

**COMBINED AUTHORITY CONSTITUTION REVIEW**

**Report of the Interim Deputy Monitoring Officer**

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**1.0 Purpose of the Report**

- 1.1 This report deals with amendments to the constitution of the Combined Authority, made further to the Meeting of 22 January 2024 and also proposes further consequential amendments.

**2.0 Recommendations**

- 2.1 That the Combined Authority considers the points raised in the feedback of City of York Council (see Appendix A), with provision for the Interim Deputy Monitoring Officer to make any agreed amendments to the constitution arising from the feedback. In addition, North Yorkshire Council's Transition (LGR) Overview and Scrutiny Committee are considering the report and may provide feedback to the Combined Authority, their meeting is due to take place on 11 March 2024, therefore, any feedback will be reported back to the Combined Authority at the meeting.
- 2.2 That the Combined Authority ask the Audit and Governance Committee to form a working group to consider any proposed amendments within Appendix A as part of a review of the constitution, with any completed review being brought back to the Combined Authority for further consideration.
- 2.3 To approve the proposed amendments to the constitution within the section entitled Combined Authority Officer feedback within this report.
- 2.4 To approve the addition of Part 9 of the constitution, with provision for the Interim Deputy Monitoring Officer to make any amendments agreed by the Combined Authority.
- 2.5 That the Interim Monitoring Officer is delegated the ability to make amendments to the constitution which may arise from the 18 March 2024 until the Combined Authority's next Meeting in June 2024 to ensure that the Combined Authority is operating in a safe and legal manner. Such amendments will be made after the Interim Monitoring Officer has consulted with the Lead Members of the Combined Authority, and the Mayor (if such amendment is required after 7 May 2024) and then reported back to the next Combined Authority Meeting.

**3.0 Background**

3.1 The Combined Authority is the legal and accountable body for the funding devolved and awarded to it. In addition, the Combined Authority is the Local Transport Authority for York and North Yorkshire. A link to the current constitution dated January 2024 can be found at the end of this report, which includes any amendments made by the Combined Authority at their Meeting on 22 January 2024.

3.2 Members will be aware that at the January Combined Authority Meeting, some feedback from City of York Council was deferred until the March 2024 Combined Authority Meeting. In addition, Part 9, which relates to Police and Crime functions was also deferred. Finally, during the last 2 months of the Combined Authority coming into being, Officers have asked for Members to consider amendments to the constitution, which impacts upon the day-to-day workings of the Combined Authority.

#### **4.0 City of York Council Feedback**

4.1 City of York Council, at their Joint Audit and Governance and Scrutiny Committee in January 2024, provided a list of feedback upon their review of the Constitution, which at that time, was in draft form.

4.2 The Joint Committee have since convened again to complete their review and have provided further feedback for consideration by the Combined Authority. The table at Appendix A sets out the initial feedback, with their further comments outlined in green.

4.3 The Interim Deputy Monitoring Officer has also added, where necessary, further guidance for Members, in order to aid them with their decisions around the feedback.

4.4 Members will note that it is proposed that in relation to some of the comments, that the Audit and Governance Committee look to convene a working group to consider the feedback received from City of York Council and bring back recommendations relating to any proposed changes to the constitution later in the year.

#### **5.0 Combined Authority Officer Feedback**

5.1 In addition to feedback from City of York Council Members, the Interim Deputy Monitoring Officer has collated a list of constitutional matters which consists of feedback from Combined Authority Officers, which the Combined Authority are also asked to consider, which will allow the Combined Authority to continue in a manner that is regarded as safe and legal:

Reference	Proposed amendment
Part 1 – Introduction and Articles	

<b>Reference</b>	<b>Proposed amendment</b>
Section I (Officers), para 5	<p>Insertion of para 5.2 to read:</p> <p>5.2 The Combined Authority have appointed Veritau as their internal auditors. The Police and Crime and Fire and Rescue functions use RSM as their internal auditors. This arrangement will continue, with the Head of Internal Audit being appointed from either Veritau or RSM, to be determined by the Combined Authority. The Head of Internal Audit will obtain assurance from their partner internal auditor, which will then allow the Head of Internal Audit to provide overall assurance to the Combined Authority.</p>
Section I (Officers)	<p>Insertion of para 7 to read:</p> <p>7 Policing, Fire and Crime</p> <p>7.1 The Statutory Officers must make arrangements to ensure that their responsibilities in respect of the Policing, Fire and Crime elements of the Y&amp;NYCA powers and duties, are carried out robustly and effectively.</p> <p>7.2 Those arrangements must ensure compliance with all prevailing statutory and non-statutory guidance to Elected Local Policing Bodies and Fire and Rescue Authorities for the carrying out of the responsibilities of:</p> <p>7.2.1 Head of Paid Service for the staff employed by the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions;</p> <p>7.2.2 Head of Paid Service for the staff employed by the Combined Authority deployed wholly or partly in relation to the Mayor’s FRA functions;</p> <p>7.2.3 Monitoring Officer in respect of the Mayor’s PCC and FRA functions;</p> <p>Section 73 Officer in respect of the Mayor’s PCC and FRA functions.</p> <p>7.3 Those arrangements must be set out in writing (in the form of Protocols and/or schemes of sub-delegation, delegating functions to Officers engaged by the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC or FRA functions as the case may be) and subjected to regular review.</p>
Section K (Finance, Contracts and Legal Matters), para 1.1	<p>1.1 The management of the Y&amp;NYCA’s financial affairs will be conducted in accordance with the Financial Procedures set out in Part 6 of this Constitution.</p>
<b>Part 3 – Y&amp;NYCA Functions reserved to the Mayor</b>	
Section BI, subsection 6 (Fire and Rescue)	<p>6.6 The Mayor will set the Fire and Rescue element of the general precept after consultation with the public of North Yorkshire, the Police, Fire and Crime Panel and the Chief Fire Officer. The policing precept is set separately.</p>
Section D, para 3 (c) and (d) (Fire and Rescue Functions)	<p>Deletion of sub paras c and d on the basis that the local auditor for Fire and Rescue will be the same as appointed for the Combined Authority:</p>
Section E, para 2 (General	<p>Insertion of para 2.1 to read:</p>

<b>Reference</b>	<b>Proposed amendment</b>
delegations to all Chief Officers)	2.1 Any reference to these delegations in relation to the Chief Fire Officer are limited in scope to Fire and Rescue functions only. All other Chief Officers have these general delegations in respect of the Combined Authority as a whole.
Section E, para 3.13 (Delegations to head of Paid Service)	3.13 To manage investments made by the Y&NYCA which fall outside of the approved Treasury Management Strategy in consultation with the Section 73 Officer and subject to subsequent reporting to the Y&NYCA.
Section E, para 4.16 (b) (Delegations to Section 73 Officer)	Deletion of sub paragraph (b):
<b>Part 5 – Rules of Procedure</b>	
Section A (Y&NYCA Procedure Rules), para 6.1	6.1 The Annual Meeting of Y&NYCA shall be held in June on a date and at a time determined by the Y&NYCA.  6.2 ***Ordinary meetings of the Y&NYCA for the transaction of general business shall be held on such dates and at such times as the Y&NYCA shall determine.
<b>Part 7 Codes and Guidance</b>	
Section E, subsection 8 (Code of Corporate Governance, Managing Risks and Performance)	Amendment to para 8.7 to read:  8.7 An independent audit committee will operate in line with the guidance of the Financial Management Code of Practice, in relation to the Mayor’s Police and Crime functions.

## **6.0 Police and Crime Commissioner Functions – Part 9**

6.1 Members will recall that joint work has been conducted with colleagues within the Office of the Police, Fire and Crime Commissioner, in readiness for their transition into the Combined Authority on 7 May 2024. These provisions have not been reviewed by the Constituent Authorities as they are Police and Crime and Fire and Rescue functions and it is therefore a matter for the Combined Authority.

6.2 Part 9 contains the following sections:

- a. Introduction and Statement of Corporate Governance;
- b. Mayor’s PCC Scheme of Consent and Scheme of Delegation;
- c. Appendices to include terms of reference for PCC Joint Independent Audit Committee, the Fire and Rescue Independent Audit Committee and Executive Board (PCC and Fire and Rescue Functions).

- 6.3 Part 9 contains provisions which relate to a Deputy Mayor for Policing and Crime. It is not known at this stage whether the Mayor, once elected, wishes to appoint a Deputy Mayor to exercise their Policing and Crime functions, however, as the current Office of the Police, Fire and Crime Commissioner will need to be able to continue to conduct their work from 7 May 2024 onwards, delegations that would allow this to happen, should a Deputy Mayor for Policing and Crime be appointed need to be included within the constitution.
- 6.4 Another matter for the Mayor to consider, upon commencement of their office will be whether to delegate any Fire and Rescue Functions and if so, whether the delegation will be to the Deputy Mayor for Policing and Crime, or a Fire Committee.
- 6.5 A scheme of sub-delegation is contained within Part 9 and running alongside the Constitution is an appointment of Deputy Monitoring Officer and Deputy Section 73 Officer for specific functions from the Interim Monitoring Officer and Interim Section 73 Officer to allow Key Officers of the Police, Fire and Crime Commissioners Office to be able to continue working on the 7 May 2024 in a seamless manner.
- 6.6 The PCC and Fire and Rescue Functions operate currently to their own Financial Regulations and Contract Procedure Rules. Consideration has been given to whether the Combined Authority could operate effectively with 3 sets of each Rules and Regulations. The conclusion is that it could not, therefore, it is proposed that the Financial Regulations and Contract Procedure Rules within the constitution will apply to the Combined Authority and will include both the PCC and Fire and Rescue Functions.
- 6.7 Part 9 is contained within this report, at Appendix B.

## **7.0 Financial Implications**

- 7.1 The financial implications of creating the Combined Authority and the additional funding that the Devolution Deal provides have been considered in previous reports to the constituent authorities and also Meetings of the Combined Authority. This report sets out the governance structure for the operation of the Combined Authority and notes that allowances can be paid to members.

## **8.0 Legal Implications**

- 8.1 The legal implications of the constitution are contained in the body of this report.

## **9.0 Equalities Implications**

- 9.1 Any constitution specific equalities implications are contained within the document.

## **10.0 Environmental Implications**

10.1 The environmental including climate change implications of creating the Combined Authority and obtaining additional funding and powers under the Devolution Deal have been considered in previous reports to the constituent authorities. This report looks purely at the governance arrangements for the Combined Authority.

## **11.0 Combined Authority Areas Impacted (Council Areas/Wards/Divisions)**

11.1 York and North Yorkshire Council areas.

## **12.0 Recommendations**

- 12.1 That the Combined Authority considers the points raised in the feedback of City of York Council (see Appendix A), with provision for the Interim Deputy Monitoring Officer to make any agreed amendments to the constitution arising from the feedback.
- 12.2 That the Combined Authority ask the Audit and Governance Committee to form a working group to consider any proposed amendments within Appendix A as part of a review of the constitution, with any completed review being brought back to the Combined Authority for further consideration.
- 12.3 To approve the proposed amendments to the constitution within the section entitled Combined Authority Officer feedback within this report.
- 12.4 To approve the addition of Part 9 of the constitution, with provision for the Interim Deputy Monitoring Officer to make any amendments agreed by the Combined Authority.
- 12.5 That the Interim Monitoring Officer is delegated the ability to make amendments to the constitution which may arise from the 18 March 2024 until the Combined Authority's next Meeting in June 2024 to ensure that the Combined Authority is operating in a safe and legal manner. Such amendments will be made after the Interim Monitoring Officer has consulted with the Lead Members of the Combined Authority, and the Mayor (if such amendment is required after 7 May 2024) and then reported back to the next Combined Authority Meeting.

## **13.0 Reasons For Recommendations**

13.1 To ensure the York and North Yorkshire Combined Authority has a governance framework to facilitate its operation in accordance with the legal requirements.

## **14.0 Contact Details**

For further information please contact the authors of this Report.

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**Background papers: Constitution of Combined Authority dated January 2024 - [YNCAConstitutionJanuary2024.pdf.pdf \(yorknorthyorks-ca.gov.uk\)](#)**

**Appendices**

**Appendix A – City of York Council Feedback on Combined Authority Constitution**

**Appendix B – Part 9 of the Constitution of the Combined Authority, Police and Crime Commissioner and Fire and Rescue Functions – Governance Documents**

## Appendix A – City of York Council Feedback on Combined Authority Constitution

Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
<b>Part 1 – Introduction and articles</b>		
Section E, para 1	amend to read “The Y&NYCA <del>usually</del> <b>ordinarily</b> meets every month, but additional meetings may take place within the monthly period should the need arise.”	
Section J, para 2.1(c)	amend to read “ <b>The advancement of</b> <del>Respect for</del> human rights <b>and equalities</b> ”	
Section J, para 2.1	insert new point (g) to read as follows: “ <b>Due consideration to be given to environmental sustainability and the climate crisis</b> ”	Propose that Audit and Governance form a working group later in the year to review this.
Section K, para 3 (b)	amend to read: “Any contract <del>with a value exceeding £50,000</del> entered into by the Y&NYCA shall be made in writing.”	Proposed wording:  A contract can be entered into via the generation of a purchase order on standard terms and conditions or via a “formal contract” in writing via the Legal section. Any “formal contract” entered into by the Y&NYCA shall be made in writing.
Section L, para 2	amend to read: “Changes to the Constitution will only be approved by the full Y&NYCA after consideration of the proposal by the Monitoring Officer <b>and the Audit &amp; Governance Committee</b> and in accordance with the Y&NYCA Rules of Procedure in Part 5 of this Constitution, provided that such delegations made by the Mayor as are included in Part 3, 4 and 9 of this Constitution appear for information only and may be revised by the Mayor following consultation with, and having given written notice to, the Monitoring Officer.”	Propose that Audit and Governance form a working group later in the year to review this.
<b>Part 2 – Functions of the Y&amp;NYCA</b>		
B. Transport, para 1.1 (c)	amend to read “The Y&NYCA must develop policies for the promotion and encouragement of safe, integrated, efficient, <b>sustainable</b> and economic transport to, from and within their area, and must prepare and	Propose that Audit and Governance form a working group later in the year to review this.



Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
	publish a local transport plan containing its policies and proposals for their implementation.”	
<b>Part 3 – Responsibility for Functions</b>		
Para 6.10 (a)	<p>in relation to Fire &amp; Rescue, members felt that the wording (copied below) should be amended to reflect the expectation that the Mayor themselves would not be undertaking the calculation.</p> <p><i>6.10 The following functions are assigned as the responsibility of the Mayor and cannot be delegated:</i></p> <p><i>(a) The function of calculating a council tax requirement (see section 42A of the Local Government Finance Act 1992)</i></p>	Propose deletion of this sentence. It relates to a Policing and Crime function of the Commissioner, so not a Fire and Rescue function of the Mayor.
Section E (Scheme of Del) para 4.24	<p>(current wording copied below) – members felt that these responsibilities should sit with the Monitoring Officer, rather than the Section 73 officer.</p> <p>“To act as the Y&amp;NYCA’s Senior Information Risk Owner and to arrange for the determination of requests under the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and data protection legislation, including dealing with internal reviews, complaints and data sharing or data processing.”</p>	Propose that Audit and Governance form a working group later in the year to review this.
<b>Part 4 - Committees</b>		
Section A (A&GC), para 1.1	amend to read “The Audit and Governance Committee is a key component of corporate governance providing an independent, high-level focus on the audit, assurance and reporting framework underpinning financial management and governance arrangements <b>and is to be consulted on any proposed revisions to the Y&amp;NYCA Constitution via a report to the committee.</b> ”	The proposal amends the statement and purpose. Members may be minded to include this elsewhere in this section, perhaps in Governance, Risk and Control. Although the paragraphs in this section would include the constitution, it is not specified.
Para 2.1 third bullet	amend to read “ <b>four co-opted members</b> , who are Independent Persons, <b>and shall have no voting rights on the committee.</b> ”	The Assurance Framework of the CA provides that there will be one Independent Person on A&G, therefore, this is an officer proposed amendment. The legislation and the Framework are both silent on whether that Person is a voting, or non-voting Member.

Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
		<p>Independent Members/Persons are usually non-voting in a Combined Authority setting, however, this is a matter for Members to determine.</p> <p>Proposed wording: one co-opted member, who is an Independent Person, and shall have no voting rights on the committee.</p>
Para 2.4	amend to read “The Y&NYCA will appoint the Chair of the Committee <b>who must be a member of one of the constituent councils.</b> ”	This is not always the case in Combined Authorities. Sometimes it is the Independent Person, however, recruitment may take time, therefore, the Combined Authority may be minded to not accept this proposed change to give the committee the freedom to decide to appoint who they wish to.
Section B (Business Cttee) para 4.9	request to amend the wording to support representation on the committee from employees and Trades Unions.	Propose that Audit and Governance form a working group later in the year to review this.
Section C (Overview and Scrutiny Cttee) Para 3	add a new point (n) to read “ <b>To invite members of the public to propose topics for the committee to consider at its meetings.</b> ”	Propose that Audit and Governance form a working group later in the year to review this.
<b>Part 5 – Procedure Rules</b>		
General	All public meetings of the Y&NYCA, its committees and sub-committees are to be webcast, and the recordings to remain available for six years.	<p>Further report needed on implications for Committees and Sub-committees. There is a cost implication for each Committee/webcast, therefore, this will be for the Combined Authority to determine.</p> <p>Propose that this is considered at a later date.</p>

Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
General	At all public meetings of the Y&NYCA and its committees there is to be a standing agenda item for public participation under which members of the public can register to speak on matters relevant to the matters to be considered at the meeting or on any matter within the committee’s remit. There is to be the facility for public speakers to address the meeting remotely, such as via a Zoom or phone link. There is to be no requirement for public speakers to share their remarks in advance of the meeting.	Further work required on balancing using venues with appropriate facilities with public accessibility  Propose that Audit and Governance form a working group later in the year to review this.
General	Where meeting papers are restricted and not publicly available, a description of the contents of the papers must be published as part of the agenda.	
Section A (Procedure Rules) para 4.3	add new point (f) to read <b>“There must be at least one Vice Chair from each constituent local authority.”</b>	The order states that the office of the Vice Chair is to be abolished at the end of the day before the first Mayor’s term of office begins.
Section B (Access to Info PRs) para 23	members do not support the proposal that officers can withhold information from members without providing a justification. This para needs to be amended so as to enshrine the right of members of the CA and its committees to have access to information.	Propose that Audit and Governance form a working group later in the year to review this.
Para 15	there needs to be a provision for the same decision to be subject to multiple separate call-ins.	Propose that Audit and Governance form a working group later in the year to review this.
<b>Part 6, Section A – Financial Procedures</b>		
General	Reference to “Audit Committee” should be revised to read “Audit and Governance Committee”.	
Section 1 (General), para 1.3	Amend to read “The Section 73 Officer, as the officer responsible for the proper administration of the Y&NYCA’s financial affairs, shall report to the Y&NYCA and the <b>Audit and Governance Committee</b> any significant failure to comply with these Regulations which comes to their attention.	Propose that Audit and Governance form a working group later in the year to review this.

Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
Section 5 (Budgetary Control), para 5.2	<p>5.2 It is the responsibility of Chief Officers to ensure business plans reflect agreed budget estimates. Chief Officers are responsible for the continuous exercise of budgetary control and service performance throughout the year and are responsible for reporting on variations to the Section 73 Officer.</p> <p>Members commented that business plans should be available to Audit and Governance and the public for oversight.</p>	Propose that Audit and Governance form a working group later in the year to review this.
Section 6 (Capital and Revenue Budgets), para 6.2.4 and 6.2.5	<p>6.2.4 Y&amp;NYCA may veto the draft mayor's General Budget, the general component of the Mayor's Precept and associated borrowing and propose changes to the Mayor who may then submit a revised draft budget for consideration and approval.</p> <p>6.2.5 Y&amp;NYCA will approve the revised draft Mayor's General Budget, the general component of the Mayor's Precept incorporating any Y&amp;NYCA recommendations as to the relevant amounts and any associated borrowing requirements.</p> <p>Members requested clarification on the circumstances in which the Mayor's proposed budget could be vetoed and whether any subsequent revision made by the Mayor would need to meet some form of materiality threshold before the Y&amp;NYCA is obliged to approve it.</p>	This relates to the Mayor's budget and is governed by the Combined Authorities (Finance) Order 2017, therefore, this is permissible in relation to the Mayor's general budget.
Section 7 (Mayor's General Revenue Budget), para 7.3.2	Amend to read: "7.3.2 For revenue expenditure any likely overspending shall be reported by Officers to the Y&NYCA and the Audit and Governance Committee as soon as practicable to the Section 73 Officer. Where it is not possible to finance an overspending by a transfer between expenditure heads (see virements below) the matter shall be referred to the Mayor for consideration."	Propose that Audit and Governance form a working group later in the year to review this.
Section 7 (Mayor's General	7.4 Grants for capital or revenue purposes to outside organisations and persons for which provision is made in the appropriate budget shall not be paid except by agreement with the Section 73 Officer who shall make	

Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
Revenue Budget), para 7.4	Proposed amendment: such arrangements as they consider necessary for this purpose. The Section 73 Officer shall keep a register of grants to outside organisations.	
Section 8 (virements), para 8.3	<p>8.3 In conjunction with Chief Officers, the Section 73 Officer is to report to and seek the prior approval of the Y&amp;NYCA or the Mayor for any revenue expenditure where it is funded by a release of earmarked sums from reserves or will have an adverse impact on a priority within the approved budget.</p> <p>Members asked for clarity about the circumstances in which prior approval would be sought from the Mayor.</p>	Propose that Audit and Governance form a working group later in the year to review this.
Section 11 (CIPFA Treasury Management Code of Practice 2011)	Members asked that the text be amended to incorporate CYC's investment policies or at the very least a commitment to "have regard to these policies".	Propose that Audit and Governance form a working group later in the year to review this.
Section 11(CIPFA Treasury Management Code of Practice 2011), para 11.1.2	<p>11.1.2 This organisation (i.e. full Y&amp;NYCA) will receive reports on its treasury and investment management policies, practices and activities, including, as a minimum, an annual strategy and plan in accordance of the year, a mid-year review and an annual report after its close in the form prescribed in its TMPs and IMPs.</p> <p>Members asked for clarity as to who will receive reports on treasury and investment management policies.</p>	Propose that Audit and Governance form a working group later in the year to review this.
Section 13 (Asset Register), para 13.7	Amend to read: "In respect of any item acquired by lease the inventory must be marked with the value of the lease, the name of the leasing company and the date of expiry of the lease agreement. When	Propose that Audit and Governance form a working group later in the year to review this.

Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
	requested by the leasing company the item must be suitably marked as the property of that company.”	
Section 13 (stock and stores) para 13.17	Amend to read: The Section 73 Officer shall be authorised to write off or make adjustments in respect of deficiencies or surpluses of stock. Requests to write off items more than £50,000 must be reported to the Y&NYCA and the Audit and Governance Committee, for information.”	Propose that Audit and Governance form a working group later in the year to review this.
Section 14 (Income), para 14.6	<p>Amend to read: “The Section 73 Officer shall be authorised to write off bad debts. Requests to write off any individual debt more than £100,000 must be referred to the Y&amp;NYCA and the Audit and Governance Committee for information.”</p> <p>Members also queried the basis on which £100,000 had been set as a threshold value above which all requests to write off any individual debt must be referred to the Y&amp;NYCA for information. They felt it was high.</p>	Propose that Audit and Governance form a working group later in the year to review this.
Section 16 (Risk Management ) para 16.2	Amend to read: “Officers shall be responsible for identification, classification and control of all risks falling within their areas of responsibility. The risks identified shall be included in the Corporate Risk Register which will be subject to periodic review by the Audit and Governance Committee. Officers should notify the Section 73 officer, in writing of any loss, liability or damage or any event likely to lead to a claim.”	Propose that Audit and Governance form a working group later in the year to review this.
Section 17 (Internal Audit), para 17.1	<p>17.1 The Section 73 Officer shall, so far as they consider necessary:</p> <p>17.1.1 Arrange for the provision of an internal audit service in line with the Accounts and Audit (England) Regulations 2015. The internal audit function will be independent in its planning and operation and will conform with the United Kingdom Public Sector Internal Audit Standards (PSIAS) and associated guidance on PSIAS published by CIPFA.</p>	Propose that Audit and Governance form a working group later in the year to review this.

Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
	<p>17.1.2 Supervise security arrangements and the custody and safeguarding of Y&amp;NYCA moneys and property, including any funds entrusted to the Y&amp;NYCA or its officers.</p> <p>17.1.3 Undertake investigations to ensure that value for money is obtained and loss through wastage minimised.</p> <p>Members suggested an amendment to the wording to make it clear that the provision of an internal audit service is a necessity.</p>	
Section 19 (Payment of Accounts), para 19.1	<p>19.1 Officers shall be responsible for the certification and submission of invoices and other claims to the Section 73 Officer who shall make safe and efficient arrangements for the payment of such accounts.</p> <p>Members asked for more detail to be included here.</p>	Propose that Audit and Governance form a working group later in the year to review this.
Section 20 (Petty Cash), para 20.1	<p>20.1 The Section 73 Officer shall make such arrangements as they consider necessary for defraying petty cash and other expenses by means of an imprest system.</p> <p>Members asked that the wording used here be simplified.</p>	Propose that Audit and Governance form a working group later in the year to review this.
Section 22 (Internal Control), para 22.1	Amend to read: “The Section 73 Officer is responsible for ensuring that the financial management of the Y&NYCA is adequate and effective and that there is a sound system of internal control and sound procedures for the management of risk. The responsibility for maintaining and reviewing the system of internal control rests with the Y&NYCA, with the involvement of the Audit and Governance Committee.	Propose that Audit and Governance form a working group later in the year to review this.
<b>Part 6, Section B – Contract Procedure Rules</b>		
Section 3 (Exemptions, Collaborative and E-Procurement	<p>Members asked that a cross reference to the Scheme of Delegation is added.</p> <p>Members asked that it be made clearer what information will be shared with Audit and Governance Committee in relation to the use of waivers.</p>	Propose that Audit and Governance form a working group later in the year to review this

Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
Arrangements)		
Section 5 (Steps prior to Purchase), para 5.1	Members queried why it appears that arrangements need to be put in writing only if the total value of a purchase exceeds £50,000.	A contract can be entered into via the generation of a purchase order on standard terms and conditions below £50,000.  Propose that Audit and Governance form a working group later in the year to review this
Section 7 (Advertising), para 7.1.1	Officers queried the inclusion of a reference to OJEU (Official Journal of the European Union)	Propose deletion of this reference on the basis that the UK are no longer required to follow rules outlined by the OJEU.
Section 8.1 (Purchasing – Competition Requirements), para 8.1.4	Amend to read: “Where the total value exceeds £50,000 the Procurement Team must be consulted prior to the commencement of the procedure.”  Also generally on this section, Members asked that the presentation of the information in the tables be more consistent.	
Section 8.4 (the appointment of consultants to provide professional services), para 8.4	Members queried whether the rules cater for the possibility of an individual or organisation securing multiple separate commissioners which individually area below the statutory threshold, but together would exceed it.  Also generally on this section, Members asked that the presentation of the information in the tables be more consistent.	Propose that Audit and Governance form a working group later in the year to review this
Section 18.2 (contract formalities), para 18.2.2	Members noted that this section contained a requirement that all contracts must be concluded formally in writing, which they say is not consistent with the wording used in para 18.1.4 (minimum standards for every contract or agreement).	Propose that Audit and Governance form a working group later in the year to review this



Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
Section 18.3 (Sealing), para 18.3.3	Members queried whether the sealing threshold was £75,000 or £250,000	Anything over £75,000 should be sealed, unless the Monitoring Officer does not consider that sealing is necessary, however, the Monitoring Officer does not have any discretion for contracts over £250,000.
Section 23 (Grants – Transparency , award criteria, grant agreements, monitoring, evaluation and review), para 23.1	Members asked that the Audit and Governance Committee have sight of the Grant Award Procedure.	Propose that Audit and Governance form a working group later in the year to review this
<b>Part 7 – codes and guidance</b>		
General	<p>Members asked that reference be made in the contents page to behaviour requirements of officers and member/officer interactions.</p> <p>The issue was raised as to the need for clarity for members when undertaking Y&amp;NYCA duties (e.g. are they representing CYC or the Combined Authority, or both).</p> <p>Members agreed that the £100 threshold for reporting any gift or hospitality is too high.</p>	Propose that Audit and Governance form a working group later in the year to review this
Section D (Member/Officer relations guidance), para 7.1	Amend to read: “Correspondence between an individual Member and an Officer should not be copied (by the Officer) to any other Member. Where it is necessary to copy the correspondence to another member, this should be made clear to the original Member. In other words, a system of “silent copies” should not be employed.”	

Reference	Proposed amendment	Interim Deputy Monitoring Officer Comments
Section E (Code of Corporate governance), para 3.13	Amend to read: "The Y&NYCA's decision making process will adhere to the principles of good administrative law, advancement of human rights and equalities and demonstrate rationality, legality and natural justice."	
Section E (Code of Corporate Governance), para 4.2	Amend to read: "Decision taken by the Y&NYCA subject to limited exemptions, are made in public, minuted (alongside the reasons and the evidence considered) and information relating to those decisions is made available to the public. This includes access through live webcasts of the public part only of the Authority, Police, Fire and Crime Panel, Audit and Governance, Transport and Overview and Scrutiny meetings which remain online for six months."	Propose that Audit and Governance form a working group later in the year to review this.
Section E (Code of Corporate Governance), para 5.12	<p>There is reference to the adoption of a "social value framework" and Members asked if there was a cross-reference to the Contracts section of the constitution so it is clear how this is reflected in the Combined authority's procurement policies.</p> <p>Members commented that the wording used seemed very generic and needed a sense check.</p>	Propose that Audit and Governance form a working group later in the year to review this

**PART 9**

**PCC & FRA**  
**FUNCTIONS**

**GOVERNANCE**  
**DOCUMENTS**

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## **1. Introduction**

1.1 The office of the Police, Fire and Crime Commissioner was established as a corporation sole by the Police Reform and Social Responsibility Act 2011 to employ staff and hold funds in their official capacity. However, following the introduction of an elected Mayor for York and North Yorkshire who exercises Police and Crime Commissioner (PCC) functions, with effect from 7 May 2024, the North Yorkshire Police area no longer has a Police and Crime Commissioner.

1.2 Instead, the Mayor is to be treated as Police and Crime Commissioner for the purposes of all Police and Crime Commissioner enactments (whenever passed or made). Any PCC function exercisable by the Mayor is to be taken as a function of the Y&NYCA exercisable by the Mayor acting individually or by a person under delegated arrangements. So, whilst any property, rights and liabilities may vest legally in the Y&NYCA as the corporate entity, it is the Mayor who has public accountability for the delivery and performance of the police service, in conjunction with a statutory duty and electoral mandate to hold the police to account on behalf of the public.

1.3 The s4A Fire and Rescue Authority was transferred into the PCC's functions and responsibility on 15 November 2018. The North Yorkshire Fire and Rescue Authority (NYFRA) has also been abolished with effect from 7 May 2024, with the fire and rescue function for North Yorkshire being passed to the Y&NYCA, which 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.

1.4 The purpose of this statement is to give clarity to the way the Mayor, in exercising their PCC and fire and rescue functions will be governed to do business in the right way, for the right reason at the right time and clarity in the way that the Chief Constable, the Chief Fire Officer and the Mayor will also do such business to ensure efficiency, effectiveness and value for money.

1.5 In order to conduct their PCC functions, support service collaborations are in place with Evolve Legal Services and Enable NY.

1.6 Evolve Legal Services is a collaboration with the Chief Constables of Durham, Cleveland and North Yorkshire Police Forces and each respective Police and Crime Commissioner Offices, providing legal, insurance and disclosure services to support the police and crime function. The agreement has been made in accordance with Section 22A of the Police Act 1996.

1.7 Enable NY is a collaboration which provides support services in the areas of People Services, Finance, Assets and Information Technology. The agreement has been made in accordance with Section 1 of the Policing and Crime Act 2017 and supports both the PCC functions and the Fire and Rescue functions.

## **2. Statement of Corporate Governance**

2.1 The principal statutory framework within which the Combined Authority exercising their PCC or Fire and Rescue Functions will operate is:

- Fire and Rescue Services Act 2004 (FRSA04)
- 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 (PRSRA11)
- The Police and Crime Act 2017
- The Policing Protocol Order 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 and Safety) Order 2005
- Crime and Disorder Act 1998
- Financial Management Code of Practice
- Strategic Policing Requirement
- Fire and Rescue National Framework for England 2018
- Local Government Finance Act 1992
- Health and Safety at Work Act 1974 and associated Regulations
- Local Government & Housing Act 1989

2.2 The core principles adopted are those highlighted by the Code of Corporate Governance, which can be found in Part 7, Section E of this Constitution.

## Mayor's PCC Functions - Scheme of Consent and Scheme of Delegation

### **3 Introduction**

3.1 This Scheme sets out the delegations by the Mayor to the Deputy Mayor for Policing and Crime and Chief and Statutory Officers. It complements the delegations by the Chief Constable, which is addressed within the Chief Constable's own scheme of delegation. It is supported by other instruments such as the Financial Regulations and contract Procedure Rules.

3.2 It aims to clarify those powers which, for the benefit of good business practice, are given to senior and statutory officers. The Mayor may limit these powers and/or withdraw delegation and the Mayor may impose reporting arrangements on any authorised powers.

3.3 Powers are given to the Chief Constable by laws, orders, rules or regulations. Also, national conditions of employment give powers to the Mayor, the Chief Constable and, in the case of police regulations, the Secretary of State for the Home Office.

3.4 The powers given to officers should be exercised in line with the Mayor's delegation and consent, the law, standing orders and financial regulations, and also policies, procedures, plans, strategies and budgets.

3.5 This Scheme does not identify all the statutory duties which are contained in specific laws and regulations.

### **4. Key Role of the Mayor**

4.1 The Mayor is the legal contracting body who owns all the assets and liabilities, and with responsibility for the financial administration of their office, the corporate support service and the Police Force, including all borrowing limits.

4.2 The Mayor will receive all funding, including the government grant and precept, and other sources of income, related to policing and crime reduction. By law all funding for the Police Force must come via the Mayor. How this money is allocated is for the Mayor to decide in consultation with the Chief Constable, or in accordance with any grant terms.

4.3 The Police, Fire and Crime Panel is a check and balance on the Mayor through reviewing or scrutinising their decisions, including the Mayor's policing and crime precepts and police, fire and crime plans, conducting confirmation hearings and dealing with complaints against the Mayor.

4.4 The Mayor will be responsible for handling complaints and conduct matters in relation to the Chief Constable and monitoring complaints against officers and staff. Both organisations are responsible for complying with the requirements of the Independent Office for Police Conduct.

## **5. Key Role of the Chief Constable**

5.1 The legal powers and duties of the Chief Constable are set out in the Policing Protocol Order 2011.

5.2 The Chief Constable is responsible for maintaining the King's Peace, and has direction and control over the force's officers and staff. The Chief Constable holds office under the Crown, but is appointed by the Mayor.

5.3 The Chief Constable is accountable to the law for the exercise of police powers, and to the Mayor for the delivery of efficient and effective policing, management of resources and expenditure by the police force.

5.4 At all times, the Chief Constable, their Constables and staff remain operationally independent in the service of the communities they serve.

## **6. Consents to the Chief Constable of North Yorkshire Police**

### **General Powers of the Chief Constable**

6.1 The PRSRA 2011 confers wide general powers on the Chief Constable and provides that the Chief Constable may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of their functions.

### **Consent**

6.2 Section 18 of the Police Reform & Social Responsibility Act 2011 prohibits the Mayor from delegating functions to the Chief Constable (or any constable) or to staff of a constable. However the PRSRA 2011 provides for the Mayor to 'consent' to the Chief Constable and also provides for the Chief Constable to carry out their duty to assist in the exercise of the Mayor's functions.

6.3 'Consent' refers to the provision of approval and agreement, particularly and especially after due and thoughtful consideration. Transactions entered into following 'consent' by the Mayor to the Chief Constable, will be in the name of the Chief Constable as a separate legal entity, as opposed to the name of the Mayor (as would have been the case if the Chief Constable was given delegated authority).

6.3 The Mayor expects that the Chief Constable will want to delegate many of the responsibilities that are consented to them from the Mayor. The Mayor expects that a formal scheme of delegation is put in place, in writing, that is updated annually and is consistent with the contents of this scheme of consent, the financial regulations approved by the Mayor and the Contract Standing Orders approved by the Mayor.

6.5 From the 1st April 2014 there was a transfer of staff from the employment of the former Police and Crime Commissioner to the employment of the Chief Constable. Known as the 'Stage 2' transfer, this process transferred some Police Staff contracts of Employment, from the Police and Crime Commissioner to the Chief Constable. Specific details were set out and agreed with the Home Secretary in line with the legislative requirement.



6.6 The restrictions placed on Chief Constables in terms of 'contracts and other agreements' (where they need the consent of the Mayor to enter into them) do not apply to contracts of employment and therefore the Chief Constable does not need the consent of the Mayor to employ staff.

6.7 As with any organisation the Chief Constable will be expected to exercise all the powers of employer of Police Staff, including engagement and dismissal, consideration of appeals by such staff, in respect of discipline, capability, grievance and grading.

6.8 The Chief Constable will be responsible for determining all matters in relation to Pensions for both Police Officers and Police Staff, unless legislation specifically requires a decision to be made by the Mayor. The Mayor expects that given the arrangements in place for the Local Government Pension Scheme that any decisions relating to this scheme being contemplated by the Chief Constable, as a scheme employer, is discussed with the Mayor so that a consistent approach is agreed and taken.

6.9 The Chief Constable will be expected to exercise all the powers of employer of Police Officers, including engagement and dismissal, consideration of appeals by such officers, in respect of discipline, capability, grievance and grading. In line with the PRSRA 2011 the Chief Constable is required to notify and consult, as appropriate, with the Mayor in relation to the suspension and/or removal of either a Deputy Chief Constable or an Assistant Chief Constable.

6.10 The Mayor expects that wherever possible that consistent 'people' policies, processes and procedures are maintained and adopted across the Combined Authority and North Yorkshire Police. To enable this to happen, the Mayor expects that the Corporate Director for Policing, Fire and Crime be included on all policy consultations.

6.11 The Chief Constable is prevented from owning land by the PRSRA 2011 and therefore the ownership of all land remains with the Mayor. The Mayor consents to the Chief Constable using the land owned by the Mayor, which they hold for Police and Crime purposes, if they wish to do so, for the delivery of policing services in line with the Police and Crime Plan, and to enable the Chief Constable to exercise their functions.

6.12 The Mayor will not transfer the ownership of any of the buildings currently owned by the Mayor to the Chief Constable. The Mayor also does not provide consent to the Chief Constable to acquire any buildings in their own name. The Mayor does consent to the Chief Constable using any of the buildings owned by the Mayor, which they hold for Police and Crime purposes, if they wish to do so, for the delivery of policing services in line with the Police and Crime Plan, and to enable them to exercise their functions, but does so on the understanding that:

- a. The Mayor does not intend to transfer the ownership of any of the buildings to the Chief Constable.
- b. The Mayor does not intend to sell any of the buildings to the Chief Constable.

c. The use of the buildings is reviewable by both parties.

d. Any gains or losses in the value of the buildings accrue to the Mayor only.

6.13 The Mayor consents to the Chief Constable to exercise all powers, rights and duties in respect of buildings owned by the Mayor but being used by the Chief Constable (other than disposing of buildings).

6.14 The Mayor consents to the Chief Constable identifying, and disposing of, in the most economically advantageous way, any Police and Crime assets owned by the Mayor (which are not land and/or buildings) which are no longer required for the delivery of policing services and/or are no longer economically viable for providing policing services, subject to the Scheme of Delegation below and compliance with any Financial Regulations or Contract Procedure Rules.

6.15 In order to respond to the strategic objectives set by the Mayor and the wide variety of challenges faced by the police every day, the Chief Constable is charged with day-to-day management of assets used by the Force.

6.16 The Mayor does not consent to the Chief Constable entering into contracts in their own name.

6.17 The Chief Constable is prohibited from entering into credit arrangements and therefore will be unable to enter into either PFI or Finance Leases in their own name.

6.18 To help ensure the effective delivery of policing services and to enable the Chief Constable to have impartial direction and control of all constables and staff within their force, the Chief Constable has day to day responsibility for financial management of the force provided that such responsibility shall be exercised in accordance with the law and within the Mayor's Financial Regulations and Contract Procedure Rules and any relevant statutory guidance and codes of practice and within the agreed budget allocation and levels of authorisation issued by the Mayor.

6.19 The Chief Constable must ensure that the financial management of their allocated budget remains consistent with the objectives and conditions set by the Mayor. The Chief Constable is required by legislation to appoint a Chief Finance Officer who will have a personal responsibility for the proper financial administration of the Force and who will lead for the force on financial management.

6.20 When the Chief Constable intends to make a significant change of policy or seeks to move significant sums of their budget then the approval of the Mayor should be sought in line with the Mayor's agreed Financial Regulations.

6.21 The Chief Constable shall report to the Mayor, and inform the Mayor's Director of Resources, if it appears that expenditure is likely to exceed those resources allocated to them by the Mayor.

6.22 The Chief Constable is required to make the Mayor aware, and inform the Mayor's Director of Resources, of any decisions either made, or proposed, which they

become aware of, that might involve unlawful expenditure or are likely to cause a loss or deficiency or an unlawful entry in the Accounts.

6.23 The Mayor expects that the money provided to the Chief Constable is spent in pursuit of the objectives as set out in the Police and Crime Plan and in line with the requirements placed on the Chief Constable by the Policing Protocol Order, the PRSRA 2011 and other legislation. The Mayor prohibits using any money provided to the Chief Constable from the Mayor on reviewing or contesting any decision of the Mayor.

6.24 The Mayor consents to the Chief Constable to approve the writing off of any debt owing from the Chief Constable's Staff or Police Officers (subject to the agreement of the Mayor's Director of Resources where any debt is in excess of £5,000).

6.25 The Mayor has the responsibility via statute to make Crime and Disorder Reduction Grants, as such the Mayor does not consent to the Chief Constable making any Grants and/or Contributions of a financial nature, to any organisation without the prior approval of the Mayor.

6.26 The Mayor consents to the Chief Constable to accept income, offers of sponsorship and gifts on behalf of the Mayor, where they relate to policing and crime, provided that decisions taken in this regard are in accordance with the law and with any guidance or policy which the Mayor may from time to time determine. Acceptance of the income however does not provide automatic authorisation to spend the income.

6.27 To avoid duplication and in the interests of efficiency and effectiveness the Mayor and Chief Constable have agreed that there is no requirement for the Chief Constable to have separate bank accounts. As such the Mayor does not consent to the Chief Constable having either temporary loans or overdrafts.

6.28 The Mayor consents to the Chief Constable to authorise payments to be made from the Mayor's PCC Function bank accounts, providing that joint banking arrangements are in place.

6.29 The Mayor does consent to the Chief Constable having credit cards in the name of the Chief Constable providing there are adequate policies in place for their use and appropriate checks and balances in place to oversee their usage.

6.30 The Mayor does consent to the Chief Constable having purchasing cards in the name of the Chief Constable providing they are used in accordance with both Contract Procedure Rules and that their use is adequately controlled with appropriate policies and checks and balances.

6.31 As a result of operating under one banking arrangement, the Chief Constable will not have any separate funds to invest and as such the Mayor does not consent to the Chief Constable making any investments.

6.32 It is recognised that, unless a power or function of the Chief Constable must, as a matter of law, be exercised personally by them; such functions may be exercised

on their behalf by such officers and staff as the Chief Constable thinks fit. There are numerous functions and powers of the Chief Constable which, as a matter of everyday practice, are in fact exercised on their behalf by other officers and members of staff.

## **6. General principles of delegation**

6.1 The Mayor expects anyone exercising delegated powers or consents to draw to the attention of the Mayor any issue which is likely to be regarded as novel, contentious or repercussive before exercising such powers.

6.2 Delegations are set out in this Part. The Mayor may ask that a specific matter is referred to them for a decision and not dealt with under powers of delegation. This scheme also does not prevent an officer from referring the matter to the Mayor for a decision, for example, due to sensitivities of the matter or where there may be a significant financial implication.

6.3 These arrangements delegate powers and duties within broad functional descriptions and include powers and duties under all legislation. The scheme does not attempt to list all matters which form part of everyday management responsibilities.

6.4 When a statutory officer (or an officer with a delegation of a statutory officer) is considering a matter that is within another statutory officer's area of responsibility, they should consult the other statutory officer before authorising the action.

6.5 All decisions officers make under powers given to them by the Mayor must be recorded and be available for inspection. It is sufficient for this recording to be an email, signed document, notebook entry and officers should exercise their own judgement when recording decisions.

6.6 In this document, any reference made to the statutory officers include officers and staff authorised by them to act on their behalf.

6.7 The statutory officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme.

6.8 The Scheme of Delegation provides a member of staff with the legal power to carry out functions of the Mayor. In carrying out these functions the member of staff must comply with all other statutory and regulatory requirements and relevant professional guidance including:

- a. Police Reform and Social Responsibility Act 2011 and other relevant legislation issued under the Act
- b. Policing Protocol Order 2011
- c. Financial Regulations
- d. Financial Management Code of Practice
- e. CIPFA Statement on the role of the Chief Finance Officer in public service organisations
- f. APACE Statement on the role of the Chief of Staff
- g. Contract Procedure Rules
- h. The Combined Authority's employment policies and procedures

- i. The Data Protection Act 2018 and the Freedom of Information Act 2000
- j. Health and safety at work legislation and codes

6.9 This Scheme, will be reviewed as part of the review of the constitution. This scheme does not permit any person, with appropriate authority, to delegate that power further, without the prior consent of the person holding the original delegation.

6.10 To enable the Mayor to exercise their functions effectively they will need access to information, and officers and staff exercising PCC functions. This access must not be unreasonably withheld or obstructed by the Chief Constable, nor may it restrict the Chief Constable's direction and control of their force.

## Officer Scheme of Sub-Delegation – PCC and Fire and Rescue (FRA) Functions

**This scheme of sub-delegation relates to PCC functions and FRA functions only and does not relate to any other functions of the Mayor, or Combined Authority functions which are not PCC or FRA functions.**

These arrangements are to have effect from 7 May 2024 until superseded by any subsequent scheme approved by the Mayor. This Scheme of Delegation replaces previous schemes in operation and reflects the obligations and needs of the Mayor.

### 1. Introduction

1.1 This scheme of delegation provides authorised individuals with the legal authority to carry out specific Police and Crime functions (PCC Functions) and FRA Functions on behalf of the Mayor.

1.2 The PCC Functions are set out in section 1 of the Police Reform and Social Responsibility Act 2011 (the 2011 Act) as modified by the York and North Yorkshire Combined Authority Order 2023 (the 2023 Order) are specified, along with the FRA Functions, below.

1.3 The statutory powers of the Mayor to arrange for others to exercise PCC Functions are set out in section 18 of the 2011 Act. In addition, by virtue of section 14 of Schedule 1 of the 2011 Act, the Mayor may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of those functions, subject to other provisions in the 2011 Act and any other enactments concerning the exercise of PCC Functions.

1.4 With the exceptions set out in this paragraph and in paragraphs 1.5 and 1.6 below, the Mayor may delegate PCC Functions or FRA Functions to a Deputy Mayor for Policing and Crime or arrange for any person to exercise any PCC Function or FRA Functions subject to any statutory exclusion. The Mayor cannot delegate their PCC Functions to:

- A constable;
- The Metropolitan Police District Mayor's Office for Policing and Crime (as defined in the 2011 Act);
- The Metropolitan Police District's Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime (as defined in the 2011 Act);
- A Deputy mayor under section 107C of the Local Democracy, Economic Development and Construction Act 2009;
- The Mayor of London;
- The Common council of the City of London;
- Any person or body which maintains a police force;
- A member of staff of the above;
- The Combined Authority.

1.5 The Mayor cannot delegate certain PCC Functions to anyone else. These functions are:

- Issuing the Police and Crime Plan;
- Appointing, suspending and requiring the Chief Constable to retire or resign;
- Calculating the PCC component council tax requirement.

1.6 The 2011 Act also specifies those functions which, if delegated, can only be delegated to a Deputy Mayor for Policing and Crime, namely:

- Determining police and crime objectives;
- Attending the Police, Fire and Crime Panel;
- Preparing an annual report to the Police, Fire and Crime Panel.

## 2. General principles of delegation

2.1 This scheme of delegation provides authorised officers with the legal authority to carry out specific PCC Functions and FRA Functions on behalf of the Mayor. Throughout this scheme the Mayor expects that any person carrying out the Functions on the Mayor's behalf, or making any related decision, will comply with statutory and regulatory requirements and within policies and strategies approved by the Mayor and will take appropriate professional advice as necessary, particularly legal and financial advice and where appropriate, operational advice from the Chief Constable or Chief Fire Officer.

**2.2 The Mayor expects anyone exercising delegated powers under this scheme to draw to the attention of the Mayor any issue which is likely to be regarded as novel, contentious or repercussive. In addition, the Mayor is ultimately accountable for the Police Fund, before any financial liability affecting the Police Fund that the Mayor might reasonably regard as novel, contentious or repercussive is incurred, prior written approval must be obtained from the Director of Resources. Delegations for such approval are set out in this scheme.**

2.3 It is recognised that, unless a power or PCC/FRA Function of the Mayor must, as a matter of law, be exercised personally by them, these functions may be exercised by officers that have been given delegated authority to act on the Mayor's behalf. These delegations are designed to assist the mayor in the performance of PCC and FRA Functions.

2.4 For the avoidance of doubt, any of the Mayor's statutory Functions may be exercised directly by the Mayor at any time, irrespective of whether those functions, or matters ancillary to them, have been delegated to any other person.

2.5 In the Mayor's absence or where specifically authorised to do so by the Mayor, a Deputy Mayor for Policing and Crime may exercise any of those functions (except those functions which cannot be delegated as set out in paragraph 1.5).

- 2.6 The Mayor, or the Deputy Mayor for Policing and Crime, if authorised to do so by the Mayor, may at any time issue specific delegations to any person to exercise any of the Mayor's PCC or FRA Functions (unless prohibited by law).
- 2.7 No decision will be taken on behalf of the Mayor unless the relevant person has the power to do so as set out under the terms of this scheme and in accordance with the officer scheme of delegation below. The Monitoring Officer is responsible for overall adherence to this scheme.
- 2.8 All decisions authorised officers make under delegated authority given to them must be recorded and be available for inspection by the Mayor.
- 2.9 The scheme is intended to complement the Financial regulations and the Contract Standing Orders and to be read in conjunction with the Chief Constable's Scheme of Consent, the Chief Fire Officer's scheme of delegation which can be found at part 3 of this Constitution and any other relevant arrangements adopted by the mayor. However, in the event of a conflict, the provisions of this scheme have precedence.
- 2.10 The Statutory Officers of the Combined Authority have a duty consistently to monitor the effectiveness of this scheme and to recommend changes, as necessary, to the Mayor. It will be reviewed on an annual basis by the Statutory Officers and the Chief Constable's Chief Finance Officer as part of the annual review of financial management and internal control as required by the Accounts and Audit (England) Regulations 2011 and the Financial Management Code of Practice.
- 2.11 Anyone authorised to exercise delegated PCC or FRA Functions under this scheme may make such arrangements as are necessary so as to ensure that those PCC or FRA Functions can be exercised properly by other qualified and/or experienced people and will make appropriate arrangements to cater for their absence. Those proposed arrangements must be made known to the Head of Paid Service and Monitoring Officer and also the person who has the original delegation from the Mayor prior to making such a delegation.
- 2.12 To exercise the PCC or FRA Functions of their office effectively the Mayor will be provided with timely and secure access to all relevant information and data, where a lawful basis and appropriate gateway exist.

### 3. Delegations to the Deputy Mayor for Policing and Crime (if appointed)

- 3.1 The Mayor may appoint a Deputy Mayor for Policing and Crime to exercise their functions (except those which cannot be delegated, listed in paragraph 1.5). The Deputy Mayor for Policing and Crime can give consent to an officer with sub-delegated authority to carry out any PCC or FRA Functions with the exception of those listed in paragraph 1.6) in their absence (defined as leave or illness).
- 3.2 Subject to the overriding requirements of paragraph 2.2, the Deputy mayor for Policing and Crime is authorised to exercise or perform any or all of the PCC



Functions of the Mayor (and FRA functions, if they have the authority to do so), with the exception of those listed at paragraph 1.5, in the Mayor's absence or as authorised by the Mayor.

Officer Scheme of Sub Delegation – PCC Functions

<b>Ref</b>	<b>Function</b>	<b>Restrictions/ conditions</b>	<b>Consultation requirements</b>	<b>Delegation</b>	<b>Sub-Delegation</b>	<b>Further sub- delegation</b>
1	To provide information to the Police, Fire and Crime Panel as reasonably required to enable the panel to carry out its functions.			Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	
2	To exercise all of the Mayor's powers and duties in connection with Health and Safety.			Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	
3	Responsibility for the corporate budgets allocated to Policing and Crime	To be exercised in accordance with the law, Financial and Contract Regulations and any relevant statutory guidance and Codes of Practice	Director of Resources	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	
4	To administer the Independent Custody Visiting Scheme, to determine the appointment and removal			Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
	of Custody Visitors, and to monitor service quality issues raised through the operation of the scheme					
5	To respond to consultations on proposals affecting the Mayor		Where appropriate Mayor, Director of Resources, Monitoring Officer and Chief Constable	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	
6	To make arrangements for the support of public communications and engagement.			Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	
7	In connection with complaints and conduct issues against the Chief Constable:  To determine (and respond to the complainant accordingly) whether or not the Mayor is the appropriate authority to consider such a complaint;		Mayor	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
	<p>To make decisions in dealing with complaints and conduct matters against the Chief Constable including:</p> <ul style="list-style-type: none"> <li>a. Recording decisions;</li> <li>b. Initial assessments;</li> <li>c. Suitability for local resolution;</li> <li>d. Referral to the IOPC;</li> <li>e. Referral to the CPS;</li> <li>f. Application to IOPC for dispensation or discontinuance;</li> <li>g. Appointment and briefing of investigator;</li> <li>h. Appointment of misconduct hearing or meeting members;</li> <li>i. Settling terms of the Mayor's</li> </ul>					

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
	representations to misconduct; j. Securing representation at proceedings, meetings, appeals, hearing.					
8	To undertake the management of staff employed by the Combined Authority, in line with agreed policies and procedures.			Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	
9	To consider and determine complaints against staff of the Combined Authority (except Corporate Director of Police, Fire and Crime) and Deputy Mayor) and to consider grievances made by such staff against other such staff.		Head of HR	Head of Paid Service	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships
10	Determination of issues relating to conditions of service of staff of the Combined Authority	In accordance with law and policies adopted	Head of HR	Head of Paid Service	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
		by Combined Authority				
11	To appoint, suspend and dismiss staff		Mayor, Director of Resources and Head of HR	Head of Paid Service	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships
12	To bring national agreements on salaries, wages and conditions of staff	Any sensitive or major financial implications referred to Mayor for decision	Director of Resources and Head of HR	Head of Paid Service	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships
13	To approve payment under any bonus or performance-related payment schemes for staff, honoraria payments made for taking on extra duties and responsibilities, or similar special payments.		Mayor, Director of Resources and Head of HR	Head of Paid Service	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships
14	To negotiate with, and reach agreements with, recognised representative bodies on any matters that can be decided locally		Mayor, Director of Resources and Head of HR	Head of Paid Service	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships

<b>Ref</b>	<b>Function</b>	<b>Restrictions/ conditions</b>	<b>Consultation requirements</b>	<b>Delegation</b>	<b>Sub-Delegation</b>	<b>Further sub- delegation</b>
15	To grant essential or casual car user allowances		Director of Resources and Head of HR	Head of Paid Service	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships
16	To approve the retirement of relevant staff on the grounds of ill-health and the payment or ordinary and ill-health pensions and other payments, as appropriate, following advice from a medical practitioner.		Mayor, Director of Resources and Head of HR	Head of Paid Service	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships
17	Responsibility for identifying and disposing of, in the most economically advantageous way, assets owned by the Mayor which are no longer required for the delivery of policing services and/or are no longer economically viable for providing policing services		Head of Paid Service and Director of Resources	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
18	Provision of a rolling 5-year Estate plan incorporating and setting out the Chief Constable's estate needs.		Mayor will determine need for future asset purchases, investments and/or disposals	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	
19	Provision of a rolling 5 year ICT plan incorporating and setting out the Chief Constable's ICT needs.		Mayor will determine need for future asset purchases, investments and/or disposals	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	
20	Provision of a rolling 5-year Fleet plan incorporating and setting out the Chief Constable's Fleet needs.		Mayor will determine need for future asset purchases, investments and/or disposals	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships	
21	Settlement of employment tribunal cases and grievances of staff	Except "exceptional" cases: <ul style="list-style-type: none"> <li>• high-profile Claimant;</li> <li>• public interest to the case;</li> <li>• exposure to serious public</li> </ul>	Director of Resources and Head of HR  If exceptional, in addition to the above, Head of Paid Service and Mayor	Head of Paid Service		



Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
		criticism or serious weakness in organisation or policies.				
22	Determination of sums to be paid from Police Property Fund towards charitable purposes.  Determination of retention of property for police purposes.		Mayor	Director of Resources	Head of Finance, Policing and Crime	
23	In accordance with the Financial Regulations to move money or budgets between budget headings.			Director of Resources	Head of Finance, Policing and Crime	
24	Approve the arrangements for the treasury management functions, including day-to-day management, production of the treasury management strategy, and supporting policies and procedures.			Director of Resources	Head of Finance, Policing and Crime	

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
25	Approve arrangements for securing and preparing Mayor's police and crime accounts and seek assurances that there are appropriate arrangements in place for the preparation of the Chief Constable's accounts.			Director of Resources	Head of Finance, Policing and Crime	
26	Seek assurances that there are appropriate arrangements in place within the force for its financial management.			Director of Resources	Head of Finance, Policing and Crime	
27	Responsibility for all banking arrangements, together with creating, closing or authorising all bank accounts within police and crime directorate.			Director of Resources	Head of Finance, Policing and Crime	
28	Day to day financial management of all income received by the Mayor and the budget <u>not</u> provided to the Chief constable.			Director of Resources	Head of Finance, Policing and Crime	

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
29	To accept and manage any lawful grant awarded to the Mayor.			Director of Resources	Head of Finance, Policing and Crime	
30	Commit expenditure within the approved budget to meet the Mayor's police and crime policies and objectives.		Mayor	Director of Resources	Head of Finance, Policing and Crime	
31	To approve the writing off of any debt.	Subject to the Financial Regulations		Director of Resources	Head of Finance, Policing and Crime	
32	Responsible for investing and borrowing money, as necessary, in line with the treasury management strategy.			Director of Resources	Head of Finance, Policing and Crime	
33	Authorise payments, in relation to: <ul style="list-style-type: none"> <li>a. Payments to be made by law;</li> <li>b. Payments ordered by the Court;</li> <li>c. Payments due under any agreement.</li> </ul>			Director of Resources	Head of Finance, Policing and Crime	
34	Act as "Money Laundering Reporting Officer" under the			Director of Resources	Head of Finance, Policing and Crime	

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
	Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.					
35	Sign cheques on behalf of the Mayor.			Director of Resources	Head of Finance, Policing and Crime	
36	Determine when assets are surplus to requirements or obsolete and arrange for disposal in line with financial regulations			Director of Resources	Head of Finance, Policing and Crime	
37	To exercise responsibility for the corporate budget allocated to the Mayor's Policing and Crime functions.	Must be exercised in accordance with the law, Financial and Contract Regulations and any relevant statutory guidance and codes of practice		Director of Resources	Head of Finance, Policing and Crime	
38	Delete organisations from the list of organisations approved for the investment of monies by the Mayor.			Director of Resources	Head of Finance, Policing and Crime	

<b>Ref</b>	<b>Function</b>	<b>Restrictions/ conditions</b>	<b>Consultation requirements</b>	<b>Delegation</b>	<b>Sub-Delegation</b>	<b>Further sub- delegation</b>
39	To exercise all of the Mayor's powers and duties in connection with equalities, Human Rights, Freedom of Information and Data protection legislation.			Monitoring Officer	Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships
40	To sign all contracts on behalf of the Mayor			Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
41	To affix the common seal of the Combined Authority to: <ul style="list-style-type: none"> <li>a. All contracts, agreements or transactions in respect of which there is no consideration;</li> <li>b. All deeds which grant or convey an interest in land;</li> <li>c. All documents where it is determined by the Monitoring Officer there is a particular need for the seal to be attached</li> </ul>			Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime

<b>Ref</b>	<b>Function</b>	<b>Restrictions/ conditions</b>	<b>Consultation requirements</b>	<b>Delegation</b>	<b>Sub-Delegation</b>	<b>Further sub- delegation</b>
42	In addition to the powers set out in the Contract Regulations and Property Procedure Rules, to sign, execute and issue all legal documents necessary to implement decisions made by the Mayor			Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
43	To consider whether to provide indemnity to the Mayor and deal with or make provision to deal with other matters arising from any proceedings relating to them.		Director of Resources	Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
44	To consider and approve, provision of indemnity and/or insurance to staff		Director of Resources	Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
45	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		Director of Resources and Head of HR	Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime

<b>Ref</b>	<b>Function</b>	<b>Restrictions/ conditions</b>	<b>Consultation requirements</b>	<b>Delegation</b>	<b>Sub-Delegation</b>	<b>Further sub- delegation</b>
	Procedures) Regulations 1996.					
46	To review complaints of maladministration against the Mayor and to approve the provision of any remedy, financial or otherwise, should the complaint be found to have substance and should the complainant be found to have suffered injustice as a result.			Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
47	To approve payment to Officers in respect of unpaid Compensation Orders awarded to any officer by an appropriate Court.			Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
48	To approve the financial settlement of all claims and requests for compensation against the Mayor in accordance with the Financial Regulations.		Director of Resources	Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime

<b>Ref</b>	<b>Function</b>	<b>Restrictions/ conditions</b>	<b>Consultation requirements</b>	<b>Delegation</b>	<b>Sub-Delegation</b>	<b>Further sub- delegation</b>
49	To approve all requests for financial assistance to staff involved in legal proceedings or inquests.	Except “exceptional” cases: <ul style="list-style-type: none"> <li>• high-profile Claimant;</li> <li>• public interest to the case;</li> <li>• exposure to serious public criticism or serious weakness in organisation or policies.</li> </ul>		Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
50	To authorise the institution, defence, withdrawal or settlement of any claims or legal proceedings on the Mayor’s behalf.		Director of Resources if significant financial implications  Chief Constable as necessary	Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
51	To arrange for the provision of all legal or other expert advice and/or representation			Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime



Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
	required for and on behalf of the Mayor.					
52	To authorise, pursuant to s223 Local Government Act 1972, any Officer of the Combined Authority to prosecute or defend or to appear in proceedings before any Magistrates Court or to conduct any such proceedings.			Monitoring Officer	Deputy Monitoring Officer	
53	To determine ex gratia payments in respect of loss or damage to the personal property of staff.		Director of Resources	Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
54	To deal with all claims asserted against the Mayor.		Director of Resources if approval of financial settlement required	Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
55	To initiate such proceedings or take such steps as they may consider necessary to secure the payment of any debt due to the Mayor.			Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation	Further sub- delegation
56	To take such steps as they may consider necessary to enforce or comply with any judgment obtained in any proceedings.			Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
57	To issue exemption certificates to staff employed by the Combined Authority whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.		Head of HR	Monitoring Officer	Deputy Monitoring Officer	Corporate Director Police, Fire and Crime
58	Urgent decisions taken in the absence of the Deputy Mayor for Policing and Crime.		Mayor	Monitoring Officer (legal issues)  Director of Resources (finance issues).	Deputy Monitoring Officer	Corporate Director for Policing and Crime  Head of Finance, Policing and Crime (finance matters)

## Officer Scheme of Sub Delegation – FRA Functions

**This scheme of sub-delegation relates to FRA functions only and does not relate to any other functions of the Mayor, or Combined Authority functions which are not FRA functions.**

These arrangements are to have effect from 7 May 2024 until superseded by any subsequent scheme approved by the Mayor. This Scheme of Delegation replaces previous schemes in operation and reflects the obligations and needs of the Mayor.

All Chief Fire Officer delegations are contained within Part 3 of this constitution (Responsibility for Functions), within section E, including E(6).

This scheme identifies the roles of Corporate Director of the Office of Police, Fire and Crime and Head of Finance (Policing and Crime). The detailed financial management responsibilities of these roles, in particular the Head of Finance (Policing and Crime are set out in the Financial Regulations.

<b>Functions delegated to the Corporate Director of the Office of Police, Fire and Crime</b>	
1	To prepare the Fire and Rescue Plan for submission to the Mayor.
2	To provide information to the Police, Fire and Crime Panel, as reasonably required, to enable the Panel to carry out its function.
3	To sign contracts on behalf of the Mayor including contracts which are required to be executed under the common seal of the Combined Authority.
4	To consider whether, in consultation with the Chief Fire Officer, to provide indemnity to the Mayor and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
5	To consider and approve, in consultation with the Section 73 Officer, provision of indemnity and/or insurance to individual staff of the Mayor.
6	To respond to consultations on proposals affecting the Commissioner, if necessary, after first taking the views of the Commissioner, or the Treasurer, as appropriate.
7	To consider, with the Mayor, any complaint made against the Chief Fire Officer, and where appropriate, to make arrangements for appointing someone independent to investigate the complaint.
8	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 Section 73 Officer.

9	To make arrangements for the support of public communications and engagement.
10	To make arrangements for the support to the Mayor in holding the Chief Fire Officer to account.
11	To be the Senior Information Risk Owner (SIRO) for the Office of the Police, Fire and Crime.
12	The financial management responsibilities of the Corporate Director for Police, Fire and Crime are set out in the Financial Regulations.
13	To manage the budget of the Office of the Police, Fire and Crime, along with the Section 73 Officer.
14	To appoint and dismiss staff employed by the Police, Fire and Crime Commissioner, in consultation with the Commissioner.
15	To make recommendations to the Mayor with regard to staff of the Office of Police, Fire and Crime terms and conditions of service, in consultation with the Section 73 Officer.
16	To undertake the management of staff employed by the Office of the Police, Fire and Crime in line with agreed policies and procedures.
17	To authorise, in line with staff conditions of service, the suspension of any member of staff employed by the Office of Police, Fire and Crime.
18	To bring national agreements on salaries, wages and conditions of staff of the Office of Police, Fire and Crime into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Mayor for a decision.
19	To approve payment under any bonus or performance-related payment schemes for staff approved by the Mayor, honoraria payments made for taking on extra duties and responsibilities, or similar special payments for staff in the Office of Police, Fire and Crime.
20	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 Mayor.
21	To grant essential or casual car user allowances for staff employed by the Office of Police, Fire and Crime.
22	To issue exemption certificates to staff employed by the Office of Police, Fire and Crime whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.

23	To approve the retirement of relevant staff of the Office of Police, Fire and Crime 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 Mayor before implementation.
24	Settlement of employment tribunal cases and grievances of staff employed by the Office of Police, Fire and Crime with the exception of those cases felt to be exceptional because: <ul style="list-style-type: none"> <li>• They involve a high profile claimant</li> <li>• There is a particular public interest case</li> <li>• There is a real risk that the Mayor will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed</li> </ul>
25	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.
26	To affix or authorise the affixing of the common seal of the Combined Authority to: <ul style="list-style-type: none"> <li>• All contracts, agreements or transactions in respect of which there is no consideration</li> <li>• All deeds which grant or convey an interest in land</li> <li>• All documents where it is determined by the Mayor there is a particular need for the seal to be attached</li> </ul>
27	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.
28	To authorise, after consultation with the Chief Fire Officer, the institution, defence, withdrawal or settlement of any claims or legal proceedings on the Mayor'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 Section 73 Officer if there are significant financial implications).
29	To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Mayor.
30	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.

<b>Functions delegated to the Head of Finance (Policing and Crime)</b>	
31	The Head of Finance (Policing and Crime), as the financial adviser to the Mayor has a statutory responsibility to manage the Mayor'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).
32	To sign contracts on behalf of the Mayor, irrespective of the value once they have been approved, except those which are required to be executed under the common seal of the Combined Authority. In such cases the Corporate Director for Policing and Crime is authorised to sign and affix the seal.

## Financial Regulations

These Financial Regulations apply in relation to the Mayor's Police and Crime and Fire and Rescue Authority functions only.

Any reference to the Section 73 Officer's functions or responsibilities may be carried out by the Head of Finance, Policing and Crime, with appropriate sub-delegation/ Section 73 deputisation of roles and responsibilities.

<b>FINANCIAL REGULATIONS</b>	
<b>1</b>	<b>Introduction</b>
1.1	These Financial Regulations form part of the governing documents approved by the York and North Yorkshire Combined 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.
1.2	<p>The Section 73 Officer has a personal fiduciary duty by virtue of their appointment as the person responsible for proper financial administration. 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 Section 73 Officer 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>
1.3	<p>The statutory responsibilities of the Section 73 Officer 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 Section 73 Officer. The Accounts and Audit Regulations 2015 impose further responsibilities. The Section 73 Officer is responsible for:</p> <ul style="list-style-type: none"><li>• ensuring that the financial affairs of the Mayor are properly administered and that the financial regulations are observed and kept up to date</li><li>• ensuring regularity, propriety, feasibility and value for money in the use of public funds</li><li>• ensuring that funding required to finance agreed programmes is available from central Government funding, business rates, precept, other contributions and recharges</li><li>• reporting to the Mayor, the Police, Fire and Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the Mayor or officers of the Mayor</li></ul>

- reporting to the Mayor, 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
- advising the Mayor on the robustness of the budget and adequacy of financial reserves
- ensuring production of the statements of accounts of the Mayor and confirming that they present a true and fair view of the financial position of the Mayor at the end of the financial year to which it relates and of the Mayor's income and expenditure for that financial year
- liaising with the external auditor
- advising the Mayor on the application of value for money principles to support the Mayor in delivering efficient and effective financial management
- advising, in consultation with the statutory officers, on the safeguarding of assets, including risk management and insurance

The Section 73 Officer has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the Mayor on expenditure and preparing each year, in accordance with proper practices in relation to accounts, a statement of the Mayor's accounts.

The Section 73 Officer is the Combined Authority's professional adviser on financial matters. To enable them to fulfil these duties and to ensure the Mayor is provided with adequate financial advice, the Section 73 Officer:

- must be a key member of the Combined Authority's leadership team, working closely with the Corporate Director of the Office of Police, Fire and Crime and Chief Fire Officer, helping the team to develop and implement strategy and to resource and deliver the Mayor'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 Mayor, to ensure that the financial aspects of immediate and longer-term implications, opportunities and risks are fully considered, and aligned with the Mayor's financial strategy
- must lead the promotion and delivery by the Mayor 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



2	<p><b>Financial Planning, Budgeting and Reporting</b></p>
2.1	<p><b>Financial Planning</b></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 Mayor to monitor and manage the way funds are allocated and spent.</p> <p>The Medium Term Financial Plan explains how the Mayor, the Corporate Director for the Office of Police, Fire and Crime and Chief Fire Officer will structure and manage their finances to support deliver of the aims and 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>
2.2	<p><b>Medium Term Financial Plan</b></p> <p>The Mayor is responsible for effective financial and budget planning policing and crime and fire and rescue functions. The Mayor, in consultation with the Corporate Director of the Office of Police, Fire and Crime and 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 Mayor’s Fire and Rescue Plan and Risk and Resource Model and the Police and Crime Plan.</p> <p>The Section 73 Officer is responsible for submitting a Medium Term Financial Plan to the Mayor, which should:</p> <ul style="list-style-type: none"> <li>• be regularly reviewed to ensure its assumptions are appropriate</li> <li>• contain relevant sensitivity analysis</li> <li>• be reviewed when there are changes in the financial environment, for example changes in inflation and/or a change in the grant regime</li> </ul>
2.3	<p><b>Budget Preparation</b></p> <p>The Mayor should consult with the Chief Fire Officer in planning the overall budget for the fire and rescue service and the Corporate Director for the Office of Police, Fire and Crime in planning the budget for policing and crime. The budget will take into consideration funding from</p>

	<p>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 Mayor 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, Corporate Director for the Office of Police, Fire and Crime and the Section 73 Officer are responsible for submitting to the Mayor, 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 Mayor will consider summarised reports from the Section 73 Officer, the Corporate Director for the Office of Police, Fire and Crime and the Chief Fire Officer on the budget.</p> <p>The Section 73 Officer will make recommendations regarding approval of the revenue budget, the level of precept and allocation of financial resources to the services, provision for contingencies, the use of reserves and balances and the setting of the precept to the Mayor.</p>
2.4	<p><b>The Precept</b></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 Mayor will present the proposed level of the fire and police precept to the Police, Fire and Crime Panel. The remit of the Police, Fire 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 Mayor will have regard to any recommendation that is made by the panel in response to the proposed level of precept.</p>

2.5	<p><b>Budget Plans</b></p> <p>Principal Officers, in consultation with the Section 73 Officer, 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>
2.6	<p><b>Virement and In-year changes to the Budget</b></p> <p>The Section 73 Officer will administer the Scheme of Virement set out below. Any change to the Scheme requires the approval of the Section 73 Officer.</p> <p>Principal Officers, after consultation with the Section 73 Officer, may initiate virements between budget heads provided:</p> <ul style="list-style-type: none"> <li>a) it does not involve a new policy or policy change.</li> <li>b) it does not involve an increasing commitment in future years which cannot be contained within existing approved budget allocations.</li> <li>c) it does not create additional overall budget liability.</li> </ul> <p>Any single virement for expenditure not exceeding £20,000 shall be approved by the Chief Accountant and Administration who will notify the Section 73 Officer accordingly. Any single virement for expenditure exceeding £20,000 shall be subject to approval by the Section 73 Officer.</p>
2.7	<p><b>Power to Incur Expenditure</b></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 Mayor.</p> <p>No revenue or capital expenditure can be incurred without the approval of the Mayor 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> <ul style="list-style-type: none"> <li>a) initiating a new policy.</li> <li>b) committing revenue or capital expenditure in current or future years to above the approved budget levels.</li> <li>c) transferring revenue resources between budget heads except as provided in the Scheme of Virement.</li> <li>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.</li> <li>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.</li> </ul>

	<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 Section 73 Officer 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 Mayor 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 the Section 73 Officer 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 Mayor's borrowing limits may be entered into without seeking the prior approval of the Section 73 Officer.</p>
2.8	<p><b>Partnerships</b></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 Section 73 Officer.</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>
2.9	<p><b>Monitoring and Reporting</b></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 Section 73 Officer, must, as soon as is practicable, report to the Mayor where they are unable to balance expenditure and resources within the approved budget allocation and make recommendations to the Mayor which will address the shortfall.</p>

	<p>The Section 73 Officer 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 Mayor.</p>
2.10	<p><b>Disposal of Capital and Fixed Assets</b>  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 Section 73 Officer. The disposal will be recorded in the Capital Asset Register maintained by the Finance Department.</p>
<b>3</b>	<p><b>Financial Systems and Standards</b></p>
3.1	<p><b>Financial Management Standards</b>  The Section 73 Officer is responsible for setting the Authority's financial management standards and for monitoring their compliance.</p> <p>The Section 73 Officer 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 Combined Authority's finance staff.</p>
3.2	<p><b>Systems and Procedures</b>  The Section 73 Officer 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 Section 73 Officer.</p> <p>The Section 73 Officer, in conjunction with the Chief Accountant 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 Chief Accountant and Administration must consult with the Section 73 Officer 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 Section 73 Officer 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>
<b>4</b>	<b>Audit, Control and Irregularities</b>
4.1	<p>The Joint Independent Audit Committee will review the effectiveness of external and internal audit. These members should be independent of both the Office of Police, Fire and Crime, North Yorkshire Police 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.</p> <p>The terms of reference for the Joint Independent Audit Committee are available on the Combined Authority website and are included within the constitution and are reviewed and agreed annually setting out the role of the Committee and the responsibilities of its Members.</p> <p>The Section 73 Officer is responsible for reporting to Joint 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 Section 73 Officer 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 Section 73 Officer 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 Section 73 Officer in those instances of a material nature where the principles of internal control prove difficult to implement or maintain.</p> <p>The Section 73 Officer must be notified immediately of all instances of potential and actual irregularity affecting the finances of the Authority.</p>

	<p>The Monitoring Officer 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>
<b>5</b>	<b>Expenditure</b>
5.1	<p><b>General</b>  All payments made on behalf of the Authority will be delegated to and made by the Financial Services Team on behalf of the Section 73 Officer.</p> <p>In making such payments, the Section 73 Officer will, where necessary, rely on the certification of authorised employees.</p>
5.2	<p><b>Procurement of Supplies, Services and Works</b>  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>
5.3	<p><b>Payment of Creditors</b>  Payments will be made in accordance with the Payment of Invoices Standard Operating Procedures, any proposed changes to which must be reported to the Section 73 Officer for approval.</p>
5.4	<p><b>Advance Accounts</b>  The Section 73 Officer will provide such accounts as is considered appropriate for authorised employees to defray petty cash and other expenses.</p>
<b>6</b>	<b>Income</b>
6.1	<p>Principal Officers are responsible for:</p> <ul style="list-style-type: none"> <li>a) reviewing and making recommendations to the Mayor about charges that may be made for services provided by the Authority on a non-profit making basis, in accordance with powers to charge set out in relevant legislation.</li> <li>b) reviewing and implementing all external fees and charges, to be approved by the Section 73 Officer on an annual basis.</li> </ul> <p>The establishment or variation of any such fee or charge that involves a policy change requires approval from the Section 73 Officer.</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 Mayor are banked promptly and intact and receipted.</p> <p>Principal Officers are responsible for the prompt raising of debtors accounts and for the subsequent collection of the amounts due in accordance with corporate policies on credit management as determined by the Section 73 Officer.</p> <p>The Section 73 Officer may write-off debtors' accounts up to an individual account limit of £10,000. Bad debts exceeding this figure require the approval of the Mayor.</p>
7	<b>Treasury Management</b>
7.1	<p><b>Banking</b></p> <p>The Section 73 Officer is responsible for arranging the Mayor's banking arrangements, including opening and closing of bank accounts. The Combined Authority is a separate corporation sole. As such, the Combined Authority should have separate banking arrangements from the Chief Constable for North Yorkshire.</p> <p>Payments from the Combined Authority's bank accounts will be authorised in accordance with the appropriate bank account mandates.</p>
7.2	<p><b>Treasury Management</b></p> <p>The Section 73 Officer is responsible for recommending approval to the Commissioner for the Treasury Management Policy Statement, in line with CIPFA's Code of Practice for Treasury Management in Local Authorities and Prudential Code, and the Annual Treasury Management Strategy.</p> <p>The Section 73 Officer 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"> <li>• to keep under review and to update as required, the Treasury Management Policy Statement for approval by the Mayor</li> <li>• 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</li> <li>• to prepare the Annual Treasury Management Strategy at or before the start of each financial year for approval by the Mayor</li> </ul>



	<ul style="list-style-type: none"> <li>• to regularly monitor performance against Borrowing Limits and Prudential Indicators and to seek approval for changes to those limits if applicable</li> <li>• 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 Mayor</li> </ul>
7.3	<p><b>Assets</b></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 Section 73 Officer 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 Mayor.</p>
7.4	<p><b>Insurance and Risk Management</b></p> <p>The Section 73 Officer 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>The Mayor 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>
7.5	<p><b>Other Funds</b></p> <p>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 Section 73 Officer.</p> <p>All employees of the Combined Authority acting as trustees by virtue of their official position will ensure that accounts are audited as to the appropriate body.</p>

## Contract Procedure Rules

These contract procedure rules apply in relation to the Mayor’s Police and Crime and Fire and Rescue Authority functions only.

Any reference to the Section 73 Officer’s functions or responsibilities may be carried out by the Head of Finance, Policing and Crime, with appropriate sub-delegation/ Section 73 deputisation of roles and responsibilities.

<b>CONTRACT PROCEDURE RULES</b>	
<b>1</b>	<b>Introduction</b>
1.1	<p>These Contract Procedure Rules 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 Office of Police, Fire and Crime and 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 Procedure Rules apply to all contracts with third parties and to all sub-contracts (where a sub-contractor is specified by the Mayor to a contractor).</p> <p>The Mayor’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 Officer exercising the Officer of Police, Fire and Crime or Fire and Rescue functions, Function Heads, Budget Co-ordinators or anyone acting on their behalf.</p> <p>The Contract Procedure Rules 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 Procedure Rules are subject to variation from time to time by the Mayor. Those subject to European Union Directives are presently reviewed by the European Union every two years.</p>
<b>2</b>	<b>How the Mayor Procures</b>
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>

All contracts with a value of more than £5,000, exclusive of Value Added Tax (VAT) in total over a four year period shall be entered on the Combined Authority Contract Register, which is publicly available via the Combined Authority website.

In accordance with the Public Procurement Regulations 2015, the Authority shall publish details of all contracts awarded whose value exceeds £30,000 (including 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.

In accordance with the Public Contracts Regulations 2015, and where applicable the Concession Contracts Regulations 2016, the Authority shall publish in Find a Tender Service (FTS) all contracts awarded whose value exceeds the financial thresholds stated in these Regulations for their application.

#### **For Goods, Services and Works**

Under £10,000	It is the Budget Co-ordinators responsibility to ensure best value is achieved
Between £10,000 and £50,000	A Procurement Request Form (PRF) must be submitted, a minimum of three written or electronic quotations, which may be in an electronic format, must be sought
Between £50,001 and FTS threshold	A PRF must be submitted, procurement involvement is required and a tendering procedure must be followed. Public Contract Regulations 2015 regulations must be complied with.

#### **For All Goods, Services and Works**

##### **Under £10,000**

- All purchases require a purchase order. It is the Budget Co-ordinators responsibility to ensure best value is achieved
- An Authority purchasing credit card should only be utilised whenever a Purchase Order cannot be used

##### **Between £10,000 and £50,000**

- A PRF is required with a minimum of three written or electronic quotations must be sought and the details of the quotes sent to Procurement Department Once the decision has been made to take up a quote a purchase order is to be raised via the financial

	<p>accounting system and the details of the transaction must be recorded by the Budget Holder for inclusion in the local commitment records</p> <p><b>Between £50,001 and FTS threshold</b></p> <ul style="list-style-type: none"> <li>• Procurement involvement is required, and a tendering procedure must be followed</li> <li>• The principles of the Business Management Framework should be followed to confirm all relevant stakeholders have been consulted</li> <li>• 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"> <li>(a) Where a decision has been made at a Corporate Management Board or Executive Board.</li> <li>(b) Authority is given by the Section 73 Officer.</li> <li>(c) Confirmation has been sought from the Budget Co-ordinator confirming budget availability and approval.</li> </ul> </li> </ul>
2.2	<p>The tendering procedure will require the specification to be up-loaded into the 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 FTS , meeting the Authority’s obligation to the Government’s requirements to advertise the procurement of goods, services or works.</p>
2.3	<p>No tendering procedure is required in respect of:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Frameworks but further competition by means of a mini-competition may be required</li> <li>• 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</li> <li>• 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</li> <li>• (detailed below)A contract for the engagement of a Counsel</li> </ul>

	<ul style="list-style-type: none"> <li>• Subscriptions or fees to Government departments and/or other official organisations such as NFCC, FTA, CIPFA, etc., this list is not exhaustive</li> </ul>
<b>3</b>	<b>Exemptions to the Contract Procedures</b>
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. A Single Tender Action must be completed. Exceptions to normal procedures for contracts of a value less than £10,000 must have the approval of the Budget Holder or a person who is authorised by the Budget Holder to provide such an approval. Exceptions of a value above £10,000 but below £50,000 can be approved by the Procurement Manager and all those above £50,000 must have the approval of the Section 73 Officer. Examples are detailed as:</p> <ul style="list-style-type: none"> <li>• The goods, services or works are unique and provided by only one organisation with no reasonably satisfactory alternatives available</li> <li>• 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</li> <li>• 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</li> <li>• That new services or works are required which are a repetition of services or works carried out under an original contract whilst a new procurement is underway</li> <li>• 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</li> <li>• Tenders are invited on behalf of any consortium or collaboration, of which Combined Authority is an identified member, in accordance with any method adopted by that body. Where however, an Officer invites tenders on behalf of the consortium the receipt, opening and acceptance of tenders must comply with the Mayor's Financial Regulations and Finance Procedures or any overriding National or European Union legislation</li> <li>• 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</li> </ul>

	<ul style="list-style-type: none"> <li>• A Single Tender Action may be considered to have the approval of the Section 73 Officer if the action is relevant expenditure of value less than £50,000 and one of the following types:</li> <li>• (a) An annual maintenance/licence fee for a piece of equipment or software that has been purchased previously, to cover the second or subsequent years following purchase, when there is only one UK supplier of the maintenance/licence services for the make/model of equipment or software. This exemption does not apply to the first year's maintenance/licence fee when it is purchased with the equipment software.</li> <li>• (b) Servicing or repair charges of parts for a piece of equipment or a piece of software that has been previously purchased when there is only one UK supplier of the servicing or repair services or parts for the make/model of the equipment or software. This exception does not apply to upgrades(c) Specialist Training Courses when: <ul style="list-style-type: none"> <li>There is only one UK supplier of the training services</li> <li>or</li> <li>Where the Authority has already purchased the relevant equipment or software for which training is required and it is considered by the budget holder to be appropriate to use the same supplier for training:</li> <li>Or</li> <li>Where the training forms part of a previously approved course of training which covers a number of years and which has already been commenced with the supplier. For clarity, this exemption does not apply to the initial selection of the training provider, only to the procurement of the second and subsequent training sessions.</li> </ul> </li> <li>• This exemption does not apply to training purchased at the same time as the equipment or software.</li> </ul> <p>An exception may be considered to have the approval of the Section 73 Officer if the expenditure is less than £50,000 and is one of the following :</p> <ul style="list-style-type: none"> <li>Purchase of Licences (following an initial procurement)</li> <li>Performing Rights Society</li> <li>Phonographic Performance Limited</li> <li>Copyright \ Licencing Agency Limited</li> <li>TV Licencing (TV global licence)</li> </ul>
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 completing a Single Tender Action so that the requirement can be</p>

	assessed and presented to the relevant Function Head and consultation and approval can be sought from the Section 73 Officer.
3.3	For procurement projects over £10,000 for all goods, services and works, the Monitoring Officer of the Mayor or the Section 73 Officer 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.
<b>4</b>	<b>Advertising of Contracts</b>
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 £30,000 (incl 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 FTS 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>
<b>5</b>	<b>Pre-Quotation/Tender Requirements</b>
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"> <li>• Establish whether the goods, services or works that the Authority wishes to purchase are available, and within what price range</li> <li>• Assess market conditions should the procurement process require it</li> </ul> <p>This must be with the prior knowledge and approval of the Procurement Department via the procurement service level agreement.</p>
5.2	In making enquiries:



	<ul style="list-style-type: none"> <li>• 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</li> <li>• 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</li> <li>• 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</li> </ul>
5.3	<p>Before obtaining quotations or tenders for a procurement estimated at a value of £30,000 (incl VAT) 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 Section 73 Officer 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>
<b>6</b>	<b>Procurement Portal</b>
6.1	If a supplier wishes to be considered for future Authority requirements they can, at no cost, register on the Bluelight e-Tendering Portal <a href="https://bluelight.eu-supply.com/">https://bluelight.eu-supply.com/</a>
6.2	All forthcoming tender award opportunities shall be advertised in accordance with paragraph 6.4.1.
6.3	If a supplier is asked to submit a quotation or tender, they will be required to provide sufficient information for 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.
<b>7</b>	<b>Invitation and Submission</b>
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 <a href="https://bluelight.eu-supply.com/">https://bluelight.eu-supply.com/</a>.</p> <p>Invitation to tender documents will usually contain the following information:</p> <ul style="list-style-type: none"> <li>• Letter of invitation and instructions about the process</li> <li>• Form of tender</li> <li>• Specification and/or schedule of rates</li> <li>• Contract terms and conditions</li> <li>• Any relevant supporting information (drawings, maps, etc.)</li> <li>• 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</li> </ul>
7.2	Completed tenders <b>MUST</b> 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.
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 Mayor's minimum time for return of priced tenders for below FTS 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 Mayor. All procurements which exceed the FTS thresholds must use the timescales outlined in the Regulations.
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.
<b>8</b>	<b>Opening of Tenders</b>
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.
8.2	<p>The Procurement 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.</p> <p>The Procurement Department will maintain a record of tenders on the Bluelight e-Tendering Portal and in compliance with the Local Government Transparency Code 2015.</p>
<b>9</b>	<b>Evaluation of Tenders and Quotations</b>
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.
9.2	The Mayor 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.
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"> <li>• Technical suitability</li> <li>• Financial viability and stability</li> <li>• Quality systems</li> <li>• Customer care and after sales service</li> <li>• Experience and past performance</li> <li>• Aesthetic and functional characteristics</li> <li>• Delivery date and other management factors</li> <li>• Commitment to Equality and Diversity and Sustainability</li> </ul>

	<ul style="list-style-type: none"> <li>The economic, social and environmental well-being of an area (Social Value)</li> </ul>
9.4	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.
<b>10</b>	<b>Post Tender Considerations</b>
10.1	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 <a href="https://bluelight.eu-supply.com/">https://bluelight.eu-supply.com/</a> message system. Should this not be available then advice should be sought from the Procurement Department, or a person acting with the authority of the Budget Holder, on how to proceed so that an audit trail can be maintained.
10.2	Any negotiations with a supplier to discuss the pricing or any other allowable aspects of the bid submitted should: <ul style="list-style-type: none"> <li>Be undertaken only by the Procurement 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</li> </ul>
<b>11</b>	<b>Contract Awards</b>
11.1	Before a Tender is accepted, and the resulting contract signed, a Contract Summary Report will be completed by the Procurement Team (over £50,000 procurements). The award of a contract shall be approved in accordance with the following: <ul style="list-style-type: none"> <li>By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000</li> <li>By the Budget Co-ordinator for contracts with a value of up to £250,000</li> <li>By the Section 73 Officer for contracts with a value in excess of £250,000</li> </ul>
11.2	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: <ul style="list-style-type: none"> <li>By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000</li> </ul>

	<ul style="list-style-type: none"> <li>• By the Budget Co-ordinator for contracts with a value of up to £250,000</li> <li>• By the Section 73 Officer for contracts with a value in excess of £250,000</li> </ul>
11.3	All unsuccessful tenderers should be notified promptly in writing or via <a href="https://bluelight.eu-supply.com/">https://bluelight.eu-supply.com/</a> . 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.
<b>12</b>	<b>Corrupt Practices</b>
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 Mayor 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"> <li>• 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 Mayor</li> <li>• 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</li> <li>• 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</li> <li>• For any fee or reward given, the receipt of which is an offence under the Local Government Act 1972</li> </ul>
<b>13.</b>	<b>Third Parties</b>
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 Section 73 Officer being satisfied that the procurement procedures of the partner authority are no less rigorous than these Contract Procedure Rules.</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 Procedure Rules:</p>

	<ul style="list-style-type: none"> <li>• By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000</li> <li>• By the Budget Co-ordinator for contracts with a value of up to £250,000</li> <li>• By the Section 73 Officer for contracts with a value in excess of £250,000</li> </ul> <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"> <li>• Observe the procedures prescribed within these Contract Regulations</li> <li>• Produce on demand, all records maintained by them in relation to the contract</li> <li>• On completion of a contract, transmit such records to the Section 73 Officer or the Monitoring Officer</li> </ul>
<b>14</b>	<b>Assignment</b>
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 Mayor. Sub-letting, other than that which may be customary in the trade concerned, shall be prohibited.
<b>15</b>	<b>Sealed Contracts</b>
15.1	All contracts and orders shall be made electronically or in writing and made in the name of the Mayor.
<b>16</b>	<b>Term of Contract</b>
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.
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 A - Terms of Reference for the North Yorkshire Joint Independent Audit Committee (Police and Crime) (“JIAC”)**

### Composition of the JIAC

That the JIAC comprises not less than 5 Members, including 1 Chair, who are independent of the Y&NYCA and North Yorkshire Police. The length of each appointment will be confirmed on recruitment, but will be between 2 and 4 years, with a maximum term of four years. A member may apply for re-appointment however re-appointment may only take place once.

To support the Committee in undertaking their role attendees from each of the following will also attend every ordinary meeting of JIAC:

- The Command Team of the Police Force, including at least one operational Police Officer, are required to be represented at each meeting of the Committee.
- At least one of the Deputy Mayor for Policing and Crime’s Statutory Officers are required to attend each meeting of the Committee.
- A representative from each of External Audit and Internal Audit shall also attend each meeting of the Committee.

Other attendees will be confirmed by the Chair as and when required. The Mayor and Chief Constable although not Members of the JIAC, may attend any meeting.

### Quorum of the JIAC

No decisions can be made at the meeting of the JIAC unless at least 3 Members of the JIAC are present.

At any meeting the Chair shall preside, if present. In their absence the Members present shall appoint one of their number to act as Chair for that meeting.

### Press and Public

The Public shall be admitted to all meetings of the JIAC unless excluded by resolution in accordance with the provisions of the Local Government Act 1972 (Schedule 12a), as amended by the Local Government (Access to Information) Act 1985.

A member of the public will not be permitted to speak or ask questions at the meeting except with the consent of the meeting Chair.

### Exclusion of Public Access

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

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

Items will be considered '**Below the Line**' or '**not for publication**' when they contain exempt information as defined by schedule 12 of the Local Government Act 1972.

Individual members of the public may be excluded at the discretion of the meeting Chair on the basis of maintaining good order.

### Purpose

The JIAC is responsible for enhancing public trust and confidence in the governance of the Mayor's Police, Fire and Crime Office and North Yorkshire Police. It also assists the Mayor in discharging statutory responsibilities in holding the Police Force to account, and ensures that effective governance and risk management arrangements are in place and functioning efficiently and effectively. This is achieved by;

- Advising the Mayor and Chief Constable of North Yorkshire Police according to good governance principles.
- Independently scrutinising financial and non-financial performance to the extent that it affects the Mayor and North Yorkshire Police exposure to risks and weakens the internal control environment.
- Providing independent assurance on the adequacy and effectiveness of the Mayor office and North Yorkshire Police internal control environment and risk management framework.
- Overseeing the effectiveness of the framework in place for ensuring compliance with statutory requirements.
- Overseeing governance and monitoring of governance within the organisation.
- Overseeing the financial reporting process.
- Having unfettered access to Internal Audit and External Audit where required and to meet with them at least once a year out with formal JIAC sessions and without executive representation.

On an annual basis the JIAC shall complete a self-assessment which shall inform a report on the work of the Committee to the Mayor and Chief Constable.

To aid the JIAC in delivering its purpose and objectives the Mayor will make available funds for the JIAC to take independent legal and financial advice where the JIAC deems it is reasonably necessary to do so. Where the JIAC deems this advice is necessary it should be discussed and coordinated with the Monitoring Officer and the Chief Finance Officers of the Chief Constable and the Combined Authority.

### Notice of Meetings

The JIAC meets on at least four occasions during a financial cycle typically in May, July, November and March.

In the event that additional formal JIAC sessions are required these can be convened at the request of either the Chair or at least two JIAC members.

### Objectives

The JIAC in effectively discharging its function is responsible for:



### Internal Control Environment

- Satisfying itself as to the effectiveness of the internal control framework in operation within the Mayor and North Yorkshire Police and advising the Mayor and Chief Constable of North Yorkshire Police as appropriate.
- Considering the Annual Governance Statement for publication with the annual accounts, together with associated action plans for addressing areas of improvement and advising the Mayor as appropriate.
- Considering the arrangements to secure value for money and review assurances on the effectiveness of those arrangements.

### Corporate Risk Management

- Approving the Mayor and North Yorkshire Police's corporate risk management strategy and framework; ensuring that an appropriate framework is in place for assessing and managing key risks to the office of the Mayor and North Yorkshire Police.
- Considering the financial risks to which the Mayor and North Yorkshire Police are exposed and approving measures to treat, tolerate, transfer or terminate them as appropriate.
- Providing assurance to the Mayor and Chief Constable of North Yorkshire Police as appropriate on the effectiveness of the risk management framework in operation.
- Providing oversight and scrutiny of the risk registers of both the Mayor and Chief Constable.

### Regulatory Framework

- Maintain an overview of the governance framework in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- Review any issue referred to it by the statutory officers of the Mayor and Chief Constable and make recommendations as appropriate.
- Monitor the policies of both the Mayor and Chief Constable on the making of protected disclosures (whistleblowing) and any anti-fraud & anti-corruption strategy.

### Internal Audit

- Advising the Mayor and Chief Constable of North Yorkshire Police on the appropriate arrangements for internal audit, the appointment of the Internal Auditors and approving the Internal Audit Strategy.
- Approving the internal audit annual programme.
- Overseeing and giving assurance to the Mayor and Chief Constable of North Yorkshire Police on the provision of an adequate and effective internal audit service; receiving progress reports on the internal audit work plan and ensuring appropriate action is taken in response to audit findings, particularly in areas of high risk.
- Considering the Internal Audit's findings on the internal control environment for the Mayor and North Yorkshire Police; ensuring appropriate action is taken to address any areas for improvement.
- Reviewing and monitoring the effectiveness of office of the Mayor and North Yorkshire Police on fraud, irregularity and corruption.



### External Audit

- Advising the Mayor and Chief Constable of North Yorkshire Police on the appointment of external auditors.
- Approving/recommending on behalf of the Mayor and Chief Constable of North Yorkshire Police the external audit programme and associated fees.
- Reviewing the external auditor's Annual Completion Report and any other reports; reporting on these to the Mayor and Chief Constable of North Yorkshire Police as appropriate and including progress on the implementation of agreed recommendations.
- Reviewing External Auditor's Annual Audit Letter and making recommendations as appropriate to the Mayor and Chief Constable of North Yorkshire Police.

### Financial Reporting

- Reviewing the Annual Statement of Accounts and make recommendations, or bring to the attention of the Mayor or Chief Constable, any concerns or issues.
- Considering whether appropriate accounting policies have been followed and any changes to them.

### Inspection and Review

- Considering HMICFRS, external review agencies and any internal inspection reports that provide assurance on the internal control environment and/or may highlight governance issues for the Mayor and/or North Yorkshire Police.

### Civil Claims

- Maintaining an overview of civil claims and other legal proceedings affecting or revealing matters of good governance.

### Information Governance

- Reviewing Corporate Strategy, policies and procedures in relation to Information Governance for both the Mayor and Chief Constable.
- Reviewing reports from the Senior Information Risk Owner (SIRO), of both the Mayor and Chief Constable, relating to the implementation of the corporate strategy, compliance with the legal framework regulating data protection and other information governance.
- Considering any implications for governance and the annual governance statements of both the Mayor and Chief Constable from issues in this area.

### Approval

These Terms of Reference were approved by the Police, Fire and Crime Commissioner and Chief Constable on 28 May 2019 and will be reviewed annually.

## **APPENDIX B - Terms of Reference for the North Yorkshire Independent Audit Committee (Fire and Rescue) (“IAC”)**

### **Composition of the Committee**

The Audit Committee comprises 5 members who are independent of the Office of the PFCC Fire Rescue Authority (OPFCC FRA). The Corporate Management Board of the Fire Service are required to be represented at each meeting of the Committee.

### **Quorum of the Committee**

No business shall be transacted at the meeting of the Audit Committee unless at least 3 Members of the Committee are present.

### **Press and Public**

The Public shall be admitted to all meetings of the Audit Committee unless excluded by resolution in accordance with the provisions of the Local Government Act 1972 (Schedule 12a), as amended by the Local Government (Access to Information) Act 1985.

A member of the public will not be permitted to speak or ask questions at the meeting except with the consent of the meeting chair.

### **Exclusion of Public Access**

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

Confidential information means information given to the PFCC or Chief Fire Officer (CFO) by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Items will be considered ‘**Below the Line**’ or ‘not for publication’ when they contain exempt information as defined by schedule 12 of the Local Government Act 1972.

### **Purpose**

The Audit Committee is responsible for enhancing public trust and confidence in the governance of the Office of the PFCC FRA and North Yorkshire Fire and Rescue Service. It also assists the PFCC in discharging statutory responsibilities in holding the Fire Service to account. This is achieved by;

- Advising the OPFCC FRA and Chief Fire Officer of North Yorkshire according to good governance principles
- Providing independent assurance on the adequacy and effectiveness of the OPFCC FRA internal control environment and risk management framework.

- Overseeing the effectiveness of the framework in place for ensuring compliance with statutory requirements (and in particular those in respect of health and safety and equalities and diversity.)
- Independently scrutinising financial and non-financial performance to the extent that it affect the OPFCC FRA exposure to risks and weakens the internal control environment
- Overseeing governance and monitoring of governance within the organisation.
- Overseeing the financial reporting process

## **Objectives**

The Audit Committee meets at least four times a year and in effectively discharging its function is responsible for:

### **Internal Control Environment**

- Satisfying itself as to the effectiveness of the internal control framework in operation within the OPFCC FRA and advising the PFCC and Chief Fire Officer as appropriate.
- Considering the Annual Governance Statement for publication with the annual accounts, together with associated action plans for addressing areas of improvement and advising the PFCC as appropriate.

### **Corporate Risk Management**

- Approving the OFPCC FRA corporate risk management strategy and framework; ensuring that an appropriate framework is in place for assessing and managing key risks to the OFPCC FRA.
- Considering the financial risks to which the OFPCC FRA is exposed and approving measures to reduce or eliminate them or to insure against them.
- Providing assurance to the PFCC and Chief Fire Officer as appropriate on the effectiveness of the risk management framework in operation.
- Provide quarterly oversight and scrutiny of the risk registers of the PFCC FRA.

### **Regulatory Framework**

- Maintain an overview of the governance framework in respect of contract procedure rules, financial regulations and codes of conduct and behaviour and to review and approve on an annual basis any changes to the Code of Corporate Governance.
- Maintain an overview in relation to an overview of the number and types of complaints.
- To review any issue referred to it by the Statutory Officers of the PFCC and make recommendations as appropriate.
- To monitor the policies of the PFCC FRA on 'Raising Concerns at Work', anti-fraud and corruption strategy and complaints process.

## **Internal Audit**

- Advising the PFCC and Chief Fire Officer on the appropriate arrangements for internal audit, the appointment of the Internal Auditors and approving the Internal Audit Strategy.
- Approving the internal audit annual programme.
- Overseeing and giving assurance to the PFCC and Chief Fire Officer on the provision of an adequate and effective internal audit service; receiving progress reports on the internal audit work plan and ensuring appropriate action is taken in response to audit findings, particularly in areas of high risk.
- Considering the Head of Internal Audit Annual Report and annual opinion on the internal control environment for the OFPCC FRA; ensuring appropriate action is taken to address any areas for improvement.
- Reviewing and monitoring the effectiveness of OPFCC FRA on fraud, irregularity and corruption.

## **External Audit**

- Advising the PFCC and Chief Fire Officer on the appointment of external auditors.
- Approving on behalf of the PFCC and Chief Fire Officer the external audit programme and associated fees
- Reviewing the external auditor's Annual Completion Report and any other reports; reporting on these to the PFCC and Chief Fire Officer as appropriate and including progress on the implementation of agreed recommendations.
- Reviewing the External Auditor's Annual Audit Letter and making recommendations as appropriate to the PFCC and Chief Fire Officer.

## **Financial Reporting**

- Reviewing the Annual Statement of Accounts and make recommendations, or bring to the attention of the PFCC or Chief Fire Officer, any concerns or issues.
- To consider whether appropriate accounting policies have been followed and any changes to them.

## **Inspection and Review**

- Considering HMICFRS, external review agencies and any internal inspection reports that provide assurance on the internal control environment and/or may highlight governance issues for the PFCC FRA.

## **Complaints**

- Maintain an overview of Fire Service complaints.

## **Freedom of Information**

- Maintain an overview of FOI requests, Subject Access Requests and Performance.
- Act as the review body for Freedom of Information appeals

### **Civil Claims**

- Maintain an overview of Civil Claims

### **Information Governance**

- Review Corporate Strategy, policies and procedures in relation to Information Governance for PFCC FRA.
- Review reports from the Senior Information Risk Owner (SIRO) relating to the implementation of the corporate strategy, compliance with Data Protection Act and other information Governance related legislation.
- Consider any implications for governance and the annual governance statements of the PFCC FRA from issues in this area.

## **Appendix C – Terms of Reference for Executive Board (PCC and Fire and Rescue)**

### **Purpose**

A strategic governance forum which gives direction and makes decisions on matters of significant public interest, within police and crime through which the Mayor drives and monitors the delivery of the Police and Crime Plan.

### **Standard agenda**

- 1) Welcome and apologies
- 2) Action Log
- 3) North Yorkshire Police (must specify which part of the Police and Crime Plan each area reported upon raised relates to)
  - a) Current and significant issues emerging (please share information on key issues identified which hinder the delivery of any part of the Police and Crime plan that the Mayor should be aware of)
  - b) For information and discussion (This will be areas that you wish to raise with the Mayor or items that you wish to discuss with the Mayor but not necessarily require a decision)
  - c) Decisions required. (
  - d) Third party reports section. Including update on HMICFRS progress against actions. (include updates from other internal and external audits)
- 4) Enable (must specify which part of the Police and Crime plan each area raised impacts upon)
  - a) Current and significant issues emerging (please share information on key issues identified which hinder the delivery of any part of either plan that the Mayor should be aware of)
  - b) For information and discussion (This will be areas that you wish to raise with the Mayor or items that you wish to discuss with the Mayor but not necessarily require a decision)
  - c) Decisions required.
- 5) Legal services
  - a) Updates
  - b) Collaboration agreements
- 6) Finance
  - a) Updates
- 7) Mayor
  - a) Commissioning and partnerships
  - b) Mayor updates
- 8) Risks
  - a) NYP
  - b) Enable
  - c) Mayor

## Reports required

- Minutes/decisions and actions log of COT.
- HMICFRS Update report.
- Any other reports in line with the terms of reference.

## Attendees

- Mayor (Chair)
- Chief Constable of North Yorkshire Police
- Deputy Chief Constable
- Assistant Chief Officer, Enable NY
- Combined Authority Head of Paid Service & Combined Authority Monitoring Officer
- Legal Services Representative
- Communications and engagement team representative
- Mayor's Chief Finance Officer
- Chief Constable's Chief Finance Officer
- Director of Delivery and Assurance
- Director of Public Confidence
- Director of Commissioning & Partnerships

## Terms of reference:

1. Ensure that the strategic direction and objectives of the services are set in-line with and are supportive of the Police and Crime Plan.
2. To give direction and make decisions on matters of significant public interest, with to achieve the outcomes of the Police and Crime Plan.
3. To receive notification of decisions made by delegates under the Scheme of Delegation.
4. Ensure that North Yorkshire Police and the Office of the Mayor are operating within agreed budget allocations and ensuring value for money.
5. Consider North Yorkshire Police and the Mayor's strategic risks and ensure that appropriate actions are being taken to address them.
6. Review and monitor progress against HMICFRS and other regulatory recommendations.
7. Consider any public feedback received.

## Rules

- Held monthly, usually the last Tuesday of the month (except December)
- In exceptional circumstances closed items may be withheld from publication. Closed items shall be those matters which in the opinion of the meeting are either
  - Exempt from publication within the meaning of Regulation 2(2) Elected Local Policing Bodies (Specified Information) Order 2011; or
  - Subject to legal professional privilege; or
  - Subject to a duty of confidence at law; or

- Fall within a description of any other matter in respect of which a local authority could pass a resolution to exclude members of the public from a meeting
- Papers are to be supplied to the nominated SPOC within the Mayor's Office by a deadline set by the SPOC, by 4pm on the Tuesday before every meeting.
- Papers may be in any reasonable and accessible format suitable for the subject matter.
- Business Cases or documents seeking significant investment from the Mayor, must be the subject of a pre-briefing to the Mayor, unless explicit agreement is obtained to the contrary from the Mayor or the Chief Executive.
- There will be an assumption that all those attending the meeting will have read all documentation which is circulated in advance of a meeting, provided reasonable notice has been given.
- Verbal updates should be delivered at a strategic level and by exception only.
- Attendees must ensure that all updates reference the section of the police and crime plan to which they relate.

**How details of the meeting will be recorded and published.**

The meeting will be documented, and this will be published on the Y&NYCA website.