

# Scheme of Delegation

Cleveland Fire Authority's Delegation Scheme aligns to Core Principle 1 of the CIPFA/SOLACE 'Delivering Good Governance in Local Government Framework (2016 edition)'  
 Core Principle 1: 'Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law'

## 1. Introduction

- 1.1 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.
- 1.2 This Scheme of Delegation sets out the terms and limitations upon which the Authority has empowered its "**Authorised Officers**" namely the Chief Fire Officer, the Treasurer, the Legal Adviser and Monitoring Officer and the Assistant Chief Fire Officer Strategic Planning and Resources (ACFOSPR) to act on behalf of the Authority and exercise delegated powers on behalf of the Authority pursuant to the statutory scheme set out in the Local Government Act 1972 and other enabling legislation including statutory instruments, regulations and orders.
- 1.3 The Authority has also delegated powers to its Committees, and these are specified in the roles and responsibilities of those committees.
- 1.4 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.
- 1.5 The Authorised Officers shall exercise any delegated powers by making decisions that comply with the relevant approved policies and procedures of the Authority; expenditure decisions shall be in line with the standing orders and financial regulations of the Authority and within approved financial budgets.
- 1.6 The Authorised Officers may empower other officers of the Authority for whom they are managerial responsible to make decisions and act on their behalf in connection with matters of day-to-day management and administration of the Authority subject to the other limitations of this scheme.
- 1.7 The Chief Fire Officer, Treasurer, Legal Adviser and Monitoring Officer and the Assistant Chief Fire Officer Strategic Planning and Resources 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.

## **2. Responsibilities of the Authority and the Chief Fire Officer**

- 2.1 The statutory duty to make provision under Part 2 of the Fire and Rescue Services Act 2004 ('the Act') for fire safety, firefighting, 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.
- 2.2 The Chief Fire Officer is the Chief Officer (Head of Paid Service) 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, in respect of the statutory duties regarding 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.
- 2.3 Power (subject to the Authority's Financial and Contract Procedure Rules, 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 regarding 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
- 2.4 The Chief Fire Officer is the Scheme Manager of the Local Pensions Board with delegated powers to exercise the Authority's powers and duties under the Local Government and Firefighter Pension Schemes and outlined at Section 2.
- 2.5 The Authority has appointed a Data Protection Officer with responsibility for the implementation of the General Data Protection Regulations and data protection compliance within the Fire Authority.



### **3. Procedure**

- 3.1 The Authority discharges its statutory duties and responsibilities through its employees (the Brigade) and for this purpose delegates functions to the Chief Fire Officer and other Brigade Officers. In respect of 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.
- 3.2 The Chief Fire Officer 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 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.
- 3.3 Except when urgent action is necessary, the Chief Fire Officer's reports to the Authority will be submitted to a Chair/Chief Fire Officer meeting prior to referral to the Authority.
- 3.4 Where the Chief Fire Officer (and 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.
- 3.5 Where the Chief Fire Officer proposes to exercise delegated powers other than in respect of the normal operations of the Brigade, they shall consult the Authority's Legal Adviser and Monitoring Officer appointed under s.5 Local Government and Housing Act 1989 and Treasurer appointed under s151 of the Local Government Act 1972.
- 3.6 A meeting outside the agreed programme referred to in paragraph 2 above may be convened at any time at the request of the Chair, Chief Fire Officer, or any Authorised Officer of the Authority to discuss, clarify and, if possible, resolve any issues arising from the operation of this protocol.

### **4. The Delegation Scheme**

- 4.1 Cleveland Fire Authority's Delegation Scheme is structured into Sections of functional responsibility to allow individuals to easily reference the appropriate delegated powers. These Sections are:
  - Section 1: Operations and Fire Safety
  - Section 2: Human Resources
  - Section 3: Finance
  - Section 4: Assets
  - Section 5: Legal
  - Section 6: Consultation
  - Section 7: Corporate Services
  - Section 8: Partnerships
  - Section 9: Other

4.2 The following abbreviations are used to represent the following officers:

- CFO: Chief Fire Officer
- TRS: Treasurer
- LAMO: Legal Adviser and Monitoring Officer
- ACFOSPR: Assistant Chief Fire Officer Strategic Planning and Resources
- ACFOCP: Assistant Chief Fire Officer Community Protection
- HoFP: Head of Finance and Procurement
- PM: Procurement Manager

4.3 An 'Authorised Officer' shall only use the delegated power as agreed with the relevant 'delegated officer'.

## 1. Operations and Fire Safety

Delegated Power	Delegated Officer	Authorised Officer
<b>1.3 Fire Safety Legal Proceedings</b> To institute any criminal or civil proceedings before a court of law or statutory tribunal as is considered appropriate for the purposes of implementing or enforcing any legislation which designates or empowers the Authority to take legal action as a relevant enforcement, licensing or regulatory control body.	CFO	ACFOCP
<b>1.4 Fire Safety Inspections</b> To appoint inspectors for the purpose of discharging any functions relating to the investigation of offences and to the inspection of land premises and other sites and for the enforcement generally of any legislation which designates the Authority as the relevant enforcement, licensing or regulatory control body and to authorise and facilitate all such inspectors to exercise any powers granted by the legislation to the Authority and/or Inspectors appointed for such purposes	CFO	ACFOCP
<b>1.5 Fire Safety Enforcement</b> To authorise the taking of any enforcement action (including the issue, amendment, cancellation or withdrawal of prohibition/ improvement/stop/alteration notices etc.) under any legislation which designates the Authority as the relevant enforcement, licensing or regulatory control body	CFO	ACFOCP
<b>1.6 Provision of Mutual Assistance and Reinforcement</b> (i) To enter into agreements with Durham & Darlington and North Yorkshire Fire Authorities to provide mutual support and reinforcement under Section 13 and 16 of the Fire & Rescue Services Act 2004 (and any amendment thereof) or other national agreement subject to the requirements of the Cleveland Fire Brigade being given priority (ii) To enter into agreement with any Fire and Rescue Authority in the United Kingdom to provide mutual support and reinforcement under Section 13 & 16 of the Fire & Rescue Services Act 2004 (and any amendment thereof) or other national agreement subject to the requirements of the Cleveland Fire Brigade being given priority	CFO in consultation with the LAMO and TRS	
<b>1.7 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.	CFO	ACFOCP
<b>1.8 Collaboration with Other Public Service Organisations</b> To enter into agreement with other Public Service Bodies where it achieves economy, efficiency and effectiveness.	CFO in consultation with LAMO and TRS	



## 1. Operations and Fire Safety

Delegated Power	Delegated Officer	Authorised Officer
<p><b>1.1 Public Safety</b></p> <p>To authorise fire-fighters and other employees or individuals as appropriate to exercise personally and directly any powers vested in the Authority under any legislation (including the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004) and to authorise any such person to take any action authorised under legislative powers intended to secure the protection or rescue of human or animal life and/or to protect public safety generally and/or to protect property and/or the environment against threat or risk of harm in respect of which the Authority has a power or to prevent harm or mitigate loss and damage including action in connection with the prevention and suppression of fire, flood relief, other accidents and emergencies.</p>	CFO	
<p><b>1.2 Fire Legislation</b></p> <p>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> <ul style="list-style-type: none"> <li>• Fire And Rescue Services Act 2004</li> <li>• Civil Contingencies Act 2004 and regulations thereunder</li> <li>• Policing and Crime Act 2017</li> <li>• The Regulatory Reform (Fire Safety) Order 2005 (including appointment of inspectors under article 26 – Enforcement Order)</li> <li>• Modern Slavery and Human Trafficking Act 2015</li> <li>• Gambling Act 2005</li> <li>• Licensing Act 2003</li> <li>• Health and Safety at Work, etc., Act 1974</li> <li>• The Safety at Sports Grounds Act 1975</li> <li>• Local Government (Misc Provisions) Act 1982</li> <li>• The Fire Safety and Safety of Places of Sport Act 1987</li> <li>• Protection of Freedoms Act 2012</li> <li>• Environment and Safety Information Act 1988</li> <li>• Dangerous Substances (Notification of Marking of Sites) Regs 1990</li> <li>• Construction (Health, Safety and Welfare) Regulations 2007</li> <li>• Health and Safety (Safety, Signs and Signals) Regulations 1996</li> <li>• Management of Health and Safety Regulations 1999</li> <li>• The Regulation of Investigatory Powers Act 2000</li> <li>• Fireworks Act 2003</li> <li>• Dangerous Substances &amp; Explosive Atmospheres Regulations 2002</li> <li>• Localism Act 2011 – general power of competence and fire provision</li> <li>• Corporate Manslaughter and Corporate Homicide Act 2007</li> <li>• The Fire and Rescue Services (Emergencies) (England) Order 2007</li> </ul>	CFO	ACFOCP