



## **AGENDA ITEM: 10**

### **NORTH WALES FIRE AND RESCUE AUTHORITY EXECUTIVE PANEL**

**8 February 2016**

#### **DELEGATION OF POWERS TO THE CHIEF FIRE OFFICER**

**Report by Colin Everett, Clerk to the Authority**

##### **Purpose of Report**

- 1 To confirm delegations to the Chief Fire Officer.

##### **Background**

- 2 The powers of officers are delegated by the Fire and Rescue Authority. The delegation of powers takes place by virtue of Members approving the Scheme. Section 101 of the Local Government Act 1972 grants the power to delegate.

##### **Information**

- 3 The scheme of delegation to the Chief Fire Officer was agreed in 1996, when North Wales Fire and Rescue Authority came into being. It was subsequently reviewed in October 2003, April and July 2004 June 2005 and in 2006. Since then there has not been a need to vary those powers. However it is good governance for it to be reviewed periodically.
- 4 As a general principle, the Chief Fire Officer should have responsibility for all operational matters and taking all decisions in accordance with policies and strategies adopted by the Fire and Rescue Authority, including the Improvement Plan.

- 5 Member involvement will be necessary in individual operations decisions in limited circumstances such as:
  - senior appointments
  - decisions which require additional funding that cannot be absorbed within existing budgets
  - decisions which are likely to be the subject of significant political and public debate, such as the closure of a fire station.
  
- 6 The Clerk and the Chief Fire Officer have reviewed the existing scheme of delegation and where necessary updated that document. Attached to this paper is a revised scheme of delegation at appendix 1.

### **Recommendation**

- 7 It is recommended that Members approve the scheme of delegation of powers.

### Chief Fire Officer's Scheme of Delegation

North Wales Fire and Rescue Authority has resolved to delegate its decision making powers in the areas listed below to the Chief Fire Officer to take any such decisions on the Authority's behalf

1. The Chief Fire Officer may delegate any of his functions to an employee of the North Wales Fire and Rescue Authority; and may arrange for his functions to be discharged by employees of other local authorities (including employees of other fire and rescue authorities).
2. Exercise of incidental powers under section 5 of the Fire and Rescue Services Act 2004, except appointment of elected members to external bodies such as the Council of the Welsh Local Government Association.
3. In accordance with the Combined Improvement and Risk Reduction Plan and any policies approved by the Fire and Rescue Authority, decisions on discharge of the functions of the fire and rescue authority under sections 6 to 12 of the Fire and Rescue Services Act 2004.
4. Making, varying or revoking any arrangements with other persons in accordance with sections 13 to 17 of the Fire and Rescue Services Act 2004.
5. Decisions on charges under section 19 of the Fire and Rescue Services Act 2004, in accordance with the Authority's policy on charging.
6. Decisions on exercise of powers at sea or under the sea under section 20 of the Fire and Rescue Services Act 2004.
7. To the extent not already covered above: decisions on operational deployment of staff, equipment and use of buildings in accordance with the Combined Improvement and Risk Reduction Plan. This delegation does not include the power to close a fire station unless that is explicitly mentioned in the Plan or has been the subject of a resolution by the Fire and Rescue Authority.
8. Agreements etc. in respect of water supply under Part 5 of the Fire and Rescue Services Act 2004.
9. "Exercise of inspection, enforcement, advisory and consultative powers in respect of fire prevention. This delegation includes but is not limited to the Fire and Rescue Authority's functions under the Health and Safety at Work etc Act 1974 and regulations made thereunder, the Building Act 1984, the Housing Act 2004, the Regulatory Reform (Fire Safety) Order 2005, the Licensing Act 2003, the Gambling Act 2005, Safety of Sports Grounds Act 1975 and the Fire Safety and Places of Sport Act 1987.
10. Responsibility to formulate a policy taking into account the legislative changes to the pension scheme, to include the re-employment of staff following retirement.

11. In accordance with the policies for the time being adopted by the Fire and Rescue Authority, decisions on all personnel issues for employees of the Authority including appointments, discipline, pensions, appeals, authorisations under sections 45 to 46 of the Fire and Rescue Services Act 2004, leave etc.

This delegation does not apply to:

- (1) the appointment of the Chief Fire Officer, Deputy and Assistant Chief Fire Officers;
- (2) disciplinary proceedings commenced against, or pay or pension matters relating to, the Chief Fire Officer;
- (3) acting as appeals panel under the discipline, grievance and capability procedures where that role is conferred on the Fire and Rescue Authority;
- (4) decisions on use of discretionary powers under the Firefighters' Pension (Wales) Scheme or the Local Government Pension Scheme Regulations;
- (5) to the extent not already covered by (1) to (4), any decision where member involvement is required under legislation or any relevant national or local agreements.