



HEREFORD & WORCESTER Fire and Rescue Authority

Urgent Decisions Committee

AGENDA

Thursday 21 August 2008

11.00am

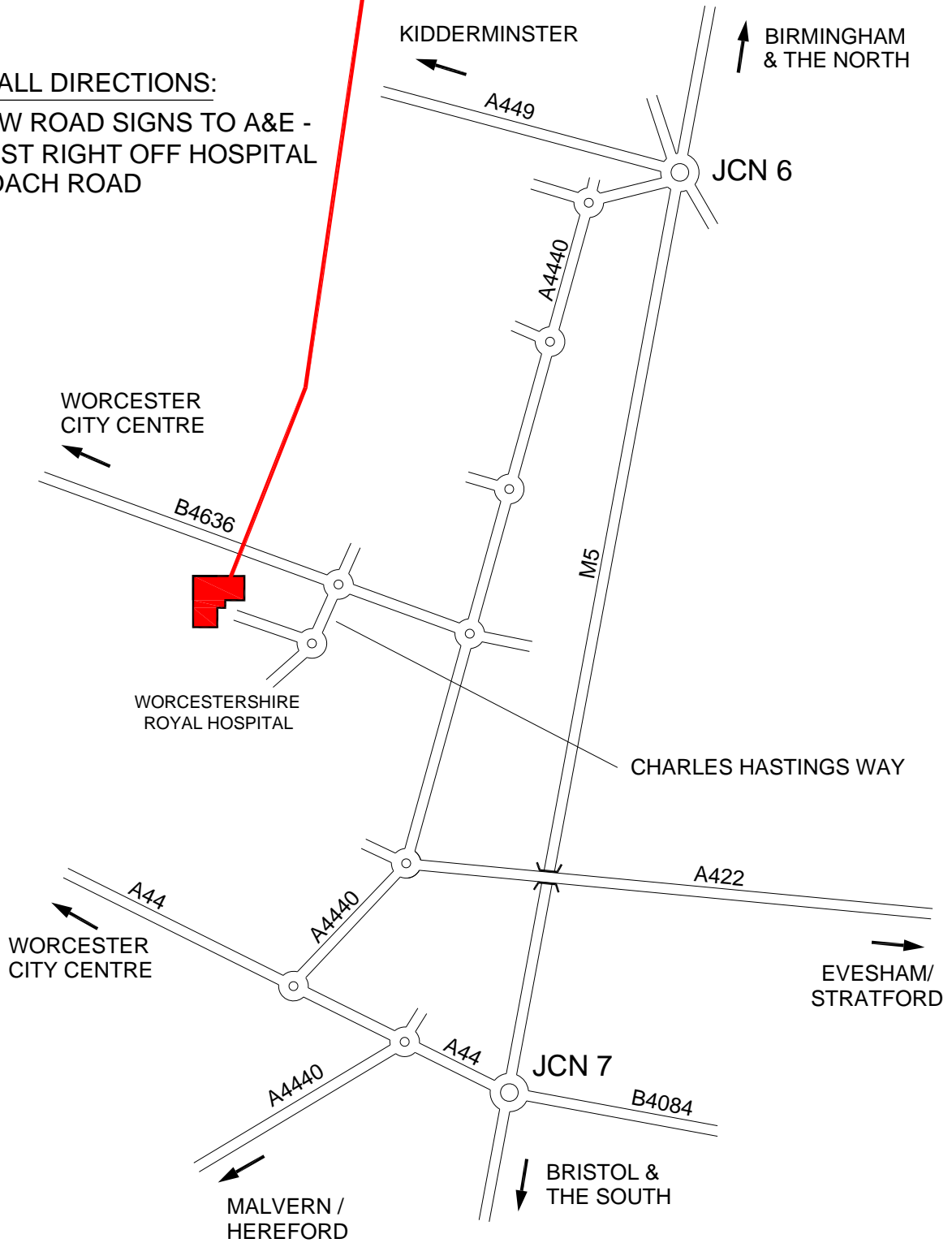
Headquarters,
2 Kings Court,
Charles Hastings Way,
Worcester
WR5 1JR



Awarded for excellence

HEREFORD & WORCESTER FIRE AND RESCUE SERVICE
 HEADQUARTERS
 2 KINGS COURT
 CHARLES HASTINGS WAY
 WORCESTER. WR5 1JR
 TEL: 0845 12 24454

FROM ALL DIRECTIONS:
 FOLLOW ROAD SIGNS TO A&E -
 HQ FIRST RIGHT OFF HOSPITAL
 APPROACH ROAD



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ACTION ON DISCOVERING A FIRE

- 1 Break the glass at the nearest **FIRE ALARM POINT**.
(This will alert Control and other Personnel)
- 2 Tackle the fire with the appliances available – **IF SAFE TO DO SO**.
- 3 Proceed to the Assembly Point for a Roll Call –
CAR PARK OF THE OFFICE BUILDING ADJACENT TO THE CYCLE SHED TO THE LEFT OF THE ENTRANCE BARRIER TO 2 KINGS COURT.
- 4 Never re-enter the building – **GET OUT STAY OUT**.

ACTION ON HEARING THE ALARM

- 1 Proceed immediately to the Assembly Point
CAR PARK OF THE OPTIMUM BUILDING ADJACENT TO THE CYCLE SHED TO THE LEFT OF THE ENTRANCE BARRIER TO 2 KINGS COURT.
- 2 Close all doors en route. The senior person present will ensure all personnel have left the room.
- 3 Never re-enter the building – **GET OUT STAY OUT**.

GUIDANCE NOTES FOR VISITORS

Security

Upon arrival, visitors are requested to proceed to the barrier and speak to the reception staff via the intercom. There are parking spaces allocated for visitors around the front of the building, clearly marked. Upon entering the building, you will then be welcomed and given any further instructions. In particular it is important that you sign in upon arrival and sign out upon departure. Please speak to a member of the reception staff on arrival who will direct you to the appropriate meeting room.

Wheelchair access

The meeting room is accessible for visitors in wheelchairs.

Alternative formats

For information regarding requests for papers in alternative formats, please contact Committee Services on 0845 12 244554 or by email at committeeservices@hwfire.org.uk

Smoking is not permitted.

First Aid -please ask at reception to contact a trained First Aider.

Toilets – please ask at reception.

ACCESS TO INFORMATION – YOUR RIGHTS

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Your main rights are set out below:

- Automatic right to attend all Authority and Committee meetings unless the business if transacted would disclose “confidential information” or “exempt information”.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Authority and Committees (or summaries of business undertaken in private) for up to six years following the meeting.
- Automatic right to inspect background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral divisions of members of the Authority with details of membership of Committees.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending the meetings of the Authority and Committees.

If you have any queries regarding this agenda or any of the decisions taken or wish to exercise any of these rights of access to information please contact Committee Services on 0845 12 244554 or by email at committeeservices@hwfire.org.uk.

WELCOME AND GUIDE TO TODAY’S MEETING

These notes are written to assist you to follow the meeting. Decisions at the meeting will be taken by the **Councillors** who are democratically elected representatives and they will be advised by **Officers** who are paid professionals. The Fire and Rescue Authority comprises 25 Councillors and appoints committees to undertake various functions on behalf of the Authority. There are 19 Worcestershire County Councillors on the Authority and 6 Herefordshire Council Councillors.

Agenda Papers

Attached is the Agenda which is a summary of the issues to be discussed and the related reports by Officers.

Chairman

The Chairman, who is responsible for the proper conduct of the meeting, sits at the head of the table.

Officers

Accompanying the Chairman is the Chief Fire Officer and other Officers of the Fire and Rescue Authority who will advise on legal and procedural matters and record the proceedings. These include the Clerk and the Treasurer to the Authority.

The Business

The Chairman will conduct the business of the meeting. The items listed on the agenda will be discussed.

Decisions

At the end of the discussion on each item the Chairman will put any amendments or motions to the meeting and then ask the Councillors to vote. The Officers do not have a vote.

Agenda

Councillors

Herefordshire:

Brigadier P Jones, Mrs P M Morgan, Mr D C Taylor.

Worcestershire:

Mr S J Clee (Chairman), Mrs M L Drinkwater, Mrs D E Dudley, Mr A I Hardman, Mr M Hart, Mr P McDonald, Mr C T Smith, Mr J R Webb.

	Pages
1. Apologies for Absence To receive any apologies for absence.	
2. Named Substitutes To receive details of any Member of the Authority nominated to attend the meeting in place of a Member of the Committee.	
3. Declaration of Interests (if any) The Members' Code of Conduct requires Councillors to declare any interests against an Agenda item, the nature of an interest and whether the interest is personal or prejudicial. If a Councillor has a personal interest, they must declare it but can stay, take part and vote in the meeting. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room for the duration of the item. This item allows the Chairman to invite any Councillor to declare an interest in any of the items on this Agenda.	
4. Confirmation of Minutes To confirm the minutes of the meeting held on 31 October 2006 (copy attached).	5
5. Scheme of Delegations to Officers To recommend the agreement of various amendments to the Scheme of Delegations to Officers in relation to changes in legislation.	6-12

**Hereford and Worcester Fire & Rescue Authority
Urgent Decisions Committee
Tuesday, 31 October, 2006 Headquarters, 2 Kings Court, Charles
Hastings Way, Worcester (12.00 noon)**

Minutes

Present

Herefordshire:

Mr G W Davis, Mr K G Grumbley.

Worcestershire:

Mr S J Clee (Vice-Chairman), Mrs M L Drinkwater, Mrs D E Dudley, Mr Al Hardman, Mrs B Passingham, Mr C T Smith, Mr J R Webb (Chairman).

Available Papers:

- A. The agenda paper and appendices referred to (previously circulated).
- B. The minutes of the meeting of the Urgent Decisions Committee held on 20 January, 2005.

(A copy of the agenda papers will be attached to the signed minutes).

41. Apologies for Absence

Apologies were received from Brigadier Jones and Mr R Preece.

42. (Agenda item 2) Named Substitutes

Mr GJ Yarranton substituted for Mr Al Hardman.

43. (Agenda item 3) Declarations of Interest

None

44. (Agenda item 4) Confirmation of Minutes

RESOLVED: that the minutes of the meeting held on 20 January, 2005 be confirmed as a correct record and signed by the Chairman.

46. (Agenda item 5) Property Strategy - New Workshop and Equipment Support Facilities

RESOLVED: that under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for this item of business on the grounds that it involved the likely disclosure of exempt information relating to relating to the financial or business affairs of any particular person (including the authority holding that information).

Summary of Exempt Proceedings

The Committee authorised the acquisition of a site for the Fire and Rescue Authority's new Workshops project.

The meeting ended at 12.55 pm.

Chairman.....

5. SCHEME OF DELEGATIONS TO OFFICERS

Purpose of report

1. To recommend the agreement of various amendments to the Scheme of Delegations to Officers in relation to changes in legislation.
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Background

2. The Scheme of Delegations to Officers sets out the various functions that have been delegated to Officers by the Authority. The current Scheme was adopted by the Authority on 21 March 2003.

Technical Amendments to the Scheme of Delegations to Officers

3. The Scheme includes delegated authority to the Chief Fire Officer to issue, amend and withdraw prohibition notices on behalf of the Authority. Previously, the Chief Fire Officer was delegated this function under the Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997. However, these pieces of legislation have now been replaced by the Regulatory Reform (Fire Safety) Order 2005 and as such the Scheme needs to be amended to reflect this change. An updated draft of the Scheme of Delegations is attached at Appendix 1, with the amendment shown in section 3, paragraph 3.4.
4. As Members will note from the attached draft Scheme, the opportunity has been taken to include additional paragraphs at 3.4.1 and 3.4.2 to ensure that there is further clarity concerning delegated powers with regards to the Regulatory Reform (Fire Safety) Order 2005. These two additional paragraphs essentially reinforce the existing power detailed in section 1, paragraph 3, which states that an Officer can delegate the exercise of some or all of his/her functions to other named Officers. With regards to the commencement of criminal proceedings under the Regulatory Reform (Fire Safety) Order 2005, the Scheme now makes it clear that the Chief Fire Officer can delegate his/her functions to another Officer, including an Officer employed by the Head of Legal Services acting for the Authority to enforce its functions at law, currently Herefordshire Council.
5. The Scheme also enables the Chief Fire Officer to enter into agreements with neighbouring Fire and Rescue Services. In the previous Scheme this function was exercised under sections 2 and 12 of the Fire Services Act 1974. The 1974 Act has now been replaced by the Fire Services Act 2004, therefore the opportunity has been made to amend the Scheme to reflect the updated legislation (section 3, paragraph 3.5).
6. Further amendments have been made at paragraphs 5.14 and 5.15 to enable the Clerk, in consultation with the S151 Officer, to make any future technical amendments or changes to the text. This will remove the need for Members to consider straight forward technical changes, such as those mentioned in this report, which are brought about by amendments in existing legislation, the introduction of new legislation or any textual amendments, for example changes to post titles.

Recommendation

The Chief Fire Officer and Clerk recommend that the Scheme of Delegations to Officers as attached at Appendix 1 to this report be approved and adopted.

Appendices

Appendix 1 – Scheme of Delegations to Officers

Background papers

None

Draft 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).
- 3.5 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.

DRAFT