

# **Tyne and Wear Fire and Rescue Authority**

## **Delegation Scheme**



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The Authority has appointed the persons identified below to the following roles:

<b>Chief Fire Officer/ Chief Executive</b>	The Chief Fire Officer/Chief Executive
<b>Clerk to the Authority</b>	The Chief Fire Officer/Chief Executive
<b>Deputy Clerk</b>	Head of Law and Governance, Sunderland City Council
<b>Monitoring Officer</b>	Head of Law and Governance, Sunderland City Council
<b>Finance Officer</b>	Strategic Finance Manager, Tyne and Wear Fire and Rescue Service
<b>Personnel Advisor</b>	Head of Human Resources and Operational Development, Sunderland City Council

#### **1.(a) The Clerk**

1. To provide an administrative service in the preparation of agenda reports and minutes for the Joint Board of the Authority (“the Authority”) and Committees and execution of all decisions.
2. To maintain, in accordance with the principles determined by the Authority, a secretarial service for the Authority.
3. To arrange for provision of support services to the Authority as determined by the Authority in respect of:-
  - (a) financial services, in consultation with the Finance Officer.
  - (b) construction related services.
  - (c) pensions, in consultation with South Tyneside Borough Council where necessary.
  - (d) computing services, in consultation with appropriate officers.
  - (e) personnel services, in consultation with the Personnel Advisor.
  - (f) legal services.
4. To sign public notices on behalf of the Authority.
5. To execute documents on behalf of the Authority.

6. To act as the Authority's duly authorised agent for the purposes of the co-ordination of the Authority's affairs with outside bodies.
7. Without prejudice to the power delegated to the Chief Fire Officer to institute proceedings, to institute all proceedings (other than in the High Court, Court of Appeal, House of Lords or any of the European Community Courts) and to defend and conduct all proceedings.
8. To summon meetings of the Emergency Sub-Committee, after consultation with the Chair and Vice Chair.
  - 8.1.1 To receive notices of appointment and resignation of members of the Authority.
  - 8.1.2 To keep a record of particulars of any notice given under Section 117 of the Local Government Act 1972 by an Officer of the Authority as to a pecuniary interest in any contract or proposed contract.
  - 8.1.3 Under Paragraph 4 of Schedule 12 of the Local Government Act 1972, to sign and serve Summonses of Authority meetings to every Member of the Authority and to receive notices from Members as to the address to which their Summonses should be sent.
  - 8.1.4 To receive notices under the Local Government (Committees and Political Groups) Regulations 1990 (as amended).
9. In consultation with the Chair, to authorise the following categories of changes to Standing Orders; (i) changes which are necessary to give effect to decisions of the Authority or a committee or sub-committee of the Authority or Authority officers in accordance with their functions or delegated powers which need to be reflected in the Standing Orders; (ii) changes which give effect to changes in the law which apply directly to the Authority and need to be reflected in the Standing Orders; and (iii) changes which make typographical and stylistic corrections. For the purposes of this paragraph, the term "Standing Orders" shall mean the Standing Orders of the Authority, the Financial Regulations, the Delegation Scheme, the Terms of Reference, the Codes of Conduct (including Dealing with Complaints against Members), the Members' Allowances Scheme and Data Protection Guidance for Members.

#### **1.(b) Deputy Clerk**

1. To act as the Authority's Monitoring Officer
2. In the absence of the Clerk to carry out any of the powers and duties of the Clerk listed above

## **2. Finance Officer**

1. To act under Section 73 of the Local Government Act 1985 as the responsible officer for the administration of the Authority's financial affairs.
2. To arrange all necessary borrowing in accordance with the policy of the Authority, including the issue or renewal or repayment of Bonds and Temporary Loans.
3. To effect all insurance cover which is considered by him to be necessary and to negotiate and accept new terms for such external insurance policies as are required.
4. In consultation with Chief Officers as necessary to negotiate all insurance claims in respect of third party and employers' liability.
5. To submit claims against insurers and to negotiate in consultation with Chief Officers as required settlement of such claims with insurance companies or their representatives.
6. To open such bank accounts as are deemed necessary and to negotiate and accept charges and fees with the Authority's bankers for the time being.
7. To adjust book stock accounts following physical stocktaking and investigation into differences of all stores of the Authority.
8. To write-off in consultation with the Chief Fire Officer any items of stock or equipment considered obsolete, and to agree means of disposal if other than by competitive tender.
9. To write-off debts which are irrecoverable or where recovery is deemed to be uneconomic.
10. To negotiate and accept leasing arrangements in respect of plant and equipment.

## **3. The Chief Fire Officer**

1. To be directly responsible to the Authority for the management of all executive, administrative and operational aspects of the Tyne and Wear Fire and Rescue Service.
2. To undertake the duties and exercise the powers of the Authority in relation to fire safety and to undertake the enforcement of all legislation relating to the Authority's powers, duties and functions, in connection with fire safety including, but not restricted to the following legislation and any Orders, Rules, Regulations and Byelaws made thereunder:
  - Fire and Rescue Services Act 2004;

- The Regulatory Reform (Fire Safety) Order 2005;
- Health and Safety at Work etc Act 1974 and any provisions that are “relevant statutory provisions” for the purposes of that Act;
- Fireworks Act 2003
- Tyne and Wear Act 1980
- Fire Safety and Safety of Places of Sports Act 1987;
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982

and any amendment, consolidation or re-enactment of the same and (without prejudice to the generality of the foregoing) the issuing of certificates, notices, licences, consents, orders or other documents and the authorisation of registration and the maintenance of registers and lists in connection therewith. For the avoidance of doubt, the powers, duties and functions of the Authority in relation to fire safety shall include its powers duties and functions in relation to petroleum, explosives and other dangerous substances.

3. In consultation with the Finance Officer, to determine within a policy laid down by the Authority charges for special services, courses and other services provided by the Fire and Rescue Service, and the waiving and modification of any such charges.
4. To promote, appoint, suspend or dismiss all Fire and Rescue Service employees other than the Assistant Chief Fire Officers.
5. To institute any necessary disciplinary proceedings in relation to employees. (except that proceedings involving Principal Officers shall be considered and determined by the Human Resources Committee).
6. In the exercise of paragraphs 4 and 5 above where it appears that an employee may be involved in alleged theft, fraud or embezzlement in relation to any financial transaction, cash, stores or other property of the Authority, to report the circumstances immediately to the Finance Officer who shall be consulted before any interrogation of any person is carried out; except in circumstances where it is necessary to prevent a possible theft from going undetected, in which case, to call in the police at once.

Provided that nothing contained herein shall prejudice the role of the Chief Fire Officer in connection with the Authority’s Discipline Procedures.

7. In consultation with the Personnel Advisor, to approve changes to non-uniformed establishments in respect of posts graded below SCP 57.
8. To deal with the discharge of all employees on medical grounds.

9. In consultation with the Monitoring Officer, to institute on behalf of the Authority any proceedings in the Magistrates' and Crown Courts in connection with any offences under fire safety legislation for the time being in force.
10. To determine, in such cases where an employee of the Fire and Rescue Service has accepted an unsolicited gratuity to be disposed of in accordance with the provisions of Standing Order B.45(i), to which charity the gratuities shall be given.
11. To grant ex-gratia payments not exceeding £250 in respect of damage to or loss of personal property of employees occurring whilst on duty.
12. To consider and determine applications from employees regarding secondary employment in accordance with the policy of the Authority.
13. To operate the following schemes and in consultation with the Finance Officer having due regard to the rate of inflation to determine charges and allowances:-
  - (a) The scheme for reimbursement of medical/optical charges.
  - (b) The Car Allowance Scheme.
  - (c) Proper deduction for the Trav.1 Scheme.
  - (d) Telephone allowances.
  - (e) Payment of honoraria and planned overtime.
14. To grant paid leave of absence in relation to meetings and membership of those public bodies referred to in the Conditions of Service.
15. To grant up to two weeks' (10 working days for day shift staff and 8 working shifts for shift related staff) leave of absence to personnel who are members HM Reserve Forces for the sole purpose of attending the annual training period.
16. To approve secondments to the Fire Service College and other organisations.
17. To consider and determine applications for extension of full sick pay in exceptional circumstances in the case of staff subject to National Joint Council for Local Government Services conditions.
18. In consultation with the Monitoring Officer and Finance Officer, to authorise the acquisition and disposal of freehold and leasehold interests in land where the consideration is less than [£500,000] in the case of freeholds and where the annual rental is less than [£50,000] in the case of leaseholds and (in the case of disposals) subject to the Authority's Surplus Asset Policy (Community Benefit) in force at the time of the disposal.

19. In respect of leases, to carry out rent reviews and to grant renewals, variations, assignments, sub-lettings, surrenders and other landlord's consents in consultation with the Monitoring Officer and Finance Officer.
20. In consultation with the Monitoring Officer and Finance Officer, to agree, or to agree to, the granting by or to the Authority of easements, wayleaves, covenant consents, licences and other similar rights over, in or above or under land.
21. In relation to the provisions of the Localism Act 2011 in respect of the submission of expressions of interest (EOI) to the Authority under the community right to challenge:
  - To publish details of the period of time for the submission of EOI.
  - In consultation with the Chair and Vice Chair, to consider and determine each EOI submitted where the estimated value of the potential contract is below £250,000 or where the EOI does not comply with the statutory requirements; and to refer the EOPI to the Authority for determination where the estimated value of the potential contract exceeds £250,000.
  - To determine the maximum period that will elapse between the submission of an EOI and the date of notification of the decision.
  - To determine in each case the minimum and maximum periods that will elapse between the acceptance of any EOI and the date on which the resulting procurement process will begin.

## **5. Personnel Advisor to the Authority**

1. To present reports and make recommendations to the Human Resources Committee, in respect of all employees, relating to changes in establishment (SCP 57 and above), appeals and disputes, discretionary provisions of the National Conditions of Service, changes in local conditions of service and other staffing matters.
2. To present reports and make recommendations to the Human Resources Committee regarding the terms and conditions of service of the Chief Fire Officer, the Deputy Chief Fire Officer and the Assistant Chief Fire Officers.

## **6. General Delegations to Chief Officers**

### **The Clerk**

### **The Finance Officer**

### **The Chief Fire Officer**

### **Personnel Advisor**



1. Subject to the provisions of the Authority's Standing Orders and Financial Regulations and provided that the requisite financial provision had been made in approved estimates to place orders, invite and accept tenders or quotations not exceeding £500,000.
2. Pursuant to Section 101 of the Local Government Act 1972, all Chief Officers are empowered, subject to paragraph 2.2, to take decisions and discharge functions on behalf of the Authority and its committees and subcommittees:-
  - (a) in carrying out the functions of the Authority delegated to them;
  - (b) in all matters where they have managerial or professional responsibility to the Authority;
  - (c) in cases of urgency, provided that where action is taken for this reason, this must be reported to the next appropriate meeting of the Authority.
3. In doing any of the above they may:-
  - i) incur expenditure;
  - ii) set fees and charges for the delivery of services;
  - iii) engage, dismiss and deploy staff;
  - iv) deploy other resources within their control;
  - v) accept tenders, place contracts and procure other resources within or outside the Authority.

Provided that they must act within the law and within the Authority's Delegation Scheme, Standing Orders and Financial Regulations, and follow the policy, including the approved budget, and instructions of the Authority, its Committees and Sub-Committees.

4. In acting under paragraph 2.(a) or 2.(c) the Chief Officer will:-
  - (a) Consult the relevant member(s) of the Authority or the Chair prior to taking action where:-
    - i) in the opinion of the Chief Officer the taking of the action has policy or significant financial implications; or
    - ii) where the member of the Authority or Chair has given a prior indication that he wishes to be consulted on the matter or type of matter;
  - (b) Consult any other appropriate Chief Officers;

- (c) Keep formal records of the exercise of the delegated power and of the consultation undertaken;
  - (d) Make the records available on request to:-
    - i) the public, provided that this does not involve the release of confidential or exempt information;
    - ii) any Member of the Authority provided that this does not involve the release of confidential or exempt information which the Member is not entitled to inspect.
5. Chief Officers may authorise any other officers to exercise powers delegated to them. Chief Officers must prepare in writing a scheme authorising any other officers to exercise such powers. Chief Officers shall remain accountable for any actions or decisions taken under that authority.
6. Chief Officers may refer to the Authority for decision any matter in respect of which a delegated power is exercisable.