



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority

SCHEME OF DELEGATION

Report of the Chief Fire Officer

Agenda No:

Date: 27 May 2011

Purpose of Report:

To respond to the request of Policy and Strategy Committee and present to the Fire Authority the Scheme of Delegation.

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1. BACKGROUND

At its meeting of 4 February 2011, the Policy and Strategy Committee received a report from the Chief Fire Officer on current Section 13/16 arrangements between Nottinghamshire and its neighbouring Services. As a consequence of that report, Members asked that the current Scheme of Delegation be presented to the AGM of the Fire Authority in May 2011.

2. REPORT

- 2.1 The Scheme of Delegation was formatted and agreed by the 'shadow' Fire and Rescue Authority prior to the formation of the current arrangements in 1997. It is attached at Appendix A to this report.
- 2.2 Whilst much of the scheme remains relevant, there is need to review its provisions as there have been some fundamental changes to both legislation and the Chief Fire Officer's delegations since it was written.
- 2.3 In reviewing this Scheme, it has also been identified that the Standing Orders of the Authority, the Financial Regulations, the Members' Code of Conduct and constitution documents would all benefit from reviewing and updating.
- 2.4 Therefore in presenting the Scheme as requested, it is proposed that with the support of the Clerk to the Fire Authority, the various governance provisions are reviewed, updated and presented back to the full Fire Authority at a future meeting for approval.

3. FINANCIAL IMPLICATIONS

There are no specific financial implications arising from this report.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

There are no specific human resources or learning and development implications arising from this report.

5. EQUALITY IMPACT ASSESSMENT

There are no specific equalities implications arising from this report.

6. CRIME AND DISORDER IMPLICATIONS

There are no crime and disorder implications arising from this report.

7. LEGAL IMPLICATIONS

The governance of the Fire Authority is covered by various aspects of legislation which the Service will need to comply with as part of any review and update.

8. RISK MANAGEMENT IMPLICATIONS

The documents cited in Paragraph 2.3 above all form part of the Authority's governance arrangements. Reviewing and updating these documents and procedures will ensure that the Fire Authority remains robust to any challenges that may arise from its decision making processes.

9. RECOMMENDATIONS

That Members task Officers to undertake a review and update of the constitutional arrangements of the Fire Authority to include, Standing Orders, Financial Regulations, Scheme of Delegation and Code of Conduct, and these to be presented to a future meeting of the Fire Authority for approval.

10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)

None.

Frank Swann
CHIEF FIRE OFFICER

SCHEME OF DELEGATION

For this scheme

- Fire & Rescue Authority means the Nottinghamshire and City of Nottingham Fire & Rescue Authority.
- Financial Regulations means the Finance Standing Orders, Financial Regulations and Codes of Procedures, etc approved from time to time by the Nottinghamshire and City of Nottingham Fire & Rescue Authority.
- Personnel Regulations means the Personnel Regulations and Personnel Handbook approved from time to time by the Nottinghamshire & City of Nottingham Fire & Rescue Authority.

Section 1

General Delegation to the Chief Fire Officer

The Chief Fire Officer shall exercise the following powers:

1. Subject to any provisions of statute and subject to any overriding authority of Financial Regulations and Personnel Regulations, the Chief Fire Officer shall have the authority to take any action with regard to any matter within the purview of his/her appointment subject to the following principles:-
 - a. The Chief Fire Officer shall not be empowered to deviate from the approved policies of the Fire & Rescue Authority.
 - b. The Chief Fire Officer shall not be empowered to initiate significant matters of new policy without the approval of the Fire & Rescue Authority.
 - c. The Chief Fire Officer shall not use his/her delegated powers in any way which would produce an imbalance between the approved policies of the Fire & Rescue Authority; he/she shall be able to exercise discretion on virement between approved budget headings provided that this action does not produce a significant change of emphasis in Fire & Rescue Authority policies, and is exercised in accordance with Financial Regulations.
 - d. The Chief Fire Officer shall be empowered to appoint and manage staff within the Establishing Scheme approved by the Fire & Rescue Authority and in accordance with Personnel regulations, but shall not appoint staff at the level of Deputy Chief Fire Officer, Assistant Chief Fire Officer, Head of HR or Head of F & R without the approval of the Fire & Rescue Authority.
 - e. The Chief Fire Officer shall report at regular intervals to the Fire & Rescue Authority setting out in narrative form the principal use made by him/her of the powers delegated by this resolution or otherwise, together with any uses which the Chief Fire Officer considers to be particularly important or unusual.
 - f. The Chief Fire Officer is empowered to enter into contracts only within Financial Regulations and Codes of Procedures.
2. To designate in writing such other Officers as the Chief Fire Officer thinks fit to exercise any authority delegated to the Chief Fire Officer under this scheme of delegation or otherwise.

3. To exercise the statutory powers described in the Specific Delegation to the Chief Fire Officer contained in this Scheme as set out below and any similar powers in relation to any amended, consequential or re-enacted Act, regulation or Order.

General Delegation to the Treasurer and the Clerk/Monitoring Officer

There is delegated to the Treasurer and to the Clerk/Monitoring Officer authority to take any action within the purview of their respective appointments, subject to the relevant general principles applying to the exercise of delegated powers by the Chief Fire Officer.

Section 2

Powers Delegated to the Chief Fire Officer

- (i) There is delegated to the Chief Fire Officer authority to exercise the powers and duties of the Fire & Rescue Authority, and of any body for which the Fire & Rescue Authority act as agent, in respect of:-

- The Fire & Rescue Services Act 2004 and the Fire Precautions Act 1971.
- Appointments and authorisations, issue and transfer of licences, issue serving and enforcement of prohibition and improvement notices, granting or refusal of exemptions, the issue of responses and the institution of proceedings under the following enactment's:-

The Fire & Rescue Services Act 2004

The Fire Precautions (Workplace) Regulations 1997 or any subsequent re-enactment thereof (Added at the meeting of the Fire and Rescue Authority 7th September 2007)

The Regulatory Reform (Fire Safety) Order 2005 or any subsequent re-enactment thereof (Added at the meeting of the Fire and Rescue Authority 7th September 2007)

Animal Boarding Establishments Act 1963

Building Regulations 1991

Building Act 1985

Caravan Sites Control & Development of Act 1960

Children & Young Persons Act 1933 amended 1952

Children's Act 1989

Chronically Sick and Disabled Persons Act 1970

Cinemas Act 1985

Cinematograph amended Act 1982

Construction (Design & Maintenance) Regulations

Construction (Health, Safety & Welfare) Regulations

Control of Substances Hazardous to Health and (Amendment Regs 1990)

Control of Explosive Regulations 1991

Radioactive Substances Act Exemption Order 1985

Radioactive Substances Act 1960

Registered Homes Act 1960

Riding Establishments Act 1964

Road Traffic Act 1974

Road Vehicle Lighting Regulations 1989

Safety Signs & Signals Regulations 1996

Safety at Sports Grounds Act 1975

Theatres Act 1968

Thermal Insulation (Industrial Buildings) Act 1952 & 1972

Town & Country Planning Act 1971

Water Act 1945, 1981 & 1989

(ii) Land and Buildings

In compliance with Finance Standing Orders, Financial Regulations, statutory requirements and sound business practice, to manage and authorise the financing, procurement and disposal of goods, services and capital projects and to maintain asset registers.

(iii) Firefighters' Pensions

The Chief Fire Officer may exercise the Fire & Rescue Authority's discretionary powers under the Firefighters' Pension Scheme.

(iv) Ex-Gratia Payments

The Chief Fire Officer may determine claims for ex-gratia payments, etc up to £250 in respect of incidents affecting both employees and volunteers whilst they are carrying out duties at the request of the Fire & Rescue Authority and where damage is caused to their personal belongings.

(v) Extensions to Sick Pay Requests

To consider all individual cases of extensions to sick pay and to determine a defined time-scale for the period of the extension if agreed. Decisions of the Personnel Committee will be final and not open to appeal.

(vi) Urgent Matters

To determine any matter where a decision is required before the next full meeting of the Combined Fire Authority, subject to consultation with the Chairman, Vice Chairman and Opposition Spokespersons of that Authority.

(i) Conversion of Posts

As granted at the meeting of the Authority on 16th December 2005 and detailed in Minute 80 of that meeting, the Chief Fire Officer has delegated authority to approve the conversion of uniformed posts to non-uniformed posts.

Any post conversions are to be reported annually to the Personnel Committee retrospectively at the end of each business year.

(vii) Claims against the Authority

As granted at the meeting of the Authority on 7th September 2007 and detailed in Minute 35 of that meeting, the Chief Fire Officer has delegated authority to settle:

- Any claim against the Authority up to a maximum level of £15,000
- Any claim against the Authority in excess of £15,000 following consultation with the Chair, Vice Chair and opposition spokespersons