 • Crime and Disorder Act 1998 • Financial Management Code of Practice • Fire and Rescue National Framework for England • The Police, Fire and Crime Commissioner for North Yorkshire (Fire and Rescue Authority) Order 2018 • Local Government Finance Act 1992 • Health and Safety at Work Act 1974 and associated Regulations

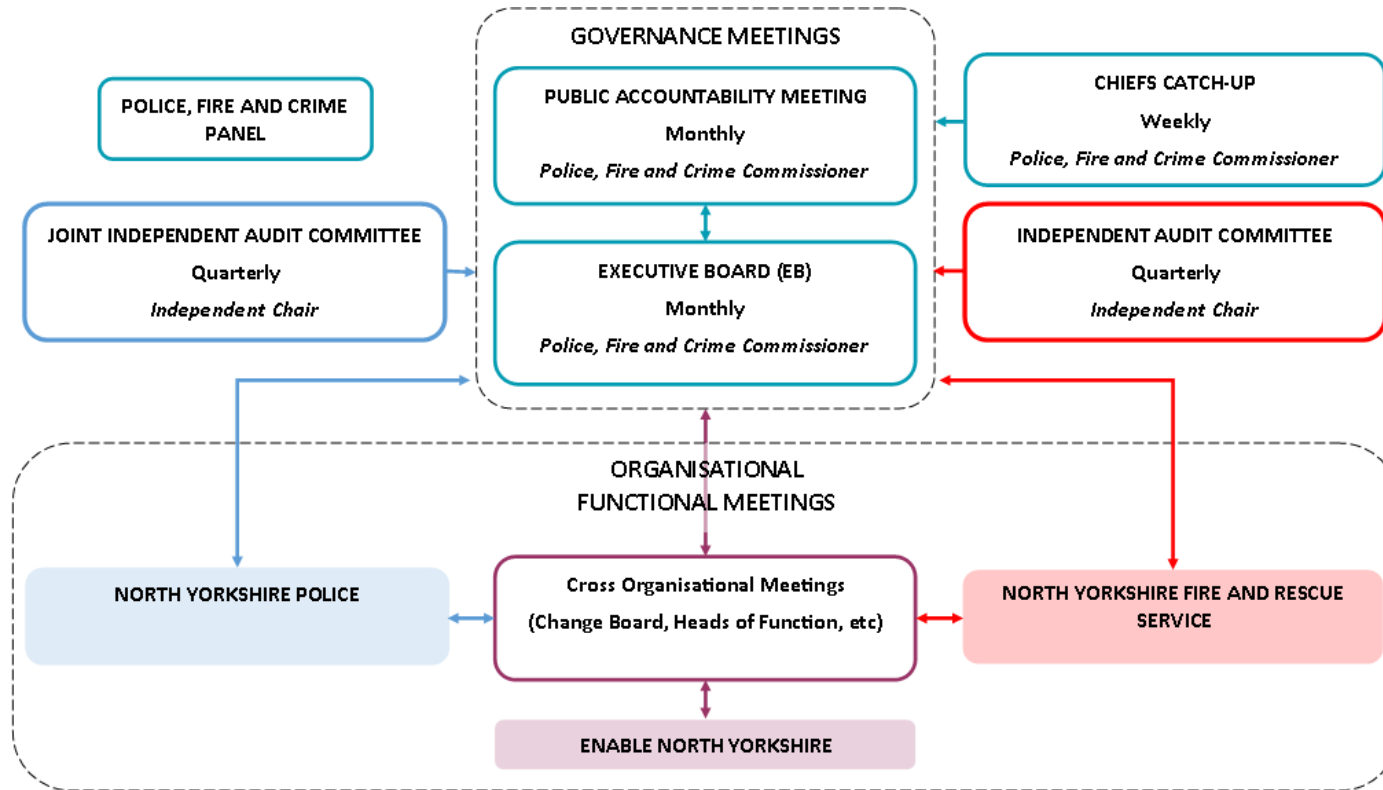
4.2.3	The Scheme of Corporate Governance Delegations and Consents sets out the discharge of the Commissioners' functions and may be subject to amendment. The Scheme of Corporate Governance Delegations and Consents is detailed in section 3 of the Corporate Governance Framework.
4.2.4	The Commissioner will maintain a record of the person or body having responsibility for a decision or decisions relating to a function or functions of the Commissioner.
4.2.5	The exercise of any delegated authority to take a decision in the discharge of the Commissioners' function is subject to the following: <ul style="list-style-type: none"> a) The person making the decision has first considered a report prepared by the originator. b) The person making the decision has given due consideration as to whether or not the decision is a key decision as defined within this policy. c) Any decision taken shall be in accordance with the budget, financial and procurement regulations and any condition imposed by the law, the Corporate Governance Framework and any relevant statutory guidance. d) Any person may, as they determine appropriate, refer any matter falling within their delegated authority to the Commissioner. e) The fact that a function has been delegated shall not prevent the discharge of that function by that person delegated the function.
4.3	Approach to Decision Making
4.3.1	Principles of Decision Making The decision making by the Commissioner will arise from the discharge of his/her statutory functions. The Commissioner will need to demonstrate probity and regularity in his/her decision making, not just as a matter of good governance but also as a matter of law. Decisions will range in significance and impact, consequence and cost. The Commissioner will apply the good governance principles to all decisions that are taken. Equality and diversity issues will also be considered as part of that process.
4.3.2	The key to achieving well informed decisions is through a sound process, good management and effective leadership. All decisions being taken whether by the Commissioner or those that have been delegated should include in the supporting report evidence of how consideration and regard has been given the following: <ul style="list-style-type: none"> • Understanding local needs, resources and priorities and consider the views of stakeholders and partners • Based on knowledge, agree outcomes and how they can be delivered effectively, efficiently, equitably and sustainably • Establish all the relevant and material facts • Consult those who might reasonably consider they would be adversely or significantly affected • Seek appropriate specialist advice • Consider all reasonable courses of action open to the Commissioner • Ensuring value for money is obtained • Consider risk, performance and financial information • A presumption in favour of openness and transparency must exist

	<ul style="list-style-type: none"> The need to have due regard to the government security classifications when considering disclosure of reports and documents supplied to the Commissioner
4.3.3	Decisions that are considered <u>Significant Public Interest (SPI)</u> key decisions shall be taken by the Commissioner. Report authors will be required to determine if a decision is a <u>key SPI</u> decision in consultation with the Chief Executive <u>Officer</u> & Monitoring Officer and Section 151 Officer.
4.3.4	<p>A <u>key SPI</u> decision is defined as <u>includes but is not necessarily limited to:</u></p> <ul style="list-style-type: none"> A decision resulting in incurring expenditure or savings outside of the approved budget that is considered <u>contrary to or wholly in accordance with</u> <u>have significant implications for the Corporate Plan</u> any statutory or corporate plan or the budget A decision which could reasonably be expected to be novel, contentious or <u>repercussive</u> A decision deemed by the responsible officer to be significant in terms of impact on one or more of the following: <ul style="list-style-type: none"> ❖ Reputation ❖ Community Safety ❖ Environment ❖ Economy ❖ Human Rights ❖ <u>Equal Opportunities</u> <u>Equality, Diversity & Inclusion</u>
4.3.5	<u>SPI</u> key decisions will be considered by the Commissioner at the Executive Board and presented to them in a Decision Notice <u>which shall either be</u> <u>(a) submitted within the Executive Board meeting papers; or</u> <u>(b) in consultation with the Chief Executive, submitted by another agreeable route.</u>
4.3.6	<u>SPI</u> key decision notices are required to have been reviewed by and include comments on implications for consideration from the Chief Executive <u>Officer</u> & Monitoring Officer and Section 151 Officer. The final report must be reviewed by the Chief Executive <u>Officer</u> and then signed off by the responsible officer as being ready for consideration by the Commissioner before it can be sent to the Executive Board.
4.3.7	A diagram setting out the meeting structure for decision making is attached at the end of this section.
4.3.8	<p>The principles of decision making to be applied to the Corporate Governance Framework are:</p> <ul style="list-style-type: none"> Decision making will be transparent and well informed Decisions will make use of good quality information, advice and support Decisions will utilise risk management information Decisions will be lawful, reasonable, fair and proportionate The Commissioner will uphold the highest standard of integrity and honesty when taking decisions, as set out in the Nolan Principles All key decisions will be recorded and published

4.3.9	Appendix B of this policy further defines the principles of decision making.
4.4	Urgent key decisions
4.4.1	There may be occasions where the circumstances of a decision dictates that only some elements of the checklist will be employed or that the Commissioner is required to consider and make a SPIkey decision outside of the programme of Executive Board meetings, for example an urgent decision would limit the amount of engagement that could be undertaken. However, all measures will be taken to ensure that urgent decisions are limited and where urgent SPIkey decisions are taken before a report is submitted to the Executive Board they will be reported to the next meeting of the Executive Board.
4.5	Written Reports and Decision Reports
4.5.1	The Commissioner shall not make any SPIkey decision without first having reviewed and considered a written report on the matter.
4.5.2	A Decision Notice shall be signed by the Commissioner once a decision has been taken. As a general principle the Commissioner expects to be able to publish all decisions taken, and all matters taken into account when reaching a decision. The Commissioner will have due regard to the Government Security Classification (GSC) when considering disclosure of reports and documents.
4.5.3	In exceptional circumstances and with the prior agreement of the Monitoring Officer the need for a written report may be dispensed with. In such cases all verbal advice and opinion provided to the Commissioner shall be noted and recorded in the minutes of the meeting or in the decision notice.
4.5.4	Any other person making a decision under powers delegated to them by the Scheme of Corporate Governance Delegations and Consents shall, where that person believes that it is proportionate and appropriate to do so in exercising those powers, produce a written statement which must include: <ul style="list-style-type: none"> • A record of the decision, including the date that it was made • A record of the reasons for the decision • Details of any alternative options considered and rejected when making that decision
4.5.5	Where required to do so and where it is deemed appropriate the Commissioner will engage with Unions and Staff Representative Bodies to obtain their views prior to taking a decision.
4.6	<u>Novel, Contentious or Repercussive Issues/Decisions</u>
4.6.1	Occasions will arise when the line between strategic and operational will be ambiguous. These issues/decisions will may be classified as ' <u>novel, contentious or repercussive</u> '. To avoid possible conflict in who should take the decision the principle of 'due regard' will be employed. The Chief Fire Officer, together with the Chief Executive and/or the Treasurer as the case may be, are expected to consult

	<p><u>dynamically with each other about such issues/decisions, to engage the Commissioner in a timely manner and to ensure that the Commissioner is fully appraised and advised.</u></p>
4.6.2	<p>Contentious decisions can be defined as those of a political nature, matters of a high public/media interest, matters likely to impact on a community/communities, high risk issues (for example; significant financial risk, reputation, public confidence) and could include the following:</p> <ul style="list-style-type: none"> • Actions that conflict with priorities set out in the Commissioner’s Fire and Rescue Plan that will impact on the delivery of the Plan’s outcomes • Policy changes – a decision that has a direct impact on local communities, for example the re-organisation of the local Fire and Rescue Service • Political issues – these could be any number of areas and a checklist could be derived from the Corporate Plan

Appendix A: Meeting structure for decision making – **NEW DIAGRAM**



Principles of Decision Making

A1	The principles of decision making are:
A1.1	Decision making will be transparent and well informed In order to make well informed decisions the Commissioner will give proper considerations to all relevant parties. Arrangements will be made for obtaining the views of people in the area about fire and rescue services in North Yorkshire. The Commissioner will consider the appropriate means to consult in relation to any decision.
A1.2	Decisions will make use of good quality information, advice and support Decisions will be taken based on quality information and clear advice in order to reduce the risk of taking decisions that fail to achieve the Commissioner's objectives or have unintended consequences. This will include professional advice from the Chief Fire Officer and Head of Paid Service, who is required to provide information on fire and rescue matters to the Commissioner and advice from the Commissioner's statutory officers who hold the roles of Chief Executive, Monitoring Officer and Treasurer.
A1.3	Decisions will make use of risk management information The Risk Register for the Commissioner will be used to inform that decision making process. In addition, where appropriate alternative options will be considered and reported, including details of the opinion appraisals together with the reasons why the other options considered had not been taken forward.
A1.4	Decisions will be lawful, reasonable, fair and proportionate The Commissioner will make use of the professional advisors in decision making. The Commissioner will take into consideration the impact of any decision of all those that live and work in North Yorkshire and will give consideration to equality and diversity issues as appropriate. The Commissioner will make decisions with a view to achieving value for money.
A1.5	The Commissioner will uphold the highest standard of integrity and honesty when taking decisions, as set out in the Nolan Principles. The seven principles of public life are: <ul style="list-style-type: none"> • Selflessness • Integrity • Objectivity • Accountability • Openness • Honesty • Leadership

5	FINANCIAL REGULATIONS
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5.1	Introduction
5.1.1	These Financial Regulations form part of the governing documents approved by the Police, Fire and Crime Commissioner for North Yorkshire Fire and Rescue Authority. These regulations will be reviewed on an annual basis to ensure they remain timely and relevant. Subsequent changes will be submitted to the Executive Board for approval.
5.1.2	These regulations apply to all staff in the NYPFCCFRA including the North Yorkshire Fire and Rescue Service. The s.4A Fire and Rescue Authority was created following the Statutory Instrument 2018 No. 970 and came into force on 15 November 2018. The s.4A FRA is a fire and rescue authority under the Fire and Rescue Services Act 2004 and has a statutory duty and electoral mandate to ensure an efficient and effective fire and rescue service. The s.4A FRA is referred to as Police, Fire and Crime Commissioner (“PFCC” or “Commissioner”) for North Yorkshire as set out in the Scheme of Corporate Governance.
5.1.3	Appendix C provides financial definitions for terms used within these regulations.
5.1.4	<p>The Treasurer of the Commissioner has a personal fiduciary duty by virtue of their appointment as the person responsible for proper financial administration under the Fire and Services Act 2004. This includes requirements and formal powers to safeguard lawfulness and propriety in expenditure (section 114 of the Local Government Finance Act 1988, as amended by regulation 6 and the schedule to SI 2018/226).</p> <p>The Treasurer has a fiduciary duty to the local taxpayer as they have a responsibility for securing the efficient use of public funds (which will include revenue derived from the fire precept).</p> <p>The statutory responsibilities of the Treasurer of the Commissioner are set out in Part 8 of the Local Government Finance Act 1988. The qualifications set out in section 113 of the Local Government Finance Act 1988 apply to the Treasurer. The Accounts and Audit Regulations 2015 impose further responsibilities. Taken together, and considered in the context of the Fire and Rescue Services Act 2004, these mean that the S151 Officer of the Commissioner is responsible for:</p> <ul style="list-style-type: none"> • ensuring that the financial affairs of the Commissioner are properly administered and that the financial regulations are observed and kept up to date • ensuring regularity, propriety, feasibility and value for money in the use of public funds • ensuring that funding required to finance agreed programmes is available from central Government funding, business rates, precept, other contributions and recharges • reporting to the Commissioner, the Police, Fire and Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the Commissioner or officers of the Commissioner • reporting to the Commissioner, the Police, Fire and Crime Panel and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure

	<ul style="list-style-type: none"> • advising the Commissioner on the robustness of the budget and adequacy of financial reserves • ensuring production of the statements of accounts of the Commissioner and confirming that they present a true and fair view of the financial position of the Commissioner at the end of the financial year to which it relates and of the Commissioner’s income and expenditure for that financial year • liaising with the external auditor • advising the Commissioner on the application of value for money principles by the fire and rescue service to support the Commissioner in delivering efficient and effective financial management • advising, in consultation with the statutory officers, on the safeguarding of assets, including risk management and insurance <p>The Treasurer of the Commissioner has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the Commissioner on expenditure and preparing each year, in accordance with proper practices in relation to accounts, a statement of the Commissioner’s accounts.</p> <p>The Treasurer is the Commissioner’s professional adviser on financial matters. To enable them to fulfil these duties and to ensure the Commissioner is provided with adequate financial advice, the Treasurer:</p> <ul style="list-style-type: none"> • must be a key member of the Commissioner’s leadership team, working closely with the Chief Fire Officer, helping the team to develop and implement strategy and to resource and deliver the Commissioner’s strategic objectives sustainably and in the public interest • must be actively involved in, and able to bring influence to bear on, all strategic business decisions of the Commissioner, to ensure that the financial aspects of immediate and longer-term implications, opportunities and risks are fully considered, and aligned with the Commissioner’s financial strategy • must lead the promotion and delivery by the Commissioner of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively • must ensure that the finance function is resourced to be fit for purpose • must be suitably experienced and ensure professional knowledge is kept current through continuing professional development
5.2	Financial Planning, Budgeting and Reporting
5.2.1	<p>Financial Planning</p> <p>The financial planning process should be directed by the approved policy framework, the business planning process and the need to meet key objectives.</p> <p>The planning process should be continuous and the planning period should cover at least three years. The process should include a detailed annual plan – the budget, covering the forthcoming financial year. This allows the Commissioner to monitor and manage the way funds are allocated and spent.</p> <p>The Medium Term Financial Plan explains how the Commissioner and Chief Fire Officer will structure and manage their finances to support deliver of the aims and</p>

	<p>objectives of the fire and rescue service, as set out in the Corporate Plan, and to ensure sound financial management and good stewardship of money.</p>
5.2.2	<p>Medium Term Financial Plan</p> <p>The Commissioner is responsible for effective financial and budget planning for the fire and rescue service. The Commissioner, in consultation with the Chief Fire Officer, will identify and agree a Medium Term Financial Plan which includes funding and spending plans for both revenue and capital. The plan should have regard to affordability and take into account multiple years, the inter-dependencies of revenue budgets and capital investments, the role of reserves and the consideration of risks. It must also have regard to CIPFA’s Prudential Code for Capital Finance in Local Authorities. The plan should be aligned with the Commissioner’s Fire and Rescue Plan and Risk and Resource Model.</p> <p>The Treasurer is responsible for submitting a Medium Term Financial Plan to the Commissioner, which should:</p> <ul style="list-style-type: none"> • be regularly reviewed to ensure its assumptions are appropriate • contain relevant sensitivity analysis • be reviewed when there are changes in the financial environment, for example changes in inflation and/or a change in the grant regime
5.2.3	<p>Budget Preparation</p> <p>The Commissioner should consult with the Chief Fire Officer in planning the overall budget for the fire and rescue service. The budget will take into consideration funding from government and from other sources, and balance the expenditure of needs of the fire and rescue service against the levels of local taxation. This should meet the statutory requirements to achieve a balanced budget (Local Government Finance Act 2003) and be completed in accordance with the statutory timeframe.</p> <p>The impact of the annual budget on the priorities and funding of future years as set out in the Corporate Plan and the Medium Term Financial Plan should be clearly identified.</p> <p>As set out in section 96 of the Police Act 1996, as applied by paragraph 2 of the Schedule A2 of the Fire and Rescue Services Act 2004, the Commissioner must obtain the views of the local community on the proposed expenditure (including capital expenditure) in the financial year ahead of the financial year to which the proposed expenditure relates.</p> <p>The Chief Fire Officer and the Treasurer are responsible for submitting to the Commissioner, a budget within the approved resource allocation framework which sets out the proposed revenue budget allocation and capital investment plans for the services within their areas of responsibility. No expenditure will be included in the budget unless it has been through the appropriate approval process.</p> <p>In addition to receiving a Medium Term Financial Plan the Commissioner will consider summarised reports from the Treasurer and the Chief Fire Officer on the budget.</p> <p>The Treasurer will make recommendations regarding approval of the revenue budget, the level of precept and allocation of financial resources to the services, provision for</p>

	contingencies, the use of reserves and balances and the setting of the precept to the Commissioner.
5.2.4	<p>The Precept</p> <p>Part 1 of the Local Government Finance Act 1992 sets out the process for issuing precepts. The Policing and Crime Act 2017 (paragraph 71 (2) of Schedule 1) amended section 29 of the Local Government Finance Act 1992 to establish the s.4A FRA as a major precepting authority for the purposes of the Act.</p> <p>The Commissioner will present the proposed level of the fire precept to the Police, Fire and Crime Panel. The remit of the Police and Crime Panel has been extended to include the scrutiny of the s.4A FRA's functions, as set out in the Policing and Crime Act 2017. The Commissioner will have regard to any recommendation that is made by the panel in response to the proposed level of precept.</p>
5.2.5	<p>Budget Plans</p> <p>Principal Officers, in consultation with the Treasurer, will ensure that Budget Co-ordinators produce Budget Statements for each budget head for which they are accountable. These statements should be prepared in line with instructions contained with the Budget Management Standing Operating Procedure.</p>
5.2.6	<p>Virement and In-year changes to the Budget</p> <p>The Treasurer will administer the Scheme of Virement set out below. Any change to the Scheme requires the approval of the Treasurer.</p> <p>Principal Officers, after consultation with the Treasurer, may initiate virements between budget heads provided:</p> <ol style="list-style-type: none"> a) it does not involve a new policy or policy change. b) it does not involve an increasing commitment in future years which cannot be contained within existing approved budget allocations. c) it does not create additional overall budget liability. <p>Any single virement for expenditure not exceeding £20,000 shall be approved by the Head of Finance and Administration who will notify the Treasurer accordingly. Any single virement for expenditure exceeding £20,000 shall be subject to approval by the Treasurer.</p>
5.2.7	<p>Power to Incur Expenditure</p> <p>Principal Officers have power, subject to these Regulations, to incur expenditure provided for in the revenue budget and capital programme approved by the Commissioner.</p> <p>No revenue or capital expenditure can be incurred without the approval of the Commissioner if it is considered a key decision or is contrary to or not wholly in accordance with the Corporate Plan or the budget. In this context contrary to the budget may be through:</p> <ol style="list-style-type: none"> a) initiating a new policy. b) committing revenue or capital expenditure in current or future years to above the approved budget levels.

	<ul style="list-style-type: none"> c) transferring revenue resources between budget heads except as provided in the Scheme of Virement. d) entering into a capital commitment if it involves a material change in the nature of the project as set out in the original project appraisal. e) entering into a capital commitment if it (i) will affect the Authority's borrowing limits or (ii) involves a revenue consequence for which no specific provision has been made in the budget for that service. <p>Principal Officers are responsible for ensuring that any increases in a project expenditure that occurs during the course of the project is reported to the Treasurer and can be contained within the overall budget.</p> <p>No expenditure that requires specific approval of a government department or agency, the European Union or any other external funding organisation may be incurred until the Commissioner has received such approval or written assurance that such approval will be forthcoming in due course. Expenditure funded from these sources should not be incurred without the specific approval of Treasurer where the funding organisation may refuse to pay the grant or contribution.</p> <p>No lease, hire, rental or arrangements of a similar nature that may affect the Commissioner borrowing limits may be entered into without seeking the prior approval of the Treasurer.</p>
5.2.8	<p>Partnerships</p> <p>Principal Officers are responsible for ensuring that partnership arrangements are approved, carried out, monitored and evaluated in a satisfactory way and in accordance with guidance from the Treasurer.</p> <p>Principal Officers must consider the overall corporate governance arrangements and legal issues and take appropriate action when arranging contracts with external bodies. These arrangements must be made in accordance with the requirements set out in the Contract Standing Orders.</p> <p>Principal Officers must ensure the risks have been fully appraised before arrangements are formalised. They must prepare a clear and feasible exit strategy before entering into arrangements.</p>
5.2.9	<p>Monitoring and Reporting</p> <p>Principal Officers are responsible for ensuring regular monitoring of revenue budgets and the capital programme in their area of business, and for ensuring that significant variations are investigated and appropriate action taken to bring any forecast overspend back into line with the budget. Monitoring of budgets should be undertaken in line with instructions contained within the Budget Management Standard Operating Procedure.</p> <p>Principal Officers, in consultation with the Treasurer, must, as soon as is practicable, report to the Commissioner where they are unable to balance expenditure and resources within the approved budget allocation and make recommendations to the Commissioner which will address the shortfall.</p>

	<p>The Treasurer is responsible for co-ordinating production of the Annual Statement of Accounts, ensuring they are prepared in accordance with statutory requirements and proper practice, and for submitting it for consideration by the Joint Independent Audit Committee and then for approval by the Commissioner.</p>
5.2.10	<p>Disposal of Capital and Fixed Assets Amounts received for a disposal in excess of £10,000 are categorised as capital receipts. All disposals of capital and fixed assets with a carrying value of £10,000 or more must be approved by the Treasurer. The disposal will be recorded in the Capital Asset Register maintained by the Finance Department.</p>
5.3	<p>Financial Systems and Standards</p>
5.3.1	<p>Financial Management Standards The Treasurer is responsible for setting the Authority's financial management standards and for monitoring their compliance.</p> <p>The Treasurer is responsible for ensuring proper professional practices and accounting policies are adhered to and to act as head of profession in relation to standards, performance and development of the Commissioner's finance staff.</p>
5.3.2	<p>Systems and Procedures The Treasurer is responsible for keeping principal accounting records of the Authority. Such records will be maintained on the Authority's central financial system. No other system will be used for the keeping of accounting or any other records relating to the Authority's finances without the prior written permission of the Treasurer.</p> <p>The Treasurer, in conjunction with the Head of Finance and Administration, will ensure that all feeder systems and processes to the principal accounting records of the Authority are fully documented with staff trained in their operation. Such systems and processes will incorporate the necessary controls to ensure that the data used to update the principal accounting records is complete, accurate, timely and not previously processed.</p> <p>The Head of Finance and Administration must consult with the Treasurer before introducing or amending any book, form, record, administrative procedure or system used for the keeping of accounting or other records relating to the finances of the Authority and should act on any advice given.</p> <p>The Treasurer will jointly ensure that all accounting records are properly maintained and held securely.</p> <p>Function Heads, as Asset Information Owners, must ensure that all information assets are handled in accordance with the appropriate data protection legislation. This will include assurance that all systems holding personal and financial information provide the relevant technical assurance. Asset Information Owners will ensure that staff are aware of their information security responsibilities and how to process such queries as a Freedom of Information request appropriately.</p>
5.4	<p>Audit, Control and Irregularities</p>

5.4.1	<p>The Independent Audit Committee will review the effectiveness of external and internal audit. These members should be independent of both the Commissioner's Office and the Fire and Rescue Service.</p> <p>Public Sector Audit Appointments Limited (PSAA) is responsible for appointing external auditors for the Commissioner. Mazars LLP have been appointed to audit the accounts until March 2023.</p> <p>The terms of reference for the Independent Audit Committee are available on the Commissioners website and are reviewed and agreed annually setting out the role of the Committee and the responsibilities of its Members.</p> <p>The Treasurer is responsible for reporting to Independent Audit Committee the internal control systems and the internal audit function.</p> <p>The internal audit function will be under the independent control and direction of the Treasurer which shall be arranged to carry out a continuous examination of financial and other operations. An annual programme of work will be set by the Treasurer in consultation with Principal Officers, and approved or otherwise amended by the Joint Independent Audit Committee.</p> <p>Principal Officers will co-operate with, and provide all necessary information for, Internal Audit and the Authority's External Auditor.</p> <p>It is the responsibility of Principal Officers to establish effective and efficient arrangements for internal control. Principal Officers will seek the advice of the Treasurer in those instances of a material nature where the principles of internal control prove difficult to implement or maintain.</p> <p>The Treasurer must be notified immediately of all instances of potential and actual irregularity affecting the finances of the Authority.</p> <p>The Monitoring Officer to the Commissioner is responsible for the development and maintenance of anti-fraud and anti-corruption policies which will identify who is responsible for ensuring compliance and for receiving reports of potential breaches.</p>
5.5	Expenditure
5.5.1	<p>General</p> <p>All payments made on behalf of the Authority will be delegated to and made by the Financial Services Team on behalf of the Treasurer.</p> <p>In making such payments, the Treasurer will, where necessary, rely on the certification of authorised employees.</p>
5.5.2	<p>Procurement of Supplies, Services and Works</p> <p>Each order will conform to the Authority's Contract Standing Orders.</p> <p>Every employee involved in the procurement process will comply with the Staff Code of Conduct Policy.</p>

5.5.3	<p>Payment of Creditors Payments will be made in accordance with the Payment of Invoices Standard Operating Procedures, any proposed changes to which must be reported to the Treasurer for approval.</p>
5.5.4	<p>Advance Accounts The Treasurer will provide such accounts as is considered appropriate for authorised employees to defray petty cash and other expenses.</p>
5.6	Income
5.6.1	<p>Principal Officers are responsible for:</p> <ul style="list-style-type: none"> a) reviewing and making recommendations to the Commissioner about charges that may be made for services provided by the Authority on a non-profit making basis, in accordance with the FRA's powers to charge set out in relevant legislation. b) reviewing and implementing all external fees and charges, to be approved by the Treasurer on an annual basis. <p>The establishment or variation of any such fee or charge that involves a policy change requires approval from the Treasurer.</p> <p>Income Grants and Donation Standards Operating Procedures sets out management arrangements for all monies due to the Authority including:</p> <p>Principal Officers are responsible for ensuring that all cash and cheques received on behalf of the Commissioner are banked promptly and intact and receipted.</p> <p>Principal Officers are responsible for the prompt raising of FRA debtors accounts and for the subsequent collection of the amounts due in accordance with corporate policies on credit management as determined by the Treasurer.</p> <p>The Treasurer may write-off debtors' accounts up to an individual account limit of £10,000. Bad debts exceeding this figure require the approval of the Commissioner.</p>
5.7	Treasury Management
5.7.1	<p>Banking The Treasurer is responsible for arranging the Commissioner's banking arrangements, including opening and closing of bank accounts. The s.4A FRA is a separate corporation sole with precept raising and borrowing powers. As such, the s.4A FRA should have separate banking arrangements from the Police and Crime Commissioner for North Yorkshire and the Chief Constable for North Yorkshire.</p> <p>Payments from the FRA's bank accounts will be authorised in accordance with the appropriate bank account mandates.</p>
5.7.2	<p>Treasury Management The Treasurer is responsible for recommending approval to the Commissioner for the Treasury Management Policy Statement, in line with CIPFA's Code of Practice for</p>

	<p>Treasury Management in Local Authorities and Prudential Code, and the Annual Treasury Management Strategy.</p> <p>The Treasurer is responsible for all Treasury Management activities within the Authority's Treasury Management Policy Statement and Annual Treasury Management Strategy. More specifically, such responsibilities will be carried out in accordance with CIPFA's Code of Practice for Treasury Management in the public services and CIPFA's Prudential Code and will include:</p> <ul style="list-style-type: none"> • to keep under review and to update as required, the Treasury Management Policy Statement for approval by the Commissioner • to prepare and maintain suitable treasury management practices setting out the manner in which treasury management policies and objectives will be achieved and presenting how those activities are managed and controlled • to prepare the Annual Treasury Management Strategy at or before the start of each financial year for approval by the Commissioner • to regularly monitor performance against Borrowing Limits and Prudential Indicators and to seek approval for changes to those limits if applicable • to report the outcome of all Treasury Management activities at least once a year including an annual report for the preceding financial year to the Commissioner
5.7.3	<p>Assets</p> <p>All staff has a general responsibility for taking reasonable action to provide for the security of assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.</p> <p>Principal Officers are responsible for keeping records and assets properly maintained and securely held.</p> <p>Principal Officers are responsible for ensuring that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.</p> <p>The Treasurer may write-off assets with an individual item value of £10,000. Amounts exceeding this figure may not be written-off without the approval of the Commissioner.</p>
5.7.4	<p>Insurance and Risk Management</p> <p>The Treasurer is responsible for arranging appropriate insurance cover for risks which are not self-insured. Where appropriate, this officer will consult with other Principal Officers prior to arranging cover.</p> <p>Except where otherwise provided for in agency agreements, the Deputy Chief Fire Officer will negotiate the settlement of claims with insurers.</p> <p>The Commissioner is responsible for approving the Risk Management Policy Strategy and for reviewing the effectiveness of risk management.</p>

	<p>The Chief Fire Officer is responsible for co-ordinating risk management activity across the fire and rescue service including the allocation of the annual dedicated risk management budget.</p>
5.7.5	<p>Other Funds Principal Officers will maintain records detailing the purpose and nature of all voluntary funds maintained by their staff in the course of their duties within the Authority.</p> <p>Principal Officers will ensure that such funds are operated in accordance with these regulations and any guidance issued by the Treasurer. All employees of the Commissioner acting as trustees by virtue of their official position will ensure that accounts are audited as to the appropriate body.</p>

Appendix C – Financial Definitions

Unless the context requires otherwise the following words, abbreviations and expressions shall have the meaning stated:

“Budget Co-ordinator”	A Function Head who is accountable for the effective management of specific budgets.
“Budget”	The revenue budget and capital programme for the 12 months from April to March.
“Medium Term Financial Plan” or “MTFP”	A rolling four year plan setting out funding and spending plans for both revenue and capital. Reviewed annually.
“Revenue”	Expenditure on resource which is consumed in a period of one year or less.
“Capital”	Expenditure on the acquisition, creation or enhancement of a fixed asset provided it yields benefit to the Authority for more than one year. Capital expenditure enhances the value, usage or life of an asset.
“Budget heads”	Categories of revenue spend specified in the approved budget.
“Standard Operating Procedures”	Additional and more detailed guidance on financial administration issued by the Treasurer.
“Virement”	The transfer of funds from one budget to another, in order to use surplus funds in one area to prevent a potential overspend in another area, or accommodate a change in policy or changes in the levels of activity.

6	CONTRACT REGULATIONS
6.1	Introduction
6.1.1	<p>These Contract Regulations explain the procedures for obtaining written or electronic quotations and tenders from suppliers for the provision of goods, services and works on behalf of the Police, Fire and Crime Commissioner for North Yorkshire Fire and Rescue Authority. They do not apply to the employment of staff nor the acquisition or disposal of the right to use, or an interest in, land or buildings.</p> <p>The procedures in the Contract Regulations apply to all contracts with third parties and to all sub-contracts (where a sub-contractor is specified by the Commissioner to a contractor).</p> <p>The Commissioner’s Financial Regulations, Financial Procedures, Scheme of Delegation and Procurement Policy provide the framework for managing the financial affairs when dealing with the setting up of contracts for services or works, or the purchasing of goods. They apply to every North Yorkshire Fire and Rescue Service</p>

	<p>Principal Officer, Function Heads, Budget Co-ordinators or anyone acting on their behalf.</p> <p>The Contract Regulations should be read in conjunction with the Financial Regulations, Financial Procedures, Scheme of Delegation and Procurement Policy.</p> <p>The financial limits specified within these Contract Regulations are subject to variation from time to time by the Commissioner. Those subject to European Union Directives are presently reviewed by the European Union every two years.</p>						
6.2	How the Commissioner Procures						
6.2.1	<p>The estimated value of goods, services or works for the purpose of these procurement procedures is to be the value of any individual purchases of a particular item, service or building work aggregated over a four year period that could have been reasonably anticipated.</p> <p>All contracts with a value of more that £5,000, exclusive of Value Added Tax (VAT) in total over a four year period shall be entered on the North Yorkshire Fire and Rescue Service Contract Register, which is publicly available via the North Yorkshire Fire and Rescue Service website.</p> <p>In accordance with the Public Procurement Regulations 2015, the Authority shall publish details of all contracts awarded whose value exceeds £25,000 (excluding VAT), irrespective of whether these were advertised in the public domain or not, on the government website https://www.contractsfinder.service.gov.uk (hereinafter referred to as 'Contracts Finder') within 90 days of the contract being awarded.</p> <p>In accordance with the Public Contracts Regulations 2015, and where applicable the Concession Contracts Regulations 2016, the Authority shall publish in the Official Journal of European Union (OJEU) all contracts awarded whose value exceeds the financial thresholds stated in these Regulations for their application.</p> <p>For Goods, Services and Works</p> <table data-bbox="272 1391 1034 1581"> <tr> <td data-bbox="272 1391 539 1447">Under £10,000</td> <td data-bbox="539 1391 1034 1447">It is the Budget Co-ordinators responsibility to ensure best value is achieved</td> </tr> <tr> <td data-bbox="272 1447 539 1496">Between £10,000 and £50,000</td> <td data-bbox="539 1447 1034 1496">A minimum of three written or electronic quotations, which may be in an electronic format, must be sought</td> </tr> <tr> <td data-bbox="272 1496 539 1581">Between £50,001 and OJEU threshold</td> <td data-bbox="539 1496 1034 1581">Procurement involvement is required and a tendering procedure must be followed. OJEU regulations must be complied with.</td> </tr> </table> <p>For All Goods, Services and Works</p> <p>Under £10,000</p> <ul data-bbox="272 1715 935 1765" style="list-style-type: none"> • All purchases require a purchase order. It is the Budget Co-ordinators responsibility to ensure best value is achieved 	Under £10,000	It is the Budget Co-ordinators responsibility to ensure best value is achieved	Between £10,000 and £50,000	A minimum of three written or electronic quotations, which may be in an electronic format, must be sought	Between £50,001 and OJEU threshold	Procurement involvement is required and a tendering procedure must be followed. OJEU regulations must be complied with.
Under £10,000	It is the Budget Co-ordinators responsibility to ensure best value is achieved						
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Between £50,001 and OJEU threshold	Procurement involvement is required and a tendering procedure must be followed. OJEU regulations must be complied with.						

	<ul style="list-style-type: none"> • An Authority purchasing credit card should be used whenever possible for one-off purchases from vendors that have not previously been used by the Authority. <p>Between £10,000 and £50,000</p> <ul style="list-style-type: none"> • A minimum of three written or electronic quotations must be sought and the details of the quotes sent to the purchasing department. Once the decision has been made to take up a quote a purchase order is to be raised via the financial accounting system and the details of the transaction must be recorded by the Budget Holder for inclusion in the local commitment records <p>Between £50,001 and OJEU threshold</p> <ul style="list-style-type: none"> • Procurement involvement is required and a tendering procedure must be followed • The principles of the Business Management Framework should be followed to confirm all relevant stakeholders have been consulted • To ensure budget availability no contract for the supply of goods or services under any lease, hire, rental or any other credit arrangement, where the value of the agreement exceeds £50,001 or contracts that cover more than one financial period can be entered into without: <ul style="list-style-type: none"> (a) Where a decision has been made at a Corporate Management Board or Executive Board. (b) Authority is given by the Treasurer. (c) Confirmation has been sought from the Budget Co-ordinator confirming budget availability and approval.
6.2.2	<p>The tendering procedure will require the specification to be up-loaded into the European Union Bluelight e-Tendering Portal and a notice seeking expressions of interest will be published. This notice will automatically generate where applicable, an advert on the GOV.UK Contracts Finder and an advert in the OJEU, meeting the Authority's obligation to the Government's requirements to advertise the procurement of goods, services or works.</p>
6.2.3	<p>No tendering procedure is required in respect of:</p> <ul style="list-style-type: none"> • Contracts for the purchase of goods of which tenders have been obtained from a purchasing consortium or other recognised Government agency (such as Crown Commercial Services) where the Authority has been identified in any previous procurement exercise undertaken by the consortium or agency • Frameworks but further competition by means of a mini-competition may be required • Contracts for the supply of goods which Government Departments have specified as the type of goods which should be used for a particular purpose and only one supplier of such goods exists • Contracts for the supply of goods or services the price of which is fixed by a trade organisation or Government department and no reasonably suitable alternative is available • Where it can be evidenced that only one supplier is able to carry out the work, service or to supply the goods for the technical reasons or because of exclusive rights

	<ul style="list-style-type: none"> • A contract for the engagement of a Counsel • Subscriptions or fees to Government departments and/or other official organisations such as NFCC, FTA, CIPFA, etc., this list is not exhaustive
6.3	Exemptions to the Contract Procedures
6.3.1	<p>Exemptions to the contract procedures are permitted where it can be proven that it is inefficient or uneconomic to comply with the above requirements. Examples are detailed as:</p> <ul style="list-style-type: none"> • The goods, services or works are unique and provided by only one organisation with no reasonably satisfactory alternatives available • The procurement involves the purchase of proprietary or patented goods or services obtainable from one firm, are sold at a fixed price and no reasonably satisfactory alternative is available • The goods, services or works constitute an extension of an existing contract which is allowed within the contract terms, or the goods/materials, services or works consist of repairs to, or the supply of parts for, existing proprietary plant or equipment and/or where the initial contract value or specification is not fundamentally changed or increased • That new services or works are required which are a repetition of services or works carried out under an original contract • That goods are required as a partial replacement for, or addition to, existing goods or installations and obtaining them from another source would result in issues with compatibility or disproportionate technical difficulties in operation or maintenance • Tenders are invited on behalf of any consortium or collaboration, of which North Yorkshire Fire and Rescue Service is an identified member, in accordance with any method adopted by that body. Where however, a North Yorkshire Fire and Rescue Officer invites tenders on behalf of the consortium the receipt, opening and acceptance of tenders must comply with the Commissioner's Financial Regulations and Finance Procedures or any overriding National or European Union legislation • The goods, services or works are of a sensitive nature (such as security) where publication of the tender documents would constitute a security breach and undermine the effectiveness of the final product
6.3.2	<p>No exemptions will be granted which would result in a breach of European or United Kingdom law. The Budget Co-ordinators must obtain approval to apply ANY exemption to the contract procedures outlined by submitting a request to the procurement department so that the requirement can be assessed and presented to the relevant Function Head and consultation and approval can be sought from the Treasurer.</p>
6.3.3	<p>For procurement projects over £50,000 for all goods, services and works, the Monitoring Officer of the Commissioner or the Treasurer must approve any exemption, prior to any commitment being given by the Authority to any organisation. The procurement department will keep a register of exemptions granted detailing the nature and value of the contract, the circumstances justifying the exemption and the name of the contractor awarded the contract.</p>

6.4	Advertising of Contracts
6.4.1	<p>In accordance with the Public Procurement Regulations 2015, the Authority shall publish details of all forthcoming contract award opportunities whose value exceeds £25,000 (ex-VAT), in total over a four year period, on Contracts Finder.</p> <p>Where the above forthcoming contract award opportunity has been advertised in the public domain or to any class or description of economic operators which is potentially open-ended, with a view to receiving responses from economic operators who wish to be considered for the award of the contract, it must be advertised on Contracts Finder within 24 hours of such advertising being made.</p> <p>In accordance with the Public Contracts Regulations 2015, and where applicable the Concession Contracts Regulations 2016, the Authority shall publish in the OJEU all forthcoming contract award opportunities whose value exceeds the financial thresholds stated in these Regulations for their application, and shall cause these contract award opportunities to also be published on Contracts Finder within 24 hours of being entitled to do so under these Regulations.</p>
6.5	Pre-Quotation/Tender Requirements
6.5.1	<p>Suppliers may be contacted informally without obligation to the Authority before tender or quotations are invited in order to:</p> <ul style="list-style-type: none"> • Establish whether the goods, services or works that the Authority wishes to purchase are available, and within what price range • Assess market conditions should the procurement process require it <p>This must be with the prior knowledge and approval of the procurement department via the procurement service level agreement.</p>
6.5.2	<p>In making enquiries:</p> <ul style="list-style-type: none"> • No information shall be disclosed to one supplier which is not then disclosed to all those of which enquiries are made, or which are subsequently invited to tender or quote • No supplier shall be led to believe that the information they offer will necessarily lead them to be invited to tender or quote, or awarded a contract. All requests for information or quotations either verbal or written must include the words “without obligation” to confirm that the request is for information only • A record, including notes of any meetings held, the responses and the names of all individuals present shall be kept on the files which are associated with that contract
6.5.3	<p>Before obtaining quotations or tenders for a procurement estimated at a value of £25,000 or more, a detailed specification must be prepared by the Budget Co-ordinators, Budget Holder or the project manager acting on the Budget Co-ordinators behalf. The specification is a description of the goods, services or works that the Authority wishes to procure.</p>

	<p>All contracts should incorporate key performance indicators, acceptance criteria and staged payments where appropriate, which should be included in any invitation to tender documentation and also be part of any final contract documentation.</p> <p>All contracts with a value exceeding £1,000,000 shall have a performance bond and be formed by seal unless the Chief Fire Officer, after consultation with the Treasurer provides his express written consent that it is not required.</p> <p>The specification should also consider the life-cycle of the goods, works or services, including any ongoing management costs or arrangements, support and maintenance and disposal or termination at the end of a contract period. This may also include contract performance measures, such as performance bonds, performance clauses, penalties/damages and regard share contracts.</p>
6.6	Procurement Portal
6.6.1	If a supplier wishes to be considered for future North Yorkshire Fire and Rescue Services requirements they can, at no cost, register on the Bluelight e-Tendering Portal https://bluelight.eu-supply.com/
6.6.2	All forthcoming tender award opportunities shall be advertised in accordance with paragraph 6.4.1.
6.6.3	If a supplier is asked to submit a quotation or tender, they will be required to provide sufficient information for North Yorkshire Fire and Rescue Officers to conduct a due diligence assessment on their capacity, capability and financial standing to undertake work on behalf of the Authority. Pre-Qualification Questionnaires where applicable will be issued to help achieve this.
6.7	Invitation and Submission
6.7.1	<p>Instructions must be issued to those organisations invited to submit a quotation or a tender, asking them to complete and return the required documents by a specified date and time. Tenders will be carried out electronically via the Bluelight e-Tendering Portal https://bluelight.eu-supply.com/.</p> <p>Invitation to tender documents will usually contain the following information:</p> <ul style="list-style-type: none"> • Letter of invitation and instructions about the process • Form of tender • Specification and/or schedule of rates • Contract terms and conditions • Any relevant supporting information (drawings, maps, etc.) • All tender submissions shall be evaluated on the basis of quality and price, and the invitation to tender documentation must clearly specify the evaluation criteria together with its accompanying scoring methodology
6.7.2	Completed tenders MUST be submitted on the Bluelight e-Tendering Portal by the date and time specified. Late tenders will not be accepted. Qualified tenders will also not be accepted.

6.7.3	It is important that organisations are given sufficient time to adequately research and compile their bids. This includes enough time to seek accurate estimates from their sub-contractors. The Commissioner's minimum time for return of priced tenders for below European Union threshold procurements is 14 days for date of issue, although best practice suggests that at least 21 days should be allowed. Longer periods can be considered if the nature of the procurement is complex or of a nature where increased time to develop bids will yield a more effective outcome for the Commissioner. All procurements which exceed the European Union thresholds must use the timescales outlined in the Regulations.
6.7.4	The specified time to submit tenders/quotations may be extended in exceptional circumstances provided that all organisations involved in the process are notified of the revised date and time and no potential supplier is disadvantaged by the deadline extension.
6.8	Opening of Tenders
6.8.1	Electronic tenders must be delivered to the designated e-tendering Bluelight e-Tendering Portal by bidders prior to the stated closing date and time set out in the Invitation to Tender. All electronic tender submissions are retained in a virtual 'locked box' until the designated opening time. The Bluelight e-Tendering Portal will hold each submission unopened and with no reference to the contents of the response until the 'box' is opened. An activity log within the procurement portal provides a full audit trail logging any activity, recording the name of the person accessing the box, data and time and any activity undertaken.
6.8.2	The purchasing department, or a person acting with the authority of the Budget Holder, will facilitate the tender opening procedure and ensure that an auditable evaluation process is achieved and the evaluation details are recorded and appropriately archived. The purchasing department will maintain a record of tenders on the Bluelight e-Tendering Portal and in compliance with the Local Government Transparency Code 2015.
6.9	Evaluation of Tenders and Quotations
6.9.1	An evaluation must be made of tenders submitted, comparing the tender sum against the estimate for the goods, services or works prepared in advance of the suppliers being invited to tender. Where errors or discrepancies are found that may affect the tender sum, the tenderer may be notified and afforded an opportunity to confirm the submitted sum without amendment, amend their bid to correct an arithmetical error, or withdraw their bid. A written record of any revisions or withdrawals must be maintained.
6.9.2	The Commissioner evaluates and awards contracts to the suppliers it considers offers the best value having due regard to both price and quality factors. This is sometimes referred to as the 'most economically advantageous tender' and provides for the contract to be awarded to the supplier best able to meet the tender specification.


6.9.3	<p>To ensure fairness the quality criteria (or award criteria) and evaluation method must be clearly defined in the tender documentation. Award criteria will vary depending on the type of contract. Some examples of criteria included are:</p> <ul style="list-style-type: none"> • Technical suitability • Financial viability and stability • Quality systems • Customer care and after sales service • Experience and past performance • Aesthetic and functional characteristics • Delivery date and other management factors • Commitment to Equality and Diversity and Sustainability • The economic, social and environmental well-being of an area (Social Value)
6.9.4	<p>Where tenders exceed the Budget Co-ordinators financial authority or the approved financial budget thresholds, confirmation of funding must be confirmed from the Treasurer before any further proceedings can be taken.</p>
6.10	Post Tender Considerations
6.10.1	<p>After the receipt of tenders, Budget Co-ordinators may need to contact tenderers to clarify technical and contractual information as part of the evaluation process. Any such communication must be confidential and entered into utilising the https://bluelight.eu-supply.com/ message system. Should this not be available then advice should be sought from the purchasing department, or a person acting with the authority of the Budget Holder, on how to proceed so that an audit trail can be maintained.</p>
6.10.2	<p>Any negotiations with a supplier to discuss the pricing or any other allowable aspects of the bid submitted should:</p> <ul style="list-style-type: none"> • Be undertaken only by the purchasing department, or a person acting with the authority of the Budget Holder, in the presence of at least one manager who is not involved in the project, and will act as an independent observer • At the conclusion of negotiations each supplier must be invited to submit a best and final price
6.11	Contract Awards
6.11.1	<p>The award of a contract shall be approved in accordance with the following:</p> <ul style="list-style-type: none"> • By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000 • By the Budget Co-ordinator for contracts with a value of up to £250,000 • By the Treasurer for contracts with a value in excess of £250,000
6.11.2	<p>The successful supplier should be promptly notified that its tender has been accepted by the Authority, and a contract issued for signature. Once it has been signed by the supplier, it should be signed by the Authority in accordance with the following delegated authority:</p>

	<ul style="list-style-type: none"> • By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000 • By the Budget Co-ordinator for contracts with a value of up to £250,000 • By the Treasurer for contracts with a value in excess of £250,000
6.11.3	All unsuccessful tenderers should be notified promptly in writing or via https://bluelight.eu-supply.com/ . All documentation in relation to any quotation or tender exercise should be retained for a period of not less than seven years by either the Budget Co-ordinators, the purchasing department or a person acting with the authority of the Budget Holder.
6.12	Corrupt Practices
6.12.1	<p>In line with the Anti- Fraud and Corruption Policy and the Staff Code of Conduct Policy – Hospitality and Gifts, a clause must be inserted into every written contract ensuring that the Commissioner is entitled to terminate the contract so as to be able to recover from the contract supplier the amount of any loss resulting from termination:</p> <ul style="list-style-type: none"> • If the contract supplier has offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or not doing anything related to the contract or another contract with the Commissioner • For favouring or not favouring any person in relation to such contract, or similar acts have been done by any person employed by the contract supplier or acting on their behalf • If the contract supplier or any person employed by them or acting on their behalf has committed an offence under the Bribery Act 2010 or any amendment of the act • For any fee or reward given, the receipt of which is an offence under the Local Government Act 1972
6.13.	Third Parties
6.13.1	<p>Where it is appropriate for the Authority to purchase goods, services or works under a joint arrangement with a local authority, the prior approval of the Authority is required together with the Chief Fire Officer and the Treasurer being satisfied that the procurement procedures of the partner authority are no less rigorous than these Contract Regulations.</p> <p>Where a consultant, which could be an architect, has been engaged to purchase goods, services or works on behalf of the Authority, the following prior approvals are required as evidence that the Authority is satisfied that the procurement procedures of the consultant are no less rigorous than these Contract Regulations:</p> <ul style="list-style-type: none"> • By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000 • By the Budget Co-ordinator for contracts with a value of up to £250,000 • By the Treasurer for contracts with a value in excess of £250,000






	<p>Where a consultant, which could be an architect, has been engaged to purchase goods, services or works on behalf of the Authority, it shall be a condition of their contract that they shall:</p> <ul style="list-style-type: none"> • Observe the procedures prescribed within these Contract Regulations • Produce on demand, all records maintained by them in relation to the contract • On completion of a contract, transmit such records to the Treasurer or the Monitoring Officer of the Commissioner
6.14	Assignment
6.14.1	In every written contract for the execution of works or the supply of goods or services the contract supplier shall be prohibited from transferring, assigning or novating directly or indirectly to any person or persons whatever, any portion of the contract without the prior written permission of the Commissioner. Sub-letting, other than that which may be customary in the trade concerned, shall be prohibited.
6.15	Sealed Contracts
6.15.1	All contracts and orders shall be made electronically or in writing and made in the name of the Commissioner.
6.16	Term of Contract
6.16.1	The term of the contract may be extended with the approval of the Budget Co-ordinators, if there is provision within the contract terms and conditions to extend and if confirmation of budgetary provision has been agreed by the Budget Co-ordinator or Financial Services Team, Budget Co-ordinators must not approve their own contract extensions. If the contract has already been extended to the full extent within the provisions of the existing contract, it cannot be further extended.
6.16.2	The contract terms cannot be extended where this would result in the value of the contract exceeding the European Union procurement threshold, would make a fundamental change to the contract award previously made or extending the contract period not previously identified in the contract.

Appendix D - North Yorkshire Fire and Rescue Service Values

Our Values - making them personal




NORTH YORKSHIRE
FIRE & RESCUE SERVICE












PEOPLE	RESULTS	INCLUSION	CREATIVITY	LEARNING
We exist to serve the public - we put people first	We achieve positive results	We embrace inclusion	We encourage and promote creativity	We never stop learning
<p>I know, understand and respond to the needs of our communities.</p> <p>I care for my own and others' mental and physical wellbeing.</p> <p>I feel appreciated, confident, safe and supported in my workplace to be my best and true self.</p>	<p>I know the difference I make to the public's ability to be safe and feel safe.</p> <p>I measure and evaluate the outcomes from my work and direct my efforts to where I make the biggest difference.</p> <p>I am accountable and am not afraid to change what isn't working.</p>	<p>I remove barriers that exclude people.</p> <p>I include everyone to bring understanding, make us more responsive and help our workplaces be vibrant.</p> <p>I represent our communities and I reject and fight all discrimination.</p>	<p>I am empowered and encouraged to try new ideas and work with others.</p> <p>I overcome obstacles to achieve the right outcome.</p> <p>I understand our constraints and manage within them, but don't allow them to limit my creativity.</p>	<p>I share my ideas freely and welcome challenge and improvement.</p> <p>I actively develop myself and others.</p> <p>I don't blame if things go wrong: I reflect, evaluate and learn, to become better and stronger.</p>

Our Values - bringing them alive



NORTH YORKSHIRE
FIRE & RESCUE SERVICE

<p>How well do I understand the needs of our communities?</p> <p>What have I done today to respond to the needs of our communities?</p> <p>How have I supported others in my workplace today?</p> <p>How have I shown appreciation for others?</p> <p>Have I really listened to my colleagues today?</p> <p>When was the last time I praised a colleague?</p>	<p>How big a difference am I making to the public?</p> <p>How much am I helping to change things that are not working?</p> <p>When do I only 'just do enough'?</p> <p>How ambitious am I for how great this Service can be?</p> <p>What am I prepared to take responsibility for today?</p> <p>When was the last time I celebrated a positive result?</p>	<p>Have I allowed others to be themselves at work today?</p> <p>How aware am I of the impact of the language that I use?</p> <p>When do I take the opportunity to understand the different needs of my colleagues?</p> <p>How often do I speak up if I see people being excluded?</p> <p>How comfortable am I with being challenged?</p> <p>Am I afraid to be different?</p>	<p>How do I look for ways to keep the public safe?</p> <p>How do I help others to develop their ideas?</p> <p>How respectful am I when someone raises a new idea?</p> <p>Do I hold back from sharing my ideas?</p> <p>Am I resistant to change?</p>	<p>When do I take time to reflect on my experience?</p> <p>What did I learn today that I should share with others?</p> <p>What opportunities do I take to develop myself?</p> <p>When was the last time I changed something because it wasn't working?</p> <p>Have I looked for someone to blame when things went wrong?</p>
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