

# Public Document Pack



## 'To Follow' Agenda Items

This is a supplement to the original agenda and includes reports that were marked 'to follow'

**Nottinghamshire and City of Nottingham  
Fire and Rescue Authority**

### Meeting of the Authority

**Date:** Friday 22 July 2022                      **Time:** 10:30 am

**Venue:** Joint Fire / Police HQ, Sherwood Lodge, Arnold, Nottingham, NG5 8PP

**Governance Officer:** Cath Ziane-Pryor                      **Direct Dial:** 0115 8764298

### Agenda

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**NOTTINGHAMSHIRE**  
**Fire & Rescue Service**  
*Creating Safer Communities*

Nottinghamshire and City of Nottingham  
Fire and Rescue Authority

# CONSTITUTIONAL UPDATE

Report of the Clerk and Monitoring Officer to the  
Authority

**Date: 22 July 2022**

## **Purpose of Report:**

To update members on progress regarding the review of the Authority's Constitutional framework documentation and on the work currently being undertaken by the Independent Remuneration Panel in respect of Members' Allowances.

## **Recommendations:**

1. To note the update on the work being undertaken in respect of the Constitutional Framework and by the Independent Remuneration Panel.
2. To approve the updated and revised Scheme of Delegation attached as Appendix 1 to this report.

## **CONTACT OFFICER**

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Clerk and Monitoring Officer  
to the Authority

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## **1. BACKGROUND**

- 1.1 In order to maintain and reinforce good governance across the Authority the Clerk and Monitoring Officer, in conjunction with the Chief Fire Officer, has commenced a review of the Constitutional framework documents that underpin the Authority's decision-making arrangements.
- 1.2 This review will look at all aspects of formal governance and also extend to our meeting access arrangements both in person and through live streaming.
- 1.3 Once documents are updated, they will be added to a governance library on the Authority's website to ensure transparency.
- 1.3 The work of the Independent Remuneration Panel remains ongoing and it is anticipated that a final report should be received from them in time for the September meeting of the Authority.

## **2. REPORT**

- 2.1 The initial piece of work undertaken as part of the review has been to look at the existing Scheme of Delegation and to update and revise it in order to bring it up to date. It is also recognised that this needs to remain a living document reviewed on a regular basis. The proposed revisions also seek to increase the level of financial delegation in certain areas to more realistic levels.
- 2.2 The proposed revised Scheme of Delegation is attached as Appendix 1 to this report both in a tracked changed and clean format so that members can be clear on the amendments proposed.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications arising out of the proposals in this report.

## **4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS**

- 4.1 It is important that as the Constitutional Framework evolves that users are fully aware of its contents to ensure that good governance is maintained. This may give rise to the need for further training.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 An equality impact assessment has not been undertaken because the proposals do not lead to any new policies or changes in existing policies.

## **6. CRIME AND DISORDER IMPLICATIONS**

- 6.1 There are no crime and disorder implications arising out of the proposals in this report.

## **7. LEGAL IMPLICATIONS**

- 7.1 Having a sound and up to date Constitutional Framework contributes to overall good governance and ensures that decisions are made in a timely manner and at the right level. The revised Scheme of Delegation seeks to ensure that a balance is drawn between the need for member decisions in areas of policy and budget whilst empowering the Chief Fire Officer to make lower level financial decisions.

## **8. RISK MANAGEMENT IMPLICATIONS**

- 8.1 There are no risk management implications arising out of the proposals in this report.

## **9. COLLABORATION IMPLICATIONS**

- 9.1 There are no collaboration implications arising out of the proposals in this report.

## **10. RECOMMENDATIONS**

- 10.1 To note the update on the work being undertaken in respect of the Constitutional Framework and by the Independent Remuneration Panel.
- 10.2 To approve the updated and revised Scheme of Delegation attached as Appendix 1 to this report.

## **11. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS)**

- 11.1 None

**Malcolm R. Townroe**  
**Clerk and Monitoring Officer to the Authority**

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## 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 Financial Procedures, etc approved from time to time by the Nottinghamshire and City of Nottingham Fire & Rescue Authority.
- HR Policies means the HR policies and HR 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 HR Policies, the Chief Fire Officer shall have the authority to take any action with regard to any matter within the purview of their 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 their delegated powers in any way which would produce an imbalance between the approved policies of the Fire & Rescue Authority; they 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, establish and disestablish and manage all staff positions within agreed budgets, but shall not appoint staff at the level of Deputy Chief Fire Officer, Assistant Chief Fire Officer, or to act in the statutory roles of Treasurer or Monitoring Officer 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 them 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 Financial 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 Regulatory Reform (Fire Safety) Order 2005.
  - 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 which also includes any subsequent re-enactment thereof: -

The Fire & Rescue Services Act 2004  
The Fire Precautions (Workplace) Regulations 1997  
The Regulatory Reform (Fire Safety) Order 2005 or any subsequent re-enactment thereof  
Animal Boarding Establishments Act 1963  
The Building Regulations 1991  
Building Act 1984  
Building Safety Act 2022  
Caravan Sites Control & Development of Act 1960  
Children & Young Persons Act 1933 as amended  
Children's Act 1989  
Chronically Sick and Disabled Persons Act 1970

Cinemas Act 1985  
Cinematograph (amendment) Act 1982  
Construction (Design & Maintenance) Regulations – (various dates)  
Construction (Health, Safety & Welfare) Regulations 1996  
Control of Substances Hazardous to Health Regulations (various dates)  
Control of Explosives Regulations 1991  
Health and Safety (Safety Signs and Signals) Regulations (various dates)  
Radioactive Substances Act Exemption Order 1985  
Radioactive Substances Act 1993

Riding Establishments Act 1964 as amended  
Road Traffic Acts (various dates)  
Road Vehicle Lighting Regulations (various dates)

Safety at Sports Grounds Act 1975  
Theatres Act 1968  
Thermal Insulation (Industrial Buildings) Regulations 1972  
Town & Country Planning Act 1990  
Water Acts (various dates)

whilst this list of delegations is extensive it is not exhaustive.  
Consequently, there is also delegated to the Chief Fire Officer the ability to respond and act in relation to any other legislative provision which requires an operational response from the Authority.

- (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 £1000 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 timescale for the period of the extension if agreed. .
- (vi) Urgency 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 Chair, Vice Chair, and Opposition Spokesperson(s) as well as the Treasurer and Clerk/Monitoring Officer to the Authority.

(vii) Conversion of Posts

The Chief Fire Officer has delegated authority to approve the conversion of posts.

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

(viii) Claims against the Authority

The Chief Fire Officer has delegated authority to settle:

- Any claim against the Authority up to a maximum level of £25,000
- Any claim against the Authority in excess of £25,000 following consultation with the Chair, Vice Chair and Opposition Spokesperson(s)

Further proposed delegation to the Chief Fire Officer regarding the Staffing Structure

To delegate to the Chief Fire Officer the ability to amend the staffing structure of the Service in order to meet the needs and delivery requirements of the Community Risk Management Plan provided that any such amendments are contained within the approved overall pay budget and are reported to the Human Resources Committee on an annual basis for information.

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  - c. The Chief Fire Officer shall not use their delegated powers in any way which would produce an imbalance between the approved policies of the Fire & Rescue Authority; they 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, **establish and disestablish** and manage **all staff positions** within **agreed budgets**. ~~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, or to act in the statutory roles of Treasurer or Monitoring Officer 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

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