

report

meeting	NOTTINGHAMSHIRE AND CITY OF NOTTINGHAM FIRE AND RESCUE AUTHORITY	
date	7 September 2007	agenda item number

REPORT OF CLERK TO THE AUTHORITY

DELEGATIONS TO THE CHIEF FIRE OFFICER

1. PURPOSE OF REPORT

To seek approval to an extension of the existing scheme of delegation to allow for:-

- (a) the Chief Fire Officer to settle any claim against the Authority up to a maximum level of £15,000;
- (b) the Chief Fire Officer to settle any claim against the Authority in excess of £15,000 following consultation with the Chair, Vice Chair and opposition spokespersons;
- (c) the Chief Fire Officer to exercise the powers and duties of the Authority, including without prejudice to the foregoing, the instigation of legal proceedings under the following legislation:-
 - (i) the Fire Precautions (Workplace) Regulations 1997 or any subsequent re-enactment thereof;
 - (ii) the Regulatory Reform (Fire Safety) Order 2005 or any subsequent re-enactment thereof.

2. BACKGROUND

The current scheme of delegation to the Chief Fire Officer does not specifically include provision for the settlement of claims against the Authority. Consequently it is thought appropriate that the scheme should be extended to include such provisions. Additionally, the Fire Precautions (Workplace) Regulations 1997 and the Regulatory Reform (Fire Safety) Order 2005 are not included in the current scheme of delegation and it is appropriate that they should be included in order to enable the Chief Fire Officer to authorise any appropriate action under those pieces of legislation.

3. REPORT

The report seeks approval to extend the current scheme of delegation to make provision for the Chief Fire Officer to settle claims against the Authority up to a value of £15,000 and for him to settle claims in excess of that sum following consultation with the Chair, Vice Chair and opposition spokespersons. The report also seeks to extend the remit of the existing scheme of delegation by the insertion of the Fire Precautions (Workplace) Regulations 1997 and the Regulatory Reform (Fire Safety) Order 2005.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly out of the report. Claims against the Authority and legal proceedings in respect of fire safety legislation may result in costs being incurred and such costs are managed within the Authority's financial resources.

5. PERSONNEL IMPLICATIONS

There are no direct personnel implications arising out of the report.

6. EQUALITY IMPACT ASSESSMENT

The proposals set out in the report do not give rise to any specific equality issues. Individual decisions taken under the scheme of delegation will be the subject of an equality impact assessment.

7. RISK MANAGEMENT IMPLICATIONS

The ability to settle appropriate claims in a timely manner is an essential part of risk management as it allows decisions to be made at an early stage of any action following the receipt of appropriate advice. Delays in the settlement of claims can result in higher legal costs which could otherwise be avoided.

8. RECOMMENDATIONS

That the existing scheme of delegation be extended to include provision for the Chief Fire Officer to:-

- (a) settle any claim against the Authority up to a maximum level of £15,000;
- (b) settle any claim against the Authority in excess of £15,000 following consultation with the Chair, Vice Chair and opposition spokespersons;
- (c) exercise the powers and duties of the Authority, including without prejudice to the foregoing, the instigation of legal proceedings under the following legislation:-
 - (i) the Fire Precautions (Workplace) Regulations 1997 or any subsequent re-enactment thereof
 - (ii) the Regulatory Reform (Fire Safety) Order 2005 or any subsequent re-enactment thereof

9. BACKGROUND PAPERS FOR INSPECTION (other than published documents)

None

MALCOLM R. TOWNROE
CLERK TO THE AUTHORITY