

SCHEME OF DELEGATION TO OFFICERS

This scheme grants powers to Officers to exercise powers and carry out duties of the Authority under various Statutes, Orders, Regulations and Byelaws and at Common Law.

1. Conditions of Delegations

- 1.1. It is the duty of Officers to whom the exercise of powers is delegated to keep Members of the Authority informed of activity arising within the scope of the delegated powers given to them.
- 1.2. In exercising delegated powers, Officers shall consult with each other as appropriate in the circumstances, and shall have regard to any advice given.
- 1.3. It shall always be open to an Officer to seek authority or guidance from the Authority (particularly Statutory Officers) and to elect not to exercise delegated powers; or to consult with Members on the exercise of delegated powers.
- 1.4. The exercise of delegated powers by an Officer shall be in accordance with :-
 - (a) The policies of the Authority and their decisions from time to time.
 - (b) The Authority's Standing Orders and Financial Regulations.

2. Powers Not To Be Delegated

- 2.1. This scheme does not delegate :-
 - (a) Any matter reserved to the Authority;
 - (b) Any matters which may, by law, not be delegated to an Officer.

Powers should not be delegated:
- 2.2. Where to do so would effectively result in the Officer making a decision reviewing their own decision in relation to pension and disciplinary matters.
- 2.3. Where to do so would result in a breach of the Authority's Contract Standing Orders for the time being in force;
- 2.4. In respect of action constituting the grant of an exemption under Contract Standing Orders, or the award of a Contract the value of which exceeds £250,000.
- 2.5. In respect of action constituting the entering into of sponsorship arrangements, the value of which exceeds £25,000.

- 2.6. In respect of action constituting the appointment or dismissal of the Chief Fire Officer, the Deputy Chief Fire Officer, the Assistant Chief Fire Officer, the Executive Director of Resources or the Monitoring Officer
 - 2.7. Where to do so would result in the Authority incurring expenditure for which no budgetary provision exists within the budget heads for which the Officer proposing to exercise delegated powers is responsible.
 - 2.8. Where to do so would result in expenditure entailing the virement of sums totalling in excess of £50,000 from one budget line approved by the Authority to another budget line.
 - 2.9. Where to do so would result in the Authority incurring expenditure on hospitality in excess of £800 on any occasion or in breach of any guidance issued by the Authority.
 - 2.10. No Officer other than the Executive Director of Resources shall have the power to write off debts due to the Authority or equipment or other assets held by the Authority. The Executive Director of Resources shall have power to write off debts and assets up to the value of £5,000 but shall exercise such power only if satisfied that :-
 - (a) It would not be cost effective to expend additional resources to recover the amounts owed, or
 - (b) Every reasonable effort has been made to recover the amounts due, and further action is likely to damage the reputation of the Authority, or
 - (c) The debt is legally irrecoverable, and
 - (d) That the Authority has not reserved such a decision to itself.
 - 2.11. The term "Officer" means the holder of a post named as having delegated powers or duties under this scheme.
3. Delegations to the Chief Fire Officer/Chief Executive (and in their absence the Deputy Chief Fire Officer), who may further delegate any to member of either the Executive Leadership Team or the Corporate Leadership Team as appropriate.
- 3.1. To make a formal response on behalf of the Authority to any White Paper, Green Paper, Government Consultation Paper or Draft European Union Directive without reference first to the Authority, when the timescale does not allow, after consultation with the Chair and Vice Chair of the Authority and each of the Party Group Leaders.
 - 3.2. To control all matters of day to day administration of the Fire & Rescue Service; which shall include taking and implementing decisions that are :-
 - (a) Concerned with maintaining the operational effectiveness of the Service;

- (b) Matters incidental to the discharge of the Authority's functions, which fall within a policy decision taken by the Authority.
- 3.3. To make, issue and serve such Notices, Orders, Statements and other documents as may be necessary or appropriate for the above purposes (3.2) or to give effect to, or carry out any decision of his/her under powers delegated to him/her under this scheme.
 - 3.4. To submit comments on any town & country planning matter, Building Regulations, Safety of Sports Grounds & other applications or licences, where the authority is a consultee, statutory or otherwise.
 - 3.5. To exercise all the powers of the Authority as an enforcement authority under relevant legislation, without prejudice to the generality of this position he/she may in particular :-
 - 3.5.1. Authorise the commencement of criminal proceedings (after consultation with the Clerk to the Authority) for any breach of any law or regulation, the enforcement of which the Authority is empowered to undertake.
 - 3.5.2. Take appropriate action on behalf of the Authority under the Regulatory Reform (Fire Safety) Order 2005.
 - 3.5.3. Designate persons as Inspectors under Article 26 of the Fire Safety Order and the Health and Safety at Work Act 1974.
 - 3.5.4. Authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Fire Safety Order.
 - 3.6. To ensure that nationally and locally agreed conditions of service are properly implemented
 - 3.7. After consultation with the Treasurer to authorise the implementation of any nationally agreed pay award in respect of all employees, subject to any element of discretion being referred to the Authority for consideration.
 - 3.8. To manage all staff, staffing structures and decide on personnel issues in line with agreed Authority policies.
 - 3.9. To vary the grading of individual non-uniformed posts up to (but not including) Assistant Chief Officer (including progression within and between grades), having regard to the national Job Evaluation Scheme and in consultation with the relevant trade union(s).
 - 3.10. To make and terminate appointments of uniformed and non-uniformed staff up to (but not including) those posts to be made/terminated by the Appointments Committee.
 - 3.11. To ensure that the Fire Authority's disciplinary policy and procedures, based on the Advisory, Conciliation and Arbitration Service (ACAS) best practice guidance, are properly applied and enforced.

- 3.12. To hear disputes under the first stage of the Internal Disputes Resolution Procedure, which have been lodged in relation to the Firefighters Pension Scheme or the Local Government Pension Scheme.
 - 3.13. To manage and maintain land and property daily, whether owned or leased.
 - 3.14. To deal with any urgent matters, not otherwise delegated, in consultation with the Treasurer, Clerk, Chair and Vice Chair.
 - 3.15. To provide a strategic lead in promoting and maintaining the Service's commitment to Equality and Diversity, Environmental issues and Health and Safety, through the Executive Leadership Team
4. Delegations to the Clerk to the Authority (Director of Legal Services/Monitoring Officer)
- 4.1. To take all necessary steps, including the obtaining of Counsel's advice, in connection with any matter concerning the Authority and incur expenditure in connection therewith.
 - 4.2. To institute on behalf of the Authority such proceedings or take such other steps as he/she may consider necessary to :-
 - (a) secure the payment of any debt;
 - (b) recover possession of any land;
 - (c) enforce the performance of any obligations due to the Authority and to take such steps as he/she may consider necessary to enforce any judgement or order obtained in any such proceedings after consultation with the Chair of the Authority;
 - (d) sign or affix the Authority's seal to documents necessary to give effect to property matters dealt with pursuant to these delegated powers.
 - 4.3. To enter a defence to any claim brought against the Authority.
 - 4.4. To execute and issue all legal documents (including all contracts) necessary to implement decisions made by the Authority or its committees or Officers in pursuance of delegated powers, except where another Officer has been authorised to take such action or the Clerk has authorised him/her to do so.
 - 4.5. To authorise any person to appear on behalf of the Authority in any court, tribunal or inquiry on any matter relating to the business of the Authority.
 - 4.6. The above powers may be delegated to a solicitor other than the Authority Solicitor.
5. Delegations to the Authority Treasurer (Executive Director of Resources)
- 5.1. To undertake all matters of day-to-day financial administration for the service, in accordance with the Standing Orders and Financial Regulations of the Authority.

- 5.2. In agreement with the Chief Fire Officer, and after consultation with the Chair and Vice Chair, in cases of urgency to approve virement, within revenue and capital budgets not otherwise covered by the Treasurer's delegated authority. Action taken under this delegation must be reported to the next meeting of the Authority.
- 5.3. To approve supplementary revenue votes for items which are of a formal unavoidable or relatively small amount and which are not inconsistent with approved budgetary policy, and which :-
- (a) Result from pay awards or price increases not taken into account in approved budgets;
 - (b) Result from expenditure arising from the mandatory implementation of Acts of Parliament or other Government directives;
 - (c) Relate to goods, services or other expenses which were budgeted for and properly ordered or committed in the previous year but which, owing to delays in delivery or execution, have to be accounted for in the following year. (It is implicit that the original budgetary provision should remain unspent at the end of the year of provision);
 - (d) Are urgently necessary to maintain existing services and cannot reasonably be met from appropriate approved budgets;
 - (e) Do not exceed £10,000 in total for any one purpose and do not entail significant expenditure in subsequent years.
- 5.4. Virement (i.e. the transfer of sums approved for a specified purpose to another purpose) may be authorised by the Treasurer in accordance with Financial Standing Orders provided :-
- (a) there are no greater consequential revenue effects in later years;
 - (b) the proposals are not inconsistent with approved budgetary policy and the overall budget situation;
 - (c) that it does not involve the transfer of sums between budget lines where the activities in one of the areas is outside the control of the Authority;
 - (d) that it does not involve the transfer of sums to the appointment of staff or other purpose which will commit the Authority to a significant additional level of expenditure in future years or which will initiate new policies or the extension of existing policies.
- 5.5. Supplementary Capital Budgets
- 5.5.1. To approve supplementary capital budgets subject to the limitations set out in the Financial Standing Orders.

6. Inspectors

- 6.1. Officers appointed as Inspectors under the Health & Safety At Work Act 1974, shall have the powers of an Inspector specified in the following statutory provisions or any statutory amendments or re-enactments thereof :-
- 6.1.1. Sections 1, 20, 21, 22, 25 and 39 of the 1974 Act
 - 6.1.2. any Health and Safety regulations; and
 - 6.1.3. the provisions of the Acts mentioned in Schedule 1 to the 1974 Act, which are specified in the third column of that Schedule and of the Regulations, Orders and other instruments of a legislative character made or having effect under any provision so specified.
- 6.2. Officers appointed as Inspectors under the Regulatory Reform (Fire Safety) Order 2005 or any statutory amendment or re-enactment thereof, shall have:-
- (a) the powers of an Inspector, specified in Regulation 27 of that Order, and
 - (b) powers to issue and serve alteration notices, enforcement notices, prohibition notices and notices relating to switches for luminous tube signs under that Order;
 - (c) the power to take any other action relating to the Authority's role as enforcing authority in respect of that Order.

7. Litigation Officer

- 7.1. The Litigation Officer shall have power to take all action on behalf of the Authority in respect of claims by or against the Authority where the Authority is insured in respect of such claims subject :-
- (a) to the Litigation Officer consulting with the Chief Fire Officer (or the Deputy Chief Fire Officer in his absence) if practicably possible;
 - (b) in the case of claims against the Authority to sufficient budgetary provision being available;
 - (c) to the terms of any settlement complying with the recommendations of the Solicitor acting for Authority's insurer;
 - (d) to the Litigation Officer reporting to the Chief Fire Officer in writing within a reasonable time of the exercise of this power; and
 - (e) to the delegated power being limited to settlement of claims by or against the Authority up to a maximum of £200,000.

8. Directors

8.1. Officers appointed to posts at Director level for the time being of the Authority shall have all of the powers set out in paragraph 3 above subject to :-

8.1.1. Appropriate delegation by the Chief/Deputy Chief Fire Officer.

8.1.2. The restrictions set out in paragraph 1 above, and

8.1.3. The matter of the exercise of delegated powers being within the role and area of responsibility of that Director.

8.2. Directors shall have the responsibility for ensuring, within their area of responsibility, compliance with and promotion of powers and duty under Health & Safety, Equality and Diversity and Environmental Legislation and for guidance from to time in force.

9. All Operational Firefighting Employees

9.1. All employees of the Authority who are, for the time-being appointed as Operational Firefighters from the role of Firefighter to the role of Chief Fire Officer/Brigade manager, are authorised for the purposes of :-

(a) S.44 of the Fire & Rescue Services Act 2004 (Powers in the Event of an Emergency); and

(b) S.45 of the 2004 Act (Powers of Entry).

(c) Any statutory amendment or re-enactment of the above provisions.

10. All Employees

Shall have the responsibility to ensure their own and others' health and safety under the Health & Safety Act 1974 and shall ensure that they are conversant with, understand and are committed to the policies of the Authority in relation to Health & Safety, Equality & Diversity and Environmental matters.

11 Interpretation

11.1 In this scheme, the powers of the Chair may, in the absence or unavailability of the Chair be exercised by the Vice Chair.

11.2 Any relevance in this scheme to any enactment shall be deemed to include a reference to any statute incorporated therewith or any Statutory Instrument, Order in Council Byelaws or other Order made thereunder and any enactment repealing, amending or extending the provisions thereof. Any reference to the Authority shall, where the sense allows, be deemed to include references to a Committee.