

**SCHEME OF  
DELEGATION BY THE  
COMBINED FIRE AUTHORITY  
TO THE  
CHIEF FIRE OFFICER  
AND ITS  
OFFICERS**

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## Part 1 Delegation of Powers to the Chief Fire Officer

Within the provisions of the Standing Orders and Financial Guidelines and Procedures of the Authority the following powers are delegated to the Chief Fire Officer in relation to the services for which s/he is responsible.

1. The power to administer the services for which they are responsible, including taking and implementing decisions which aid in maintaining the operation or effectiveness of those services, and which fall within a policy decision taken by the Authority.
2. The Chief Fire Officer is authorised to delegate all or any of his/her delegated functions to other officers.

## Part 2 General Delegations to the Chief Fire Officer

### **A Fire Service Issues:**

1. To fulfil the functions of the Authority as Fire Authority under or in relation to the Fire and Rescue Services Act 2004.
2. To determine the need for and deal with any matter of urgency in accordance with the Fire Authority's agreed procedure.
3. To exercise all the powers of the Authority as an enforcement authority under relevant legislation. Without prejudice to the generality of this provision he/she may in particular carry out the following:
  - 3.1 To institute, defend, withdraw or compromise legal proceedings, whether civil and/or criminal, pertaining to the Fire Authority's statutory functions in respect of the Regulatory Reform ( Fire Safety) Order 2005, and any regulations made thereunder (after consultation with the Authority Solicitor) .
  - 3.2 Take appropriate action on behalf of the Authority under The Regulatory Reform (Fire Safety Order) 2005;
  - 3.3 Designate persons as Inspectors under Article 26 of the Fire Safety Order;
  - 3.4 Authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Fire Safety Order:
    - a) to enter any premises which he has reason to believe it is necessary for him to enter for the purpose mentioned above and to inspect the whole or part of the premises and anything in them, where such entry and inspection may be effected without the use of force;
    - b) to make such inquiry as may be necessary for any of the following purposes

- i) to ascertain, as regards any premises, whether the provisions of this Order or any regulations made under it apply or have been complied with; and
    - ii) to identify the responsible person in relation to the premises;
  - c) to require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records (including plans) –
    - i) which are required to be kept by virtue of any provision of this Order or regulations made under it; or
    - ii) which it is necessary for him to see for the purposes of an examination or inspection under this article, and to inspect and take copies of, or of any entry in, the records;
  - d) to require any person having responsibilities in relation to any premises (whether or not the responsible person) to give him such facilities and assistance with respect to any matters or things to which the responsibilities of that person extend as are necessary for the purpose of enabling the inspector to exercise any of the powers conferred on him by this article;
  - e) to take samples of any articles or substances found in any premises which he has power to enter for the purpose of ascertaining their fire resistance or flammability; and
  - f) in the case of any article or substance found in any premises which he has power to enter, being an article or substance which appears to him to have caused or to be likely to cause danger to the safety of relevant persons, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is, in the circumstances, necessary).
4. To exercise the powers of the Authority as Fire Authority in relation to: the issue, serving and enforcement of alteration, enforcement and prohibition notices.
  5. To submit observations on proposals for development by local authorities and government departments not involving formal consultation on the Authority's behalf on issues relating to Fire Prevention and Safety.

**B Land:**

1. a. to authorise the granting, determination or obtaining of easements, wayleaves and licences (including agreements for the seasonal use of agricultural land) over or in respect of land held for or required for the purposes of the Authority.

- b. to approve the terms of any transactions as described in (a) above
2. To authorise the sale or leasing of land to statutory undertakers for the purposes of their statutory functions.
3. Subject to financial provision existing and the net rent not exceeding £10,000 per annum (a) to authorise the taking of a lease or tenancy of land or buildings and (b) to authorise the determination of such a lease or tenancy.
4. To authorise the granting and termination of leases, tenancies and licences for a period not exceeding fourteen years of premises held for staff accommodation or premises or land not immediately required for the Authority's purposes.
5. To hire or hire out or authorise the use of buildings or facilities held or required for the purposes of the Authority.
6. To grant consent:
  - a. to the underletting or assignment of any lease or tenancy of land under the control of the Authority;
  - b. under restrictive covenants the benefit of which are vested in the Authority.
7. To approve the terms of any land transaction where the payment to the other party does not exceed £100,000 (in the case of a lump sum payment) or £10,000 per annum (in respect of an annual rental) (subject to financial provision existing), and to maintain a register of all such transactions which should be available for inspection by members at meetings of the Authority and at other times.
8. To approve plans of small buildings and other similar projects required for the purposes of the Authority, except in the case of buildings or projects involving a major change in design policy or which are unique.
9. To seek planning permission under regulation 3 of the Town and Country Planning Regulations 1992 and to obtain Building Regulation Approval as appropriate.

**C Personnel:**

1. To implement all national conditions of service and such other local agreements as may be determined by the Authority from time to time.
2. Within the approved financial estimates of the Authority to appoint employees to all posts below Assistant Chief Officer and to approve gradings and starting salaries.

3. To agree individual compensation settlements arising from references to the ACAS Conciliation Officer in Industrial Tribunal cases.
4. To settle individual claims for compensation arising from reasons other than loss of or damage to an employee's property.
5. To approve requests for time off to undertake public duties which extend beyond the authorised special leave position.
6. To deal, on behalf of the Fire Authority with responses required on matters concerned with the National Joint Council for Local Authorities' Fire Brigades Scheme of Conditions of Service.

**D General:**

1. To vary and waive charges, where appropriate, for non-emergency services carried out by the Brigade.
2. To institute, defend and carry on legal proceedings to protect the Authority's interest or to implement a decision made by it or on its behalf or for the recovery of any debt or sum due, in consultation with the Monitoring Officer where appropriate.
3. To sign, present or issue petitions in bankruptcy, to make affidavits, proofs of debts and proxies and to take all necessary action under the Bankruptcy Act 1914 on behalf of the Authority as shall appear to him to be expedient and in the interests of the Authority.
4. To authorise the disposal of surplus houses and/or other property in accordance with the policy set by the Authority.
5. To sign on behalf of the Authority any document, agreement or extract necessary to give effect to a resolution of the Authority or any committee and/or decision made under the Scheme of Delegation.

### Part 3 Delegation to Other Officers of the Combined Fire Authority

#### Secretary

1. To exercise the powers and responsibilities of the Monitoring Officer for the purpose of Section 5 of the Local Government and Housing Act 1989, and the Local Government Acts 2000 and 2003.
2. To sign on behalf of the Authority any document necessary to give effect to any resolution of the Authority or officers pursuant Schemes of Delegation approved by the Authority.
3. To determine the content of any certificate required under Section 3 (3) of the Local Government and Housing Act 1989.
4. To act as Proper Officer of the Authority, except where legislation or this scheme names another officer or the Authority have specifically determined otherwise.
5. To act as Solicitor to the Combined Fire Authority and to advise the Chief Fire Officer on the institution, defence, withdrawal or compromise of legal proceedings, whether civil and/or criminal, pertaining to the Fire Authority's statutory functions in respect of the Regulatory Reform ( Fire Safety) Order 2005 ; and to authorise the institution, defence, withdrawal or compromise of any other claims or legal proceedings, whether civil and/or criminal.
6. The Secretary/Monitoring Officer is authorised to delegate his/her delegated functions to other officers.

#### Treasurer

1. To be responsible for the proper administration of the Authority's financial affairs under Sections 112, 113 and 114 of the Local Government Act 1988 and Section 151 of the Local Government Act 1972.
2. To ensure compliance with the Accounts and Audit Regulations 2003.
3. To advise the Combined Fire Authority on financial propriety.
4. To secure the provision of an adequate and effective internal audit function and assistance in providing safe and efficient financial arrangements.
5. To provide financial advice to the Authority on all aspects of its financial activity.
6. To advise on budgetary matters, including any consequent long-term implications.
7. To assist Members in seeking to obtain value for money.
8. To ensure that accurate, complete and timely financial management information is provided to the Authority.
9. To secure the preparation of statutory and other accounts.

10. To ensure the provision of banking arrangements.
11. To secure treasury management services, including borrowing and investments.
12. To advise on the safeguarding of assets, including risk management and insurance.
13. The Treasurer is authorised to delegate his/her delegated functions to other officers