

# Scheme of Delegations to Officers

## 1. Introduction

1. This Scheme of Delegations authorises Officers of the Hereford & Worcester Fire and Rescue Authority (hereinafter referred to as 'the Authority') to exercise the functions of the Authority as set out in this document.
2. The Scheme is without prejudice to the exercise of the Authority's functions by the Authority and its committees.
3. An Officer may delegate the exercise of all or some of his/her delegated functions to named Officers. Such delegation will be subject to the scheme. The Officer must keep a written record of the powers he/she has delegated and of the Officer to whom such delegation has been made.
4. An Officer may, instead of exercising a delegated function, refer a matter to the Authority or a committee.
5. The exercise of any function delegated by the scheme is subject and must be in accordance with the following:
  - (a) the policies, practices and procedures of the Authority and its committees;
  - (b) Standing Orders for the Conduct of Business, Financial Regulations and Standing Orders for the Regulation of Contracts;
  - (c) the budget of the Authority; and
  - (d) prior consultation with and involvement of other Officers where their responsibilities are affected.
6. Before exercising a delegated function, an Officer must consider whether to inform the Treasurer, the Monitoring Officer and any of the following Members of the Authority:
  - (i) The Chair
  - (ii) The Vice-Chair
  - (iii) Group Leaders
7. Before exercising a delegated function, an Officer must consider whether to consult any other Officer. If there is a dispute between Officers about the exercise of a delegated function, the matter shall be referred to the Clerk for decision.
8. A reference in the scheme to a statute includes any regulation or order made under it.
9. A reference in the scheme to a statute instrument, regulation, or order, rule or circular includes any modification, amendment or re-enactment of it.
10. Reference to the Chief Fire Officer is reference to the post of Chief Fire Officer/Chief Executive.

## 2. Functions Delegated to Chief Fire Officer, Treasurer and Clerk Severally

- 2.1 To exercise all the functions of the Authority which can lawfully be delegated and which are consistent with the discharge of the Officer's responsibilities in accordance with his/her job description and/or principal accountabilities, and the power to take such other action which an Officer considers is calculated to facilitate, or is conducive or incidental to, the discharge of those functions. Without prejudice to the generality of

this delegation, to exercise the functions set out in other parts of the scheme subject to the qualifications therein.

- 2.2 To exercise the powers of the Authority under the Local Government (Goods & Services) Act 1970 (Sale and purchase of goods/services to/from other public bodies).
- 2.3 To exercise the functions given by Standing Orders for the Conduct of Business, Standing Orders for the Regulation of Contracts and Financial Regulations.
- 2.4 To appoint consultants for work directly associated with the discharge of the Officer's professional responsibilities.

### **3. Functions Delegated to the Chief Fire Officer**

3.1 To exercise the functions of the Head of Paid Service.

3.2 Subject to:

- (i) any statutory restrictions and requirements;
- (ii) any conditions of service requirements;
- (iii) such policies, procedures and practices as may be determined by the Authority from time to time; and
- (iv) the provisions of paragraph 3.3.

The power to deal with all matters relating to the appointment (including the method of appointment), suspension, dismissal, relegation, pay, promotion, supervision, compensation, conditions of service, redundancy, recruitment, qualification, training, health, safety, welfare, housing allowances and the provision of telephones and any other matters relating to the employment of persons in the paid service of the Service, both uniformed and non-uniformed.

3.3 The power in paragraph 3.2 shall not include any matter:

- (i) relating to the posts of Chief Fire Officer, Deputy Chief Fire Officer and the offices of Treasurer, Clerk and Monitoring Officer;
- (ii) arising from a proposal for major restructuring;
- (iii) which constitutes a major change in the Authority's or Service's policies, procedures or practices; and
- (iv) under the Superannuation Acts relating to the payment and enhancement of pensions.

3.4 To exercise the functions of the Authority under the Regulatory Reform (Fire Safety) Order 2005 together with any future enactment conferring power upon the Fire and Rescue Service to commence Criminal Proceedings in any Court of competent jurisdiction, to issue, amend and withdraw prohibition notices on behalf of the Authority under that legislation.

- 3.4.1 To delegate the power to exercise the functions as detailed in paragraph 3.4 above to any manager currently employed by the Authority or Head of Legal Service currently acting for the Authority to enforce its functions at law. Any such delegation shall be in writing and a register of such delegations shall be kept by the Chief Fire Officer.

- 3.4.2 For the avoidance of doubt, the said powers of delegation if exercised shall override the Clerk's powers as set out in paragraph 5.1 (ante).
- 3.4.3 To keep a register of Officers to whom authority is delegated up to date at all times and incorporate a current list of any matters which the Authority has recommended for prosecution and the results of any such proceedings. The Members of the Authority will be informed of any such recommendations or results.
- 3.5 To enter into agreements with neighbouring Fire and Rescue Services under Sections 13, 16 and 17 Fire and Rescue Services Act 2004 (provision of mutual assistance).
- 3.6 To settle, subject to discussion with the Clerk and the Treasurer, any claim by or uninsured claim against the Authority up to £5,000.
- 3.7 To authorise the exercise of powers of entry, inspection and survey and the carrying out of emergency works by staff of the Service or contractors acting on behalf of the Authority and/or the Service upon land or buildings.
- 3.8 Jointly with the Treasurer, to agree in the best interests of employees under Regulation H6 of the Local Government Pensions Scheme Regulations 1995 to commute pension payments in cases of exceptional ill-health.
- 3.9 The power to deal with all matters in respect of land or buildings and structures thereon, including sale, purchase, exchange, leasing, mortgaging, charging, granting of options or other dealings, subject to:
- (i) any statutory restrictions and requirements;
  - (ii) such policies, procedures and practices as may be determined by the Authority from time to time;
  - (iii) the requirements of financial regulations; and
  - (iv) the provisions of paragraphs 3.10 and 3.11.
- 3.10 The power in paragraph 3.9 above shall not include any matter:
- (i) arising from a proposal for major restructuring or reorganisation;
  - (ii) which constitutes a major change in the Authority's or Service's policies, procedures or practices;
  - (iii) any dealing in land or buildings which involves a receipt or payment exceeding £100,000 in aggregate, unless the Authority has given prior approval either specifically or as part of an approved project and the actual transaction value is no more than 15% higher than the estimate on which the approval was based; and
  - (iv) where the Authority has required the Chief Fire Officer to advise them in advance of a transaction being concluded because of its sensitivity or size.
- 3.11 All agreements, contracts or other documents evidencing or giving effect to transactions in land or buildings, whether approved by the Authority or by the Chief Fire Officer under paragraph 3.9 above, shall be signed by the Clerk or such persons as he/she may authorise to sign on his/her behalf.

#### **4. Functions Delegated to the Treasurer**

- 4.1 Those powers and functions specified in the Authority's Standing Orders for the Regulation of Contracts and Financial Regulations. In the event of the Treasurer's prolonged absence, under Section 151 of the Local Government Act 1972 Section

114(6)/116 and the Local Government Finance Act 1988, the Finance Director for the Service will deputise.

- 4.2 To amend rates of Members' travelling and subsistence allowances in line with changes in maximum rates made from time to time by the Secretary of State.

## **5. Functions Delegated to the Clerk**

- 5.1 To decide the action to be taken in respect of legal proceedings and other matters involving the Authority, to arrange appearance before courts or tribunals in any such proceedings and matters, and to arrange for counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Authority.
- 5.2 To enter objections or observations to any proposal affecting the Authority.
- 5.3 To enter into, enforce and terminate agreements and contracts.
- 5.4 To settle, subject to discussion with the Chief Fire Officer and Treasurer, any claim by or uninsured claim against the Authority up to £5,000.
- 5.5 To take any action to implement any decision taken by or on behalf of the Authority including the signature and service of statutory and other notices and any document.
- 5.6 To investigate and where possible resolve complaints against the Authority.
- 5.7 To receive the following:
- (a) Notification of the appointment of a member by a constituent authority;
  - (b) Resignation by a member;
  - (c) Notices under the Authority's approved Code of Conduct for Members;
  - (d) Notification of the address to which summons to attend meetings of the Authority are to be sent;
  - (e) Notices under the Local Government (Committees and Political Groups) Regulations 1990; and
  - (f) Declaration by a member to observe the Authority's approved Code of Conduct for Members.
- 5.8 To exercise the functions of Proper Officer in relation to Sections 100A to 100K of the Local Government Act 1972 (supply of agenda papers, exempt information etc).
- 5.9 To sign summonses to attend meetings of the Authority.
- 5.10 To maintain the statutory register of members' interests, and to maintain the register of gifts and hospitality disclosed by Officers.
- 5.11 To appoint members to serve on the Appeals Committee provided in each case there are members from at least two political groups, and provided there is at least one member from each constituent authority.
- 5.12 To resolve any issues regarding attendance of members at conferences, courses etc and the payment of members' allowances, after consultation with the Group Leaders, where there is insufficient time to refer the matter to a meeting of the Authority.
- 5.13 To appoint members to vacant places on Committees in accordance with resolutions of the Authority and/or the wishes of the political groups as determined by the leaders of such groups` or to delegate such appointment to the Deputy Chief Fire Officer.

- 5.14 Subject to discussion with the S151 Officer, to make any technical amendments to this Scheme following amendments to existing statutes or where new legislation replaces existing statutes.
- 5.15 To make minor amendments to the text in this Scheme.