



# CLEVELAND FIRE AUTHORITY

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## POLICY COMMITTEE

7 MAY 2010 - 2:00 PM

FIRE BRIGADE HEADQUARTERS,  
STOCKTON ROAD, HARTLEPOOL

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### MEMBERS OF THE POLICY COMMITTEE

HARTLEPOOL : Councillor Payne  
MIDDLESBROUGH : Councillor Porley  
REDCAR & CLEVELAND : Councillors Forster, Ovens  
STOCKTON ON TEES : Councillors O'Donnell, Patterson, Woodhead

# A G E N D A

### ITEM

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF MEMBERS INTEREST
3. TO CONFIRM THE MINUTES OF THE MEETING HELD ON 5 MARCH 2010
4. TO RECEIVE THE REPORTS OF THE CHIEF FIRE OFFICER
  - 4.1 CFA Terms of Reference 2010/11
  - 4.2 Scheme of Delegation
5. ANY OTHER BUSINESS WHICH, IN THE OPINION OF THE CHAIR, SHOULD BE CONSIDERED AS A MATTER OF URGENCY



CLEVELAND FIRE AUTHORITY

MINUTES OF POLICY COMMITTEE

FRIDAY, 5 MARCH 2010

- PRESENT:**     **CHAIRMAN**  
Councillor Porley – Middlesbrough Council
- HARTLEPOOL BOROUGH COUNCIL:-**  
Councillor Payne
- STOCKTON ON TEES BOROUGH COUNCIL:-**  
Councillors O'Donnell, Woodhead
- REDCAR & CLEVELAND BOROUGH COUNCIL**  
Councillors Forster, Ovens
- BRIGADE OFFICERS:-**  
Chief Fire Officer, Director of Community Protection, Director of Business  
Development, Head of Planning & Democratic Services,
- PROPER OFFICERS:-**  
Legal Adviser, Treasurer
- APOLOGIES FOR ABSENCE:** Councillor Patterson – Stockton on Tees Borough Council

**155.     DECLARATIONS OF MEMBERS INTEREST**

Councillor Forster declared a personal non prejudicial interest in Agenda 4.4 Fire Control: Agreement between LACC's/LFEPA and Communities & Local Government.

**156.     MINUTES OF THE MEETING HELD ON 8 JANUARY 2010**

**RESOLVED - that the minutes of the Policy Meeting held on 8 January 2010 be confirmed.**

**157.     REPORTS OF THE CHIEF FIRE OFFICER**

**157.1    Performance Management Strategy**

The Director of Corporate Services stated that on 29 January 2010, Members had approved the Authority's Performance Management Policy, which sets out the Authority's guiding principles for performance management these being to ensure that the Authority is outcome focused and that it impact assesses its work on a regular basis. The Policy will be delivered by the four year Performance Management Strategy which will enhance the Authority's governance arrangements by ensuring that it focuses on the things that matter thereby making sure that the best outcomes are achieved for the people in our communities in light of the somewhat limited resources available. It will also ensure that we build on our existing wide ranging relationships with public, private and voluntary agencies so that we all understand each others strengths and contributions to the wider social agenda and to delivering our extensive community needs.

### 157.1 Performance Management Strategy (cont)

The Director of Corporate Services highlighted the golden thread of planning from Strategy to delivery and outlined how it will be measured. She then outlined the following key areas which support the strategy:

- Key drivers for the Performance Management Framework
- That the Performance Management and Strategy applies to all employees, managers and Elected Members
- Performance Management Objectives
- Scope
  - Strategic Planning
  - Performance Management
- From Strategy to Delivery
- How We Measure our Performance
- Supporting Good Performance Management
- Improvement Action Plan

Councillor O'Donnell commended Officers on the report especially the monitoring and evaluation procedures that were in place.

**RECOMMENDED - that the Performance Management Strategy 2010-2014 be noted.**

### 157.2 Risk Management Policy & Strategy

The Director of Corporate Services informed Members that the Authority has built up a robust and renowned risk management framework which was last reviewed in 2006. She reported that with the introduction of CAA, IRMP and the Governments efficiency agenda, a further review has been undertaken to ensure our structures, systems, processes and measures are aligned to enable the Brigade to continue to deliver better outcomes for local people. This policy is a Statement of Intent and applies to all employees, managers and Elected Members covering both strategic and tactical levels of the organisation and covers the four stages of traditional risk management cycle: Assess; Evaluate; Manage; Measure. Members responsibilities were detailed at page 4 of the Policy.

The Director of Corporate Services outlined the Risk Management Strategy 2010/14 which supports the delivery of the Risk Management Policy and includes an action plan for risk management improvements.

Members congratulated Officers on the clarity of the report and that it was refreshing to see a document of this type that is so clear and easy to understand.

**RECOMMENDED:**

- (i) **that the Risk Management Policy be approved at the Fire Authority meeting on 26 March 2010**
- (ii) **that the Risk Management Strategy 2010-2014 that will support the delivery of the Policy be noted**

### 157.3 Draft Service Plan 2010/11 including Integrated Risk Management Plan 2008/11 Year 2 Review

The Chief Fire Officer advised Members that the Authority now has only 2 public facing documents; The Five Year Strategic Plan and the Annual Service Plan. The Service Plan sets out its achievements and performance for the previous year, and its priorities and actions to be undertaken to deliver them for the forthcoming year. The Chief Fire Officer highlighted some of the key achievements in 2009/10:

- The introduction of the 'Concept of Operations'
- The Centre of Excellence at Redcar Fire Station
- The installation of Low Cost Suppression Systems in Social Housing
- The development and implementation of planning arrangements and familiarisation processes at Hazardous Installations
- The first phase of our Energy and Environment Strategy
- The submission of the PFI Outline Business Case

The Chief Fire Officer stated that this Authority has achieved real financial savings whilst continuing to improve the services that we deliver. He advised that not only are services being enhanced but performance is also improving with the emphasis on prevention and protection alleviating the pressure from emergency response. The Chief Fire Officer highlighted that arson is down 25% over the last year whilst fire related injuries are also down by 40%. However, regrettably, the number of fire deaths had risen to 5 in the last year. He confirmed that alcohol has been a factor in a number of these fire deaths and that we are striving to alleviate the problem with a zero tolerance for fire deaths. The Chief Fire Officer reported on the challenges facing the Authority and in particular the pressure being placed on public services from central government demanding more for less. He continued by outlining the next steps in delivering further service improvements and efficiencies through the development of a Service Transformation Programme.

Councillor Payne made reference to the Organisational Assessment Scores of Use of Resources, Governing the Business and Managing Resources all of which scored 2 out of 4 and asked what needs to be improved. The Director of Corporate Services stated that two things had influenced the scores, the first being that this was a new audit regime and the bar had been raised in terms of use of resources and the second issue was about discrete indicators around data quality. The Chief Fire Officer added that when compared to other Fire & Rescue Services in the country, Cleveland are fifth or sixth for their Organisational Assessment - only Lancashire secured a score of 4.

**RECOMMENDED:- That the following recommendations be presented to the Fire Authority meeting on 26 March 2010:**

**157.3 Draft Service Plan 2010/11 including Integrated Risk Management Plan 2008/11 Year 2 Review (cont)**

**RECOMMENDED:-** That the following recommendations be presented to the Fire Authority meeting on 26 March 2010:

- (i) that the Authority's draft Service Plan 2010/11 which incorporates the Draft IRMP 2008/11 Year 2 Review be approved**
- (ii) that the new proposal to deliver further service improvements and efficiencies through the development of a service transformation programme be noted and that regular progress reports on the development of this proposal be brought to future Fire Authority meetings**
- (iii) that, in line with the Fire Authority's decision on 30 January 2009, it be agreed that no further consultation will be undertaken on the IRMP 2008/11. However appropriate consultation will take place with stakeholders on the development and implementation of any proposals included within the Service Plan 2010/11**
- (iv) that it be noted that the Service Plan 2010/11 incorporating the IRMP Year 2 Review will be published in April 2010**

**157.4 Fire Control: Agreement between LACC's/LFEPA and Communities & Local Government**

The Director of Business Development updated Members with regard to formal consultation being carried out CLG regarding the Fire Control Project who were seeking the views of the Authority with regard to the outcomes, approach and timings for an agreement between the LACC, London Fire and Emergency Planning Authority and CLG. He outlined the five questions and informed Members that the deadline for responses was Friday 5 March 2010. The Director of Business Development highlighted the response from the Chief Fire Officer to the consultation (Appendix 2) which included a caveat that Policy and CFA Members may supplement this response with their comments

The Chief Fire Officer confirmed that responses were also being prepared by the RMB and LACC Board and that all three had a very similar view and the responses reflected that.

Councillor Ovens agreed with the concerns raised regarding the back up facility regarding answering calls from other areas.

**RECOMMENDED:-**

- (i) that the publication of FSC 73/2009 and report be noted**
- (ii) that members wished to make no further comments**
- (iii) that the report be presented to the Cleveland Fire Authority meeting on 26 March 2010**

**158 REPORT OF THE TREASURER****158.1 Review of Charges 2010-2011**

The Treasurer outlined the way in which the Brigades Scale of Charges is currently structured and that due to the humanitarian nature of most of the services provided by the Fire Authority and which, by stature, we are obliged to provide free of charge, there is only limited opportunity to expand the real sources of income generation. He advised there are also legal constraints placed on the Authority from levying charges for special services above the amount of full cost recovery.

The Treasurer reported that each element of discretionary services provided by the Brigade for which a charge is to be made during 2010/11 has, therefore been assessed separately in the interests of public safety, revenue maximisation and compliance with the Act. He confirmed that the estimated combined effects of the revised charges would be to increase the Brigade's budgeted income by approximately £4,457 (an average of 1.34%).

Councillor Payne asked for details of the costs being charged by the Brigade for provision of services outside of normal fire cover during the Tall Ships Event. The Chief Fire Officer reported that they had submitted their charges for additional services to the Project Group which he believed to be circa £20,000.

**RECOMMENDED:-**

- (i) that the charges to take effect from 1 April 2010 as set out in Appendices 1 and 3 of the Report, under the Chief Officers Delegation Scheme be noted.**

**COUNCILLOR PETER PORLEY  
CHAIRMAN**

**CLEVELAND FIRE AUTHORITY**

<b>Title</b>	<b>CLEVELAND FIRE AUTHORITY TERMS OF REFERENCE 2010/11</b>		
<b>Meeting</b>	<b>Policy Committee</b>	<b>Date</b>	<b>7 May 2010</b>
<b>Report of</b>	<b>Director of Corporate Services</b>		
<b>Decision Req'd</b>	<b>For Recommendation</b>	<b>Delegated Powers</b>	<b>N/A</b>

**1. Purpose of Report**

- 1.1 To seek Members views regarding the revised and updated draft Terms of Reference as outlined at Appendix 1.
- 1.2 That Members recommendations be forwarded to the Annual Meeting of Cleveland Fire Authority on 4 June 2010.

**2. Recommendations**

- 2.1 Members are asked to:
  - i) Provide views on the draft Terms of Reference as outlined at Appendix 1 and
  - ii) Recommend approval of the revised Terms of Reference to the Annual Meeting of the Fire Authority on 4 June 2010.

**3. Background**

- 3.1 The Terms of Reference have been updated and reviewed in line with the following principles as outlined in CIPFA/SOLACE "Good Governance in Local Government":

**Core Principles**

- Members and Officers working together to achieve a common purpose with clearly defined functions and roles.
- Promoting values for the Authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour.
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk

**Supporting Principles**

- Ensuring effective leadership throughout the Authority and being clear about executive and non executive functions and of the roles and responsibilities of the scrutiny function.
- Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny.
- Ensuring that an effective risk management system is in place
- Using their legal powers to the full benefit of the citizens and communities in their area

3.3 The Terms of Reference have been aligned wherever possible to the Terms of Reference of the Strategic Management Team.

#### 4. **Terms of Reference Reviews**

The following paragraphs outline the principle revisions:

- 4.1 **Cleveland Fire Authority** – strengthened by the addition of Strategic, Legislative and Good Governance.
- 4.2 **Executive Committee** – this now includes the Policy Committee Terms of Reference with clearly defined Terms of Reference for recommendations and delegated powers. The principle remit of the Executive Committee is to make recommendations to the CFA on major strategic issues, policy formulation and use the Delegated Powers as outlined.
- 4.3 **Audit and Governance Committee** - this Committee monitors, challenges and reviews the effectiveness of the Authorities objectives and provides independent scrutiny and assurance on Financial, Non Financial, Performance and Risk Management. The Committee has adopted the CIPFA – Audit Committees – Practical Guidance for Local Authorities.
- 4.4 **Overview and Scrutiny Committee** – the Authority continues to include a Scrutiny Committee as “good practice” within our governance arrangements. The principle remit of the Committee is to conduct scrutiny reviews in accordance with the approved programme.
- 4.5 **Tenders Committee** – the remit now includes the opening, registering and accepting of tenders received for the North East Fire and Rescue Authorities Collaborative PFI project.
- 4.6 **Standards Committee** – ethical governance has been strengthened and the remit now includes for this committee to deal with the granting and supervision of exemptions from political restrictions in respect of all relevant authority posts. (Local Democracy, Economic Development and Construction Act 2009).

IAN HAYTON  
CHIEF FIRE OFFICER

KAREN WINTER  
DIRECTOR OF CORPORATE SERVICES

## TERMS OF REFERENCE AND DELEGATED POWERS

### CLEVELAND FIRE AUTHORITY

<b>23 Members : Cllrs</b>	
<b>Quorum - 8 Members</b>	<b>Meets – Bi Monthly</b>
<b>Principle Remit:</b> To set the Strategic Vision and Direction of the Authority	

#### Strategic

1. To set the vision and strategic direction of the Authority through in depth consideration and approval of the Authority's Strategic and Integrated Risk Management Plans.
2. To ensure the views of the community, partners and constituent councils are taken into account and that they are kept fully informed of the Authority's plans.
3. To keep under review the corporate identity of the Authority, and its relations with the media
4. To take all necessary steps (including the adoption of policies, schemes or plans and the publication of documents and notices) to comply with the statutory duties of the Authority.
5. To support and promote the creation of appropriate partnership arrangements
6. To establish and maintain an effective role in the Regional Management Board and any other appropriate regional initiatives that confer benefit on the Cleveland community.
7. To consider matters related to the delivery of the North East Regional Control project.
8. To consider and approve the Fire and Rescue Service PFI programmes.

#### Financial

9. To consult on, and set the Authority's revenue and capital budgets.
10. To comply with the International Financial Reporting Standards (IFRS).
11. To consider and approve the Treasury Management Policy and Strategy
12. To receive the Annual Governance Statement (*delegated to Executive Committee*).
13. To consider and keep under review the Authority's discretions under the Local Government Pension Scheme (LGPS)

## **Risk and Performance**

14. To consider and keep under review the Authority's corporate risk management and register of corporate risks.
15. To establish efficient and effective corporate governance, risk and performance management frameworks for the Authority including audit and scrutiny arrangements.

## **Governance**

16. To appoint statutory and other officers of the Authority (*delegated to the Executive Committee*).
17. To make arrangements for making urgent decisions where it is not practicable to hold a full meeting of the Authority.
18. To receive reports from the Executive Committee when powers of the Authority have been used in urgent matters where it was not practicable to call a meeting of the Authority.
19. To establish appropriate Member forums relating to the opening of tenders, Member Standards, Member Development and staff appeals.
20. To ensure effective liaison arrangements with trade unions are established and maintained.
21. To consider and make decisions on reports (including Forward Work Programmes) from the Overview and Scrutiny, Audit and Governance, Member Development and Standards Committees.
22. To receive minutes of Executive, Standards, Appeals and Tender Committees.
23. To promote Local Democracy arrangements and review the effectiveness, structure and remit of committees.
24. To receive reports from the Audit Commission.
25. To receive the reports of the Brigade Managers, Proper Officers and Chairs.
26. To take whenever possible, an active role in the pursuit of shared priorities in the planning of Local Area Agreements.
27. To receive consultation documents both nationally and regionally (*delegated to the Executive Committee*).
28. To receive information regarding the Firebuy tendering process.
29. To agree Member attendance at external events.

30. To be collectively responsible for:

- a. ensuring that Authority has a Health and Safety Policy which requires that the staff employed there, meet all relevant statutory requirements.
- b. Accepting responsibility for the provision of adequate funding to enable the Brigade to fulfill its statutory health and safety duties.
- c. For delegating professional responsibility to its Brigade Managers who will ensure that assessments are made in pursuit of safe systems of work, complemented by the provision of safe places of work for all staff and others who may be affected by our actions. (from H & S policy)

## **EXECUTIVE COMMITTEE (4:1:1:1)**

To include the Chair and Vice Chair

<b>7 Members : Cllrs</b>		
<b>Delegated Powers</b> – See below	<b>Quorum</b> - 4 members	<b>Meets</b> Bi-monthly
<b>Principle Remit:</b> To make recommendations to the Authority on major strategic issues, policy formulation and use the Delegated Powers as outlined below		

1. **To consider and make recommendations to the Authority on:**
  - a) Priorities for action within the Strategic plan and Integrated Risk Management Plans consistent with the Authority's Strategic priorities and objectives, national priorities and available resources.
  - b) The annual revenue and capital budgets of the Authority
  - c) The Authority's register of corporate risks
  - d) Proposals for major changes to service delivery
  - e) Reviews of Brigade Core Policies and Plans
  - f) Evaluation of proposals to increase service delivery at a regional level
2. To keep under review the Authority's role in the Regional Management Board and NE Regional Control Centre (LACC).
3. To champion and evaluate the Business and Corporate Risk Register and Risk Management framework.
4. To receive Core Strategies in relation to the Authority's Strategic direction.
5. To receive and note the Strategies of the Brigade
6. To periodically review its own effectiveness and report the findings to the Authority.

### **Delegated Powers**

7. To appoint Brigade Managers.
8. To assess and determine the local pay and conditions and performance of Brigade Managers.
9. To consider any matters concerning an industrial dispute with Trades Unions.
10. To undertake any function of the Authority where an urgent decision is required and where it would not be practicable to call a meeting of the Authority, subject to
  - a. Agreement by the Director of Corporate Services that the matter is urgent (and)
  - b. A report to the next scheduled Authority meeting setting out the reason for the urgency and the decision reached.

11. To appoint and approve the terms and conditions of employment of the Legal Adviser, Deputy Legal Adviser, Treasurer and Deputy Treasurer.
12. To approve the Statement of Accounts and Annual Governance Statement.
13. To appoint Independent persons serving on the CFA Standards Committee.
14. To consider disciplinary issues and grievances in respect of those Officers appointed by the Executive Committee.
15. To consider an appeal against cases of dismissal relating to all Brigade staff as outlined within the Grievance and Disciplinary Procedure.
16. To consider and approve all matters regarding the governance of the Fire and Rescue Service Private Finance Initiative Programme.
17. To receive and respond to consultation documents both nationally and regionally on behalf of the Authority.

## **AUDIT AND GOVERNANCE COMMITTEE (4:1:1:1)**

No Executive or Overview and Scrutiny Members to be included

(Chair to be from a Member of a Non Controlling Group if O & S Committee Chair from a member of the controlling group)

<b>7 Members : Cllrs</b>		
<b>Delegated Powers – None</b>	<b>Quorum - 4 members</b>	<b>Meets - Quarterly</b>
<b>Principle Remit:</b> Provide independent assurance of Performance and risk management framework and associated control environment. Scrutiny of financial and non financial performance issues		

To consider and report as necessary to the Cleveland Fire Authority in relation to :-

### **Performance and Monitoring**

1. The Authority's performance year on year and again targets in relation to organisation and area performance and in relation to achievement of Authority Strategic priorities and objectives.
2. The scrutiny of financial, performance and risk monitoring against service objectives and targets, to link up physical performance and service costs to facilitate scrutiny of value for money and assist in the redirection of resources to improve performance, efficiency and effectiveness.
3. The development of a Scrutiny Process to accommodate LAA outcomes.
4. To monitor, challenge and review the effectiveness of the Authority's policies, strategies, plans and performance risk and corporate governance framework and risk register.
5. Driving improvement and scrutiny of Partnership arrangements and action plans.

### **Governance**

6. To scrutinise and recommend to the Cleveland Fire Authority the Annual Governance Statement. (*delegated to Executive Committee*)
7. To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted.
8. To receive the quarterly Audit Commission Audit Progress Report
9. The review of the Anti Fraud and Anti Corruption Strategy
10. To periodically review its own effectiveness and report the findings to the Authority

## **Financial**

11. Review of efficiency savings and formulation of recommendations to the Authority on the redirection of resources.
12. Scrutiny of the Annual Audit letter and other Audit Commission and Internal Audit reports and monitoring of achievements against any action plans and recommendations.
13. Agree the Annual Internal Audit Plan and scrutiny of the Internal Audit Annual Report.
14. Monitoring implementation of Integrated Financial Reporting Standards (IFRS) arrangements to secure compliance.
15. Monitoring of Treasury Management and scrutinise the Treasury Management Strategy prior to CFA approval.

## **OVERVIEW & SCRUTINY COMMITTEE (4:1:1:1)**

No Policy or Audit and Governance Members to be included

(Chair to be from a Member of a Non Controlling Group if A & G Committee Chair from a member of the controlling group)

<b>7 Members : Cllrs, Brigade Professional Advisers</b>		
<b>Delegated Powers – None</b>	<b>Quorum - 4 members</b>	<b>Meets bi-monthly</b>
<b>Principle Remit: Conduct scrutiny reviews in accordance with approved programme</b>		

1. To prepare and submit to the Authority for approval an annual programme of independent scrutiny reviews of service delivery
2. To conduct scrutiny reviews in accordance with the approved programme supplemented by additional projects that may arise.
3. To monitor, challenge and review the implementation and effectiveness of the policies and plans of the Brigade and their relationship with other Brigade Plans and policies and partnership arrangements including the implementation of the Integrated Risk Management Plan (IRMP), risk management framework, CPA Self Assessments and Best Value Assessments.
4. To call witnesses and receive evidence as appropriate for each review.
5. To prepare a report following each review, setting out conclusions and recommendations for submission to the Authority.
6. To review periodically the response of Brigade Managers to completed reviews.
7. To undertake investigations as a result of a Request for a Review.
8. To undertake external visits as part of the Scrutiny Review.
9. To periodically review its own effectiveness and report the findings to the Authority.

## **TENDERS COMMITTEE (2:1)**

To include the Chair and/or Vice Chair

<b>3 Members : Cllrs</b>		
<b>Delegated Powers – See below</b>	<b>Quorum - 2 members</b>	<b>Meets Ad hoc</b>

1. To have and to exercise the powers of the CFA to compile tender lists, to open tenders and to accept the most suitable.
2. To open and register Tender documents received for the North East Fire & Rescue Authorities Collaborative PFI Project.
3. To accept the most suitable tender for the North East Fire and Rescue Authorities collaborative PFI Project.
4. To periodically review its own effectiveness and report the findings to the Authority.

## **STANDARDS COMMITTEE (2:1:1)**

To be chaired by an Independent Person

Members recommended to have Standards Committee experience

<b>4 Members : Cllrs</b>		
<b>3 Independent Persons Mr J B Gray, Mr R Dennis, Mr K Kelly</b>		
<b>Delegated Powers - None</b>	<b>Quorum - 2 members 1 Ind Person</b>	<b>Meets Bi-Annually</b>

The remit and delegated powers of the Committee are as follows:-

1. To advise the Authority on a code of conduct and the Anti Fraud and Anti Corruption Strategy, monitoring its operation, effectiveness and any subsequent revisions.
2. To promote good ethical governance and maintain high standards of conduct for members and assist them in observing the Code.
3. To provide advice, guidance and training on ethical standards issues.
4. To consider matters referred to them by the Authority or the Standards for England (Strategic Regulator).
5. To prepare and submit to the CFA an Annual Standards report
6. Any other such functions incorporated within the Local Government Act 2000 and which the Authority consider appropriate.
7. Grant dispensation to the Elected Members from requirements relating to interests set out in the Members Code of Conduct.
8. Dealing with the grant and supervision of exemptions from political restrictions in respect of all relevant Authority posts. (Local Democracy, Economic Development and Construction Act 2009)
9. To recommend changes to the Authority in relation to the promotion and maintenance of high ethical standards within the Authority.
10. To monitor the operation of the Anti Fraud and Anti Corruption Policy.
11. To raise issues of governance at its discretion.
12. To periodically review its own effectiveness and report the findings to the Authority.

### **STANDARDS ASSESSMENT SUB COMMITTEE**

To be Members of the Standards Committee

To be chaired by an Independent Person

<b>2 Members :</b> <b>1 Independent Person</b>		
<b>Delegated Powers - None</b>	<b>Quorum - 3 members</b>	<b>Meets Ad hoc</b>

The remit and delegated powers of the Standards Assessment Sub Committee are as follows:

1. To hear initial assessment

### **STANDARDS REVIEW SUB COMMITTEE**

To be Members of the Standards Committee

To be chaired by an Independent Person

Not to include any Members or Independent Persons involved in Standards Assessment Sub Committee hearing.

<b>2 Members :</b> <b>1 Independent Person</b>		
<b>Delegated Powers - None</b>	<b>Quorum - 3 members</b>	<b>Meets Ad hoc</b>

The remit and delegated powers of the Standards Review Sub Committee are as follows

1. To review the initial assessment decision.

**APPEALS COMMITTEE (4:1:1:1)**

Not to include Executive Members

<b>7 Members : Cllrs</b>		
<b>Delegated Powers – See below</b>	<b>Quorum - 4 members</b>	<b>Meets ad hoc</b>
<b>Principle Remit: Hear Appeals concerning Executive Committee decisions</b>		

1. To have and to exercise the powers of the CFA in hearing Appeals from the following Officers:-

Brigade Managers  
Legal Adviser  
Deputy Legal Adviser  
Treasurer  
Deputy Treasurer

Concerning any decision by the Executive committee relating to

Pay  
Conditions of Service  
Grievance  
Disciplinary

## **JOINT CONSULTATIVE COMMITTEE (4:1:1:1)**

To include Chair and/or Vice Chair

Additional meetings can be called with the approval of the Chair and Vice Chair of the JCC and the Director of Corporate Services.

<b>7 Members : Cllrs</b>		
<b>8 Trade Union Repns (3 FBU : 1 Unison : 1 FOA : 1 APFO : 1 RFU : 1 GMB)</b>		
<b>Consultation Forum Only</b>	<b>Informal Meeting</b>	<b>Meets quarterly</b>
<b>Principle Remit:</b> Consult on the formulation of Authority strategies and policies.		

1. To consult Trade Unions on the formulation of Authority strategies and policies, before final decisions are reached.
2. To act as a forum for Authority members and Trades Union representatives to discuss matters of mutual interest insofar as they affect the business of the Cleveland Fire Brigade
3. To consider Trade Unions views on any significant amendments to existing policies.
4. The Chair alternates annually (CFA municipal years) between an Authority Member and a Trade Union Representative.
5. Where agreement cannot be reached in the JCC on any issue, alternative views be put forward to the appropriate Committee/Meeting as part of the decision making process.
6. Named staff representatives can call additional meetings with the approval of the Chair and Vice Chair and Director of Corporate Services.
7. To periodically review its own effectiveness and report the findings to the Authority.

## **MEMBER DEVELOPMENT GROUP (4:1:1:1)**

<b>7 Members : Cllrs</b>		
<b>Delegated Powers – No</b>	<b>Quorum - 4 members</b>	<b>Meets - ad hoc</b>
<b>Principle Remit:</b> Make recommendations to CFA regarding Members roles and responsibilities		

1. To consider and make recommendations to the CFA on issues regarding Member Development.
2. To consider and make recommendations to the CFA on the review of members roles and responsibilities.
3. To regularly review how the Authority conducts its business in terms of when and where meetings are held based on a clear understanding of diversity, so that elected member or potential members are able to take part in the democratic process.
4. To regularly assess and ensure member development opportunities are available to all members including those with work and family commitments to enhance worklife balances and citizenship.
5. To ensure that member development training and development opportunities have well defined and focussed objectives and effectively evaluate and identify areas for improvement.
6. To consider and encourage joint development opportunities for elected member and external development and identify areas for improvement.
7. To consider the formulation, implementation and monitoring of Member Development strategies.
8. To consult and liaise with the Standards committee on training for members relating to the Code of Conduct, Ethical Standards and related issues.
9. To periodically review its own effectiveness and report the results to the Authority.

## **PARTNERSHIP BRIEFINGS**

The 4 Members who represent CFA on their constituent Council Safer Partnership forums

<b>4 Members : Cllrs</b>		
<b>Brigade Officers and District Managers</b>		
<b>Consultation Forum Only</b>	<b>Informal Meeting</b>	<b>Meets quarterly</b>

1. To share best practice with other Members and Officers attending Safer Partnership Forums.
2. To invite relevant members from district councils to discuss community safety issues.
3. To periodically review its own effectiveness and report the findings to the Authority.

## **INDEPENDENT REMUNERATION PANEL**

<b>4 Independent Persons</b> (one person from the Independent Remuneration panels of Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton – appointed by their constituent council)
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<b>Treasurer and Head of Planning and Democratic Services</b>
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<b>Delegated Powers - No</b>	<b>Quorum – 3 Ind Persons</b>	<b>Meets ad hoc</b>
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To make recommendations to the Cleveland Fire Authority regarding:-

1. On the amount of basic allowance that should be payable to its elected members.
2. On the responsibilities or duties which should lead to the payment of a special responsibility allowance (SRA) and as to the amount of such an allowance.
3. The duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance.
4. Whether any allowance should be backdated to the beginning of a financial year in the event of the scheme being amended.
5. Whether annual adjustments of allowance levels may be referred to an index and if so, for how long such a measure should run.
6. Whether Members are to be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972.
7. Whether to treat basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

	<b>REMIT OF CFA COMMITTEES</b>
<b>DOCUMENT TYPE</b>	<b>Policy</b>
<b>DOCUMENT OWNERSHIP</b>	<b>Democratic and Member Services</b>
<b>REF NO.</b>	
<b>CONTROLLED BY</b>	<b>Karen Winter</b>
<b>CREATED BY</b>	<b>Bev Parker</b>
<b>DRAFT SENT TO</b>	<b>Karen Winter and Bev Parker discussed 9/4/10 Version 5 sent to KW 16/4/10</b>
<b>SENT TO SMT</b>	
<b>UPDATED</b>	<b>Treasurer seen 19/3 and amendments made Legal Adviser seen and Strategic removed from Exec committee title</b>
<b>APPROVED BY SMT TO BE PRESENTED TO CFA FOR APPROVAL</b>	
<b>APPROVED BY CFA</b>	<b>4 June 2010</b>
<b>REVIEW DATE</b>	<b>January 2011</b>
<b>VERSION CONTROLLER</b>	<b>Bev Parker</b>
<b>CURRENT VERSION</b>	<b>Option 5 additional info</b>



# CLEVELAND FIRE AUTHORITY

<b>Title</b>	<b>REVIEW OF DELEGATION SCHEME</b>		
<b>Meeting</b>	<b>Policy Committee</b>	<b>Date</b>	<b>7<sup>th</sup> May 2010</b>
<b>Report of the</b>	<b>Legal Adviser</b>		
<b>Decision Req'd</b>	<b>No</b>	<b>Delegated Powers</b>	<b>No</b>

## 1. Purpose of the Report

- 1.1 To establish a strategic overview that can be used to review the Authority's Delegation Scheme (Appendix 1).

## 2. Recommendation

- 2.1 That Members provide a strategic overview which will be considered when reviewing the Authority's Delegation Scheme (Appendix 1).

## 3. Background

- 3.1 In practical terms Cleveland Fire Authority is unable to make every decision itself and therefore has specific statutory powers under the Local Government Act 1972 to delegate decisions to Committees and Officers.

- 3.2 The existing Scheme, attached as Appendix 1, was approved by the Fire Authority on 5<sup>th</sup> June 2009 (Minute 6.1 refers)

- 3.3 CIPFA/SOLACE 'Delivering Good Governance in Local Government (Guidance Note) states that the Authority's local code should reflect the requirement for authorities to:

- set out a clear statement of the respective roles and responsibilities of other authority members, members generally and senior officers.
- determine a scheme of delegation and reserve powers within the constitution, including a formal schedule of those matters specifically reserved for collective decision of the authority, taking account of relevant legislation **and ensure that it is monitored and updated when required.**

#### 4. Strategic Overview for Reviewing the Existing Delegation Scheme

A review is currently being undertaken on the existing Delegation Scheme by the Authority's Legal Adviser. Initial meetings have taken place with the Treasurer, the Chief Fire Officer and the Director of Corporate Services to develop a set of principles on which the review should take place. These are:

- that the Scheme will reflect the delegated powers of the Authority's Committees and its Officers;
- that the Scheme will reflect any new roles and responsibilities of Officers agreed during the year 2009/10;
- that the Scheme will reflect any new legislation that has emerged during 2009/10;
- that the Scheme will reflect more general than specific details of powers;
- that, in the case of Officers' delegations, the Scheme will outline a distinction between 'delegated officer' (i.e. responsible officer) and 'nominated officer' (i.e. person who is nominated by the delegated officer to use the power);
- that Members of the Policy Committee will be consulted informally on the Scheme prior to the CFA Annual General Meeting on 4<sup>th</sup> June 2010;
- that the Scheme will be taken to the CFA Annual General Meeting on 4<sup>th</sup> June 2010 for approval.

**P DEVLIN  
LEGAL ADVISER**



# **CLEVELAND FIRE AUTHORITY**

## **GOVERNANCE ARRANGEMENTS (DELEGATION SCHEME)**

**Cleveland Fire Authority**  
**Governance Arrangements**  
**(Delegation Scheme)**

**GENERAL INTRODUCTION**

1. This Scheme of Delegation applies to Brigade Officers and employees of the Authority and for the purposes of this Scheme, Proper Officers of the Cleveland Fire Authority are regarded as Officers of the Authority. Insofar as is lawful for it to do so the Authority will indemnify Officers acting bona fide in the exercise of the functions of the Authority in any case where proceedings may be taken against them in respect of acts done by them in the discharge or purported discharge of the functions delegated to them.
2. Where the Chief Fire Officer, Executive Director, Clerk, Legal Adviser and Treasurer are authorised to discharge any functions on behalf of the Authority (such authority exercisable in accordance with the Authority's Corporate Plan and associated planning documents, capital programme, medium term financial plan, Procedural and Contract Standing Orders and Financial Procedures and Regulations) and is for any reason unable to discharge those functions, their Deputy may discharge those functions. The Chief Fire Officer, Executive Director, Clerk, Legal Adviser and Treasurer may nominate one or more officers (including, in the case of the Legal Adviser, officers of Hartlepool Borough Council under his management control) to act on their behalf in the exercise of decision making powers under this Scheme and shall maintain a register of officers nominated on their behalf.
3. The Clerk, Legal Adviser and Treasurer are authorised to negotiate, conclude and execute on behalf of the Authority any document or agreement required to give effect to any decision taken by the Authority, Committee or Officer whether or not that decision specifically records such an authorisation, provided that where expenditure is authorised under the Financial Regulations, any documentation giving effect to that expenditure may be entered into by the Officer incurring the expenditure.

## EXECUTIVE SUMMARY

1. The statutory duty to make provision under Part 2 of the Fire and Rescue Services Act 2004 (“the Act”) for fire safety, fire fighting, action in respect of road accidents and other emergencies, together with other functions provided for in the Act is vested with the Cleveland Fire Authority. Thus, the Fire Authority has the overall control over the strategic direction, establishment, budget and functions of the Brigade as a body and over the acquisition, disposal and alteration of Brigade premises and appliances.

The Chief Fire Officer is the Chief Officer of the Brigade with direct responsibility to the Authority for the efficient operation of the Brigade. As such, it is essential that the Chief Fire Officer has all powers necessary for the discharge of that responsibility. The powers of the Chief Fire Officer should be such as to enable him to discharge his duties with certainty of his authority, whilst recognising and respecting the duty of the Fire Authority under the Act. The powers should, therefore, be such as to equip the Chief Fire Officer for:-

- (i) the efficient operation of the Brigade in all its functions, both in respect of the statutory duties with regard to Fire Services and any other activities approved by the Fire Authority; and
  - (ii) all administrative and managerial activities incidental to the running of the Brigade, its equipment and premises.
2. Power (subject to the Financial Procedure Rules and the Contract Procedure Rules of the authority and the policies schemes and procedures of the Authority):
    - (i) to take any executive, administrative or operational action necessary for the efficient functioning of the Fire Brigade
    - (ii) to take any action necessary for the discharge by the Authority of their duties with regard to fire safety
    - (iii) to dispose of surplus, obsolete or otherwise unwanted equipment, vehicles, plant or materials of any description
    - (iv) to make awards to employees for long service
    - (v) to incur expenditure within the approved Revenue Budget provision

## PROCESS

1. The Authority discharges its statutory duties and responsibilities through its employees – the Brigade – and for this purpose delegates functions to the Chief Fire Officers and other Brigade Officers. In respect of all their duties, responsibilities and actions, the Chief Fire Officer and Brigade Officers are accountable to the Authority who are entitled to require the Chief Fire Officer and any other Officer to report to, or consult, the Authority on any aspect of their duties, responsibilities and actions.
2. The Chief Fire Officer and/or Executive Director and the Chair of the Authority shall meet (together with such other members as the Chair shall from time to time direct) according to a programme agreed between them to enable the Chief Fire Officer and/or Executive Director to brief the Chair on issues touching upon the duties and functions of the Authority or otherwise of concern or interest to the Members of the Authority.
3. Except when urgent action is necessary, the Chief Fire Officer's and/or Executive Director's reports to the Authority will be submitted to a Chair/CFO meeting prior to referral to the Authority.
4. Where the CFO (and of any officer of the Authority) reports upon actions taken (or to be taken) under delegated powers (which for the purposes of this protocol includes specific authority of the Authority), the delegated power will be quoted.
5. Where the CFO proposes to exercise delegated powers other than in respect of the normal operation of the Brigade, he shall consult the statutory officers of the Authority.
6. Any issue whether or not actions taken or proposed to be taken fall within the CFO's delegated powers shall be determined by the Authority's Monitoring Officer appointed under s.5 Local Government and Housing Act 1989.
7. A meeting outside the agreed programme referred to in para. 1 above may be convened at any time at the request of the Chair, CFO or any statutory officer of the Authority to discuss, clarify and, if possible, resolve any issues arising from the operation of this protocol.

<b>Section</b>	<b>Function</b>	<b>Page</b>
A.	Effective Operations	1
B.	Managerial	2-7
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The Chief Fire Officer referred to within the Scheme refers to the Acting Chief Fire Officer from 6 June 2009 to 5 July 2009 and Chief Fire Officer Designate from 6 July 2009 to 7 February 2010.

(Updated 27 May 2009)

FUNCTION	INFORMATION TO MEMBERS	DELEGATED TO	DIRECTOR RESPONSIBLE	FUNCTIONAL DIRECTOR
<b>A. EFFECTIVE OPERATIONS</b>				
<p><b>Operational and Financial Arrangements for Mutual Assistance between Fire Authorities</b> To negotiate the terms of such agreements and the Clerk, Legal Adviser and to execute the arrangements on behalf of the Authority.</p>	Yes	Executive Director in consultation with the Treasurer	Director of Operations and Community Safety in consultation with the Executive Director	N/A
<p><b>Provision of Mutual Assistance and Reinforcement</b></p> <p>(i) To enter into agreements with Durham and North Yorkshire Fire Authorities to provide mutual support and reinforcement under the Fire &amp; Rescue Services Act 2004 (and any amendment thereof) or other national agreement subject to the requirements of the Cleveland Fire Brigade being given priority;</p> <p>(ii) To enter into any mutual aid agreement with any Fire and Rescue Authority in the United Kingdom as appropriate, subject to the requirements of the Cleveland Fire Brigade being given priority.</p>	Yes	Executive Director in consultation with the Clerk and the Legal Adviser	Director of Operations and Community Safety in consultation with the Executive Director	N/A
<p><b>Emergency Planning Functions</b> Responsibility for the Authority's Emergency Planning functions including all elements of Plan Making and charging in relation to the manufacture and maintenance of Control of Major Accident Hazards (COMAH) Regulations 1999 and Pipelines Safety Regulations 1996 plans or other plans required by emergency planning legislation.</p>		Chief Fire Officer	Director of Business Development in consultation with the Executive Director	Director of Business Development

FUNCTION	INFORMATION TO MEMBERS	DELEGATED TO	DIRECTOR RESPONSIBLE	FUNCTIONAL DIRECTOR
<b>B. MANAGERIAL</b>				
<p><b>Appointment, redeployment and Promotion of Employees</b> To appoint, redeploy and promote employees, with the exception of the Chief Fire Officer and Executive Director (which is the responsibility of the CFA Executive Committee) and to issue contracts of employment. Area Manager appointments (Executive Committee involved in Quality Assurance of sift process and outcomes and in pre interviews and Chairman on Interview Panel) and to issue contracts of employment.</p>				
<p><b>Changes to Conditions of Service</b> To make changes to conditions of service of the Authority's employees, with the exception of those delegated to the Executive Committee, where these changes have been agreed either locally or nationally. Where there is no agreement, the matter will be forwarded to the Joint Consultative Committee or other appropriate body.</p>	<b>Further report requested</b>			
<p><b>Overseas Travel</b> Power to agree all overseas travel .</p>		Clerk in consultation with Executive Com. Members		
<p><b>Disciplinary Action</b> Power to discipline (including termination of employment of) all uniformed and non-uniformed personnel, other than those delegated to the Executive Committee, and to determine appeals against any decision in which he did not participate in accordance with the Authority's agreed Discipline and Grievance procedures.</p> <p>Power to agree on behalf of the Authority local conditions of service to supplement the National Joint Council for Local Authorities' Fire Brigade Scheme of Conditions of Service (the "Grey Book") and the National Joint Council for Local Government Services, Scheme of Conditions of Service (the "Green Book").</p> <p><b>N.B.</b> Employers who have had disciplinary action taken against them</p>	Yes	Executive Director  Executive Director	Director of Corporate Services in consultation with the Executive Director  Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources  Director of Corporate Services and the Head of Human Resources

will be given the opportunity to appeal. The final appeal stage against dismissal will not be subject to delegation and will be to the Executive Committee of the Fire Authority.				
Power to exercise on behalf of the Authority, any discretion afforded to the employer (but not exercised by the Authority) by the Grey Book and the Green Book.		Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Contracted Hours and Working Patterns</b> To make adjustments to the number of contracted hours for specific employees and to vary working patterns, where this has been agreed with the employee.		Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Medical discharges</b> To authorise medical discharges.	Yes	Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Temporary posts</b> Authority to temporarily employ staff/agency staff to cover staff absences or shortfalls (including for special projects)		Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Secondment of Staff</b> To agree fixed term secondments of staff to other organisations where no costs fall on the Authority.		Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Assimilation of Ranks to Roles - Integrated Personal Development System</b> To make determinations in respect of the assimilation of ranks to roles under the Integrated Personal Development System.	Yes	Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Job Evaluation Scheme</b> To administer the Job Evaluation Scheme for the Authority's employees.	Yes	Executive Director	Director of Corporate Services in consultation with the Executive	Director of Corporate Services and the Head of Human Resources

			Director	
<b>Voluntary Redundancy of Non-Uniformed Personnel</b> To make a determination in respect of approving requests for voluntary redundancy of non-uniformed personnel where their role or location of work, as specified in their contract of employment, has significantly changed.	Yes	Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Voluntary Early Retirement</b> Authority to exercise the powers and duties of the Authority to make compensatory awards in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000	Yes	Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Career Breaks and Flexible Working</b> To make a determination in respect of requests for both career breaks and flexible working.		Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Secondary Employment</b> The exercise the Authority's powers to determine applications made by members of the Service to undertake secondary employment.		Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Sick Leave</b> To determine or grant members of the service a further period of sick leave on full or half pay where appropriate on behalf of the Authority.	Yes	Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<b>Calculation of Sick-Pay</b> Authority to exercise the Authority's powers and duties in accordance with the appropriate Scheme of Conditions of Service applicable to the individual staff member.		Executive Director	Director of Corporate Services in consultation with the Executive Director & Finance & Monitoring Officer	Director of Corporate Services and the Senior Human Resources Adviser
<b>Arrangements for Public and Concessionary Holidays</b> In consultation with the trade unions, to approve proposed arrangements for public and concessionary holidays.	Yes	Executive Director	Director of Corporate Services in consultation with	N/A

			the Executive Director	
<p><b>Legal Representation of Uniformed Staff in Relation to Road Traffic Act Offences</b> To administer the procedure for the legal representation of uniformed staff in relation to Road Traffic Act offences.</p>		Legal Adviser in consultation with Executive Director	Director of Corporate Services in consultation with the Executive Director	N/A
<p><b>Local Government &amp; Housing Act 1989 – Political Restrictions</b> To issue any certificate required under Section 3 of the Act and to prepare and submit a list of politically restricted posts in respect of all employees and Joint Secretariat staff and to determine whether any posts should be added or deducted from the list of politically restricted posts in the salary level category.</p>	Yes	Clerk in consultation with the Executive Director and Chair	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Head of Human Resources
<p><b>The Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regs 1996</b> Responsibility for hearing stage one appeals.</p>		Clerk	N/A	N/A
<p><b>Injury Allowances – Local Government Pension Scheme</b> To exercise discretionary powers under Part V of the Local Government (Discretionary Payments) Regulations 1996.</p>		Executive Director	Director of Corporate Services in consultation with the Executive Director	Director of Corporate Services and the Senior Human Resources Adviser
<p><b>Industrial Action</b> To seek repudiation from the FBU of any industrial action that does not comply with the legal process set out in the Trade Union and Labour Relations (Consolidation) Act 1992.  To take any necessary measures to mitigate risk to the community in the event of a fire-fighters' strike or any type of industrial action by Authority employees and report such action and associated expenditure to the Authority.  To pursue the recovery of actual and necessary expenditure on contingency arrangements with the Department of Communities and Local Government and the Local Government Association.</p>	Yes	Chief Fire Officer  Chief Fire Officer in consultation with the Clerk and the Treasurer Chief Fire Officer in consultation with the Clerk and the Treasurer	Executive Director  Executive Director  Executive Director	N/A

<p>To authorise the approval of members of the Firefighters' Pension Scheme to count as pensionable service any absence as a result of industrial action providing they pay the Authority the appropriate employer and employee pension contributions.</p>		<p>Chief Fire Officer in consultation with the Clerk and the Treasurer</p>	<p>Executive Director</p>	
<p><b>Local Government Pension Scheme</b> In accordance with the Authority policy, to make a determination where appropriate on gratuities for employees covered by the Local Government Pension Scheme and to exercise the powers and duties of the Authority to release early payment of pension benefits in relation to redundancy, efficiency of the service or in accordance with Regulation 31 of the Local Government Pension Scheme.</p>		<p>Chief Fire Officer in consultation with the Treasurer</p>	<p>Director of Corporate Services in consultation with the Executive Director</p>	<p>Director of Corporate Services and the Senior Human Resources Adviser</p>
<p><b>Local Government and Firefighter Pension Schemes</b> In accordance with the Authority policy, Authority to exercise the Authority's powers and duties under the LGPS and FPS pensions legislation subject to policies approved by the Authority (except for Brigade Managers)</p>		<p>Chief Fire Officer in consultation with the Treasurer</p>	<p>Director of Corporate Services in consultation with the Executive Director</p>	<p>Director of Corporate Services and the Senior Human Resources Adviser</p>
<p><b>III-Health and Associated Matters</b> In efforts to reduce incidents of ill-health retirement authority to exercise the Authority's powers to utilise any of the following:</p> <ul style="list-style-type: none"> <li>▪ employ the services of an appropriate Medical and or Psychology consultants recommended by the Brigade Medical Adviser;</li> <li>▪ the provision of medical treatment in cases where the Brigade Medical Adviser's opinion is that it would increase the individual's potential for continued employment;</li> <li>▪ the provision of a physiotherapy service where such treatment would be delayed within the normal NHS channels;</li> <li>▪ the provision of treatment to employees before they incur sickness absence.</li> </ul>		<p>Executive Director</p>	<p>Director of Corporate Services in consultation with the Executive Director</p>	<p>Director of Corporate Services and the Head of Human Resources</p>

<p><b>Firefighters' Pension Scheme</b>          To make a determination in respect of discretionary rules under the Firefighters' Pension Scheme 1992 Order; the Firefighters' Pension Scheme (England) Order 2006 and the Firefighters' Compensation Scheme (England) Order 2006</p>		<p>Executive Director</p>	<p>Director of Corporate Services</p>	<p>Director of Corporate Services and the Senior Human Resources Adviser</p>

FUNCTION	INFORMATION TO MEMBERS	DELEGATED TO	DIRECTOR RESPONSIBLE	FUNCTIONAL DIRECTOR
<b>C. FINANCIAL</b>				
Power to vire between detailed budgets within the detailed activities any amount up to a max of £300k, provided that the original detailed budget remains available to cover commitments attributable to that Budget Head. Virement above this limit is subject to the approval of the Authority.	Yes	Executive Director in consultation with the Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power (after consultation with the Treasurer to the Authority) within the limits laid down by the Authority to determine charges for Special Services, Instructional Courses and other services provided by the Fire Brigade or its Officers and to waive such charges wholly or in part if he thinks fit.		Executive Director in consultation with the Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to negotiate appropriate insurances and to settle all claims on insurance companies.		Treasurer in consultation with the Executive Director	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to refer to outstanding sundry debtor accounts to the Legal Adviser for recovery action.		Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to write off debts which, in aggregate for any single debtor, do not exceed £1,000, after all appropriate recovery procedures have been attempted including all outstanding debts subject to administrative bankruptcy or liquidation procedures where there is little or no prospect of payment.		Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to make all arrangements for the proper administration of the CFA's financial affairs including power to negotiate and manage all loans to the CFA and to make any investments required for day to day cash management and borrowing, within limits set by CFA.		Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer

Power to undertake borrowings and investments providing such are in accordance with the CFA Treasury Management Strategy and power to amend the strategy in emergency.		Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to exercise the CFA's statutory powers and duties under the Local Government Finance Act 1988, in particular Section 114.		Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to exercise the CFA's statutory powers and duties under the Accounts and Audit Regulations 1996 in relation to Internal Audit.		Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to determine the charge to the public for the Abstract of Accounts and where cheques have been returned to the CFA endorsed "refer to drawer".		Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power under the Insolvency Act 1986 to vote in any meeting of creditors in relation to either corporate liquidation, creditors voluntary arrangement, or personal bankruptcy matters.		Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to negotiate and complete any necessary leasing agreements meeting the needs of the CFA.		Treasurer	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to institute prosecution in detected fraud cases.		Treasurer and the Legal Adviser	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to levy reasonable costs for court action in relation to all debts due to the CFA and subject to legal recovery proceedings.		Treasurer and the Legal Adviser	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer

FUNCTION	INFORMATION TO MEMBERS	DELEGATED TO	DIRECTOR RESPONSIBLE	FUNCTIONAL DIRECTOR
<b>D. ASSET MANAGEMENT</b>				
<p><b>Property Management</b> Where the Authority requires for operational reasons to acquire or dispose of land and buildings the following authorisations shall apply:</p> <p><b>Acquisition of Land and Buildings</b> The authority to agree the terms and arrangements for the acquisition (whether by purchase, lease or licence), of land and/or buildings required for Authority purposes.</p> <p><b>Disposal of Land and Buildings</b> Where any land and/or buildings are no longer required for Authority purposes then authority to agree terms and arrangements for the disposal of the property concerned. In all cases seeking appropriate professional valuation/estates and legal advice.</p> <p><b>Estate Management</b> Responsibility for the day to day management of the Authority's estate, including;</p>	<p>Yes</p> <p>Yes</p>	<p>Treasurer in consultation with the Executive Director</p> <p>Treasurer in consultation with the Executive Director</p> <p>Executive Director</p>	<p>Director of Technical Support Services in consultation with the Executive Director</p> <p>Director of Technical Support Services in consultation with the Executive Director</p> <p>Director of Technical Support Services in consultation with the Executive Director</p>	<p>Director of Technical Support Services and the Facilities Manager</p> <p>Director of Technical Support Services and the Facilities Manager</p> <p>Director of Technical Support Services and the Facilities Manager</p>
<p><b>Letting of Authority Premises</b> To determine requests received for the use of the Authority's premises by charitable organisations and to waive or vary charges in appropriate circumstances or in circumstances where this is beneficial to the Authority;</p> <p>To automatically apply inflationary increases to the charges for the use of the Authority's premises.</p>		<p>Executive Director in consultation with the Treasurer</p>	<p>Director of Technical Support Services in consultation with the Executive Director</p>	<p>Director of Technical Support Services and the Facilities Manager</p>

<p><b>Estate Legal and Contractual Matters</b>          Approve the service of Notices to Quit and such other notices and formal demands which are deemed necessary to protect the interests of the Authority; and</p> <p>The terms of letting of properties and facilities within the control of the Authority, with five year rent reviews, other than leases or agreements exceeding a term of ten years; and          Approve any revised rent fee, service charge or other sum payable under the terms of any lease, tenancy or licence agreement granted to the Authority; and          Review and determine the rent fee, service charge or other sum payable under the terms of any lease, tenancy or licence granted by the Authority; and</p> <p>Determination of applications for assignment, sub-letting or surrender of leases of land and premises managed by the Authority; and</p> <p>Grant minor easements, wayleaves and rights of way; and</p> <p>Agree the terms of any indemnity required in connection with the use of land or premises for Authority purposes; and</p> <p>The determination of applications for variation or extension of business use contained in leases of land and premises managed by the Authority;</p> <p>The determination of applications for consent to alter or erect premises comprised in lease under the management of the Authority;</p> <p>The granting of annual licences to use rights of way over land managed by the Authority.</p> <p>To deal with routine matters with regard to the tenancies of residential dwellings to operational premises.</p>	<p>Yes</p>	<p>Legal Adviser in consultation with the Executive Director</p>	<p>Executive Director</p>	<p>Director of Technical Support Services and the Facilities Manager</p>
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<p><b>Protection and sealing</b> Take any necessary action to protect the Authority's interest in any part of the Authority's estate;</p> <p>Sign or use the Authority's seal on documents relating to dealings with the Authority's Estate.</p> <p><b>Records</b> Responsibility for the custody of all deeds and legal documents relating to the Authority's estate.</p>		<p>Legal Adviser in consultation with the Executive Director</p> <p>Legal Adviser in consultation with the Executive Director</p> <p>Legal Adviser in consultation with the Executive Director</p>	<p>Executive Director</p> <p>Executive Director</p> <p>Executive Director</p>	<p>Director of Technical Support Services and the Facilities Manager</p> <p>Director of Technical Support Services and the Facilities Manager</p> <p>Director of Technical Support Services and the Facilities Manager</p>
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FUNCTION	INFORMATION TO MEMBERS	DELEGATED TO	DIRECTOR RESPONSIBLE	ACTUAL POSTHOLDER
<b>E. LEGAL</b>				
<p><b>Conduct of Proceedings</b>            Authority to institute, defend or participate in any legal proceedings in any case where proceedings are necessary with regard to the Authority's interests, statutory or common law functions in proceedings in Magistrates' and Crown Courts or in any other judicial or quasi judicial proceedings including laying informations, making complaints, signature of documents and otherwise representing the Authority.</p> <p>Where any document is to be signed by a Solicitor it shall be signed by the Authority's Solicitor or such other Solicitor as may be instructed by the Clerk and Treasurer to act for the Authority.</p>	Yes	Legal Adviser in consultation with the Executive Director	Executive Director	N/A
<p><b>Representation in Legal Proceedings</b>            Exercising the above authority may be by way of instructing the Authority's Solicitor or his/her deputy (or such other Solicitor as instructed to act) or the Human Resources Director (only in the case of employment proceedings) to institute, defend, participate in or instruct Counsel in legal or employment proceedings in any court or tribunal as applicable.</p>	Yes	Executive Director	Executive Director	N/A
<p><b>Negotiation and Settlement of Claims</b>            Authorisation to negotiate and approve the settlement of claims by or against the Authority up to a max. of £10,000. Settlements above this limit are subject to the approval of the Authority.</p>	Yes	Legal Adviser in consultation with the Executive Director	Executive Director	N/A

<b>Negotiation and Settlement - Urgent circumstances</b> Authority in urgent circumstances to approve the settlement of any claim exceeding £10,000. Details of the settlement to be reported to the next meeting of the Authority	Yes	Legal Adviser in consultation with the Executive Director	Executive Director	N/A
Power to sign on behalf of the Authority all certificates, notices, licences or other documents with respect to fire safety		Executive Director	Director of Operations and Community Safety in consultation with the Executive Director	Director of Operations and Community Safety and the Head of Fire Engineering
Power to institute legal proceedings in respect of any offence under or for the enforcement of fire safety legislation for fire safety or any other purpose within the functions of the Authority.		Executive Director	Director of Operations & Community Safety in consultation with the Executive Director	Director of Operations and Community Safety and Head of Fire Engineering
Power to seek Counsel's opinion on any matters affecting the CFA's affairs. (Cost to be notified to CFA in advance)	Yes	Legal Adviser	Finance and Monitoring Officer in consultation with Executive Director	Finance and Monitoring Officer
Power to institute proceedings for the recovery of property as a result of trespass or the breach of the terms of any lease or mortgage.		Legal Adviser in consultation with the Executive Director and Chair.	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to take any legal action or steps necessary to give effect to action in respect of which any other Officer has resolved to exercise power delegated to him/her.		Legal Adviser	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to institute, withdraw, compromise or participate in any legal proceedings by or against the CFA or in which the CFA require to be represented and to instruct Counsel therein after consultation with the Chairman of the CFA where urgent action is necessary to protect or represent the CFA's interest or to discharge any statutory duty.		Legal Adviser	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power to register or record any contract easement right or privilege enjoyed by the CFA in respect of land.		Legal Adviser	Finance and Monitoring Officer in consultation with the Executive Director	Finance and Monitoring Officer
Power under the Insolvency Act 1986 to vote in any meeting of creditors in relation to either corporate liquidation, creditors voluntary arrangement or personal bankruptcy matters.		Legal Adviser	Finance & Monitoring Officer in consultation with Executive Director	Finance and Monitoring Officer

FUNCTION	INFORMATION TO MEMBERS	DELEGATED TO	DIRECTOR RESPONSIBLE	ACTUAL POSTHOLDER
<b>F. GENERAL</b>				
<p><b>Legislation</b>            To exercise the duties and powers of the Authority, including the powers of charging, entry, issue of licences, registrations, notices and certificates, maintenance of registers and the appointment of officers (including as inspectors), in respect of the following legislation and any Orders, Regulations or Statutory Instruments made under them as occasionally amended:</p> <p>Explosives Act 1875 and 1923; Petroleum (Consolidation Acts) 1928 and 1936;            Public Health Act 1936 &amp; 1961; Licensing Act 1964, 1988 &amp; 2003;            The Gaming Act 1968; Theatres Act 1968;            Fire Precautions Act 1971; Health and Safety at Work, etc., Act 1974;            The Safety at Sports Grounds Act 1975;            Local Government (Miscellaneous Provisions) Act 1982; Cinemas Act 1985;            The Consumer Protection Act 1987; The Fire Safety and Safety of Places of Sport Act 1987            Environment and Safety Information Act 1988; Dangerous Substances (Notification of Marking of Sites) Regulations 1990;            Construction (Health, Safety and Welfare) Regulations 1996; Health and Safety (Safety, Signs and Signals) Regulations 1996;            Fire Precautions (Workplace) Regulations 1997; Management of Health and Safety Regulations 1999; The Regulation of Investigatory Procedures Act 2000;            The Care Standards Act 2000; Dangerous Substances and Explosive Atmospheres Regulations 2002            Fireworks Act 2003; Fire And Rescue Services Act 2004; Civil Contingencies Act 2004</p>		Chief Fire Officer	Director of Operations and Community Safety in consultation with the Executive Director	Head of Fire Engineering and the Director of Operations and Community Safety

<p><b>Consultations</b> Authorisation to respond to consultations on proposals affecting the Authority on operational matters.</p> <p>Authorisation to respond to consultations on proposals affecting the Authority on urgent matters</p>	<p>Yes</p>	<p>Chief Fire Officer</p> <p>Chief Fire Officer and/or Clerk, Legal Adviser and Treasurer</p>	<p>Executive Director in consultation with the Role Director</p>	<p>N/A</p> <p>N/A</p>
<p><b>Partnership arrangements</b> To enter, manage, terminate and invest in partnership arrangements with such other bodies (both public and private) where they directly contribute to the aims, objectives and statutory functions of the Authority.</p> <p>To decline involvement, or withdraw from involvement, in partnerships that do not deliver benefits for the Authority or the community, or in cases where the costs of involvement outweigh the benefits.</p>	<p>Subject to a future report to Exec Com</p> <p>Yes</p> <p>Subject to a future report to Exec Com</p> <p>Yes</p>	<p>Executive Director in consultation with the Clerk</p>	<p>Director of Business Development in consultation with the Executive Director</p>	<p>Partnership Manager and the Director of Business Development</p>
<p><b>Code of Recommended Practice on Local Authority Publicity</b> Exercise of the Authorities duties to comply with the Code of Recommended Practice on Local Authority Publicity.</p>		<p>Clerk in consultation with the Executive Director</p>	<p>N/A</p>	<p>N/A</p>
<p><b>Freedom of Information Act 2000 Requests</b> Determination of an appropriate charge in respect of cases where the costs incurred in providing information under the FOIA exceed £450.</p> <p>Authority to take decisions about FOIA Appeals.</p>		<p>Legal Adviser in consultation with the Executive Director</p> <p>Legal Adviser</p>	<p>Finance and Monitoring Officer in consultation with the Executive Director</p>	<p>N/A</p>

1. Reference in this Scheme to the word “Authority” in connection with the discharge of a statutory power on behalf of the Authority will include those cases where that statutory power vests in either the full Authority, a committee of the Authority or an Officer of the Authority.