

TAYSIDE FIRE AND RESCUE



Standing Orders

Scheme of Administration

Financial Regulations

TAYSIDE FIRE AND RESCUE BOARD

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TAYSIDE FIRE AND RESCUE BOARD

SECTION

1 Standing Orders

TAYSIDE FIRE AND RESCUE BOARD

STANDING ORDERS FOR THE REGULATION OF PROCEEDINGS AND BUSINESS OF THE BOARD MADE IN ACCORDANCE WITH PARAGRAPH 8(4) OF THE MID EASTERN COMBINED FIRE SERVICES AREA ADMINISTRATION SCHEME ORDER 1995

Meetings

These Standing Orders are made in terms of Paragraph 8(4) of the Mid Eastern Combined Fire Services Area Administration Scheme Order 1995 and shall apply with effect from 20 May 1996.

- 1 The ordinary meetings of the Board shall be held in accordance with a cycle of meetings to be determined from time to time by the Board.
- 2 All meetings of the Board shall be held at such place and hour as the Board may, from time to time, direct.
- 3 The Clerk to the Board shall call a special meeting of the Board at any time on being required in writing so to do by the Convener of the Board, or on receiving a request in writing for that purpose specifying the business proposed to be transacted at the meeting signed by six members of the Board, which meeting shall be held within fourteen days of receipt of the request and shall deal only with the business specified in the request.
- 4 Notice of the place and time of a meeting of the Board shall be given by or on behalf of the Clerk to the Board (i) by being left at or sent by post to the usual place of residence of every member of the Board or at such other address advised to the Clerk to the Board, or (ii) by such other means as may be deemed appropriate by the Clerk to the Board, at least six days before the meeting or, if the meeting is called at shorter notice, then at the time it is called.
- 5 Unless the Board decide otherwise, the taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings, or the making of any oral report on any proceedings as they take place, shall not be permitted.
- 6 Smoking shall not be permitted at meetings of the Board.

Quorum

- 7 No business shall be transacted at a meeting of the Board unless six members of the Board are present provided that the members present shall not all be members appointed by the same constituent authority. When the business before the Board is of a judicial, quasi-judicial or similar nature, no member shall participate in the taking of a decision on an item of business unless they have been present during consideration of the whole item.
- 8 No business shall be transacted at a meeting of a Sub-Committee of the Board unless one-third of the Sub-Committee members are present, provided that they shall not all be members appointed to the Board by the same constituent authority.

9. If within five minutes of the time appointed for a meeting of the Board a quorum be not present, the Convener shall adjourn the meeting to a time he or she may then or afterwards fix and in the event of the Convener being among those absent, the Clerk to the Board shall minute that owing to the lack of the necessary quorum, no business was transacted.
10. An item of business shall not be considered at a meeting of the Board unless either:-
 - (a) a copy of the agenda including reports (but excluding those reports which, in the option of the Clerk to the Board should not be considered while the meeting is open to the public as provided for in terms of Section 50B(2) of the Local Government (Scotland) Act 1973 – see Appendix to these Standing Orders) is open to inspection by members of the public at the offices of the constituent authorities for at least three days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
 - (b) by reason of special circumstances, which shall be specified in the minutes, the Convener of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Order of Business

11. The order of business at every meeting of the Board shall be as follows:-
 - (a) The Convener, or in the absence of the Convener, a Vice-Convener, shall preside. If all are absent, the Board shall appoint another member of the Board to preside.
 - (b) The sederunt shall be taken.
 - (c) Deputations.
 - (d) The Minute of the previous meeting shall be submitted for confirmation.
 - (e) Minutes of Sub-Committees.
 - (f) Motions, in respect of which formal notice has been given in terms of Standing Order 18, in the order in which they have been received.
 - (g) Business contained in the agenda for the meeting.
 - (h) Business expressly required by Statute.
 - (i) Any correspondence, communications and other business specially brought forward by direction of the Convener as a matter of urgency.
12. The Board may at any meeting vary the order of business.

Convener Duties

13. When the Convener rises to speak, any member addressing the meeting shall resume their seat. It shall be the duty of the Convener to preserve order. The Convener shall decide all matters of procedure, competency and relevancy.

- 14 The Convener's ruling shall be final and shall not be open to discussion and the Convener shall be entitled, in the event of disorder arising, to adjourn the meeting to a time fixed then or decided afterwards, and vacating the Chair shall indicate that the meeting is adjourned.
- 15 The Convener shall have a second or casting vote except in relation to appointment of a member of the Board to any particular office or Sub-Committee in which case the decision shall be by lot.
- 16 The Convener shall decide between two or more members of the Board to speak by calling on the member who first caught his eye.

Adjournment

- 17 The Board may, at any of their meetings, adjourn the same to such date as they may then fix, failing which the Convener, or in his absence the Clerk, following consultation with the Vice-Convener, may thereafter fix.
- 18 A motion for the adjournment of the meeting may be made at any time (not being in the course of a speech) and should have precedence over all other motions. It shall be moved and seconded without discussion, and shall forthwith be put to the meeting.

Notice of Motions

- 19 Notice of a motion which any member intends to propose at a meeting of the Board shall be in writing and, except as provided in Standing Order No 20, shall be signed by the member of the Board giving the notice and counter-signed by at least one other member. This shall not apply to motions arising from business which is on an agenda.
- 20 Notice of a motion which has not been received by the Clerk to the Board by 12 o'clock in the afternoon of the fourteenth day prior to the day fixed for any meeting of the Board, shall not be included in the agenda for such meeting and shall not be moved at such meeting.
- 21 The foregoing provision shall not apply in a case where the Convener decides, in terms of Section 50B(4)(b) of the Local Government (Scotland) Act 1973, that the matter is one of urgency.
- 22 The decision of the Board contained in the Minutes shall continue to be operative and binding upon the Board and no motion or resolution inconsistent therewith shall be entertained within six months thereafter unless notice to rescind has been given in terms of Standing Order 18.

Debates

- 23 Every motion or amendment shall be relevant to the agenda of business and shall be moved and seconded.
- 24 A member of the Board shall stand when speaking and shall address the Convener of the meeting.

- 25 A member who speaks shall speak only to the matter under discussion or to a point of order. When a member raises a point of order, the other member speaking shall resume his/her seat until the point of order has been decided by the Convener.
- 26 No member may speak for more than five minutes at any one time in a debate except by permission of the Convener.
- 27 Subject to the right of the mover of a motion to reply, a member shall not speak more than once on the same issue at any meeting of the Board, except on a point of order, or with the permission of the Convener, in explanation or to clear up a misunderstanding in regard to some material part of his/her speech, in which case he/she shall introduce no new matter.
- 28 The mover of an original motion shall have a right of reply, but he/she shall introduce no new matter, and, after he/she has commenced his/her reply, no other member shall speak on the issue except as provided in Standing Order 24.
- 29 After the mover of a motion has been called on by the Convener to reply, no other member shall speak to the matter.
- 30 A motion or amendment once moved and seconded, shall not be withdrawn without the consent of the mover and seconder thereof.
- 31 Every amendment must be relative to the motion but such amendment must be substantially different from the first amendment.
- 32 Where an amendment upon an original motion has been moved and seconded, no further amendment shall be moved until the result of the first amendment has been determined. If an amendment be rejected, further amendments to the original motion may be moved. If any amendment is carried, such amendment shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 33 A motion that the debate be now adjourned, or that the question be now put, or that the meeting now pass to the next business may be made at any stage of the debate and such motion, if seconded, shall be the subject of a vote without further debate.

Obstructive and Offensive Conduct

- 34 In the event of any member at any Board meeting disregarding the authority of the Convener, or being guilty of obstructive or offensive conduct, a motion may be thereupon moved and seconded to suspend each member for the remainder of the sitting and, if supported by a majority of the members present such motion shall be declared carried. The motion shall be put without discussion and, if it be carried as aforesaid, the Clerk to the Board or any other specified person or persons shall act on such orders as may be received from the Convener in pursuance of such resolution.

Declarations of Interest

- 35 Members should consider whether they have, in terms of the Councillors' Code of Conduct, a financial or non-financial interest in any matter and if so should declare that interest. A member who has declared such an interest shall leave the meeting room when that matter is under consideration unless the Board otherwise decide or the requirement to declare an interest has been removed or excluded by way of a dispensation issued by the Standards Commission for Scotland. Members who consider that, in terms of the Councillors' Code of Conduct, they have a non-financial interest in any matter, but who deem that such an interest is not significant may continue to take part in the proceedings.

Voting

- 36 Voting shall be taken by calling the roll of those present and voting shall be recorded in the Minutes.

Appointments etc of Staff

- 37 Where there are two or more candidates for the appointment of a member of staff, voting shall be by ballot. If the first ballot does not produce an absolute or overall majority of votes in favour of one candidate, the candidate having the least number of votes shall be struck off the list and a fresh ballot as between the remaining candidates shall take place and so on until there is an absolute majority of votes in favour of one candidate.
- 38 If any question arises at a meeting of the Board as to the appointment, promotion, dismissal, salary or conditions of service, or as to the conduct of any person employed by the Board, the Board shall forthwith consider to meet in private.
- 39 Canvassing of members of the Board directly or indirectly in connection with any appointment under the Board, shall disqualify the candidate. The purport of this order shall be stated in any advertisement and form of application issued.

Sub-Committees

- 40 The Board may appoint such Sub-Committees as they consider necessary and shall specify the terms of reference and the extent of delegation to such Sub-Committees and Officers for the purpose of arranging for the discharge of the functions of the Board.
- 41 Any member may, at a meeting of the Board, ask a question on any matter arising out of the business of a Sub-Committee which is on the agenda but where such matter is delegated to the Sub-Committee, it shall not be competent to move a resolution in respect thereof.
- 42 The Standing Orders of the Board shall also apply, so far as relevant, to Sub-Committees.

Contracts

- 43 With respect to proposed contracts for the execution of works, the provision of services, or for the supply of goods or materials, the following provisions shall apply relating to securing competition for such contracts and for regulating the manner in which tenders are invited.
- 44 With respect to proposed contracts, the Chief Fire Officer shall ensure, in consultation with the Clerk and Treasurer to the Board that, where applicable, the provisions of the Local Government Planning and Land Act 1980, the Local Government Act 1988, all subsequent relevant legislation and any orders, regulations or directions made thereunder and, where applicable, the provisions of the Public Works Contracts Regulations 1991, the Public Supply Contracts Regulations 1995, the Utilities Supply and Works Contracts Regulations 1992 and the Public Services Contracts Regulations 1993 and the Public Contracts (Works, Services and Supplies) (Amendment) Regulations 2000, shall be applied with respect to the securing of competition for such tenders.
- 45 There shall be prepared and submitted to the Board, a Scheme relating to tender and contract procedures and such procedures, once approved and adopted by the Board, shall be observed by all members and Officers of the Board and shall be deemed to be part of these Standing Orders. Any revisions or alterations to the said tender and contract procedures shall require to be approved by the Board.

Suspension and Alteration of Standing Orders, etc

- 46 So far as not inconsistent with any statutory provisions, any one or more of the Standing Orders may be suspended at any meeting, but so far only as regards the business at such a meeting, provided that two-thirds of the members of the Board present so decide.
- 47 No alteration of the Standing Orders shall be made without notice given at one meeting of the Board to be discussed at the following one, and shall not be effected except in a resolution adopted by a majority of the members present and voting.
- 48 The Board shall have a Common Seal which shall be kept by the Clerk to the Board who shall be responsible for its safe custody.

**CATEGORIES OF EXEMPT INFORMATION IN TERMS OF SCHEDULE 7A TO
THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

(Subject to the Qualifications and Interpretations set out in the Schedule)

1. Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under the authority.
2. Information relating to any particular occupier of former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
3. Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
4. Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
5. Information relating to the adoption, care, fostering or education of any particular child or relating to the supervision or residence of any particular child in accordance with a supervision requirement made in respect of that child under the Social Work (Scotland) Act 1968.
6. Information relating to the financial or business affairs of any particular person (other than the authority).
7. Information relating to anything done or to be done in respect of any particular person for the purposes of any of the matters referred to in Section 27(1) of the Social Work (Scotland) Act 1968 (providing reports on and supervision of certain persons).
8. The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
9. Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
10. The identity of the authority (as well as any other person, by virtue of paragraph 6 above) as the person offering any particular tender for a contract for the supply of goods or services.
11. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
12. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with –
 - (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority

(whether in either case, proceedings have been commenced or are in contemplation).

13. Information which, if disclosed to the public, would reveal that the authority proposes -
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
14. Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
15. The identity of a protected informant.

TAYSIDE FIRE AND RESCUE BOARD

SECTION

2 Scheme of Administration

TAYSIDE FIRE BOARD
SCHEME OF ADMINISTRATION

PART 1 – PRELIMINARY

1.0 COMMENCEMENT, INTERPRETATION AND ALTERATION OF THE SCHEME OF ADMINISTRATION

1.1 Commencement of Scheme

The Scheme shall commence and have effect from 20 May 1996.

1.2 Interpretation of Scheme

In the Scheme the following words shall have the meanings assigned to them, that is to say:

“the Act” means the Local Government (Scotland) Act 1973, as amended;
“Board” means the Tayside Fire and Rescue Board.

Subject to the foregoing provisions of this paragraph, the Interpretation Act 1978 shall apply to the interpretation of the Scheme as it applies to the interpretation of an Act of Parliament.

1.3 Alteration of Scheme

Subject to the provisions of the Act, the Board shall be entitled to amend, vary or revoke the Scheme from time to time.

PART 2 – PROVISIONS RELATING TO THE BOARD

2.0 GENERAL PROVISIONS REGULATING THE BOARD

2.1 Appointment etc of Sub-Committees

The Board may appoint from its membership such Sub-Committees as it may from time to time consider necessary or desirable *as set out in the Appendix* to this Scheme of Administration.

2.2 Political Representation

Members of Sub-Committees shall be appointed having regard, so far as is reasonably possible, to the political groups represented on the Board.

2.3 Casual Vacancies

Casual vacancies occurring in any sub-Committee shall be filled as soon as may be possible by the Board after the vacancy takes place.

2.4 Sub-Committees – Terms of Reference

The Board may at any time review a Sub-Committee's Terms of Reference and direct that a function should be specifically excluded from delegation to a Sub-Committee.

A Sub-Committee may, in making any decision upon a matter which has been delegated to it by the Scheme, agree that the decision should be in the form of a recommendation to the Board for its approval or that the decision should be referred simpliciter to the Board for its decision.

2.5 General Exclusions from Delegation to Sub-Committees

The following shall be excluded from delegation to any Sub-Committee:

- 1 formulation of strategic policy objectives and priorities;
- 2 the approval of the annual budget of (a) revenue expenditure and (b) capital expenditure;
- 3 the approval of any matter involving the incurring of expenditure not provided for in the annual budget of the Board;
- 4 the making, alteration or revocation of Standing Orders and the Scheme of Administration;
- 5 proposals for the promotion of, or opposition to, parliamentary powers; and
- 6 approval of the certified version of the Board's accounts and the external Auditor's report.

PART 3 – DELEGATION TO OFFICIALS

The following delegations are made to Officials:

3.0 CHIEF FIRE OFFICER

3.0.1 General

The Chief Fire Officer is authorised to take such measures as may be required in emergency situations, subject to advising the Convener, where possible, and to reporting to the Board as soon as possible thereafter, on any items for which Board approval would normally be necessary.

3.0.2 Proper Officer

The Chief Fire Officer shall consult with the Clerk for the purposes of Section 50D of the Act (Inspection of Background Papers).

3.0.3 Human Resources

- 1 The Chief Fire Officer may in accordance with the Board's recruitment procedure, appoint staff to Tayside Fire and Rescue so long as such appointments are within the approved establishment and approved estimates of expenditure.
- 2 The Chief Fire Officer may amend the non-uniformed establishment of Tayside Fire and Rescue in respect of the number and grading of posts provided the Treasurer has been consulted and has confirmed that the cost of the amended establishment can be contained within Tayside Fire and Rescue's expenditure limit in the current and subsequent financial years.
- 3 The Chief Fire Officer may authorise any member of staff to attend conferences or courses within the United Kingdom relating to the duties of such member of staff provided appropriate allowance is made in the approved estimates of expenditure.
- 4 The Chief Fire Officer may attend, and may authorise the attendance of staff at meetings of appropriate local authority professional associations.
- 5.1 The Chief Fire Officer; Deputy Chief Fire Officer; Assistant Chief Fire Officer and Area Managers or equivalent, in accordance with the Board's agreed procedures, may
 - (i) consider grievances or take disciplinary action as appropriate, including dismissal, and
 - (ii) dismiss for any of the other grounds specified in sub-sections (1) and (2) of section 98 of the Employment Rights Act 1996
- 5.2 The Chief Fire Officer; Deputy Chief Fire Officer and Assistant Chief Fire Officer may consider, determine and dispose of any appeal, pursued in accordance with the Board's agreed procedures.
- 6 The Chief Fire Officer may grant paid compassionate leave or unpaid special leave of absence to any employee of Tayside Fire and Rescue.

- 7 The Chief Fire Officer may, following consultation and agreement with the Treasurer, approve the payment of honoraria to any employee in Tayside Fire and Rescue.
- 8 The Chief Fire Officer may, in consultation with the Treasurer, approve the voluntary termination, early retiral or ill-health retiral of any employee in Tayside Fire and Rescue provided the terms and conditions relating to the termination or retirement are in accordance with the relevant Board policy.
- 9 The Chief Fire Officer may grant permission for uniformed employees, other than those on the retained duty system, to hold another office or employment for gain or reward, subject to suitable conditions.
- 10 The Chief Fire Officer may make decisions on the level of sick pay for uniformed employees in accordance with National Joint Council Circular NJC/10/02.

3.0.4 Finance

- 1 Subject to Standing Orders, the financial management of Tayside Fire and Rescue is delegated to the Chief Fire Officer.
- 2 The Chief Fire Officer may, through procedures agreed with the Treasurer, transfer amounts between budget heads provided that, as a result of all such transfers, the amount of budget head is not increased or decreased by any more than 10 per cent within a single financial year.
- 3 The Chief Fire Officer, in consultation with the Treasurer, is authorised to operate a Contract Car Hire Scheme for Tayside Fire and Rescue.

3.1 TREASURER

The Treasurer is authorised:

- 1 To make arrangements for the collection, payment and recovery of all income due to the Board.
- 2 To make arrangements to sign or to authorise the signature of cheques and other instruments of payment on behalf of the Board in respect of authorised expenditure.
- 3 To make the necessary arrangements in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities for duly authorised borrowing and lending in terms of Schedule 3 to the Local Government (Scotland) Act 1975.
- 4 To act as Registrar of Stocks, Bonds and Mortgages.
- 5 Without prejudice to Section 69 of the Act, to act for the purposes of Section 95 of the Act as the Proper Officer responsible for the financial affairs of the Board in accordance with the arrangements made or to be made by the Board for the proper administration of such affairs.

3.2 CLERK

The Clerk is authorised:

3.2.1 General

- 1 To act as the Proper Officer for the purposes of the Act.
- 2 To institute, defend or appear in any legal proceedings or any inquiry held by or on behalf of any Minister or public body under any enactment (including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority) and to appoint or consult with Counsel, where it is considered expedient to do so for the promotion or protection of the Board's interests.
- 3 To execute, publish or serve on any person or body, any notice, direction, order, licence, summons, writ or other document which the Board is required or authorised to execute, publish or serve under the Act or any other Act or any regulation or order thereunder, other than where the execution, publication or service of any document has been delegated by the Board to the Chief Fire Officer. This power is to be exercised after consultation with the Chief Fire Officer.
- 4 To act as the Proper Officer in terms of Section 194(1) of the Act and to sign all deeds and documents, including stock certificates, bonds and mortgages, where these require to be sealed with the common seal of the Board. This authority cannot be delegated further.
- 5 To act as the Proper Officer for the purposes of Section 2 (politically restricted posts) and of the Local Government and Housing Act 1989 and Regulation 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 (members' interests).

3.2.2 Finance

- 1 To determine ex gratia payments in respect of claims against the Board of up to £5,000. This power is to be exercised in conjunction with the Chief Fire Officer and Treasurer.

PART 4 – TENDER AND CONTRACT PROCEDURES

4.0 CONTRACT TENDERING PROCEDURES

- 4.1 The following procedures are subject to all applicable EU and UK legislation that is current at the time of tendering.

At the time of writing the current legislation is;

Public Contracts Directive 2004/18/EC
Utility Contracts Directive 2004/17/EC
Directive 2007/66/EC Remedies Directive
Threshold Amendments – Regulation 1177/2009
Statutory Instrument 2006 No. 5

Any queries regarding the application of these provisions should always be referred to the Clerk for determination.

4.2 Competitive Tenders

Where appropriate, the Board will follow the recognised procurement procedure as approved within Tayside Fire and Rescue.

All goods, where the annual spend on that commodity totals £30,000 or more, shall be purchased via a Contract arranged through the Procurement Department.

Where the annual spend on the commodity is between £1,000 and £30,000 it will be at the discretion of the Chief Fire Officer whether a contract should be used. However if it is decided not to pursue a contract then quotes should be obtained using <http://www.publiccontractsscotland.gov.uk/> on the “quick quotes” system.

For spends of less than £1000, 3 quotes should be obtained.

- 4.8 All Contracts shall be in accordance with current legislation at the time of tendering. Contracts which fall over the EU thresholds for goods and services, and, also for works, will be approved through the capital planning process by Tayside Fire and Rescue management team.

- 4.9 With regard to Best Practice and the maximising of collaborative procurement opportunities, all options to use existing contracts available to Tayside Fire and Rescue will be explored in the first instance.

4.10 Compliance with Legislation

Where a contract is entered into with a supplier, Tayside Fire and Rescue will require proof of compliance with current Equality, Health & Safety and Employment legislation.

4.11 Instructions to Tenderers

Tenders shall be advertised and receipted in accordance with current procurement legislation. At the time of writing all tenders shall be advertised on www.publiccontractsscotland.gov.uk.

4.12 Receipt of Tenders

Tenders shall be received electronically via the above site with all access electronically monitored and time stamped. Tenders shall be opened by the Procurement Manager and/or a nominated member of staff.

4.13 Checking and Reporting on Tenders

The evaluation method shall have been advertised in the initial tender. The evaluation of each tender shall be undertaken by the procurement manager and another qualified person.

Tenders shall only be awarded using either of the following criteria:

- a) Lowest Price
- b) Most economically advantageous tender

A record of tender evaluation shall be kept for a minimum of the contract term. All tender awards shall be carried out in accordance with current legislation and all standstill periods etc shall be observed where applicable.

4.14 Acceptance of Tenders

Tenders shall be accepted and signed on behalf of the Board by the Chief Fire Officer and the Procurement Manager.

4.15 Acquisition and Disposal of Land and Buildings

Any proposals regarding the possible acquisition, development, disposal or change of use of lands or buildings shall be the subject of a report to the Board.

APPOINTMENT OF SUB-COMMITTEES

PERFORMANCE MONITORING SUB-COMMITTEE

1.0 MEMBERSHIP

The Sub-Committee shall comprise nine members of the Board, being the Convener and the two Vice-Conveners of the Board, plus two additional members from each of the constituent Councils to the Board.

2.0 TERMS OF REFERENCE

It shall be referred, but not delegated, to the Sub-Committee to consider the following :-

2.1 Corporate Governance

To support the Board in reviewing the effectiveness of Tayside Fire and Rescue's processes of Corporate Governance to enable it to implement best practices as set out in the appropriate guidance.

2.2 Internal Control

To support the Board by ensuring that adequate reviews are carried out of the brigade's key controls and procedures (financial and non-financial), and that special investigations, if required, are also carried out.

2.3 Compliance with Legislation and Internal Policies

- To review adherence to management policies and directives
- To verify that mechanisms are in place to ensure compliance with statutory requirements, financial and otherwise.

2.4 Financial Statements

To review the Statement of Accounts prior to submission to Audit Scotland.

To receive during the course of the year reports which may impact on the accounts and the financial position of the Board.

To consider the proposed revenue and capital budgets and authorise the setting of these budgets as adequate for the efficient running of Tayside Fire and Rescue.

2.5 External Audit

To consider the appointment and performance of the external auditor, the proposed audit fee and any questions of resignation or dismissal.

To consider, in conjunction with the external auditor the long term approach to the audit of the Board. On an annual basis, prior to the audit commencing, approve the Audit Planning Memorandum, with particular reference to its nature, scope, emphasis and priorities.

To consider any problems or reservations arising from the external auditors work and any other matters which the auditor may wish to bring to the attention of the Sub-Committee.

To consider the contents of any report issued by the auditor and the Boards responses to the auditor's action plans.

2.6 Risk

To review the effectiveness of systems for the assessment and management of material areas of risk within Tayside Fire and Rescue and monitor their maintenance and development.

TAYSIDE FIRE AND RESCUE BOARD

SECTION

3 Financial Regulations

TAYSIDE FIRE AND RESCUE BOARD

FINANCIAL REGULATIONS

1 INTRODUCTION

The Treasurer is the Financial Adviser to the Board and its Sub-Committees.

Subject to Standing Orders, the financial management of Tayside Fire and Rescue is delegated to the Chief Fire Officer.

2 ANNUAL ESTIMATES

2.1 Revenue Budget

The Chief Fire Officer in consultation with the Treasurer, shall submit a provisional Revenue Budget to the Board each year within a timetable set by the Treasurer.

Provisional Revenue Budgets and the Reserves Strategy shall be reviewed as to their accuracy and adequacy by such procedure as the Fire and Rescue Board shall determine in each year.

2.2 Capital Expenditure Financial Plans

The Fire and Rescue Board will receive an annual grant for capital expenditure. In addition the Board will be able to borrow to finance additional capital investment if that borrowing is affordable and sustainable in accordance with The Prudential Code for Capital Finance in Local Authorities.

The Board shall be permitted to use capital receipts to fund capital spending and to carry forward any unused capital receipts at the end of each financial year up to a limit of 5% of the capital grant, without any further approval, and up to 10% with specific approval from the Scottish Government.

As the borrowing consent allocation is replaced by cash grants, local authorities will no longer incur loan charges on future schemes and Scottish Government funding for this purpose will be limited to support for past debt.

The principle advantage of the proposed framework is that it will allow schemes which will save money over time and/or provide better services to proceed, provided they are affordable. The fundamental objective in the consideration of affordability of the Board's capital plans is to ensure that the total capital investment of Tayside Fire and Rescue remains within sustainable limits, and in particular to consider its impact on the Board's constituent council requisitions.

The Chief Fire Officer in conjunction with the Treasurer and within a timetable laid down by the Treasurer shall submit to the Performance Monitoring Sub-Committee a draft Capital Expenditure Financial Plan. Thereafter and once confirmation of the final capital funding for the year has been confirmed the final plan will be submitted to the Fire and Rescue Board for approval.

2.2 Review of Charges

The Chief Fire Officer is authorised to fix and periodically (but not less frequently than annually) review the scales of charges operated by Tayside Fire and Rescue as part of the overall Revenue Budget process.

3 ACCOUNTING PROCEDURES

3.1 Accounting Records

The Chief Fire Officer is responsible for the maintenance and supervision of Tayside Fire and Rescue's accounting records under overall arrangements approved by the Treasurer.

3.2 Annual Accounts of the Board

The Treasurer shall ensure that all the Accounts of the Board are made up and balanced as soon as practicable after the end of each financial year.

4 REVENUE EXPENDITURE

4.1 Virement Rules and Procedures

The following rules and procedures must be applied by the Chief Fire Officer when operating virement (the transfer of budgetary provision from one budget head to another within a financial year).

- 1 No virement proposal should involve the introduction of a new policy or a significant variation from existing policy without the prior approval of the Fire and Rescue Board.
- 2 No virement proposal should commit the Board to expenditure beyond the current financial year without the prior approval of the Board.
- 3 No virement proposal should add to the permanent establishment of Tayside Fire and Rescue without the prior approval of the Board.
- 4 No virement may be made from Capital Financing Costs without prior consultation with the Treasurer.

Virement thresholds are determined in the Board's Scheme of Administration.

4.2 Revenue Monitoring

The Chief Fire Officer shall report to the Treasurer periodically (on a timetable to be agreed between the Treasurer and the Chief Fire Officer) on the projected expenditure of Tayside Fire and Rescue.

5 INCOME

The Chief Fire Officer shall make proper arrangements for the billing and collection of all monies and income due to the Board, under overall arrangements approved by the Treasurer.

No income or other debt due to the Board will be written off without the approval of the Performance Monitoring Sub-Committee.

6 CAPITAL EXPENDITURE

The Chief Fire Officer in conjunction with the Treasurer and within a timetable laid down by the Treasurer shall submit to the Performance Monitoring Sub-Committee a draft Capital Expenditure Financial Plan. Thereafter and once confirmation of the final capital funding for the year has been confirmed the final plan will be submitted to the Fire and Rescue Board for approval.

The Plan will include high level categories of expenditure, however the Chief Fire Officer will have a degree of flexibility within the overall limits of the Plan to spend capital funding as is necessary to maintain service delivery. These variations will be governed by the Chief Officers delegated responsibility as detailed within the Scheme of Administration.

7 EXPENDITURE NOT PROVIDED FOR IN ESTIMATES

The Chief Fire Officer may incur expenditure (whether capital or revenue) which, after consultation with the Treasurer, he considers essential in the interest of the Board, and which being of an emergency nature, cannot await consideration by the Board. Any such occurrence shall be reported for information to subsequent meetings of the Fire and Rescue Board.

8 INTERNAL AUDIT

The Treasurer will make arrangements for the Internal Audit of the Accounts of the Board. The Board's Internal Auditors shall have access at all times to the books, accounts, invoices and other documents and records relating to the income and expenditure of the Board and shall be entitled to call for such explanations and background reports as deemed necessary.

Any member of the Board or of its staff discovering any suspected fraud or irregularity in the financial transactions of the Board shall inform the Chief Fire Officer and the Treasurer who will take appropriate action.

9 BORROWING/TREASURY MANAGEMENT

The Treasurer will arrange for the borrowing of such sums as may be required from time to time by the Board.

The Treasurer shall be required to act in accordance with CIPFA's "Code of Practice for Treasury Management in Local Authorities".

10 RULES AND PROCEDURES RELATING TO FINANCIAL SYSTEMS ETC

The Treasurer shall make rules and determine procedures he/she considers should be followed in order to provide and maintain satisfactory financial systems and to secure the proper administration of the Board's financial affairs.

11 DISPOSAL OF SURPLUS GOODS AND MATERIALS

All surplus goods and materials shall be disposed of in accordance with Tayside Fire and Rescue "Disposal of Goods" strategy.

12 BANKING AND CONTROL OF CHEQUES

The Treasurer shall authorise the creation and closure of any account.

The daily management and operation of accounts shall be delegated to the Chief Fire Officer subject to the Treasurer being satisfied with the control systems in place.

Personal cheques shall not be cashed out of money held on behalf of the Board. No income or other debt due to the Board will be written off without the approval of the Performance Monitoring Sub-Committee.

13 IMPREST ACCOUNTS

The Chief Fire Officer may arrange for separate imprest accounts subject to the Treasurer being satisfied regarding the conditions and controls on items which might be paid from these accounts.

14 STOCKS AND EQUIPMENT IN USE

The Chief Fire Officer is responsible for the management and safe custody of stocks and equipment subject to the Treasurer being satisfied that the systems which are in place for regulating stocks and writing off deficiencies are in accordance with best practice.

Stock reconciliation will be carried out on a continuous basis within Tayside Fire and Rescue.

15 INSURANCE AND RISK MANAGEMENT

The Chief Fire Officer and Treasurer should advise the Board on appropriate arrangements for insurance. Implementation of these arrangements is delegated to the Chief Fire Officer.

16 CONTRACT PROCEDURES

16.1 Contract procedures will be in accordance with the Scheme of Administration.

16.2 Appointment of Private Architects, Surveyors and Consultants

All private Architects, Surveyors and other Consultants will be subject to the relevant Financial Regulations of the Board in carrying out work on behalf of the Board. A copy of the appointment documents of the private Architect, Surveyors or other Consultant shall be sent to the Treasurer, together with a note of the estimated fee.

16.3 Final Measurements

All Final Measurements shall be in accordance with the contract document and shall be submitted to the Chief Fire Officer. Should the Final Measurement of a contract exceed the original contract price together with the approved variations and fluctuations under the terms of the contract, a report shall be submitted by the Chief Fire Officer to the Performance Monitoring Sub-Committee detailing the reasons for the overspending. In the above circumstances no payment in excess of the contract price, together with the approved variation plus fluctuation under the terms of the contract will be made until the approval of the Performance Monitoring Sub-Committee is obtained.

16.4 Payments by Certificate

Where contract conditions require, payments must be made on certificates.

16.5 Contracts Register

The Chief Fire Officer shall maintain a Contract Register in respect of all contracts.

Detailed accounting arrangements shall be issued by the Treasurer.