

DECISION RECORD

Decision Title:	Constitutional Amendment
Decision Maker:	Interim Monitoring Officer
Date of Decision:	7 May 2024
Status:	Implemented
Key Decision:	No
Subject to Call-In:	No

1. The following decision has been taken:

Amendments to the Constitution of the Combined Authority are required in order to ensure that the Combined Authority can operate in a safe and legal manner, particularly with the transition of the North Yorkshire Police, Fire and Crime Commissioner's Office and North Yorkshire Fire and Rescue Authority into the Combined Authority on 7 May 2024.

2. Reasons for decision:

The York and North Yorkshire Combined Authority needs to ensure that it is safe and legal as it evolves over the coming weeks and months. The amendments allow for this.

3. Details of any alternative options considered and rejected:

There are no alternative options to ensure that the Combined Authority operates in a lawful manner, other than to make necessary amendments to the Constitution.

4. Conflicts of Interest and Dispensations:

None.

5. Accompanying Documents:

- *Officer's Report – 240503 – Urgent Decision – Constitution Amendments*
- *Appendices – Appendix A – Table of Amendments, Appendix B – Part 9 of the Constitution*
- *Background Documents – None*

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York and North Yorkshire Combined Authority

URGENT POWERS

3 MAY 2024

**TITLE OF DECISION: CONSTITUTIONAL AMENDMENT – URGENT
DECISION**

**OFFICER REQUESTING: RACHEL ANTONELLI,
INTERIM DEPUTY MONITORING OFFICER**

1.0 PURPOSE OF REPORT

1.1 Amendments to the Constitution of the Combined Authority are required in order to ensure that the Combined Authority can operate in a safe and legal manner, particularly with the transition of the North Yorkshire Police, Fire and Crime Commissioner’s Office and North Yorkshire Fire and Rescue Authority into the Combined Authority on 7 May 2024.

2.0 BACKGROUND

2.1 At the meeting of the Combined Authority which took place on 18 March 2024, Members resolved that until the next Combined Authority Meeting, which is due to take place on 31 May 2024, that the Interim Monitoring Officer had the ability to make amendments to the Constitution to ensure that the Combined Authority could operate in a safe and legal manner. Such amendments could be made after the Interim Monitoring Officer had consulted with the Lead Members of the Combined Authority and also have to be reported back to the next meeting of the Combined Authority.

2.2 The proposed amendments relate to the transition of the Police, Fire and Crime Commissioner’s Office and the Fire and Rescue Authority into the Combined Authority, which is due to take place on 7 May 2024. The proposals relate to Part 9 of the Constitution only. A table of proposed amendments can be found

at Appendix A and a track change copy of Part 9 showing the proposals within the context of the Part, is set out at Appendix B.

2.3 The proposed amendments fall into two categories, namely key issues which are required to ensure that the Police and Crime and Fire and Rescue work can continue in a safe and legal manner from 7 May 2024 onwards and also improvements to ensure that the Constitution is set out in a way which meets the legal requirements of the transition of the services into the Combined Authority. These proposals are summarised as follows, but set out in full in the table at Appendix A:

- a) Inclusion of Financial Regulations and Contract Procedure Rules – this will ensure that the current working arrangements of both Police, Fire and Crime Functions can continue to operate. Different procurement processes are in play for Police and Crime and Fire and Rescue, therefore, it is proposed that on a temporary basis 2 sets of Regulations and Rules are in operation, in addition to the Combined authority Regulations and Rules, until a full review can be undertaken.
- b) Amendment to the Terms of Reference for the Executive Board is required in order to ensure that the Fire and Rescue Service can continue to be included within the governance arrangements for the Board.
- c) Clarification around the Lead Finance Officer within the Police, Fire and Crime Office and the Fire and Rescue Service, as provision for this role is provided by way of a collaboration agreement with Cleveland Police and Crime Commissioner’s Office, by way of their Chief Finance Officer.
- d) Amendment to the Scheme of Delegation to provide clarity around the main delegations within this service area.
- e) Finalisation of naming conventions for post titles.
- f) Legislative provisions which no longer apply due to the operation of the York and North Yorkshire Combined Authority Order 2023.
- g) Miscellaneous typographical errors and omissions, including errors with legislative titles.

3.0 FINANCIAL IMPLICATIONS

3.1 There are no financial implications arising from the decision.

4.0 LEGAL IMPLICATIONS

4.1 The Constitution of the York and North Yorkshire Combined Authority must remain fit for purpose and ensure that the Authority can conduct their business in a safe and legal manner. The proposed amendments to the Constitution contained within this report will ensure the smooth, safe and legal transition of the North Yorkshire Office of Police, Fire and Crime and the Fire and Rescue Authority into the Combined Authority on 7 May 2024.

4.2 This decision would be a Combined Authority decision under business as usual. The Co-Chairs of the Authority should be consulted on this decision and the detail around the decision will be brought to the Combined Authority Meeting which is due to take place on 31 May 2024.

5.0 EQUALITIES IMPLICATIONS

5.1 There are no additional direct implications arising from the recommended changes.

6.0 COMBINED AUTHORITY AREA IMPACTED

6.1 York and North Yorkshire.

7.0 RECOMMENDATIONS

7.1 It is recommended that the Interim Monitoring Officer makes the amendments to Part 9 of the constitution, as set out within Appendix A (table) and Appendix B (track change copy of Part 9) of this report.

7.2 That the decision is brought to the next Meeting of the Combined Authority on 31 May 2024.

8.0 REASONS FOR RECOMMENDATIONS

8.1 The York and North Yorkshire Combined Authority needs to ensure that it is safe and legal as it evolves over the coming weeks and months. This amendments allows for this.

9.0 CONSULTATION RECORD

9.1 The Combined Authority, at their Meeting on 18 March 2024, resolved that the Interim Monitoring Officer was 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 May/June 2024 to ensure that the Combined

Authority could operate in a safe and legal manner. Such amendments to be made after the Interim Monitoring Officer had consulted with the Lead Members of the Combined Authority, and the Mayor, if such an amendment is required after 7 May 2024, and then reported back to the next Combined Authority Meeting.

9.2 The appropriate elected Members are:

- The Leader of City of York Council and North Yorkshire Council as Co-Chairs of the Combined Authority.

Name of consultee	Councillor Claire Douglas –Co-Chair of the York and North Yorkshire Combined Authority
This is urgently required in order to ensure that the Combined Authority’s constitution remains safe and legal.	
Date consultation completed	4 May 2024

Name of consultee	Councillor Carl Les –Co-Chair of the York and North Yorkshire Combined Authority
This is urgently required in order to ensure that the Combined Authority’s constitution remains safe and legal.	
Date consultation completed	4 May 2024

10.0 DECISION

Decision of Interim Monitoring Officer based on consultation	The recommendations are approved.
Date	7 May 2024

Appendix A – Table of Proposed Amendments

Page	Proposal
2	Amendment to Contents page to incorporate proposed changes to Part 9
3	Para 1.3, insertion of new name for FRA
	Para 1.5 – further detail around Evolve Legal Services and Enable NY
4	Para 2.1 - Legislation Name – “Police” to “Policing”
	Para 2.1 – sentence added: “In each case as amended by (or otherwise in accordance with the provisions of) the York and North Yorkshire Combined Authority Order 2023 which makes provision for how the PCC and Fire and Rescue Functions operate when they form part of a Mayoral Combined Authority”.
5	Para 3.1 and 3.2 minor amends
	Para 4.1 – Change Mayor to CA
	Para 4.3 – minor amend to introduction to Police, Fire and Crime Panel
	Para 4.4 – minor amends
6	Para 5.1 – minor amend to reflect updated Policing Protocol Order
	Para 6.1 – minor amend to set out in full the Police Reform and Social Responsibility Act 2011
	Para 6.2 – minor amend for clarification of Mayor’s Police and Crime functions
	Para 6.3 – addition of CA and minor amend to consent to Chief Constable
	Para 6.4 – inclusion of word “further”
7	Para 6.9 – inclusion of word “appointment”
	Para 6.10 – update job title
7-8	Paras 6.11, 6.12, 6.13 and 6.14 – Change Mayor to CA
8	Para 6.17 – inclusion of word “by law”
9	Para 6.23 – Change Mayor to CA
	Para 6.25 – amend as legislation change
	Para 6.28 – Change Mayor to CA
10	Para 7.8 – inclusion of word “PCC”
11	Para 7.8(a) – additional wording
	Para 7.8(b) – year of legislation change
	Para 7.8(f) – change of name of APACE statement
	Para 7.10 – change of wording to reflect updated legislative description
12	Amendment to set out what PCC and FRA functions are
	Introductory sentence to explain collaboration agreement with Cleveland PCC
	Para 1.1 – inclusion of Fire and Rescue
	Para 1.2 – correction to legislation
	Para 1.4 – change of word to “Area”
13	Para 1.4 – inclusion of words “other” and “any of” to reflect legislation
	Para 2.2 – minor amend to inc Fire
	Para 2.4 – removal of word “statutory”

14	Para 2.9 – minor amend and removal of Part 9 precedence over Constitution
	Para 2.10 – change of Regs name and year
	Para 2.12 – removal of “of their office”
16 to 33	Further sub delegations removed due to 2.11
	Job title change as now finalised
	Removal of word “sub” from title of table
	Title of table change
	Delegations 18, 19, 20 change to arrange for the CC to provide as not for OPFCC
Page 34 to 37	Job titles changed as now finalised role title work (across whole document)
	3 –not consistent with PCC delegation – amended paragraph 3 and added paragraph 4
	17 – minor amend to specify that staff employed by CA deployed to OPFCC are the subject of the amendment
	25 – not consistent with PCC delegation – amended paragraph to bring in line with PCC delegation
	26 – deletion of affixing the seal as covered at new para 4
	28 – “legal advisor” removed and replaced with “Monitoring Officer”
	Finance Functions – role name changed to reflect collaboration agreement
	32 – Combined Authority instead of Mayor
38 onwards	Financial Regs removed (not showing as a track change) – propose have 2 sets instead of 1 (PCC- page 38) and Fire and Rescue – page 69)
	Job title and PFCC changed to reflect new job titles and Mayor
	Contract Procedure Rules removed (not showing as a track change) – propose have 2 sets instead of 1 (PCC – page 81 and Fire and Rescue – page 92)
108	ToR for IAC – change OPFC to OPFCC FRA
112	Exec Board ToR – doesn’t include Fire

PART 9

PCC & FRA
FUNCTIONS

GOVERNANCE
DOCUMENTS

Part 9 - Police and Crime Commissioner and Fire and Rescue Authority Functions – Governance Documents - Contents

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Mayor’s PCC and FRA Functions - Scheme of Consent and Scheme of Delegation

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Financial Regulations and Contract Procedure Rules

- A. [PCC Financial Regulations](#)
- B. [Fire and Rescue Financial Regulations](#)
- C. [PCC Contract Procedure Rules](#)
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Appendices

- Appendix A – Terms of Reference for Joint Independent Audit Committee (Police and Crime Commissioner Functions)
- Appendix B – Terms of Reference for Independent Audit Committee (Fire and Rescue Functions)
- Appendix C - Terms of Reference for Executive Board ([PCC and Fire and Rescue](#))

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. [As a result, the NYFRA will be known from the 7 May 2024 as the Y&NYCA FRA.](#)

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 [and Fire and Rescue](#) functions, support service collaborations are in place with Evolve Legal Services [for PCC Functions \(NYC provides Fire and Rescue legal support\)](#) 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-Policing~~ 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

In each case as amended by (or otherwise in accordance with the provisions of) the York and North Yorkshire Combined Authority Order 2023 which makes provision for how the Police and Crime Commissioner and the Fire and Rescue Functions operate when they form part of the Combined Authority.

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 Officers, and Statutory Officers and other senior personnel~~. It complements the delegations by the Chief Constable, which are 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, where the law allows 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-Combined Authority~~ 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 when operating their Police and Crime Commissioner and Fire and Rescue Functions, 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 when operating these Functions.

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

5. Key Role of the Chief Constable

5.1 The ~~legal powers and duties relationship between~~ of the Chief Constable and the Mayor operating their Police and Crime Functions is set out in the Policing Protocol Order ~~2014~~2013.

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 Police Reform and Social Responsibility Act 2011 (PRSA2011) 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~~PRSA 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 Police and Crime Commissioner fFunctions.

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 or Combined Authority (as would have been the case if the Chief Constable was ~~given permitted to give~~ delegated authority and gave it).

6.4 The Mayor expects that the Chief Constable will want to further 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 [appointment](#), 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 [the Office of Policing Police](#), 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 Combined Authority](#). The Mayor consents to the Chief Constable using the land owned by the [Mayor Combined Authority](#), 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 Combined Authority](#) 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 Combined Authority](#), 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-Combined Authority 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-Combined Authority 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-Combined Authority (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 by law 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 PCC 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-Combined Authority~~ 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 to commission services to address the causes and effects of crime and anti-social behaviour and does so in line with a Commissioning Strategy and Plan.~~ ~~A~~, 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-Combined Authority'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.

7. General principles of delegation

7.1 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.

7.2 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.

7.3 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.

7.4 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.

7.5 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.

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

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

7.8 The Scheme of Delegation provides a member of staff with the legal power to carry out **PCC** 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 (care must be taken to ensure that the PRSR Act 2011 is read in conjunction with the York and North Yorkshire Combined Authority Order 2023)
- b. Policing Protocol Order 202344
- 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 Executive 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

7.9 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.

7.10 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 but must not fetter 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 Police and Crime Commissioner (PCC) or Fire and Rescue (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.

Any reference to Finance Lead for the Office of Police, Fire and Crime is a reference to the Chief Fire Officer employed by Cleveland Police and Crime Commissioner who, by way of a collaboration agreement, provides Police, Fire and Crime financial services to the Combined Authority.

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 Fire and Rescue (FRA) Functions on behalf of the Mayor.

1.2 The PCC Functions are set out in ~~section Part 1~~ of the ~~Police Reform and Social Responsibility Act 2011 (the PRSA 2011 Act)~~ and the Schedules to it, as modified by the York and North Yorkshire Combined Authority Order 2023 (the 2023 Order), but ~~are~~ further 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 Area~~ Mayor's Office for Policing and Crime (as defined in the 2011 Act);
- The Metropolitan Police ~~District's Area'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 **other** person or body which maintains a police force;
- A member of staff of **any 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 and for the Combined Authority's funds held for FRA Functions. ~~B-~~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 [Scheme of Consent to 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 ~~2011-2015~~ 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

Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
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 <u>Corporate Director for the Office of Police, Fire and Crime</u>	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 <u>Corporate Director for the Office of Police, Fire and Crime</u>	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 <u>Corporate Director for the Office of Police, Fire and Crime</u>	Director of Commissioning and Partnerships
4	To administer the Independent Custody Visiting Scheme, to			Corporate Director Police, Fire and Crime <u>Corporate Director for the Office of Police, Fire and</u>	Director of Commissioning and Partnerships

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	determine the appointment and removal of Custody Visitors, and to monitor service quality issues raised through the operation of the scheme			<u>CrimeCorporate Director Police, Fire and Crime</u>	
5	To respond to consultations on proposals affecting the Mayor		Where appropriate Mayor, Director of Resources, Monitoring Officer and Chief Constable	<u>Corporate Director for the Office of Police, Fire and Crime</u> CrimeCorporate Director Police, Fire and Crime	<u>Director of Commissioning and Partnerships</u>
6	To make arrangements for the support of public communications and engagement.			<u>Corporate Director for the Office of Police, Fire and Crime</u> CrimeCorporate Director Police, Fire and Crime	<u>Director of Commissioning and Partnerships</u>
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		Mayor	<u>Corporate Director for the Office of Police, Fire and Crime</u> CrimeCorporate Director Police, Fire and Crime	<u>Director of Commissioning and Partnerships</u>

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	<p>is the appropriate authority to consider such a complaint;</p> <p>To make decisions in dealing with complaints and conduct matters against the Chief Constable including:</p> <ul style="list-style-type: none"> a. Recording decisions; b. Initial assessments; c. Suitability for local resolution; d. Referral to the IOPC; e. Referral to the CPS; f. Application to IOPC for dispensation or discontinuance; g. Appointment and briefing of investigator; h. Appointment of misconduct 				

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	<p>hearing or meeting members;</p> <p>i. Settling terms of the Mayor's representations to misconduct;</p> <p>j. Securing representation at proceedings, meetings, appeals, hearing.</p>				
8	To undertake the management of staff employed by the Combined Authority, in line with agreed policies and procedures.			<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime	<u>Director of Commissioning and Partnerships</u>
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	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
10	Determination of issues relating to conditions of service of staff of the Combined Authority	In accordance with law and policies adopted by Combined Authority	Head of HR	Head of Paid Service	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime
11	To appoint, suspend and dismiss staff		Mayor, Director of Resources and Head of HR	Head of Paid Service	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime
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	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime
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	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
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	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime
15	To grant essential or casual car user allowances		Director of Resources and Head of HR	Head of Paid Service	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime
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	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime
17	Responsibility for identifying and disposing of, in the most economically advantageous way, assets owned by the		Head of Paid Service and Director of Resources	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime	Director of Commissioning and Partnerships

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	Mayor which are no longer required for the delivery of policing services and/or are no longer economically viable for providing policing services				
18	<u>To arrange for the Chief constable to provide</u> 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	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime	<u>Director of Commissioning and Partnerships</u>
19	<u>To arrange for the Chief constable to provide a</u> 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	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime	<u>Director of Commissioning and Partnerships</u>
20	<u>To arrange for the Chief constable to provide a</u> 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	<u>Corporate Director for the Office of Police, Fire and Crime</u> Corporate Director Police, Fire and Crime	<u>Director of Commissioning and Partnerships</u>

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
21	Settlement of employment tribunal cases and grievances of staff	Except "exceptional" cases: <ul style="list-style-type: none"> • high-profile Claimant; • public interest to the case; • exposure to serious public criticism or serious weakness in organisation or policies. 	Director of Resources and Head of HR If exceptional, in addition to the above, Head of Paid Service and Mayor	Head of Paid Service	<u>Corporate Director for the Office of Police, Fire and Crime</u>
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	<u>Head of Finance Lead, Policing Office for Police, Fire and Crime</u>
23	In accordance with the Financial Regulations to move money or budgets			Director of Resources	<u>Finance Lead, Office for Police, Fire and Crime</u> <u>Head of</u>

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	between budget headings.				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	Finance Lead, Office for Police, Fire and Crime Head of Finance, Policing and Crime
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	Finance Lead, Office for Police, Fire and Crime 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	Finance Lead, Office for Police, Fire and Crime Head of Finance, Policing and Crime
27	Responsibility for all banking arrangements,			Director of Resources	Finance Lead, Office for Police, Fire and

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	together with creating, closing or authorising all bank accounts within police and crime directorate.				<u>Crime</u> 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	Finance Lead, Office for Police, Fire and <u>Crime</u> Head of Finance, Policing and Crime
29	To accept and manage any lawful grant awarded to the Mayor.			Director of Resources	Finance Lead, Office for Police, Fire and <u>Crime</u> 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	Finance Lead, Office for Police, Fire and <u>Crime</u> Head of Finance, Policing and Crime
31	To approve the writing off of any debt.	Subject to the Financial Regulations		Director of Resources	Finance Lead, Office for Police, Fire and <u>Crime</u> Head of Finance, Policing and Crime
32	Responsible for investing and borrowing money, as			Director of Resources	Finance Lead, Office for Police, Fire and

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	necessary, in line with the treasury management strategy.				<u>CrimeHead of Finance, Policing and Crime</u>
33	Authorise payments, in relation to: <ul style="list-style-type: none"> a. Payments to be made by law; b. Payments ordered by the Court; c. Payments due under any agreement. 			Director of Resources	<u>Finance Lead, Office for Police, Fire and Crime</u> <u>Head of Finance, Policing and Crime</u>
34	Act as "Money Laundering Reporting Officer" under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.			Director of Resources	<u>Finance Lead, Office for Police, Fire and Crime</u> <u>Head of Finance, Policing and Crime</u>
35	Sign cheques on behalf of the Mayor.			Director of Resources	<u>Finance Lead, Office for Police, Fire and Crime</u> <u>Head of Finance, Policing and Crime</u>
36	Determine when assets are surplus to requirements or obsolete and arrange for disposal			Director of Resources	<u>Finance Lead, Office for Police, Fire and Crime</u> <u>Head of</u>

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	in line with financial regulations				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	Finance Lead, Office for Police, Fire and Crime 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	Finance Lead, Office for Police, Fire and Crime Head of Finance, Policing and Crime
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 for the Office of Police, Fire and Crime Corporate Director Police, Fire and Crime
40	To sign all contracts on behalf of the Mayor			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
					Deputy Monitoring Officer
41	To affix the common seal of the Combined Authority to: <ul style="list-style-type: none"> a. All contracts, agreements or transactions in respect of which there is no consideration; b. All deeds which grant or convey an interest in land; c. All documents where it is determined by the Monitoring Officer there is a particular need for the seal to be attached 			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer
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			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	decisions made by the Mayor				
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	<u>Corporate Director for the Office of Police, Fire and Crime</u> Deputy Monitoring Officer
44	To consider and approve, provision of indemnity and/or insurance to staff		Director of Resources	Monitoring Officer	<u>Corporate Director for the Office of Police, Fire and Crime</u> Deputy Monitoring Officer
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 Procedures) Regulations 1996.		Director of Resources and Head of HR	Monitoring Officer	<u>Corporate Director for the Office of Police, Fire and Crime</u> Deputy Monitoring Officer
46	To review complaints of maladministration against the Mayor and to approve			Monitoring Officer	<u>Corporate Director for the Office of Police, Fire and Crime</u>

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	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.				Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer
47	To approve payment to Officers in respect of unpaid Compensation Orders awarded to any officer by an appropriate Court.			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer
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	Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer
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"> high-profile Claimant; 		Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
		<ul style="list-style-type: none"> • public interest to the case; • exposure to serious public criticism or serious weakness in organisation or policies. 			
50	To authorise the institution, defence, withdrawal or settlement of any claims or legal proceedings on the Mayor's behalf.		<p>Director of Resources if significant financial implications</p> <p>Chief Constable as necessary</p>	Monitoring Officer	<p><u>Corporate Director for the Office of Police, Fire and Crime</u></p> <p>Deputy Monitoring Officer</p>
51	To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Mayor.			Monitoring Officer	<p><u>Corporate Director for the Office of Police, Fire and Crime</u></p> <p>Deputy Monitoring Officer</p>
52	To authorise, pursuant to s223 Local Government Act 1972, any Officer of the Combined Authority			Monitoring Officer	<p><u>Corporate Director for the Office of Police, Fire and Crime</u></p>

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	to prosecute or defend or to appear in proceedings before any Magistrates Court or to conduct any such proceedings.				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	Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer
54	To deal with all claims asserted against the Mayor.		Director of Resources if approval of financial settlement required	Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer
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	Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer
56	To take such steps as they may consider necessary to enforce or comply with any			Monitoring Officer	Corporate Director for the Office of Police, Fire and Crime

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Ref	Function	Restrictions/ conditions	Consultation requirements	Delegation	Sub-Delegation
	judgment obtained in any proceedings.				Deputy Monitoring Officer
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	Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer
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).	Corporate Director for the Office of Police, Fire and Crime Deputy Monitoring Officer

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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~~ for the Office of Police, Fire and Crime and ~~Head of Finance (Policing and Crime)~~ the Finance Lead for the Office of Police, Fire and Crime. The detailed financial management responsibilities of these roles, in particular the ~~Head of Finance (Policing and Crime)~~ Finance Lead for the Office of Police, Fire and Crime are set out in the Financial Regulations.

Functions delegated to the Corporate Director of <u>for</u> the Office of Police, Fire and Crime	
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	<u>To affix the common seal of the Combined Authority to:</u> <u>a. all contracts, agreements or transactions in respect of which there is no consideration;</u> <u>b. All deeds which grant or convey an interest in land;</u> <u>c. All documents where it is determined by the Monitoring Officer that there is a particular need for the seal to be attached.</u>
54	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.
65	To consider and approve, in consultation with the Section 73 Officer <u>Director of Resources</u> , provision of indemnity and/or insurance to individual staff of the Mayor.
76	To respond to consultations on proposals affecting the Commissioner <u>Mayor</u> , if necessary, after first taking the views of the

	Commissioner Mayor, or the Treasurer Director of Resources, as appropriate.
87	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.
98	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 Director of Resources.
109	To make arrangements for the support of public communications and engagement.
119	To make arrangements for the support to the Mayor in holding the Chief Fire Officer to account.
121	To be the Senior Information Risk Owner (SIRO) for the Office of the Police, Fire and Crime OPFCC.
132	The financial management responsibilities of the Corporate Director for the Office for Police, Fire and Crime are set out in the Financial Regulations.
143	To manage the budget of the Office of the Police, Fire and Crime OPFCC, along with the Section 73 Officer Director of Resources.
154	To appoint and dismiss staff employed by within the OPFCC Police, Fire and Crime Commissioner , in consultation with the Commissioner Head of Paid Service.
165	To make recommendations to the Mayor Head of Paid Service with regard to staff of the Office of Police, Fire and Crime OPFCC staff terms and conditions of service, in consultation with the Section 73 Officer Director of Resources.
176	To undertake the management of staff employed by the Combined Authority deployed to the Office of the Police, Fire and Crime OPFCC in line with agreed policies and procedures.
187	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 OPFCC.
198	To bring national agreements on salaries, wages and conditions of staff of the Office of Police, Fire and Crime OPFCC into effect, providing that any issues which are sensitive or have major financial implications will be referred to the Mayor Head of Paid Service for a decision.

<u>2049</u>	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 OPFCC.
<u>210</u>	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.
<u>224</u>	To grant essential or casual car user allowances for staff employed by the Office of Police, Fire and Crime OPFCC.
<u>232</u>	To issue exemption certificates to staff employed by the Office of Police, Fire and Crime OPFCC whose posts would otherwise be politically restricted under the Local Government and Housing Act 1989.
<u>243</u>	To approve the retirement of relevant staff of the Office of Police, Fire and Crime OPFCC 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.
<u>254</u>	In consultation with the Director of Resources and the Head of HR, the Settlement of employment tribunal cases and grievances of staff employed by the Office of Police, Fire and Crime OPFCC with the exception of those cases felt to be exceptional because: <ul style="list-style-type: none"> • They involve a high profile claimant • There is a particular public interest case • There is a real risk that there will be exposure to -Mayor will be exposed to-serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed. <p>In the event that the matter is exceptional, in addition to the consultation requirements above, the Head of Paid Service and the Mayor must also be consulted.</p>
<u>265</u>	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.
<u>26</u>	To affix or authorise the affixing of the common seal of the Combined Authority to: <ul style="list-style-type: none"> • All contracts, agreements or transactions in respect of which there is no consideration • All deeds which grant or convey an interest in land

	<p>• All documents where it is determined by the Mayor there is a particular need for the seal to be attached</p>
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 adviser <u>Monitoring Officer</u> (and Section 73 Officer <u>Director of Resources</u> 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.
<p>Functions delegated to the Head of Finance (Policing and Crime) <u>Finance Lead for the Office of Police, Fire and Crime</u></p>	
31	The Head of Finance (Policing and Crime) <u>Finance Lead for the Office of Police, Fire and Crime</u> , 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 <u>Combined Authority</u> , 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 the Office of Policing <u>Police, Fire</u> and Crime is authorised to sign and affix the seal.

OPFCC Financial Regulations

1.1 These financial regulations form part of the overall control framework within which the Mayor of the Y&NYCA exercising their PCC functions and the Chief Constable for North Yorkshire operates. They aim to facilitate service delivery by setting out best practice for the administration of all financial matters throughout the organisations, thus ensuring a high quality of financial information and thereby enabling better decision making.

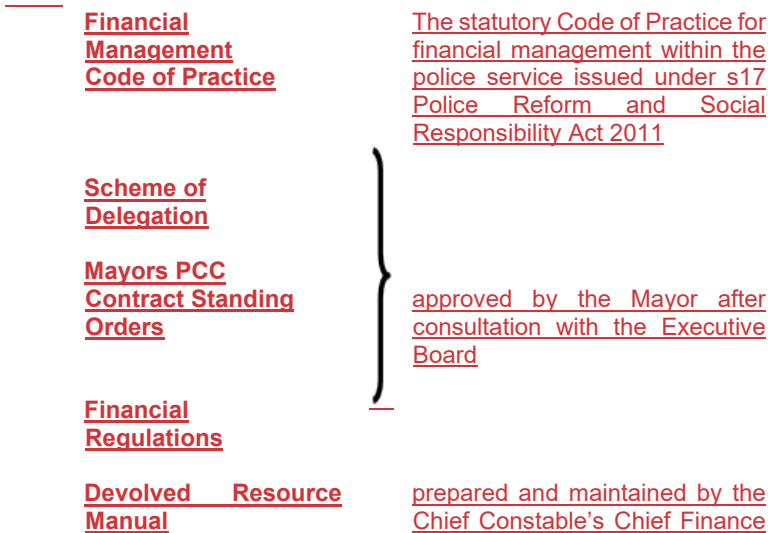
Matters which are of significant public interest (whether decisions of the Mayor, or of an Officer under delegated powers) must always be set out in a Decision Notice and published in accordance with the Scheme of Delegation & Consent.

Notwithstanding any provision in these Regulations, the Mayor expects the Chief Constable and persons exercising delegated powers, to draw to their attention issues which:

- o are, or are in the professional judgement of the delegate likely to be, sensitive, contentious, novel or repercussive; or
- o there is a real risk that the Combined Authority, the Mayor and/or the Chief Constable could be exposed to public criticism; or
- o reveal serious weakness in the efficiency and effectiveness of policing; or
- o it is otherwise considered prudent to do so.

and to seek the views of the Mayor on the issue in question.

1.2 The financial control framework can be seen as a hierarchy established as follows:



Officer in consultation with the
Director of Resources.

All these control instruments will be reviewed as part of the annual review of the effectiveness of internal control mechanisms, as required by the Audit and Account (England) Regulations 2011.

- 1.3 The Scheme of Delegation defines the framework within which the powers to make decisions and/or take action are delegated to the appropriate level in the organisation. In particular the Scheme of Delegation requires all officers to act within the terms of these Financial Regulations in the exercise of their delegated powers.
- 1.4 The **Contract Regulations** define the correct procedures to be followed when the Mayor exercising their PCC Functions or the Chief Constable enter into any contractual arrangement and should be read in conjunction with these Regulations.
- 1.6 The **Devolved Resource Manual** is a comprehensive document detailing all aspects of financial systems and procedures and is designed for use on a day to day basis by staff involved in any aspect of financial administration. Any new or revised instructions on financial matters issued by the Director of Resources or the Chief Constable's Chief Finance Officer will be incorporated into the Devolved Resource Manual.
- 1.7 The **statutory responsibility** for the creation and maintenance of the financial control framework throughout the police service rests with the Y&NYCA's and Chief Constable's Chief Finance Officer/Director of Resources, as set out in the Financial Management Code of Practice. With the assistance of the Internal Audit Service, the Y&NYCA's and Chief Constable's Chief Finance Officer/Director of Resources will monitor adherence to these Financial Regulations.

2.0 DEFINITIONS

- 2.1 For the purposes of these Financial Regulations, unless the context otherwise requires

Budget Holder is a post appointed as being responsible for managing a defined sum of money (i.e. budget).

Budget is a defined sum of money allocated to a budget holder for a specific purpose. Budgets can be capital or revenue.

Project manager is an officer who is responsible for the preparation, implementation and monitoring of a specific scheme.

Annual Revenue Budget is the estimate net revenue expenditure for any given year.

Medium Term Financial Plan is a multi-year assessment of the financial implications of the implementation of the Mayor's Police and Crime Plan and the needs of Operational Policing and will include:

- (a) The annual revenue budget
- (b) A plan of expenditure on capital schemes for the current year
- (c) A revenue financial forecast for the remaining years covered by the Plan
- (d) A plan of expenditure on capital schemes for the remaining years of the Medium Term Financial Plan
- (e) Current and future forecast reserve levels

Capital Programme is the plan of expenditure on capital schemes for the current year.

Capital Plan is the plan of expenditure on capital schemes for all the years of the Medium Term Financial Plan.

Chief Officer shall apply to any, or all, of the following officers:-

Monitoring Officer or their designated delegate, which would include the Corporate Director for the Office of Police, Fire and Crime
Director of Resources or their designated delegate, which would include the Finance Lead, Office for Police, Fire and Crime

Chief Constable
Deputy Chief Constable
Assistant Chief Constable
Chief Constable's Chief Finance Officer

Director of Resources refers to the officer appointed to exercise the powers defined in Section 71 of the Local Government Act 1985.

Chief Constable's Chief Finance Officer refers to the officer appointed by the Chief Constable to exercise the powers defined in Section 151 of the Local Government Act 1972.

Leasing Agreement is a contract for the provision of finance to enable goods or services to be obtained and where ownership in those goods does not necessarily pass to the Mayor at the end of the contract period.

Officer means any employee exercising their PCC functions or the Chief Constable or other authorised agent.

Person means any individual, partnership, company, trust, other local authority, Government department or agency.

Property refers to any estate or interest in land or buildings.

Policy or policies shall mean any Mayor or Chief Constable's commitment as expressed in financial terms.

2.2 Reference in these Regulations to the Director of Resources or the Chief Constable's Chief Finance Officer shall be taken to include such officers as are designated by those officers to undertake the duties and responsibilities set out in these Regulations, except in the case of the following Regulations:-

Regulations 4.3, 4.4, 4.5, 4.6, 4.15, 16.4, 16.7, 20.6 and 21.1

where delegation is not permitted.

A record of all duties and responsibilities as delegated under these Regulations is to be maintained, as appropriate, by those officers.

3.0 POWERS AND DUTIES OF THE MAYOR

3.1 Any power or duty of the Y&NYCA, Mayor and the Chief Constable in relation to these Financial Regulations may be exercised by an officer to which the Mayor or Chief Constable has delegated their powers in that regard.

4.0 RESPONSIBILITIES

Preamble

These Financial Regulations are made by the Combined Authority and the Chief Constable. They set out the working arrangements by which the Mayor when exercising their PCC functions and the Chief Constable gives effect to their statutory financial responsibilities under the Police Reform and Social Responsibility Act 2011, the Local Government Act 1972, the Local Government Finance Act 1982, the Local Government and Housing Act 1989, the Local Government Act 2003, as amended from time to time and also sets out the working arrangements, within the organisations of the Y&NYCA and the Chief Constable, of the statutory Code of Practice approved under s 17 of the Police Reform and Social Responsibility Act 2011.

Regulations

NOTE: The following responsibilities of the Director of Resources and the obligation imposed by these regulations also apply to the Chief Constable's Chief Finance Officer where matters concern financial resources of the Chief Constable.

4.1 The Director of Resources will, for the purposes of Section 73 of the Local Government Act 1985, be responsible for the proper administration of the Y&NYCA's financial affairs and the submission of reports to the Y&NYCA (or any of its constituent parts) as part of the discharge of that

responsibility. The Chief Constable's Chief Finance Officer will, for the purposes of Section 151 of the Local Government Act 1972 ~~151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988~~, be responsible for the proper administration of the Chief Constable's financial affairs and the submission of reports to the Chief Constable (or any of its constituent parts) as part of the discharge of that responsibility.

4.2 The Director of Resources and the Chief Constable's Chief Finance Officer each have a statutory responsibility to ensure that adequate systems and procedures exist to account for all income due, and expenditure payments made on behalf of the Combined Authority and the Chief Constable respectively. Their responsibilities include to ensure that controls operate to protect the assets of the Mayor, Combined Authority and Chief Constable from loss, waste, fraud or other impropriety. In addition to these Regulations the Director of Resources and the Chief Constable's Chief Finance Officer may discharge that responsibility in part by the issue and maintenance of financial instructions with which any officer of the Combined Authority or the Chief Constable, together with any person employed by an organisation contracted to the Combined Authority or Chief Constable, shall comply, save that nothing in these regulations shall be read as having the effect of delegating the Director of Resources and Chief Constable's Chief Finance Officer's responsibilities under s151 of the Local Government Act 1972 ~~151 of the Local Government Act 1972 and his/her duties under s114 of the Local Government Finance Act 1988.~~

4.3 The nature and format of all accountancy systems and related financial procedures and records must be in a form agreed with the Director of Resources and the Chief Constable's Chief Finance Officer who shall, at all times, have regard to the provision of Section 151 of the Local Government Act 1972, ~~151 of the Local Government Act 1972, the Accounts and Audit (England) Regulations 2011~~, and such other statutory provisions which, from time to time, shall affect the financial administration of the Mayor exercising their PCC functions and the Chief Constable or their constituent services. The financial ledger maintained by the Chief Constable's Chief Finance Officer will be regarded as the primary financial record of the Combined Authority and the Chief Constable, both for actual expenditure/income transactions as well as budget allocations. The Director of Resources and the Chief Constable's Chief Finance Officer shall be consulted at an early stage regarding proposed changes to any financial systems, procedures or records and their approval obtained before such changes are implemented.

4.4 The Mayor shall ensure that the Finance Department, headed by the Chief Constable's Chief Finance Officer, is sufficiently resilient and resourced to meet all the recording and reporting requirements laid down by the Mayor, the Chief Constable, the Director of Resources and the Chief Constable's Chief Finance Officer. The Director of Resources and the Chief Constable's Chief Finance Officer must be assured that sufficient resources of adequately qualified staff are in place to ensure that the

Combined Authority's and the Chief Constable's financial affairs are administered efficiently and effectively without recourse to excessive overtime or temporary secondment.

4.5 The Director of Resources and the S151 Officer for the Chief Constable shall be responsible for securing the production of and certifying the Annual Statement of Accounts in accordance with the Accounts and Audit (England) Regulations 2011 and shall also be responsible for all arrangements relating to the external audit of the Annual Statement of Accounts in accordance with those regulations. The Director of Resources shall be responsible for financial information contained within any Statutory Plan published by the Mayor.

4.6 The Director of Resources and the Chief Constable's Chief Finance Officer shall, in compliance with Section 114 of the Local Government Finance Act 1988 report to the Combined Authority, Mayor and/or Chief Constable (as appropriate), External Auditors and the Police, Fire and Crime Panel, if the Mayor, the Chief Constable, an officer or any other person:-

(a) has made or is about to make a decision which involves or would involve the Combined Authority or the Chief Constable incurring expenditure which is unlawful.

(b) has taken or is about to take a course of action which, if pursued, to its conclusion would be unlawful and likely to cause a loss or deficiency on the part of the Combined Authority or Chief Constable, or

(c) is about to enter an item of account, the entry of which is unlawful.

The Director of Resources and the Chief Constable's Chief Finance Officer shall also make a report to the Combined Authority, Mayor and/or Chief Constable (as appropriate), External Auditors and the Police, Fire and Crime Panel if it appears that the expenditure proposed by the Mayor and/or the Chief Constable (as appropriate) in a financial year is likely to exceed the resources available to it to meet the expenditure.

4.7 Without prejudice to their statutory responsibilities under s 151 of the Local Government Act 1972 and where appropriate, the Director of Resources and the Chief Constables Chief Finance Officer shall inform the Mayor and/or the Chief Constable (as appropriate) of their intention to take any action under Regulations 4.2 to 4.6 above.

4.8 Every Chief Officer and Budget Holder shall be responsible for the observance of these Financial Regulations within their service area and for the training of staff under their supervision to enable them to comply with these Regulations. This principle also applies to any Instructions, or guidance, published in the Devolved Resource Management manual, issued under the authority of these Regulations.

4.9 If any Chief Officer or Budget Holder employs a consultant, agency staff or an external contractor to undertake any duties which would normally be undertaken by an officer of the Y&NYCA or the Chief Constable they must ensure that every such person acts in accordance with these Regulations. It is the responsibility of the Chief Officer or Budget Holder (as appropriate) to ensure such persons are aware of this responsibility and are given training if appropriate to enable them to carry out these duties. Every agreement for such work should include adequate remedies to enable the Y&NYCA/Mayor or the Chief Constable to secure reimbursement if there is a failure to comply with these Regulations which leads to a financial loss for the Y&NYCA/Mayor of the Chief Constable.

4.10 The principles referred to in **Regulation 4.9** shall also be applied to any partnership or joint working arrangement with a third party whereby the Y&NYCA or the Chief Constable agrees to allocate to, or receive (and then administer) funds from, a third party under the terms of the partnership or joint working arrangement. No funds should be allocated to, or received from, a third party on this basis without the agreement of the Director of Resources or the Chief Constable's Chief Finance Officer, as appropriate, as to the financial systems and procedures that will be adopted either by the Y&NYCA, the Chief Constable or the third party where these differ from the normal arrangements as set out in the Devolved Resource Management manual. This Regulation shall be deemed to apply to any proposal where the Mayor receives and administers funds consequent upon applications for external funding by the Mayor and its partners.

4.11 Where appropriate, items requiring a decision, in line with the scheme of delegation, must contain a financial statement or appraisal setting out the full financial implications arising from any proposals contained within the report. Where such issues emanate from proposals from the Chief Constable, the financial statement or appraisal must be agreed by the Chief Constable's Chief Finance Officer, where appropriate in consultation with the Director of Resources in advance of the report being distributed to the appropriate decision making forum.

Such items requiring a decision may cover

(a) a new policy

(b) a variation of existing policy, or

(c) a variation in the means or timescale for implementing an existing policy

which may increase (or decrease) net expenditure in the current or subsequent years.

4.12 Each Chief Officer and Budget Holder is responsible for the proper financial management of all resources allocated to them within their operational areas. They shall via the Devolved Resource Management manual devise

and implement such controls and procedures, in consultation with the Director of Resources or Chief Constable's Chief Finance Officer as appropriate, as are necessary to carry out their duties and prevent loss, waste, fraud and other impropriety in relation to the assets or integrity of the Y&NYCA/Mayor.

- 4.13 Each Chief Officer shall agree with the Director of Resources or Chief Constable's Chief Finance Officer, as appropriate, budgetary control procedures for the resources (revenue or capital) allocated to their operational area and ensure it is enforced. This includes identifying Budget Holders for every revenue budget head and capital scheme, and their limits of authority (see **Regulations 6.9 and 7.11**). The same principle shall apply to any funds allocated to, or received from, a third party under a partnership or joint working arrangement (see **Regulation 4.10**).
- 4.14 Failure to comply with these Regulations, and any related instructions or guidance contained in the Devolved Resource Management manual may lead to disciplinary action being taken against individual officers.
- 4.15 The Director of Resources and Chief Constable's Chief Finance Officer shall be responsible for monitoring adherence with these Regulations.

5.0 MEDIUM/LONG TERM FINANCIAL PLANNING

Preamble

In order for the Mayor and the Chief Constable to be able to plan the implementation of the Police and Crime Plan, and determine priorities for the allocation of resources, they undertake medium/long-term financial planning. The Y&NYCA/Mayor and Chief Constable will do this by preparing a Medium-Term Financial Plan for incorporation in the statutory Policing and Crime Plan. In accordance with the Mayor, the Chief Constable and the planning framework, this Plan will also incorporate HR, Estates, Assets and Information Systems strategies and the MTFP will take account of the financial implications of those strategies.

In complying with the following regulations, officers shall have regard to any agreed strategic planning framework and/or planning timetable which from time to time may be agreed by the Mayor and Chief Constable.

Regulations

- 5.1 The Director of Resources and the Chief Constable's Chief Finance Officer shall, in consultation with the Chief Officers, secure the preparation of a Medium-Term Financial Plan for consideration and approval by the Mayor in consultation with the Chief Constable.
- 5.2 The Director of Resources in consultation with the Chief Constable's Chief Finance Officer shall determine the format of the Medium-Term Financial Plan and the timing of reports relating thereto, subject to any overriding

requirements of the Mayor and the Chief Constable, but at the very least it shall be reviewed on a quarterly basis by the Mayor and the Chief Constable.

5.3 The Medium-Term Financial Plan shall include the financial effects of all known commitments and anticipated resourcing levels in a multi-year period, together with any proposals for significant changes to the level of existing services, or for developing new services.

5.4 For the purposes of this Section of the Regulations the duration of the 'multi-year' period shall be determined, from time to time, by the Mayor and Chief Constable based upon advice provided by the Director of Resources and the Chief Constable's Chief Finance Officer.

6.0 REVENUE BUDGET

Preamble

The Revenue Budget sets out the financial implications of delivering the statutory Policing and Crime Plan. Once approved it gives the power to incur expenditure, and collect income, and also provides the basis on which financial performance will be monitored. These Regulations provide a comprehensive framework for the preparation, monitoring and reporting of the Revenue Budget against these criteria.

These regulations seek to provide for those working for the Y&NYCA/Mayor exercising their PCC functions and Chief Constable to exercise as much day to day responsibility for financial management as possible within the framework of the statutory Protocol and agreed budget and rules of virement (if any). As described below, once an annual budget has been approved, only when significant changes of policy are envisaged or when significant sums are involved should approval be sought once more.

Regulations

Budgetary Control Principles

6.1 The Regulations in this Section are based on the following budgetary control principles established by the Y&NYCA/ Mayor.

(a) any under or overspending of Revenue Budget at the financial year end may be carried forward subject to approval by the Mayor after consultation with the Executive Board.

(b) mechanisms shall be defined in the Devolved Resource Management manual and endorsed by the Director of Resources and the Chief Constable's Chief Finance Officer to ensure budgetary monitoring and control is carried out on a regular basis. The

mechanisms will specify the manner in which the DRM applies to the business of the Mayor in exercising their PCC functions.

6.2 During the financial year the Mayor and Chief Constable will have overall responsibility for all aspects of their respective Revenue Budgets. To the extent therefore that any financial matter(s) arising during a given financial year cannot be resolved within the OPFCC or the Chief Constable, using the powers/responsibilities defined in this Section of the Regulations, such matter(s) shall be brought to the attention of the Chief Constable's Chief Finance Officer and the Director of Resources at the earliest opportunity. Where, in the professional opinion of the relevant Chief Finance Officer/Director of Resources the sums are considered to be significant, the details shall be reported to the Mayor or the Chief Constable.

Structure of the Revenue Budget

6.3 The Mayor will, on the advice of the Director of Resources, propose to the Police, Fire and Crime Panel and thereafter agree an overall council tax requirement for the following financial year and a consequent annual Precept (see **Regulation 6.4 et seq**). They will also approve the Chief Constable's proposed allocation of resources for policing purposes, as set out in a format agreed by the Chief Constable's Chief Finance Officer and the Director of Resources and an allocation of resources for the Mayor's own purposes, as set out in a format agreed by the Monitoring Officer and the Director of Resources.

Budget Holders will be notified of budget allocations, as soon as practical following the fixing of the Precept and no later than the day before the start of the new financial year to which they apply.

The Chief Constable's Chief Finance Officer will maintain a schedule of Budget Holders and their approved delegated budgetary amount, which will be updated from time to time during the year as budget amendments are agreed.

Setting a Budget/Precept

6.4 As soon as practicable following the start of the financial year and in consultation with the Chief Constable's Chief Finance Officer, the Director of Resources shall specify the process to be followed for the preparation of the following years Revenue Budget and the timing and format of reports relating thereto, subject to any overriding requirements of the Mayor.

6.5 The Director of Resources shall be responsible for submitting any reports regarding the overall Revenue Budget of the Mayor that will enable the Mayor to comply with their statutory responsibility to determine an annual Precept. These will include a review of the robustness of estimates and the appropriateness of the level of reserves. Once the Precept has been determined by the Mayor, it shall be the responsibility of the Director of Resources to notify the collecting authorities.

6.6 As part of the process and in advance of approving the overall Revenue Budget the Chief Officers, in consultation with the Chief Constable's Chief Finance Officer and the Director of Resources, shall define the arrangements whereby each Budget Holder prepares its own service plan and budget for consideration by the Chief Constable; these arrangements will be so defined as to fulfil the functions referred to in Regulations 6.3, 6.4 and 6.5.

Incurring expenditure/collecting income

6.7 From the start of each financial year subject to Regulation 6.3, expenditure may be incurred and income collected by Budget Holders within the overall approved Revenue Budget.

6.8 Commitments on behalf of the Mayor and the Chief Constable to spend shall only be made against approved budgets in accordance with Regulation 6.3 and in accordance with the purposes for which the budget was established. Any significant commitment to continuing liabilities (including establishment changes) which will increase the budget provision in future years, or any proposed change in policy likely to affect the current approved budget and/or the Financial Forecast (see Regulation 5.3) shall be subject to the prior approval of the Mayor. Such proposals may relate to expenditure and/or income and this should be made explicit in any statement of financial implications (see Regulation 6.2).

6.9 The Director of Resources and the Chief Constable's Chief Finance Officer are authorised to accept income, grants, offers of sponsorship and gifts for police purposes on behalf of the Mayor and the Chief Constable respectively provided that decisions taken in this regard are in accordance with the law and with the agreed policies on Income Generation and Cost Recovery, which the Mayor will review annually in consultation with the Executive Board.

6.10 The Director of Resources and the Chief Constable's Chief Finance Officer are authorised to give approval to charge for or not to charge for policing services to external bodies in accordance with the law and with the agreed policies on Income Generation and Cost Recovery, which the Mayor will review annually in consultation with the Executive Board.

Budgetary Control

6.11 Budgetary control must be effected in accordance with the procedures in Regulation 4.13 and in particular as set out in the Devolved Resource Management manual.

Grant Applications and Claims

6.12 The Director of Resources or the Chief Constable's Chief Finance Officer shall be consulted, and certify if necessary, any application for revenue grant or external funding.

6.13 The Director of Resources or the Chief Constable's Chief Finance Officer shall be responsible for the completion (where appropriate), authorisation and submission of any revenue grant or external funding claim forms to the relevant organisation(s) and if necessary the External Auditor, in accordance with any guidelines applicable to the claim(s) in question.

Outturn

6.14 In accordance with the requirements of the Accounts and Audit (England) Regulations 2011 in the context of the preparation of final accounts, with the assistance of all Chief Officers the Director of Resources and Chief Constable's Chief Finance Officer shall each report to the Mayor and the Chief Constable respectively on the outturn of income and expenditure, as soon as practicable after the end of the financial year.

7.0 CAPITAL PROGRAMME AND PLAN

Preamble

Capital expenditure is a necessary element in the development of the police service since it generates investment in new, improved and replacement assets. These Regulations provide a framework for the preparation and appraisal of schemes proposed for inclusion in the Capital Plan, appropriate authorisations for individual schemes to proceed and facilitate the overall management of the Capital Programme and Plan within defined resource parameters.

The Regulations in this Section are based on the following principles established by the Mayor:

(a) individual schemes shall be part of an approved Capital Plan before they proceed. The Capital Plan must be reconciled to the anticipated resources available as identified in the Medium Term Financial Plan;

(b) a scheme is defined as either:

(i) a specific project required to be individually listed in the Capital Plan; and/or

(ii) a rolling programme, which is an ongoing programme of planned expenditure for a designated purpose;

(c) a specific scheme can be either:

(i) "firm" – the scheme has been approved in accordance with Regulation 7.5.

Firm schemes are considered to be part of the approved budget and expenditure against the scheme can be commenced; or

(ii) “draft” – the scheme is at an early stage of planning, and has been authorised as set out in Regulation 7.5 for inclusion in the Capital Plan as “draft”.

Expenditure will not be incurred against draft schemes.

(d) rolling programmes for the next five years will be presented to Executive Board annually as part of the budget process, and once approved will be “firm” as defined above for one year only. Rolling programmes for future years will be “draft”.

Regulations

Budgetary Control Principles

7.1 Mechanisms shall be defined by the Chief Constable’s Chief Finance Officer via the Devolved Resource Management manual in consultation with the Director of Resources to ensure that expenditure and income, are monitored and controlled.

7.2 Over/underspends

(a) Any slippage of expenditure against firm schemes at the financial year end may be recommended by the Budget Holder to be carried forward, subject to Director of Resources approval.

(b) Any underspends against firm schemes at the financial year end will by default be given up. Budget Holders may request a carry forward for a specific purpose related to the original business case. Such requests will be considered and approved in accordance with the principles outlined in Regulation 7.5.

(c) Any anticipated overspends in respect of firm schemes by more than the lower of 10% and £100,000 will require the approval of the Director of Resources, with retrospective reporting to Executive Board via MTFP reports. Projects expenditure will be paused until such approval has been received.

7.3 Any scheme specific funding must be compatible with the Treasury Management Policy Statement of the Mayor (see **Regulations 16.3 and 16.7**).

Approving a Capital Plan

7.4 The Mayor’s Director of Resources shall determine the format of the Capital Plan.

7.5 The Chief Constable's Chief Finance Officer will prepare and update the Capital Plan.

(a) Individual schemes will be approved for inclusion in the Capital Plan as follows:

- o Following confirmation by Executive Board that the scheme fits the strategic direction of the organisation. Schemes will be approved by Executive Board as either "draft" or "firm", as defined in Regulation 7.0.
- o Schemes will only be approved as firm where:
 - o They are a rolling programme approved by Executive Board; or
 - o They are an allocation of funding for small schemes of the Chief Constable; or
 - o A business case has been prepared and approved

— And

- o The Director of Resources or the Chief Constables Chief Finance Officer (for schemes up to £250,000) has confirmed that funding is available and borrowing limits will not be breached as a result of the scheme; and
- o A Senior Officer has been identified as project sponsor and Budget Holder.
- o All other schemes will be "draft" and will not become "firm" until the above requirements are met.
- o The Chief Constables Chief Finance Officer will maintain a schedule of Budget Holders and their approved delegated budgetary amounts, which will be updated from time to time during the year as budget amendments are agreed.

(b) A business case will be in a format to be agreed by the Chief Constable's Chief Finance Officer and the Director of Resources and published from time to time.

(c) Business cases will be approved by:

- o The Executive Board where the scheme is either
 - A new scheme; or
 - A scheme that was previously approved in principle by Executive Board with the proviso that the Business Case would be presented to Executive Board for approval.

Or

- o A Chief Finance Officer/Director of Resources where the scheme was previously approved to go ahead by Executive Board subject to approval of a business case by a Chief Finance Officer/Director of Resources. Such approval to be given by the Chief Constables Chief Finance Officer (for schemes up to £250,000) or the director of .

(d) Delegations to the Chief Finance Officer/Director of Resources under **Regulation 7.5 (c)** and under **Regulation 7.8** will be subject to retrospective reporting to the Mayor at the Executive Board and in the MTFP..

7.6 The Capital Plan and Capital Programme shall be approved annually by the Mayor at the same time as they exercise their responsibility under **Regulation 6.3** and at such other times as is deemed appropriate by the Mayor, as part of the approval of the Medium Term Financial Plan.

An approval under **Regulation 7.5(c)** constitutes an approval of items within the plan by the Mayor.

Incurring expenditure against the Capital Plan

7.7 Approval of the Capital Plan by the Mayor under **Regulation 7.6** shall provide the following authorisation to the Budget Holder appointed for the scheme subject to the satisfactory completion of the financial controls included in the business case:

(a) Current Year (Capital Programme):

- (i) commence expenditure against schemes and rolling programme included in the Plan and to continue to incur expenditure on each scheme in progress at the start of the financial year;

providing in all cases that total expenditure on an individual scheme or rolling programme does not exceed the sum contained in the approved Plan for that scheme by more than the lower of 10% and £100,000 and all necessary approvals have been received, where appropriate, from Government Departments and/or any external funding agencies (see **Regulation 7.14**);

- (ii) On the authorisation of the Chief Constables Chief Finance Officer (up to £25,000 per scheme) or the Director of Resources (over £25,000 per scheme) commence expenditure against the allocation of funding for small schemes of the Chief Constable;

Providing that total expenditure against the allocation of funding for small schemes of the Chief Constable does not exceed the allocation.

(iii) the approval in (i) is subject to any additional expenditure on an individual scheme being met from within the sum total of the Capital Plan expenditure limit for that year (as originally approved, or subsequently amended) as defined under **Regulation 7.5**;

(iv) to collect all grant and other income related to expenditure incurred on schemes in that year.

(b) Subsequent Years:

(i) to make any arrangements necessary for site purchase, to seek planning permissions, to incur professional fees and preliminary expenses as appropriate and to seek any necessary approvals from Government Departments and/or external funding agencies.

This approval is subject to any expenditure being met from within the Capital Plan expenditure limit for the year in which it is incurred.

7.8 The approval of the Director of Resources will be required if:

(a) any increase/decrease in the previously approved Capital Plan expenditure limit is necessary as a result of either:

(i) the cost variation on an individual scheme exceeding the parameters defined in **Regulation 7.7**;

(ii) the deletion or material modification of an existing approved scheme;

(iii) the loss or revision of any funding which materially affects the ability to undertake the approved Capital Plan;

(b) the committed expenditure in later years of the Capital Plan is increased for any of the reasons listed under (a) of this Regulation;

(c) an individual scheme requires expenditure in addition to any arising from the provisions in **Regulation 7.7(b)** to be committed more than one financial year in advance of the financial year in which the actual costs will be incurred;

The approval of the Chief Constable's Chief Finance Officer will be required if:

(d) there is a proposed transfer of resources within an approved scheme between the Revenue Budget and the Capital Plan;

Monitoring of the Capital Plan

- 7.9 Once the Capital Plan has been approved, the Director of Resources and the Chief Constable's Chief Finance Officer shall define, in the Devolved Resource Management manual, a budgetary control policy and the Chief Constable's Chief Finance Officer shall ensure it is enforced.
- 7.10 The Senior Officer designated as Budget Holder for each Scheme shall identify a responsible Project Manager for each scheme and define the limits of their budgetary authority (see **Regulation 4.13**). Throughout the year each designated Project Manager shall monitor expenditure, and if appropriate grant and other income, on a scheme by scheme basis.
- 7.11 The Chief Constable's Chief Finance Officer shall provide financial advice to assist Budget Holders and Project Managers to fulfil their responsibilities.
- 7.12 Project Managers shall supply the Chief Constable's Chief Finance Officer with sufficient information, as and when required, to enable accurate cost/income profiling and/or financial projections of scheme costs/benefits/income to be undertaken.
- 7.13 Budgetary control during a financial year shall be undertaken by Budget Holders as follows:
- (a) a Budget Holder shall maintain an ongoing review of all aspects of the Capital Plan for their Area/Department; this review to be undertaken in conjunction with the relevant Project Managers, and the Chief Constable's Chief Finance Officer;
 - (b) the results of (a) to be reported at least quarterly to the Mayor via the Director of Resources;
 - (c) that arising from (b) the Project Manager will be expected to bring to the early attention of the Chief Constable's Chief Finance Officer any significant matters which if left unresolved may lead to a scheme budget overspending together with proposals to address that potential situation (see **Regulations 7.7/7.8**);
 - (d) the Director of Resources and the Chief Constable's Chief Finance Officer shall report to the Mayor on matters arising from (a) to (c) above in accordance with **Regulation 7.15**.
- 7.14 If expenditure in excess of the approved Capital Plan expenditure limit for that year is incurred due to an emergency, this expenditure must be reported to the Director of Resources or Chief Constable's Chief Finance Officer as soon as practicable, who will then report to the Mayor as soon as possible.

7.15 Monitoring of capital plan expenditure (revenue and capital expenditure) will be undertaken as follows:

- (a) Monthly by the Chief Constable's Chief Finance Officer. Any significant slippage will be highlighted and an action plan to rectify the situation put in hand in respect of each relevant project.
- (b) Quarterly as part of the Performance Update Report to the Executive Board.
- (c) Quarterly to the Corporate Performance and Coordination Group (or its successor), as part of the Budget Outturn report.

8.0 PROCUREMENT OF GOODS AND SERVICES AND ACQUISITION OF PROPERTY

This Section of the Regulations refers to the arrangements under which Budget Holders shall undertake the procurement of the goods and services they require. These Regulations should be read in conjunction with the **Mayor's PCC Contract Standing Orders**, which describe in detail the procedures officers must follow when procuring the required goods and services. In addition, these regulations should be read in conjunction with the **PROPERTY PROCEDURE RULES** which describe in detail the procedures officers must follow when considering acquiring, disposing of or redeploying land and buildings.

Wherever possible and appropriate, Budget Holders should seek to complete a procurement process and enter into a contract for the supply of goods or services, rather than complete a one off purchase. This will benefit NYP and the Budget Holder and other NYP Budget Holders who may require access to similar goods or services in the future.

Responsibilities of a Budget Holder

8.1 A Budget Holder shall be responsible for:

- (a) the procurement of all goods and services, within the approved revenue or capital budget for which they have been appointed as Budget Holder, subject to any additional requirements of the Contract Standing Orders or the Property Procedure Rules;
- (b) ensuring that goods and services ordered provide value for money to the organisation;
- (c) bringing any conflict of interest in their involvement in the procurement process to the attention of the Monitoring Officer, the Director of Resources or the Chief Constables Chief Finance Officer;

- (d) ensuring that goods and services ordered are received and are of the correct quality;
- (e) ensuring that goods and services are only procured if there is budgetary provision to cover the associated costs (see **Regulation 7.8**);
- (f) adherence to the approved Procurement Strategy of NYP;
- (g) the certification of invoices in accordance with arrangements approved by the Director of Resources and the Chief Constable's Chief Finance Officer and included in the Devolved Resource Management manual.

8.2 The Mayor's PCC Contract Standing Orders

These cover procedures for contracts in excess of £50,000. These regulations do not refer to contract exemptions (except Single Tender Actions) and variations, extensions or terminations of contracts. These will be authorised in accordance with the NYP financial limits in the Mayor's PCC Contract Standing Orders.

Where the contract value is less than £50,000 the NYP P2P team will advise the Budget Holder as required on the appropriate procurement process.

8.3 Relevant authority in accordance with these Financial Instructions

8.3.1 The Mayor's PCC Contract Standing Orders do not provide for contracts less than £50,000 and direct the reader to the relevant authority in accordance with financial instructions. Contracts, contract exemptions and variations, extensions or terminations of contracts that are under £50,000 will be authorised as follows:

<u>* Estimated Value £</u>	<u>Quotation/ Tender Requirements</u>	<u>Levels of Delegated Authority and Contract Signature Thresholds</u>
<u><10,000</u>	<u>Three quotations shall be obtained, preferably in writing or obtained from catalogues or price lists. Evidence of competition shall be retained locally.</u>	<u>Purchase orders and contracts to be approved the budget holder, subject to Regulation 8.1 below.</u>
<u>10,000 = 50,000</u>	<u>Three quotations in writing or references to three supplier catalogues shall be obtained. Evidence of competition shall be retained locally.</u>	<u>Purchase orders, requisitions and contracts to be approved the budget holder, subject to Regulation 8.1 below.</u>
	<u>Contract exemptions (except Single Tender Actions) and variations, extensions or</u>	<u>To be approved by the budget holder, subject to Regulation 8.1</u>

<u>terminations of contracts:</u>	<u>below.</u>
<u>Single Tender Actions up to £50,000, subject to 8.3.2 below</u>	<u>To be approved by:</u> <ul style="list-style-type: none"> • <u>The budget holder up to £10,000</u> • <u>the Chief Constables Chief Finance Officer or the Director of Resources</u>

* Estimated values are calculated over the life of the contract

8.3.2 Single Tender Actions are not required for expenditure of various types where there is demonstrably only one supplier able to provide the desired goods or service, and the expenditure is for a specific type of expenditure on a list approved and updated from time to time by the Chief Constables Chief Finance Officer in consultation with the Director of Resources, and included in the Devolved Resource Manual.

8.3.3 The Mayor requires that before commissioning in house procurement activity for goods services and/or works, approval is required by the budget holder where the anticipated value is up to £50,000.

8.3.4 The Mayor does not mandate the completion of a procurement process summary for contracts subject to an internal procurement process, but budget holders are encourage to consider whether it would be good practice to prepare a summary to document the procurement process.

8.3.5 Contracts in respect of which expenditure is less than £50,000 will be signed by:

- o the budget holder where the terms and conditions are standard North Yorkshire Terms and Conditions;
- o the Force Solicitor where the Terms and Conditions are non-standard.

Payment of Accounts

8.4 The Director of Resources shall arrange the payment of all invoices, which are certified duly payable.

Leasing Agreements

8.5 The Director of Resources shall undertake the negotiation of terms for, and authorise the leasing of, NYP assets which the Mayor, or a Budget Holder within the context of their budgetary responsibility, has decided to acquire where the main purpose of the leasing agreement is to finance the transaction.

8.6 A Budget Holder for whom any assets have been acquired under a leasing agreement shall ensure that all steps as are reasonably practicable, shall be taken to adhere to the terms and conditions of the relevant leasing agreement particularly as this relates to wear and tear, or residual condition of the asset at the end of the leasing period. A full inventory of all leased items must also be maintained by the Budget Holder (see Regulation 10.1).

8.7 Any NYP assets subject to a leasing agreement must not be disposed of without the prior consent of the Mayor who shall be responsible for notifying the lease company and obtaining their consent to disposal.

Acquisition of Property

8.8 All proposals for the acquisition of property must be dealt with in accordance with Rule 6 of the Property Procedure Rules.

9.0 DISPOSAL OF PROPERTY AND MATERIAL ASSETS

9.1 Prior to the disposal of any property or material asset, a Chief Officer must:

(a) ensure that the asset is of no use to any other Chief Officer (see Rule 7 of the Property Procedure Rules);

(b) for assets subject to a leasing agreement consult the Director of Resources (see Regulation 8.5);

(c) in the case of a proposed disposal of land and/or buildings follow the process in Rule 8 of the Property procedure Rules.

9.2 The procedures defined in the **MAYOR'S PCC CONTRACT STANDING ORDERS** for the procurement of goods and services apply to the disposal of any assets of the Mayor, other than property. In particular no quotations or tenders for other than the highest price shall be accepted without reference to **Contract Standing Orders** or **Rule 8.1.4 of the Property Procedure Rules** if it relates to the disposal of property.

9.3 For the disposal of any single property (i.e., land and buildings) Rule 8 of the Property Procedure Rules applies.

9.4 For the disposal of any other single material asset a Chief Officer may proceed in accordance with procedures set out in the Devolved Resource Management Manual.

10.0 INVENTORIES AND STORES

10.1 A Budget Holder shall maintain a written inventory of all items of moveable property used in their Area/Department which belong to the Mayor whose individual cost or value exceeds £1,000. The form of the inventory and the definition of moveable property are as set out in the Devolved Resource

Management Manual. This Regulation also applies to any item purchased under a leasing agreement (see **Regulation 8.4**).

10.2 A Budget Holder shall be responsible for the custody of all stores, cash and financial documents used in their Area/Department. Cash held on any premises should not exceed any sums for which the Combined Authority is insured.

10.3 A Budget Holder may (with the approval of the Chief Constable's Chief Finance Officer) arrange for the disposal of unrequired stock or inventory items, up to a limit of estimated value of £5,000 in any period of three consecutive calendar months. In excess of that amount, the approval of the Director of Resources, who may require a report be made to the Mayor, or the approval of the Chief Constable as relevant, will be required. (see also **Regulation 9**).

10.4 A Budget Holder may (with the approval of the Chief Constable's Chief Finance Officer) write off stock and inventory deficiencies up to a limit of £5,000 in any period of three consecutive calendar months. In excess of that amount, the approval of the Director of Resources, who may require a report be made to the Mayor, or the approval of the Chief Constable as relevant, will be required (see also **Regulation 9**).

11.0 POLICY ON FINANCIAL PROVISIONS AND RESERVES

Preamble

The Mayor maintains provisions and reserves to ensure a sound financial position for North Yorkshire Police. The overriding aim is to ensure that, within the budget, the maximum amount of funding is available to deliver policing. To this end, the levels of provisions and reserves are regularly reviewed to ensure that funding is directed to service use rather than being tied up unnecessarily in balances. Retaining reserves is a useful and considered tool which enables a sound financial position to be maintained and which can be used to reduce or negate the need for higher cost funding alternatives, i.e. borrowing.

The way in which provisions and reserves are managed and the distinction between them is determined by Accounting Standards.

The Mayor has a Policy on Financial Provisions and Reserves which is reviewed annually.

The levels of financial provisions and reserves are formally reported to the Mayor in quarterly budget monitoring reports and as part of the Annual Statement of Accounts.

MISCELLANEOUS MATTERS

Preamble

In addition to arrangements for the key aspects of financial administration (i.e. Revenue Budget, Capital Plan and procurement) there are a range of other financial matters that require specific Financial Regulations. These are covered in the remaining sections of this document.

12.0 PAYROLL, PENSIONS AND OTHER EMOLUMENTS

12.1 The calculation and payment of all salaries, wages, pensions, gratuities, compensation and other emoluments payable by the Y&NYCA to their employees, by the Chief Constable to their employees and officers or former employees or officers shall be performed in accordance with arrangements approved by the Director of Resources and the Chief Constable's Chief Finance Officer.

12.2 The Director of Resources and the Chief Constable's Chief Finance Officer shall be authorised to implement national and provincial pay awards with effect from their implementation dates.

Travelling and Subsistence Allowances

12.3 The calculation and payment of all Travelling and Subsistence Allowances payable by the Y&NYCA to employees or the Chief Constable to their employees and officers shall be performed in accordance with arrangements approved by the Director of Resources and the Chief Constable's Chief Finance Officer.

12.4 The Director of Resources and the Chief Constable's Chief Finance Officer shall maintain a record of officers authorised to certify claims on behalf of Budget Holders. Certification of a claim shall signify that the Budget Holder is satisfied that the allowance or expenses are properly payable by the Mayor in respect of duties performed by the claimant.

13.0 INCOME

13.1 Each Budget Holder shall be responsible for the determination of rents, fees and/or charges relevant to the activities carried out by/within their Budget. For practical purposes this responsibility should be linked to the budget management arrangements established in accordance with **Regulations 4.12/4.13.**

13.2 Rents, fees and/or charges within the control of the Mayor or Chief Constable shall be subject to review at least annually by the Director of Resources or Chief Constable's Chief Finance Officer as appropriate except as provided in any specific agreements between the Y&NYCA/Mayor or the Chief Constable and relevant third parties. If a review results in a proposal to change the policy under which a rent/fee/charge is determined the review shall be reported to the Mayor or Chief Constable before it is implemented.

13.3 A Budget Holder shall agree with the Director of Resources or the Chief Constable's Chief Finance Officer the administrative arrangements for the collection of any money due to the Y&NYCA/Mayor or Chief Constable respectively. The collection of debts will be the responsibility of the Chief Constable's Chief Finance Officer and shall be administered via the debtor system linked to the financial ledger - any alternative arrangement requires the prior written approval of the Director of Resources.

13.4 Income may NOT be used to directly offset payments due. All money received shall be banked, as soon as practicable.

Debt Write-Off

13.5 Any proposal by a Budget Holder to write off an individual debt up to a limit of £5,000 may be agreed by the Chief Constable's Chief Finance Officer. In excess of that amount, the approval of the Director of Resources (who may require a report be made to the Mayor) will be required.

14.0 PETTY CASH

Preamble

To assist designated officers to purchase minor items the Chief Constable's Chief Finance Officer may grant petty cash advances. Before seeking such an advance a Budget Holder should consider using a Purchasing Card (see **Contract Regulation 13**).

Regulations

14.1 The Chief Constable's Chief Finance Officer may make cash advances to Budget Holders to allow them to meet minor expenses, subject to such conditions as are deemed necessary.

14.2 Any cash shall be kept in a safe place at all times (see also **Regulation 10.2**).

14.3 Individual petty cash purchases must not exceed £50 per item and must be supported where possible by authenticated receipts.

14.4 Payments from petty cash will only be made in respect of reasonable expenditure of a minor nature which is incurred for the benefit of the Mayor or the Chief Constable. The specific purposes for which petty cash expenditure can be incurred shall be defined by the Chief Constable's Chief Finance Officer in the Devolved Resource Manual. Petty cash can be used either to reimburse expenditure previously incurred or to provide an advance to pay for known future expenditure.

14.5 No income received, other than reimbursement of approved petty cash expenditure, may be paid into a petty cash Imprest Account.

15.0 BANKING

- 15.1 All arrangements for the operation and supervision of the Mayor's bank account(s) shall be made by the Director of Resources. No alternative bank account(s) may be opened without the prior written approval of the Director of Resources. The purpose of any new bank account and the identity of the bank and details of the account shall be recorded in writing and retained on an appropriate file by the Director of Resources.
- 15.2 When the need for a bank account ceases then the Director of Resources shall be notified immediately and the account closed in accordance with procedures agreed with the Director of Resources.
- 15.3 Any payments made over £20,000 by cheque shall require 2 signatures as set out in the bank mandate.

16.0 TREASURY MANAGEMENT

- 16.1 The Mayor has adopted the CIPFA 'Code of Best Practice and Guide for Treasury Management in the Public Services' together with those of its specific recommendations that are relevant to the Mayor's PCC Treasury Management activities.
- 16.2 A Treasury Management Policy Statement setting out the matters detailed in the CIPFA 'Code of Best Practice and Guide for Treasury Management in the Public Services' shall be approved by the Mayor after consultation with the Executive Board and thereafter its implementation and monitoring shall be delegated to the Director of Resources.
- 16.3 At or before the start of each financial year, the Director of Resources shall report to the Mayor at the Executive Board on the Strategy for Treasury Management, including an Annual Investment Strategy, it is proposed to adopt for the coming financial year. This report will include specific reference to borrowing limits and requirements as required by Part 1 Chapter 1 Local Government Act 2003.
- 16.4 All money in the possession of the Mayor shall be under the control of the officer designated for the purposes of Section 151 of the Local Government Act 1972 (i.e. the Director of Resources or the Chief Constable's Chief Finance Officer).
- 16.5 The Director of Resources will make arrangements for the daily management of cash, loans and investment work.
- 16.6 The Director of Resources shall report to the Mayor at the Executive Board not less than twice in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an Annual Report on Treasury Management for presentation by 30 September of the succeeding financial year.

16.7 The Director of Resources shall periodically review the Treasury Management Policy Statement and report to the Mayor at the Executive Board on any necessary changes.

16.8 The Director of Resources shall maintain a Treasury Management Approved Practices document setting out the framework for Treasury Management.

17.0 VOLUNTARY FUNDS

Preamble

A voluntary fund is any fund which, although not legally the property of the Mayor or the Chief Constable, is controlled or administered solely, or in part, by an officer by reason of their employment with the Y&NYCA or the Chief Constable.

Regulations

17.1 The Director of Resources or Chief Constable's Chief Finance Officer shall be informed of the purpose and nature of all voluntary funds maintained by any officer in the course of their duties with the Mayor or Chief Constable. Formal accounts shall be prepared and shall be audited annually by a competent, independent person and shall be submitted with an audit report to the appropriate body within 6 months of the accounting year end. A copy of the accounts and audit report shall be supplied to the Director of Resources or the Chief Constable's Chief Finance Officer immediately after the meeting of the body. The Director of Resources or the Chief Constable's Chief Finance Officer shall be entitled to verify that the reports have been made and to carry out such checks on the accounts as he/she considers appropriate.

17.2 Voluntary Funds, and any related bank accounts, shall be operated in accordance with procedures set out in the Devolved Resource Management manual.

18.0 INSURANCE

18.1 The Y&NYCA/Mayor and Chief Constable have risks which are mitigated by insurance. These include public liability, employer liability, professional and officials indemnity, fleet and estates. It is important that the Y&NYCA/Mayor and Chief Constable regularly review their exposure to risk to ensure that appropriate insurance is in place at all times.

18.2 The Director of Resources and Chief Constable's Chief Finance Officer should (either personally or with the assistance of appropriate professional advisors) ensure acceptable level of risks are determined and ensure that appropriate insurance is secured on the Y&NYCA/Mayor's and Chief Constable's behalf.

18.3 The Mayor, Chief Constable, police officers and police or Y&NYCA staff shall promptly notify the Director of Resources or Chief Constable's Chief Finance Officer of:

- (a) any happening which may result in a claim against the Y&NYCA or Chief Constable or in favour of it.
- (b) all new risks, of whatever nature, which may require to be insured, together with any changed circumstances affecting existing risks.
- (c) any action(s) taken which might affect the Y&NYCA's or Chief Constable's current, and future, insurance arrangements.

18.4 No police officer, civilian employees or the Mayor shall (without first seeking appropriate professional advice) admit liability to a claimant, or make any statement which could be construed as such, concerning a matter which should properly be dealt with by insurers.

19.0 RISK MANAGEMENT

19.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant strategic and operational risks to the Y&NYCA/Mayor and the Chief Constable. This should include the proactive participation of all those associated with the planning and delivering of services.

19.2 The Mayor and Chief Constable shall approve arrangements for risk management. These arrangements will be detailed in the Risk Management Strategy and brought to Executive Board for ratification.

19.3 The Director of Resources and the Chief Constable shall effect and administer the Risk Management Strategy, including securing that:

- (a) procedures are in place to identify, assess, prevent or manage known risks and that these procedures are operating effectively.
- (b) a monitoring process is in place to regularly review the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis with any significant changes being reported to the Risk Management Group.
- (c) Senior officers and managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management.
- (d) A Corporate risk register should be presented to the Risk Management Group on a regular basis. This risk register will identify known and potential risks to the Mayor and Chief Constable, assess

the impact of the risk and specify approved action to address these risks.

20.0 AUDIT

Preamble

The Accounts and Audit (England) Regulations 2011, issued under the provisions of the Audit Commission Act 1998, apply to the Y&NYCA and the Chief Constable. The Regulations (in particular regulation 6) require the Y&NYCA and Chief Constable to maintain an adequate and effective internal audit of their accounting records and of their system of internal control. The following Regulations provide the framework for this statutory duty to be discharged.

Regulations

- 20.1 Every Chief Officer, Budget Holder and Project Manager is responsible for the implementation and maintenance of all internal control procedures relating to financial systems and for achieving the economic, effective and efficient use of resources within their Area/Department or in respect of Capital schemes allocated to them.
- 20.2 The Director of Resources and the Chief Constable's Chief Finance Officer shall be responsible for maintaining an independent and effective internal audit service and assistance in providing safe and efficient financial management. The Director of Resources and Chief Constable's Chief Finance Officer are responsible for internal audit and must be satisfied as to the system of financial controls in place and the effectiveness of the financial administration system.
- 20.3 Internal Audit shall provide an assurance function that primarily provides an independent objective opinion to the Y&NYCA and the Chief Constable on the control environment comprising risk management, control and governance by evaluating its effectiveness in achieving the organisation's objectives. Internal Audit shall objectively examine and report on the adequacy of the control environment as a contribution to proper, economic, efficient and effective use of resources. Internal auditors will not undertake any operational delivery within the force or for the Y&NYCA except for audit activity and will maintain independence from service delivery.
- 20.4 Each Chief Officer shall therefore make arrangements for the Director of Resources or the Chief Constable's Chief Finance Officer or their authorised internal audit representative to:-
- (a) enter at all reasonable times on any premises or land used by the Mayor or Chief Constable;

(b) have access to all correspondence, documents, books or other records relating to any financial transactions of their establishment or operational area;

(c) require and receive such explanation(s) as he/she considers necessary to establish the correctness of any matter under examination;

(d) require any officer, agent or contractor of the Y&NYCA/Mayor or Chief Constable or appointed by the Y&NYCA/Mayor or Chief Constable to produce cash, stores, or other Y&NYCA or Chief Constable property under his/her control for inspection.

20.5 The Director of Resources and Chief Constable's Chief Finance Officer will require Internal Audit to operate in accordance with proper internal audit practices as set out in CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom.

20.6 If any employee of the Y&NYCA/Mayor or employee or officer of the Chief Constable suspects or knows of any loss or irregularity concerning cash, property, stores or other financial matters they should inform the Director of Resources or Chief Constable's Chief Finance Officer, as appropriate. Internal Audit must be informed immediately. Such communications may be oral initially but must be confirmed promptly in writing. If appropriate communication should be directly to the Monitoring Officer.

20.7 The Director of Resources or Chief Constable's Chief Finance Officer as appropriate shall determine the scope of any internal enquiries or investigations, subject to consultation with the appropriate Chief Officer. The Head of Professional Standards Department or appropriate Chief Officer should correspondingly notify the Director of Resources or Chief Constable's Chief Finance Officer, as appropriate, and Internal Audit of any matters arising within the scope of 20.6 above.

20.8 The Director of Resources or Chief Constable's Chief Finance Officer as appropriate, in consultation with the appropriate Chief Officer shall decide whether any matter under investigation should be referred for police investigation and take recovery action as appropriate on such matters. The Director of Resources or Chief Constable's Chief Finance Officer as appropriate and appropriate Chief Officer will agree an appropriate route for investigation and reporting. Where investigations are led by Professional Standards Department the respective Chief Officers will be kept informed and the Chair of Ethics and Standards Board updated as appropriate.

20.9 The Director of Resources or Chief Constable's Chief Finance Officer shall report serious losses and irregularities to the Mayor and/or the Joint Independent Audit Committee.

20.10 The Director of Resources or Chief Constable's Chief Finance Officer as appropriate or their representative shall seek to preserve and respect the confidentiality of information received in discharging tasks under this Section of the Financial Regulations where it is appropriate to do so and where it does not compromise transparency or future probity.

20.11 The Chief Finance Officer/Director of Resources, the Head of Internal Audit and the External Auditors shall have the right to communicate directly with the Mayor, the Chief Constable or the Chair of the Joint Independent Audit Committee on any matter that he/she deems appropriate.

20.12 An appropriate body will be appointed by the Home Office to have responsibility for external audit. The cost will form part of the costs of the Mayor and the Chief Constable. External auditors shall have full access to internal audit reports. In developing the external audit plan, the external auditor will normally work closely with the Director of Resources and the Chief Constable's Chief Finance Officer.

20.13 The Chief Constable, who has a direct interest in secure, efficient and effective arrangements for internal audit, shall receive all internal audit reports on matters relating to activity under his control as a matter of course.

20.14 Before deciding which aspects of Force financial activity to include in the internal audit plan, the Director of Resources shall consult the Chief Constable's Chief Finance Officer and the Chief Constable. This plan shall include, if required, systems audits or value for money audits.

20.15 The Mayor will use the reports of external auditors to aid her in their monitoring role and to ensure that the agreed regulations of the Mayor and the Chief Constable are being followed.

20.16 A Joint Independent Audit Committee will be established in accordance with the Financial Management Code of Practice comprising persons independent of the Mayor and the Chief Constable. This Committee will receive copies of all internal and external audit reports.

20.17 Wherever possible responses to Internal Audit reports should be forwarded to the Head of Audit and Risk within 3 weeks of the final report being issued. Audit reports will be reported to the next available Joint Independent Audit Committee. Reports will be taken without a management response should this not have been provided to the Auditors following a reasonable length of time.

20.18 An annual report including an opinion on the overall adequacy and effectiveness of the control environment must be presented to the Mayor and Chief Constable timed to support the Statement on Internal Control.

21.0 REVISION OF FINANCIAL REGULATIONS

21.1 The Director of Resources, the Chief Constable's Chief Finance Officer and the Monitoring Officer shall regularly review the application and effect of these Regulations and shall propose such updated Regulations to the Mayor and the Chief Constable as they may consider appropriate.

22.0 COLLABORATIVE ARRANGEMENTS

22.1 The Mayor exercising their Police and Crime Commissioner Functions and the Chief Constable have adopted an agreed set of financial regulations for use across the four forces of the region engaged in collaborative working.

22.2 The regional forces comprise Humberside, North Yorkshire, South Yorkshire and West Yorkshire and each respective Police and Crime Commissioner and Chief Constable has adopted the financial regulations. The Mayor in exercising their Police and Crime Commissioner functions and chief constable has agreed that these shall apply to financial transactions and use of assets when engaged in work of a regional collaborative nature under the programme of collaborative arrangements and where other agreements and =/or binding arrangements do not apply.

The Mayor's Fire and Rescue Financial Regulations

1.0 INTRODUCTION

- 1.1 These **Financial Regulations** form part of the governing documents approved by the Mayor in relation to their PCC functions. 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 The s4A Fire and Rescue Authority was created following the Statutory Instrument 2018 No. 970 and came into force on 15 November 2018. The s.4A FRA is a fire and rescue authority under the Fire and Rescue Services Act 2004 and has a statutory duty and electoral mandate to ensure an efficient and effective fire and rescue service. The s. 4A FRA was referred to as Police, Fire and Crime Commissioner ("PFCC" or "Commissioner") for North Yorkshire, however, with effect from 7 May 2024, the fire and rescue service is known as the Y&NYCA FRA, overseen by the Mayor of the Y&NYCA, as set out in the Scheme of Corporate Governance.
- 1.3 These regulations apply to all staff in the Y&NYCA working wholly or partly in relation to the Mayor's fire and rescue functions.
- 1.4 The Introduction to Part 9 provides financial definitions for terms used within these regulations.
- 1.5 The Director of Resources of the Y&NYCA has a personal fiduciary duty by virtue of their appointment as the person responsible for proper financial administration under the Fire and Services Act 2004. This includes requirements and formal powers to safeguard lawfulness and propriety in expenditure (section 114 of the Local Government Finance Act 1988, as amended by regulation 6 and the schedule to SI 2018/226).
- 1.6 The Director of Resources 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).
- 1.7 The statutory responsibilities of the Director of Resources of the Y&NYCA 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 Director of Resources. The Accounts and Audit Regulations 2015 impose further responsibilities. Taken together, and

considered in the context of the Fire and Rescue Services Act 2004, these mean that the Director of Resources of the Y&NYCA is responsible for:

- ensuring that the financial affairs of the Mayor are properly administered and that the financial regulations are observed and kept up to date;
- ensuring regularity, propriety, feasibility and value for money in the use of public funds;
- ensuring that funding required to finance agreed programmes is available from central Government funding, business rates, precept, other contributions and recharges;
- reporting to the 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 Y&NYCA/Mayor;
- 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 by the fire and rescue service 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.

1.8 The Director of Resources of the Mayor 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.

1.9 The Director of Resources is the Y&NYCA'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 Director of Resources:

- must be a key member of the Mayor's leadership team, working closely with the 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 Financial Planning, Budgeting and Reporting

Financial Planning

2.1 The financial planning process should be directed by the approved policy framework, the business planning process and the need to meet key objectives.

2.2 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.

2.3 The Medium Term Financial Plan explains how the Mayor 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.

Medium term Financial Plan

2.4 The Mayor is responsible for effective financial and budget planning for the fire and rescue service. The Mayor, in consultation with the Chief Fire Officer, will identify and agree a Medium Term Financial Plan which includes funding and spending plans for both revenue and capital. The plan should have regard to affordability and take into account multiple years, the inter-dependencies of revenue budgets and capital investments, the role of reserves and the consideration of risks. It must also have regard to CIPFA's Prudential Code for Capital Finance in Local Authorities. The plan should be aligned with the Fire and Rescue Plan and Risk and Resource Model.

2.5 The Director of Resources is responsible for submitting a Medium Term Financial Plan to the Mayor, which should:

- be regularly reviewed to ensure its assumptions are appropriate;
- contain relevant sensitivity analysis;

- be reviewed when there are changes in the financial environment, for example changes in inflation and/or a change in the grant regime.

Budget Preparation

- 2.6 The Mayor should consult with the Chief Fire Officer in planning the overall budget for the fire and rescue service. The budget will take into consideration funding from government and from other sources, and balance the expenditure of needs of the fire and rescue service against the levels of local taxation. This should meet the statutory requirements to achieve a balanced budget (Local Government Finance Act 2003) and be completed in accordance with the statutory timeframe.
- 2.7 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.
- 2.8 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.
- 2.9 The Chief Fire Officer and the Director of Resources 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.
- 2.10 In addition to receiving a Medium Term Financial Plan the Mayor will consider summarised reports from the Director of Resources and the Chief Fire Officer on the budget.
- 2.11 The Director of Resources 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.

The Precept

- 2.12 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.

2.13 The Mayor will present the proposed level of the fire precept to the Police, Fire and Crime Panel. The remit of the Police and Crime Panel has been extended to include the scrutiny of the s.4A FRA's functions, as set out in the Policing and Crime Act 2017. The Mayor will have regard to any recommendation that is made by the panel in response to the proposed level of precept.

Budget Plans

2.14 Principal Officers, in consultation with the Mayor, will ensure that Budget Coordinators 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.

Virement and In-year changes to the Budget

2.15 The Director of Resources will administer the Scheme of Virement set out below. Any change to the Scheme requires the approval of the Director of Resources.

2.16 Principal Officers, after consultation with the Director of Resources, may initiate virements between budget heads provided:

- it does not involve a new policy or policy change;
- it does not involve an increasing commitment in future years which cannot be contained within existing approved budget allocations;
- it does not create additional overall budget liability.

2.17 Any single virement for expenditure not exceeding £20,000 shall be approved by the Chief Accountant and Administration who will notify the Director of Resources accordingly.

2.18 Any single virement for expenditure exceeding £20,000 shall be subject to approval by the Director of Resources.

Power to Incur Expenditure

2.19 Principal Officers have power, subject to these Regulations, to incur expenditure provided for in the revenue budget and capital programme approved by the Mayor.

2.20 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:

- a) Initiating a new policy;

- b) Committing revenue or capital expenditure in current or future years to above the approved budget levels;
- c) Transferring revenue resources between budget heads except as provided in the Scheme of Virement;
- d) Entering into a capital commitment if it involves a material change in the nature of the project as set out in the original project appraisal;
- e) Entering into a capital commitment if:
 - 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.

2.21 Principal Officers are responsible for ensuring that any increases in a project expenditure that occurs during the course of the project is reported to the Treasurer and can be contained within the overall budget.

2.22 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 Director of Resources where the funding organisation may refuse to pay the grant or contribution.

2.23 No lease, hire, rental or arrangements of a similar nature that may affect the Mayor borrowing limits may be entered into without seeking the prior approval of the Director of Resources.

Partnerships

2.24 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 Director of Resources.

2.25 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.

2.26 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.

Monitoring and Reporting

2.27 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.

2.28 Principal Officers, in consultation with the Director of Resources, 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.

2.29 The Director of Resources 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.

Disposal of Capital and Fixed Assets

2.30 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 Director of Resources. The disposal will be recorded in the Capital Asset Register maintained by the Enable NY Finance Department.

3 Financial systems and Standards

Financial Management Standards

3.1 The Director of Resources is responsible for setting the Authority's financial management standards and for monitoring their compliance.

3.2 The Director of Resources 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 any finance staff.

Systems and Procedures

3.3 The Director of Resources 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 Director of Resources.

3.4 The Director of Resources, 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.

3.5 The Chief Accountant and Administration must consult with the Director of Resources 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.

3.6 The Director of Resources will jointly ensure that all accounting records are properly maintained and held securely.

3.7 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.

4 Audit, Control and Irregularities

4.1 The Independent Audit Committee will review the effectiveness of external and internal audit. These members should be independent of both the Mayor's Office and the Y&NYCA.

4.2 Public Sector Audit Appointments Limited (PSAA) is responsible for appointing external auditors for the Y&NYCA. Mazars LLP have been appointed to audit the accounts until March 2023.

4.3 The terms of reference for the Independent Audit Committee is available on the OPFCC website and is reviewed and agreed annually setting out the role of the Committee and the responsibilities of its Members.

4.4 The Director of Resources is responsible for reporting to Independent Audit Committee the internal control systems and the internal audit function.

4.5 The internal audit function will be under the independent control and direction of the Director of Resources 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 Director of Resources in consultation with Principal Officers, and approved or otherwise amended by the Independent Audit Committee.

4.6 Principal Officers will co-operate with, and provide all necessary information for, Internal Audit and the Authority's External Auditor.

4.7 It is the responsibility of Principal Officers to establish effective and efficient arrangements for internal control. Principal Officers will seek the advice of the Director of Resources in those instances of a material nature where the principles of internal control prove difficult to implement or maintain.

4.8 The Director of Resources must be notified immediately of all instances of potential and actual irregularity affecting the finances of the Authority.

4.9 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.

5 Expenditure

General

5.1 All payments made on behalf of the Authority will be delegated to and made by the Enable NY Financial Services Team on behalf of the Director of Resources.

5.2 In making such payments, the Director of Resources will, where necessary, rely on the certification of authorised employees.

Procurement of Supplies, Services and Works

5.3 Each order will conform to the Authority's Contract Standing Orders.

5.4 Every employee involved in the procurement process will comply with the Staff Code of Conduct Policy.

Payment of Creditors

5.5 Payments will be made in accordance with the Payment of Invoices Standard Operating Procedures, any proposed changes to which must be reported to the Director of Resources for approval.

Advance Accounts

5.6 The Director of Resources will provide such accounts as is considered appropriate for authorised employees to defray petty cash and other expenses.

6 Income

6.1 Principal Officers are responsible for:

- (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 the Y&NYCA's powers to charge set out in relevant legislation;
- (b) reviewing and implementing all external fees and charges, to be approve by the Director of Resources on an annual basis.

6.2 The establishment or variation of any such fee or charge that involves a policy change requires approval from the Director of Resources.

6.3 Income Grants and Donation Standards Operating Procedures sets out management arrangements for all monies due to the Authority.

6.4 Principal Officers are responsible for ensuring that all cash and cheques received on behalf of the Mayor are banked promptly and intact and receipted.

6.5 Principal Officers are responsible for the prompt raising of Y&NYCA debtors accounts and for the subsequent collection of the amounts due in accordance with corporate policies on credit management as determined by the Director of Resources.

6.6 The Director of Resources 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.

7 Treasury Management

Banking

7.1 The Director of Resources is responsible for arranging the Y&NYCA's banking arrangements, including opening and closing of bank accounts. The Y&NYCA in exercising its s.4A FRA functions is a separate corporation sole with precept raising and borrowing powers. As such, the s.4A FRA should have separate banking arrangements from the Y&NYCA and the Chief Constable for North Yorkshire.

7.2 Payments from the Y&NYCA FRA bank accounts will be authorised in accordance with the appropriate bank account mandates.

Treasury Management

7.3 The Director of Resources is responsible for recommending approval to the Mayor 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.

7.4 The Director of Resources 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:

- to keep under review and to update as required, the Treasury Management Policy Statement for approval by the Mayor;
- to prepare and maintain suitable treasury management practices setting out the manner in which treasury management policies and objectives will be achieved and presenting how those activities are managed and controlled;
- to prepare the Annual Treasury Management Strategy at or before the start of each financial year for approval by the Mayor;
- to regularly monitor performance against Borrowing Limits and Prudential Indicators and to seek approval for changes to those limits if applicable;
- to report the outcome of all Treasury Management activities at least once a year including an annual report for the preceding financial year to the Mayor.

Assets

7.5 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.

7.6 Principal Officers are responsible for keeping records and assets properly maintained and securely held.

7.7 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.

7.8 The Director of Resources 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.

Insurance and Risk Management

7.9 The Director of Resources 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.

7.10 Except where otherwise provided for in agency agreements, the Deputy Chief Fire Officer will negotiate the settlement of claims with insurers.

7.11 The Mayor is responsible for approving the Risk Management Policy Strategy and for reviewing the effectiveness of risk management.

7.12 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.

Other Funds

7.13 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.

7.14 Principal Officers will ensure that such funds are operated in accordance with these regulations and any guidance issued by the Director of Resources.

7.15 All employees of the Y&NYCA exercising fire and rescue functions acting as trustees by virtue of their official position will ensure that accounts are audited as to the appropriate body.

Mayor's PCC
Contract Standing Orders

September 2018

1 Introduction

The Y&NYCA has adopted Regional Contract Standing Orders, as amended (attached as Appendix 1). Any reference within the Appendix to Police and Crime Commissioner or PCC is taken to be a reference to the Y&NYCA.

In accordance with the Regional Contract Standing Orders the Police and Mayor exercising their PCC functions for North Yorkshire has adopted the following Local Financial Instructions, and taken with the Regional Contract Standing Orders this document will be referred to as the North Yorkshire Police Contract Standing Orders.

2 Authority to Proceed to Procurement

The Mayor requires that the following authorisations are obtained before proceeding with any procurement exercise which will commit resources under the control of the Mayor or the Chief Constable for North Yorkshire.

Before commissioning the Regional Procurement Team to undertake any procurement activity for goods services and/or works, approval is required by the Budget Holder, who is also required to confirm that the budget is available within the agreed budget (capital or revenue).

Approval of the Budget Holder is also required for

- Any Pre Qualification Questionnaire and the Selection Process for any project.
- The incorporation of any specification into any tendering exercise.
- Any Tender Package and Evaluation Criteria for any project.

3 Authority to Proceed to Contract

All contracts supported by Regional Procurement for the provision of goods, services or works over £1,000,000 will be supported by a process summary document (to be completed by Regional Procurement).

- Process summaries will be accepted by, and contracts up to £5,000,000 will be signed by the Head of Paid Service, or persons

delegated authority by way of the Constitution of the Y&NYCA or the Director of Resources, or delegate.

- Process summaries will be accepted by, and contracts over £5,000,000 will be signed by, by the Head of Paid Service, or their delegate subject to specific delegation.

Regional Procurement Department may be authorised by the Mayor, the Head of Paid Service or delegate or the Director of Resources or delegate to sign contracts on behalf of the Y&NYCA that are entered into on a collaborative basis.

4 Exceptions to normal procurement procedures (including Single Tender Actions)

Any STA shall be authorised:

- up to £10,000 – Budget Holder
- over £10,000 – Chief Constables Chief Finance Officer

The Chief Constables Chief Finance Officer will submit a quarterly report to the Joint Internal Audit Committee summarising STA's over £50,000 with an explanation of the reasons for the STA's.

APPENDIX 1

CONTRACT STANDING ORDERS

YORKSHIRE AND THE HUMBER REGIONAL CONTRACT STANDING ORDERS

Overview

In Yorkshire and the Humber a Regional Procurement Team has been created to support police procurement activity. Contract Standing Orders have been harmonised across the Forces and PCCs and these are supplemented by detailed guidance on policies and procedures.

1. INTRODUCTION AND COMPLIANCE

- 1.1. All orders and contracts for works, goods or services made by or on behalf of the Yorkshire and the Humber Regional Police Forces and the Police and Crime Commissioners (PCCs) shall be made in accordance with these Contract Standing Orders (Standing Orders).
- 1.2. All contracts shall comply with statutory requirements including, but not limited to, UK legislation, Directives of the European Community, and relevant Government Guidance.
- 1.3. The Forces and PCCs require all procurement activity to be undertaken in a transparent, fair and consistent manner, ensuring the highest standards of probity and accountability. All procurement undertaken on behalf of the Forces and PCCs will operate under robust principles and procedures to ensure best value. Detailed procedures will be published in Procurement Policy and Procedures.
- 1.4. No exceptions shall be made to these Standing Orders otherwise than reasons stated in Section 5.
- 1.5. Every Officer in any of the YatH Regional Police Forces and every Police and Crime Commissioner (PCC) or employee of the PCCs shall comply with these Standing Orders; any failure to do so may result in disciplinary action.
- 1.6. Any dispute regarding the interpretation of these Contract Standing Orders will be referred to the Regional Collaboration Board (RCB) and its decision will be final.

2. GLOSSARY OF TERMS

These terms will have the following meanings in the Standing Orders:

<u>YatH</u>	<u>The Yorkshire and the Humber Region</u>
<u>YatH OPCCs</u>	<u>Office of the Police and Crime Commissioner for Humberside, Office of Police and Crime Commissioner for North Yorkshire, Office of Police and Crime Commissioner for South Yorkshire and Office of Police and Crime Commissioner for West Yorkshire</u>
<u>Chief Executives</u>	<u>The Chief Executives of the OPCCs in YatH</u>
<u>YatH Forces</u>	<u>The Humberside Police, North Yorkshire Police, South Yorkshire Police and West Yorkshire Police</u>
<u>Chief Constables</u>	<u>The Chief Constables of the YatH Forces</u>
<u>Chief Officers responsible for Finance</u>	<u>The Chief Officers responsible for Finance within each of the YatH Forces and PCC's.</u>
<u>YatH Regional Procurement Team</u>	<u>The Regional Procurement team operating on behalf of the YatH forces</u>
<u>Regional Procurement Director</u>	<u>The Officer responsible for the Regional Procurement Team</u>
<u>Chief Officers</u>	<u>Officers who are members of the Command Team in each of the YatH Forces</u>
<u>Divisional/Departmental Head</u>	<u>The most senior officer in any Division, Department or Branch in the YatH forces or PCCs</u>
<u>Officers</u>	<u>All Police officers and Police staff of the YatH Forces and PCCs (to include officers working under a service level agreement)</u>
<u>PCCs</u>	<u>All of the PCCs in the YatH Force areas</u>

Single Tender Action (STA) The selection of a supplier to provide works, goods or services without competition

Regional Collaboration Board (RCB) The Board comprising the PCCs and chief constables within the YatH Force areas responsible for developing and maintaining a shared vision for joint working and ensuring that resources are being applied efficiently and effectively

Regional Procurement Policy and Procedures All Procurement Policy, Procedures and Procedures published by the Regional Procurement Team

Collaborative Contract A contract for the provision of works, goods or services to more than one police force or public entity

Framework Agreement A contract set up by a public sector organisation for some or any public sector organisations to use. The Agreement sets out terms and conditions under which specific purchases can be made throughout the term of the Agreement. The Agreement will typically have been awarded under the EU Procurement rules

Financial Instructions – Refers to those adopted by the YatH Forces and the YatH PCCs

3. COMPETITIVE PROCUREMENT

3.1. The use of central contracts that have been set up by the YatH Regional Procurement team or individual YatH Forces and PCCs for certain works, goods and services is mandatory.

3.2. For works, goods or services not available from an existing contract, the acceptance of quotations and bids will be based on the principle of best overall value for money, i.e. the most economically advantageous offer. Criteria for the

award of contracts shall be recorded in advance of the invitation and strictly observed by officer's evaluating the bids. The criteria may include cost and qualitative elements and shall take into account whole life costs. The evaluation process must be objective, systematic, thorough and fair.

3.3. Evaluation models shall generally be weighted such that the overall percentage score allocated to cost is not less than 50%. In exceptional circumstances the Regional Procurement Director or his/her deputy may agree a different cost/quality ratio.

3.4. The table below describes the procedure and authority levels dependent on the estimated value of the procurement.

3.5. Estimated value is deemed to be the aggregate cost, in any Force and any PCC or the Region that is reasonably anticipated over the lifetime of the provision. If the lifetime is unknown, then the aggregate cost should be based on 48 months.

3.6. Requirements must not be disaggregated in force and PCC or in the region in order to avoid competitive procurement under any circumstances.

3.7. The authority levels shall apply to variations to contract, i.e. any additional costs resulting from the variation must be aggregated with the original contract value for the purposes of authorisation.

3.8 Where a procurement is deemed novel, contentious or repercussive it should be notified to the PCC by the budget holder to ensure authority to proceed to full procurement.

3.9 Subject to point 3.8 of these standing orders, authority to authorise the Regional Procurement Team to proceed at stage one of the procurement process is governed by local Financial Instructions. This does not affect the authority levels detailed at 3.10 of these standing orders.

3.10. PROCUREMENT COMPETITION PROCEDURES AND AUTHORITY LEVELS

<u>Estimated</u>	<u>Quotation / Tender Requirements</u>	<u>Levels of Delegated Authority and Contract Signature Thresholds</u>
<u>Value £</u> <u>< 10,000</u>	<u>The local procurement procedure may use any reasonable means to select the supplier, preferably three quotations shall be obtained (this may include from catalogues or price lists). The procurement procedure and</u>	<u>Purchase orders and contracts to be approved locally by Officers with relevant authority in accordance with financial instructions.</u>

outcome must be recorded and retained locally.

10,000 –
50,000

At least three formal written Purchase orders, requisitions quotations or references to three and contracts to be approved supplier catalogues shall be locally by Officers with relevant authority in accordance with should be sought, where financial instructions. possible, from a local SME.

> 50,000

All procurement to be managed by the Regional Procurement team.

On conclusion of the procurement process an 'Authority to proceed to contract' (including a Process Summary) will be issued to the Lead force/PCC by the Regional Procurement Team and will be signed locally by officers with relevant authority in accordance with local Financial Instructions and returned to the Regional Procurement team.

At least three Tenders shall be obtained, where the aggregated value of the contract is in excess of EU thresholds, tender procedures will be in accordance with EU Procurement Directives.

Contracts will be signed as follows:
£50,000 - £75,000 Senior Category Manager, Category Manager/Contract Manager
£75,000 - £150,000 Strategic Category Manager, Strategic Contract Manager
£150,000 - £500,000 Head of Procurement & Category Management/Head of Contract Management & Performance
£500,000 - £1,000,000 Director of

Regional Procurement
£1,000,000 - £5,000,000 Chief Officer, relevant Yath Force in
accordance with local Financial
Instructions
>£5,000,000 relevant PCC

3.11. The Officer with delegated authority to authorise orders or contracts committing the expenditure does so on behalf of the relevant Force/PCC.

3.12. Whilst mandatory involvement of the Regional Procurement team is required for contracts valued over £50,000, the Team will provide advice and guidance on all procurement matters and contracts under £50,000.

4. FINANCIAL AND CONTRACTUAL DELEGATION

4.1. The Chief Officer responsible for Finance in each Force or Chief Executive will be responsible for determining authorised signatories within each PCC/Force. Those authorised signatories and sub delegation rules will be described and documented in each Force/PCC's Financial Instructions.

4.2. Authorised signatories will ensure that the purchase is compliant with all financial instructions, and ensure that sufficient resources are available within the revenue budget or capital programme.

5. EXCEPTIONS TO NORMAL PROCEDURES/SINGLE TENDER ACTION

5.1. Exceptions

5.1.1. All exceptions to normal procedures must be approved in accordance with the arrangements set out in the Regional Procurement Policy and Procedures for local and collaborative contracts.

5.2. Single Tender Action (STA)

5.2.1. STA should only be used in very exceptional circumstances. The Chief Constables and Chief Executives or their delegated authorities will consider requests for exceptions to normal procedures under the following circumstances:

- (a) Where it can be evidenced that only one supplier is able to carry out the work or service or to supply goods for technical reasons or because of exclusive rights;

(b) Extensions to existing contracts where there is a genuinely justifiable case to use an existing contractor/supplier to maintain continuity of supply or site experience;

(c) The contract has been classified as secret by a Chief Officer making the use of a particular contractor essential or a limited competition to a select list of contractors and the avoidance of advertising requirements in the public domain;

(d) The contract is required so urgently that competition is impracticable. For example a genuine unforeseeable operational need arises. However failure to take action within appropriate timescales does not constitute grounds for an urgency exception.

5.2.2. Any STA up to £50,000 shall be authorised in accordance with local Financial Instructions. . It is the responsibility of the authoriser to satisfy themselves that the grounds in which the exception has been sought is justified and that all associated spend must be aggregated with the original contract value or future contract value for the purposes of authorisation. It should be noted that where grounds of urgency has been selected submissions will be subjected to further scrutiny to ensure compliance.

5.2.3. Any STA over £50,000 shall be requested via the Regional Procurement Director and the appropriate Chief Officer/s or Chief Executive in accordance with local Financial Instructions. All associated spend must be aggregated with the original contract value or future contract value for the purposes of authorisation. The formal procedure shall be described in the Regional Procurement Policy and Procedures.

5.2.4 Where it becomes apparent before an order is placed and accepted by the supplier that the figures quoted and appropriately approved in an STA are understated by an amount that is more than 10% of the original STA value, then the STA will need to be returned (with an explanation for the increase) through the appropriate channels for consideration of further approval, based on the revised value of the STA.

6. COMPETITIVE PROCUREMENT USING TENDERS

6.1. The Regional Procurement Director will have responsibility to ensure appropriate Procurement Policy and Procedures are in place covering matters such as:

6.1.1. The procedures to be applied in respect of the whole tendering process i.e. initial tender, specifications and standards, and evaluation and appointment of contractors and consultants.

6.1.2. Processes regarding the use of sub contractors.

6.1.3. Processes regarding variations to contract.

6.1.4. The process to be undertaken in relation to declarations of interest in a contract.

6.1.5. The procedures to be followed in relation to Collaborative Contracts.

6.1.6. The adoption of Framework Agreements.

6.1.7. The Procedures to be followed in applying for an exception to Standing Orders, including:

- The formal procedure to be adopted to evidence alternative provision is not available;
- The formal justification of emergency provision.

6.1. 8. The achievement of Value for Money, and the minimisation of risks to Forces and PCCs.

6.2. The Procurement Policy and Procedures will set out arrangements for the recording and retention of information in relation to procurement activity.

6.3 The Procurement Policy and Procedures will also detail the arrangements for reporting procurement activity to meet the requirements of the RCB and of individual Forces and PCCs together with addressing the need to publish information in accordance with Government requirements.

6.4.1 Force and PCC Chief Officers responsible for Finance will ensure appropriate Financial Instructions are provided for use by staff within their respective forces.

7. TENDER CUSTODY AND OPENING

Electronic Tendering

7.1. The RCB, Forces and PCCs support the use of electronic means for the invitation and receipt of tenders through the selected e-tendering system in line with the system requirements.

Tender custody and opening if non electronic means are utilised

7.2. In the event of operating non electronic procedure, tenders shall be stored in a secure and confidential manner as required by sealed bid procedure.

7.3. The opening of these tenders and recording of details shall be subject to the following regulations:-

- They shall not be opened before the appointed time;
- They shall be opened at one time by not less than two persons approved by the Regional Procurement Director for the purpose.
- The appropriate tender details shall be recorded on the Tender Opening Certificate which shall be ruled off (to prevent the addition of further entries) and then signed by each member of the tender opening panel.

7.4. Once the tenders have been opened they must be circulated only to those directly involved in tender evaluation and contract letting activities prior to awarding the contract.

8. FORM OF CONTRACT

8.1. All contracts shall be in writing. If appropriate, legal advice should be sought in relation to contracts through the Regional Procurement team. The form of contract shall be in line with the NPCC Procurement Portfolio guidance and other best practice.

8.2. The Regional Procurement team will advise on the appropriate use of Performance Guarantee Bonds or the provision of liquidated damages where necessary.

9. COLLABORATIVE CONTRACTS AND FRAMEWORK AGREEMENTS

9.1. Where tenders are invited on behalf of the region or include other police forces or public sector organisations, they will be invited on a Force/PCC basis and comply with these Contract Standing Orders.

10. REVIEW

10.1 These Contract Standing Orders will be reviewed on an annual basis by the OPCC Chief Executives.

Mayor's Fire and Rescue Contract Standing Orders

1. Introduction

- 1.1. These Contract Standing Orders 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 Y&NYCA, in particular the Mayor in exercising their Fire and Rescue functions. 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.
- 1.2. The procedures in the Contract Regulations apply to all contracts with third parties and to all sub-contracts (where a sub-contractor is specified by the Y&NYCA/Mayor to a contractor).
- 1.3. 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 in relation to Fire and Rescue functions. These regulations apply to all staff in the Y&NYCA working wholly or partly in relation to Fire and Rescue functions and also any staff exercising any fire and rescue functions that have been delegated to the deputy mayor for policing and crime.
- 1.4. The Contract Regulations should be read in conjunction with the Financial Regulations, Financial Procedures, Scheme of Delegation and Procurement Policy.
- 1.5. The financial limits specified within these Contract Regulations 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.

2. How the Mayor Procures

- 2.1 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.
- 2.2 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 Y&NYCA Police and Crime or Fire and Rescue Service Contract Register, which is publicly available via the OPFCC/NYFRS website.
- 2.3 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.

2.4 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

<u>Under £10,000</u>	<u>It is the Budget Co-ordinators responsibility to ensure best value is achieved.</u>
<u>Between £10,000 and £50,000</u>	<u>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.</u>
<u>Between £50,001 and FTS threshold</u>	<u>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.</u>

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 the Enable NY Procurement Department. Once the decision has been made to take up a quote, a purchase order is to be raised via the financial accounting system and the details of the transaction must be recorded by the Budget Holder for inclusion in the local commitment records.

Between £50,001 and FTS threshold

- Enable NY Procurement involvement is required, and a tendering procedure must be followed.
- The principles of the Business Management Framework should be followed to confirm all relevant stakeholders have been consulted.
- To ensure budget availability no contract for the supply of goods or services under any lease, hire, rental or any other credit arrangement, where the value of the agreement exceeds £50,001 or contracts that cover more than one financial period can be entered into without:
 - (a) Where a decision has been made at Executive Board.
 - (b) Authority is given by the Director of Resources.
 - (c) Confirmation has been sought from the Budget Co-ordinator confirming budget availability and approval.

2.5 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.

2.6 No tendering procedure is required in respect of:

- Contracts for the purchase of goods of which tenders have been obtained from a purchasing consortium or other recognised Government agency (such as Crown Commercial Services) where the Authority has been identified in any previous procurement exercise undertaken by the consortium or agency;
- Frameworks but further competition by means of a mini-competition may be required;
- Contracts for the supply of goods which Government Departments have specified as the type of goods which should be used for a particular purpose and only one supplier of such goods exists;
- Contracts for the supply of goods or services the price of which is fixed by a trade organisation or Government department and no reasonably suitable alternative is available;
- A contract for the engagement of a Counsel (see below);
- Subscriptions or fees to Government departments and/or other official organisations such as NFCC, FTA, CIPFA, etc., this list is not exhaustive.

3. Exemptions to the Contract Procedures

3.1. 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 Enable NY Procurement Manager and all those above £50,000

must have the approval of the Director of Resources. Examples are detailed as:

- The goods, services or works are unique and provided by only one organisation with no reasonably satisfactory alternatives available;
- The procurement involves the purchase of proprietary or patented goods or services obtainable from one firm, are sold at a fixed price and no reasonably satisfactory alternative is available;
- The goods, services or works constitute an extension of an existing contract which is allowed within the contract terms, or the goods/materials, services or works consist of repairs to, or the supply of parts for, existing proprietary plant or equipment and/or where the initial contract value or specification is not fundamentally changed or increased;
- That new services or works are required which are a repetition of services or works carried out under an original contract whilst a new procurement is underway;
- That goods are required as a partial replacement for, or addition to, existing goods or installations and obtaining them from another source would result in issues with compatibility or disproportionate technical difficulties in operation or maintenance;
- Tenders are invited on behalf of any consortium or collaboration, of which the Y&NYCA exercising their Fire and Rescue functions, 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 Fire and Rescue Financial Regulations and Finance Procedures or any overriding National or European Union legislation;
- The goods, services or works are of a sensitive nature (such as security) where publication of the tender documents would constitute a security breach and undermine the effectiveness of the final product;
- A Single Tender Action may be considered to have the approval of the Director of Resources if the action is relevant expenditure of value less than £50,000 and one of the following types:
 - (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.
 - (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:
 - There is only one UK supplier of the training services; or
 - Where the Y&NYCA 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; or

- 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.

This exemption does not apply to training purchased at the same time as the equipment or software.

3.2 An exception may be considered to have the approval of the Director of Resources if the expenditure is less than £50,000 and is one of the following :

- Purchase of Licences (following an initial procurement);
- Performing Rights Society;
- Phonographic Performance Limited;
- Copyright \ Licencing Agency Limited;
- TV Licencing (TV global licence).

3.3 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 Enable NY Procurement Department completing a Single Tender Action so that the requirement can be assessed and presented to the relevant Function Head and consultation and approval can be sought from the Director of Resources.

3.4 For procurement projects over £10,000 for all goods, services and works, the Monitoring Officer or the Director of Resources must approve any exemption, prior to any commitment being given by the Authority to any organisation. The Enable NY 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.

4. Advertising of Contracts

4.1. 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.

4.2. 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.

4.3. 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.

5. Pre-Quotation/Tender Requirements

5.1. Suppliers may be contacted informally without obligation to the Authority before tender or quotations are invited in order to:

- Establish whether the goods, services or works that the Authority wishes to purchase are available, and within what price range;
- Assess market conditions should the procurement process require it.

This must be with the prior knowledge and approval of the Enable NY Procurement Department via the procurement service level agreement.

5.2. In making enquiries:

- No information shall be disclosed to one supplier which is not then disclosed to all those of which enquiries are made, or which are subsequently invited to tender or quote;
- No supplier shall be led to believe that the information they offer will necessarily lead them to be invited to tender or quote, or awarded a contract. All requests for information or quotations either verbal or written must include the words "without obligation" to confirm that the request is for information only;
- A record, including notes of any meetings held, the responses and the names of all individuals present shall be kept on the files which are associated with that contract.

5.3. 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 Coordinators behalf. The specification is a description of the goods, services or works that the Authority wishes to procure.

5.4. 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.

5.5. All contracts with a value exceeding £1,000,000 shall have a performance bond and be formed by seal unless the Head of Paid Service or Chief Fire Officer, after consultation with the Director of Resources provides his express written consent that it is not required.

5.6. 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.

6. Procurement Portal

- 6.1. If a supplier wishes to be considered for future Y&NYCA Fire and Rescue requirements they can, at no cost, register on the Bluelight e-Tendering Portal <https://bluelight.eu-supply.com/>.
- 6.2. All forthcoming tender award opportunities shall be advertised in accordance with paragraph 4.
- 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.

7. Invitation and Submission

- 7.1. Instructions must be issued to those organisations invited to submit a quotation or a tender, asking them to complete and return the required documents by a specified date and time. Tenders will be carried out electronically via the Bluelight e-Tendering Portal <https://bluelight.eu-supply.com/>.
- 7.2. Invitation to tender documents will usually contain the following information:
- Letter of invitation and instructions about the process;
 - Form of tender;
 - Specification and/or schedule of rates;
 - Contract terms and conditions;
 - Any relevant supporting information (drawings, maps, etc.);
 - All tender submissions shall be evaluated on the basis of quality and price, and the invitation to tender documentation must clearly specify the evaluation criteria together with its accompanying scoring methodology.
- 7.3. Completed tenders MUST be submitted on the Bluelight e-Tendering Portal by the date and time specified. Late tenders will not be accepted. Qualified tenders will also not be accepted.
- 7.4. 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.

7.5. 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.

8. Opening of Tenders

8.1. Electronic tenders must be delivered to the designated Bluelight eTendering 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. The Procurement Department will maintain a record of tenders on the Bluelight eTendering Portal and in compliance with the Local Government Transparency Code 2015.

9. Evaluation of Tenders and Quotations

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 Y&NYCA 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. 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:

- Technical suitability;
- Financial viability and stability;
- Quality systems;
- Customer care and after sales service;
- Experience and past performance;
- Aesthetic and functional characteristics;
- Delivery date and other management factors;
- Commitment to Equality and Diversity and Sustainability;
- The economic, social and environmental well-being of an area (social value).

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.

10. Post Tender Considerations

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 <https://bluelight.eu-supply.com/> message system. Should this not be available then advice should be sought from the Enable NY 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 be undertaken only by the Enable NY 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.

11. Contract Awards

11.1. Before a Tender is accepted, and the resulting contract signed, a Contract Summary Report will be completed by the Enable NY Procurement Team (over £50,000 procurements). The award of a contract shall be approved in accordance with the following:

- By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000;
- By the Budget Co-ordinator for contracts with a value of up to £250,000;
- By the Director of Resources for contracts with a value in excess of £250,000.

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:

- By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000;
- By the Budget Co-ordinator for contracts with a value of up to £250,000;
- By the Director of Resources for contracts with a value in excess of £250,000.

11.3. All unsuccessful tenderers should be notified promptly in writing or via <https://bluelight.eu-supply.com/>. All documentation in relation to any quotation or tender exercise should be retained for a period of not less than seven years by either the Budget Co-ordinators, the Enable NY Purchasing Department or a person acting with the authority of the Budget Holder.

12. Corrupt Practices

12.1. 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 Y&NYCA 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:

- 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 Y&NYCA;
- For favouring or not favouring any person in relation to such contract, or similar acts have been done by any person employed by the contract supplier or acting on their behalf;
- If the contract supplier or any person employed by them or acting on their behalf has committed an offence under the Bribery Act 2010 or any amendment of the act;
- For any fee or reward given, the receipt of which is an offence under the Local Government Act 1972.

13. Third Parties

13.1. 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 Director of Resources being satisfied that the procurement procedures of the partner authority are no less rigorous than these Contract Regulations.

13.2. Where a consultant, which could be an architect, has been engaged to purchase goods, services or works on behalf of the Authority, the following prior approvals are required as evidence that the Authority is satisfied that the procurement procedures of the consultant are no less rigorous than these Contract Regulations:

- By the Budget Holder or those with the delegated authority of the Budget Holder for contracts with a value of up to £50,000;
- By the Budget Co-ordinator for contracts with a value of up to £250,000;
- By the Director of Resources for contracts with a value in excess of £250,000.

13.3. 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:

- Observe the procedures prescribed within these Contract Regulations;
- Produce on demand, all records maintained by them in relation to the contract;
- On completion of a contract, transmit such records to the Director of Resources or the Monitoring Officer.

14. Assignment

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 Y&NYCA. Sub-letting, other than that which may be customary in the trade concerned, shall be prohibited.

15. Sealed Contracts

15.1. All contracts and orders shall be made electronically or in writing and made in the name of the Y&NYCA.

16. Term of Contract

16.1. The term of the contract may be extended with the approval of the Budget Coordinators, if there is provision within the contract terms and conditions to extend and if confirmation of budgetary provision has been agreed by the Budget Coordinator or Enable NY Financial Services Team, Budget Coordinators 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 Combined Authority in relation to their Fire and Rescue Authority responsibilities (formerly known as the Office of the PFCC Fire Rescue Authority (OPFCC FRA)). The FRA will be referred to as the Y&NYCA FRA within this document. 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 Mayor, the Combined Authority 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 Y&NYCA FRA and North Yorkshire Fire and Rescue Service. It also assists the PFCC Mayor in discharging statutory responsibilities in holding the Fire Service to account. This is achieved by;

- Advising the ~~OPFCC-Y&NYCA FRA FRA~~ and Chief Fire Officer of North Yorkshire according to good governance principles
- Providing independent assurance on the adequacy and effectiveness of the ~~OPFCC-Y&NYCA FRA 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-Y&NYCA FRA 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-Y&NYCA FRA FRA~~ and advising the ~~PFCC-Mayor~~ 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-Mayor~~ as appropriate.

Corporate Risk Management

- Approving the ~~OPFCC-Y&NYCA FRA FRA~~ corporate risk management strategy and framework; ensuring that an appropriate framework is in place for assessing and managing key risks to the ~~OPFCCY&NYCA FRA FRA~~.
- Considering the financial risks to which the ~~OPFCC-Y&NYCA FRA~~ is exposed and approving measures to reduce or eliminate them or to insure against them.
- Providing assurance to the ~~PFCC-Mayor~~ 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-Y&NYCA 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-Mayor](#) and make recommendations as appropriate.
- To monitor the policies of the [PFCC-Y&NYCA](#) FRA on 'Raising Concerns at Work', anti-fraud and corruption strategy and complaints process.

Internal Audit

- Advising the [PFCC-Mayor](#) 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-Mayor](#) 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 [OPFCC-Y&NYCA](#) FRA; ensuring appropriate action is taken to address any areas for improvement.
- Reviewing and monitoring the effectiveness of [OPFCC Y&NYCA](#) FRA on fraud, irregularity and corruption.

External Audit

- Advising the [PFCC-Mayor](#) and Chief Fire Officer on the appointment of external auditors.
- Approving on behalf of the [PFCC-Y&NYCA FRA](#) 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-Mayor](#) 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-Mayor](#) and Chief Fire Officer.

Financial Reporting

- Reviewing the Annual Statement of Accounts and make recommendations, or bring to the attention of the [PFCC Mayor](#) 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-Y&NYCA FRA](#) 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-Y&NYCA 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-Y&NYCA 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, fire and crime through which the Mayor drives and monitors the delivery of the Police and Crime Plan and the Fire and Rescue Plan.

Standard agenda

- ~~1)2)~~ Welcome and apologies
- ~~2)3)~~ Action Log
- ~~3)4)~~ 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)

- 5) North Yorkshire Fire and Rescue Service (must specify which part of RRM and Fire and Rescue Plan each area reported on relates to)
 - a) Current and significant issues emerging (please share information on key issues identified which hinder the delivery of any part of the Fire and Rescue 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. (include detail of the decision making process to this point – where has this been before being presented to the Mayor?)
 - d) Third party reports section. Including update on HMICFRS progress against actions. (include updates from other internal and external audits)

- 4)6) Enable (must specify which part of the Police and Crime plan or Fire and Rescue 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)7) Legal services
- a) Updates
 - b) Collaboration agreements
- 6)8) Finance
- a) Updates
- 7)9) Mayor
- a) Commissioning and partnerships
 - b) Mayor updates
 - b)c) Devolution
- 8)10) Risks
- a) NYP
 - a)b) NYFRS
 - b)c) Enable
 - e)d) Mayor

Reports required

- Minutes/decisions and actions log of COT and SLT.
- 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
- Chief Fire Officer, North Yorkshire Fire & Rescue Service
- Deputy Chief Fire Officer
- 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-Combined Authority's Chief Finance Officer (or delegate)
- Chief Constable's Chief Finance Officer
- Corporate Director for the Office of Police, Fire and Crime

- 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 and Fire and Rescue 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 and Fire and Rescue.
3. To receive notification of decisions made by delegates under the Scheme of Delegation.
4. Ensure that North Yorkshire Police, North Yorkshire Fire and Rescue service and the Office of the Mayor OPFCC are operating within agreed budget allocations and ensuring value for money.
5. Consider North Yorkshire Police, North Yorkshire Fire and Rescue Service and the Mayor's OPFCC'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 OPFCC 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~~Corporate Director for the Office of Police, Fire and Crime.

- 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 or fire and rescue 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.