

# 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, he 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
  - ACFO CP: 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'.

<b>1. Operations and Fire Safety</b>		
<b>Delegated Power</b>	<b>Delegated Officer</b>	<b>Authorised Officer</b>
<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

<b>1. Operations and Fire Safety</b>		
<b>Delegated Power</b>	<b>Delegated Officer</b>	<b>Authorised Officer</b>
<p><b>1.3 Fire Safety Legal Proceedings</b></p> <p>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.</p>	CFO	LAMO in consultation with ACFOCP
<p><b>1.4 Fire Safety Inspections</b></p> <p>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</p>	CFO	ACFOCP
<p><b>1.5 Fire Safety Enforcement</b></p> <p>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</p>	CFO	LAMO in consultation with ACFOCP
<p><b>1.6 Provision of Mutual Assistance and Reinforcement</b></p> <p>(i) To enter into agreements with Durham &amp; Darlington and North Yorkshire Fire Authorities to provide mutual support and reinforcement under Section 13 and 16 of 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 agreement with any Fire and Rescue Authority in the United Kingdom to provide mutual support and reinforcement under Section 13 &amp; 16 of 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>	CFO in consultation with the LAMO and TRS	
<p><b>1.7 Emergency Planning Functions</b></p> <p>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>	CFO	ACFOCP
<p><b>1.8 Collaboration with Other Public Service Organisations</b></p> <p>To enter into agreement with other Public Service Bodies where it achieves economy, efficiency and effectiveness.</p>	CFO in consultation with LAMO and TRS	

## 2. Human Resources

Delegated Power	Delegated Officer	Authorised Officer
<p><b>2.1 Appointment, Redeployment and Promotion of Employees</b> To appoint, redeploy and promote employees, except for the Chief Fire Officer and the Assistant Chief Fire Officers (which is the responsibility of the CFA and Executive Committee respectively in accordance with the Pay Policy Statement) and to issue contracts of employment.</p>	CFO	ACFOSPR
<p><b>2.2 Terms and Conditions of Service</b> (i) 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"). (ii) To make changes to conditions of service of the Authority's employees, with the exception of the Chief Fire Officer and the Assistant Chief Fire Officers which is delegated to the Executive Committee and in accordance with the Pay Policy Statement, where these changes have been agreed either locally or nationally. Where there is no agreement, the matter will be forwarded to the Executive (Joint Consultative) Committee or other appropriate body. (iii) 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.</p>	CFO	ACFOSPR
<p><b>2.3 Secondary Employment</b> To determine applications made by members of the Service to undertake secondary employment</p>	CFO	ACFOSPR
<p><b>2.4 Secondment of Staff</b> To agree fixed term secondments of staff to other organisations where no costs fall on the Authority.</p>	CFO	ACFOSPR
<p><b>2.5 Job Evaluation Scheme</b> To administer the Job Evaluation Scheme for the Authority's employees.</p>	CFO	ACFOSPR
<p><b>2.6 Contracted Hours and Working Patterns</b> To adjust the number of contracted hours for specific employees and to vary working patterns, where this has been agreed with the employee and where financial implications are met within existing budgets.</p>	CFO	ACFOSPR
<p><b>2.7 Career Breaks and Flexible Working</b> To decide in respect of requests for both career breaks and flexible working.</p>	CFO	ACFOSPR
<p><b>2.8 Arrangements for Public and Concessionary Holidays</b> In consultation with the trade unions, to approve proposed arrangements for public and concessionary holidays</p>	CFO	ACFOSPR
<p><b>2.9 Students and Work Experience</b> To permit on a non-remunerated basis students and others to undertake work experience activities within the Authority</p>	CFO	ACFOSPR

## 2. Human Resources

Delegated Power	Delegated Officer	Authorised Officer
<b>2.10 Sick Leave and Pay</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	CFO	ACFOSPR
<b>2.11 Medical discharges</b> To authorise medical discharges as recommended by the Authority's Medical Adviser	CFO	ACFOSPR
<b>2.12 Voluntary Redundancy of Non-Uniformed Personnel</b> To decide 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	CFO	ACFOSPR
<b>2.13 Voluntary Early Retirement</b> To make compensatory awards in relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2002 and 2006	CFO	ACFOSPR
<b>2.14 The Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations</b> To hear 'Stage One' appeals	CFO	LAMO
<b>2.15 Local Government and Firefighter Pension Schemes</b> To exercise the Authority's powers and duties under the LGPS and FPS legislation subject to policies approved by the Authority (except for the ACFOs)	CFO	ACFOSPR
<b>2.16 Local Government Pension Scheme, Local Government Pensions Scheme Regs and the Local Government Pension Scheme (Transition Provisions, Savings &amp; Amendment) Regulations</b> (i) To decide in respect of discretionary rules under the above Schemes and Regulations (ii) To fulfil the role of Scheme Manager and administer the Schemes as required under the above Regulations and Authority's Discretionary Policies.	CFO	ACFOSPR
<b>2.17 Firefighters Pension Schemes</b> (i) To decide in respect of discretionary rules under the above Schemes and Regulations  (ii) To fulfil the role of Scheme Manager and administer the Schemes as required under the above Regulations and Authority's Discretionary policies	CFO	ACFOSPR

<b>2. Human Resources</b>		
<b>Delegated Power</b>	<b>Delegated Officer</b>	<b>Authorised Officer</b>
<p><b>2.18 Ill-Health and Associated Matters</b></p> <p>In efforts to reduce incidents of ill-health retirement 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>	CFO	ACFOSPR
<p><b>2.19 Disciplinary Action</b></p> <p>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 they did not participate in accordance with the Authority's agreed Discipline and Grievance procedures.</p> <p><b>N.B.</b> Employees who have had disciplinary action taken against them 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.</p>	CFO	
<p><b>2.20 Industrial Action</b></p> <p>(i) 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.</p> <p>(ii) 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.</p> <p>(iii) To pursue the recovery of actual and necessary expenditure on contingency arrangements with the Home Office and LGA.</p>	CFO	(ii) and (iii) CFO in consultation with LAMO and TRS
<p><b>2.21 Legal Representation of Uniformed Staff in Relation to Road Traffic Act Offences</b></p> <p>To administer the procedure for the legal representation of uniformed staff in relation to Road Traffic Act offences.</p>	LAMO in consultation with CFO	ACFOSPR
<p><b>2.22 Local Government &amp; Housing Act 1989 – Political Restrictions</b></p> <p>To issue any certificate required under Section 3 of the Act and to consider, 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.</p>	CFO	ACFOSPR

## 2. Human Resources

Delegated Power	Delegated Officer	Authorised Officer
<p><b>2.23 Training, Conferences</b></p> <p>To authorise the provision within Europe of training to employees, their attendance at conferences and seminars or at official meetings as representatives of the Authority (and/or of relevant related bodies) or the undertaking of special duties subject in the case of attendance at single conferences, seminars and meetings.</p>	CFO	ACFOSPR
<p><b>2.24 Employees Equipment and Resources</b></p> <p>To authorise (where applicable subject to compliance with relevant conditions of service and/or approved schemes and procedures) the allocation of equipment and resources (including the provision of motor vehicles) to employees and the payment of or the reimbursement of fees and allowances to or on behalf of employees as appropriate for the effective/efficient discharge of their duties</p>	CFO	ACFOCP
<p><b>2.25 Provision of Training to Other Organisations</b></p> <p>In conjunction with the Treasurer, to set and review charges for the provision of all training to other organisations and to enter into specific training contracts where there is an identified benefit to the Authority</p>	CFO	ACFOCP
<p><b>2.26 Due regard to</b></p> <p>Equality Act 2010, Modern Slavery and Human Trafficking Act 2015 and other relevant legislation</p>	CFO	ACFOSPR

<b>3. Finance</b>		
<b>Delegated Power</b>	<b>Delegated Officer</b>	<b>Authorised Officer</b>
<b>3.1 Local Government Finance Act 1988</b> To exercise the CFA's statutory powers and duties under the Local Government Finance Act 1988, in particular Section 114.	TRS	Deputy TRS
<b>3.2 Accounts and Audit Regulations 2011</b> To exercise the CFA's statutory powers and duties under the Accounts and Audit Regulations 2011 in relation to Internal Audit.	TRS	Deputy TRS
<b>3.3 Insolvency Act 1986</b> To vote, under the Insolvency Act 1986, in any meeting of creditors in relation to either corporate liquidation, creditors voluntary arrangement, or personal bankruptcy matters.	TRS	Deputy TRS
<b>3.4 Virement</b> To vire between detailed budgets within the detailed activities any amount up to a max of £500k, provided that the original detailed budget remains available to cover commitments attributable to that Budget Head.	CFO in consultation with the TRS	ACFOSPR in consultation with the TRS
<b>3.5 Charging for Services</b> 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 as appropriate	CFO in consultation with the TRS	ACFOSPR in consultation with the TRS
<b>3.6 Insurance Claims</b> (i) To negotiate appropriate insurances (ii) To settle all claims on insurance companies.	(i) CFO in consultation with TRS (ii) CFO in consultation with TRS	ii) ACFOCP
<b>3.7 Debts</b> (i) To refer to outstanding sundry debtor accounts to the Legal Adviser for recovery action. (ii) To write off debts which, in aggregate for any single debtor, does 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.	TRS	ACFOSPR
<b>3.8 Prosecution and Fraud</b> To institute prosecution in detected fraud cases	TRS and LAMO	
<b>3.9 Costs for Court Action</b> To levy reasonable costs for court action in relation to all debts due to the CFA and subject to legal recovery proceedings.	TRS and LAMO	
<b>3.10 Leasing Agreements</b> To negotiate and complete any necessary leasing agreements meeting the needs of the CFA.	CFO in consultation with TRS & LAMO	

## 3. Finance

Delegated Power	Delegated Officer	Authorised Officer
<p><b>3.11 Loans and Investments</b></p> <p>(i) To make all arrangements for the proper administration of the CFA's financial affairs including 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.</p> <p>(ii) To undertake borrowings and investments providing such are in accordance with the CFA Treasury Management Strategy and power to amend the strategy in emergency.</p>	TRS	Deputy TRS
<p><b>3.12 The Financial Report and Annual Governance Statement</b></p> <p>(i) To prepare The Financial Report</p> <p>(ii) To prepare the Annual Governance Statement.</p>	TRS	Deputy TRS
<p><b>3.13 Procurement Contracts under £5,000, £5001 to £25,000 and £25,001 to Higher Value Threshold</b></p> <p>(i) Opening of quotations/tenders</p> <p>(ii) Awarding and signing of contracts</p>	CFO CFO	HoFP and PM ACFOSPR in consultation with LAMO
<p><b>3.14 Procurement Contracts above the Higher Value Threshold</b></p> <p>(i) Opening of tenders</p> <p>(ii) Awarding Contracts</p> <p>(iii) Signing of Contracts</p> <p>(iv) Purchase Orders</p>	CFO Exec Com LAMO CFO	ACFOSPR & HoFP  ACFOSPR & HoFP
<p><b>3.15 The Public Services (Social Value) Act 2012</b></p> <p>To consider the economic, social and environmental benefits in procurement.</p>	CFO in conjunction with LAMO and TRS	
<p><b>3.16 Withholding of Members' Allowances</b></p> <p>Where a Member ceased to be a Councillor or is otherwise unable to discharge the role (other than in the case of illness), the Treasurer in conjunction with the LAMO can withhold allowances, if reasonable to do so. Members have the right to appeal as outlined in The Constitution</p>	TRS in conjunction with LAMO	

4. Assets		
Delegated Power	Delegated Officer	Authorised Officer
<b>4.1 Acquisition of Land and Buildings</b> To agree the terms and arrangements for the acquisition (whether by purchase, lease or licence), of land and/or buildings required for Authority purposes.	TRS in consultation with CFO & LAMO	CFO/ ACFOSPR
<b>4.2 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.	TRS in consultation with CFO & LAMO	ACFOSPR
<b>4.3 Estates Management</b> To be responsible for the day to day management of the Authority's estate.	CFO	ACFOSPR
<b>4.4 Letting of Authority Premises</b> (i) 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; (ii) To automatically apply inflationary increases to the charges for the use of the Authority's premises.	CFO in consultation with the TRS	ACFOSPR
<b>4.5 Protection and Sealing</b> (i) To take any necessary action to protect the Authority's interest in any part of the Authority's estate; (ii) To sign or use the Authority's seal on documents relating to dealings with the Authority's Estate.	LAMO in consultation with CFO	ACFOSPR
<b>4.6 Records</b> Responsibility for the custody of all deeds and legal documents relating to the Authority's estate.	LAMO in consultation with CFO	ACFOSPR
<b>4.7 Sale or Disposal of Obsolete Redundant Worn Out or Surplus Equipment and Vehicles</b> To authorise the sale or disposal of obsolete, redundant, or worn out or surplus vehicles and equipment subject to compliance with approved disposal procedures.	CFO in consultation with the TRS	ACFOSPR
<b>4.8 Estate Legal and Contractual Matters</b> (i) To 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 (ii) To agree 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;	LAMO in consultation with CFO	

4. Assets		
Delegated Power	Delegated Officer	Authorised Officer
<p><b>4.8 Estate Legal and Contractual Matters</b> (continued)</p> <p>(iii) To 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 Authority, with five year rent reviews, other than leases or agreements exceeding a term of ten years;</p> <p>(iv) To 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.</p> <p>(v) To determine applications for assignment, sub-letting or surrender of leases of land and premises managed by the Authority.</p> <p>(vi) To grant minor easements, wayleaves and rights of way.</p> <p>(vii) To agree the terms of any indemnity required in connection with the use of land or premises for Authority purposes; and</p> <p>(viii) To determine applications for variation or extension of business use contained in leases of land and premises managed by CFA.</p> <p>(ix) To determine of applications for consent to alter or erect premises comprised in lease under the management of the Authority.</p> <p>(x) To grant annual licences to use rights of way over land managed by the Authority.</p> <p>(xi) To deal with routine matters with regard to the tenancies of residential dwellings to operational premises.</p>	<p>LAMO in consultation with CFO</p>	
<p><b>4.9 Provision of Aid Outside the U.K.</b></p> <p>To approve any requests for items of obsolete vehicles, equipment and uniform to be donated overseas if they are still useable and the initiative is considered appropriate, subject to the costs of transportation not being met by the Authority.</p> <p>To sanction the use of Fire Service vehicles to transport aid to oversee countries where the cost of fuel for the vehicles will be borne by the aid organisers.</p> <p>Requests for the donation of fire appliances be considered only if:</p> <ul style="list-style-type: none"> <li>• they are surplus to the Brigade's requirements;</li> <li>• the recipient country is widely accepted as being in need;</li> <li>• the vehicle equipment would be used for Fire Service use only;</li> <li>• the cost of shipment is not met by the Authority</li> </ul> <p>Subject to the above conditions being established, a maximum of two appliances be donated in any one year.</p> <p>In all cases where the value of the appliances/equipment is greater than the scrap value, the authority be delegated to authorise their disposal.</p>	<p>CFO in consultation with the LAMO</p>	

5. Legal		
Delegated Power	Delegated Officer	Authorised Officer
<p><b>5.1 Conduct of Proceedings</b></p> <p>To undertake, 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 information, 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 LAMO or such Solicitor as may be instructed by the CFO to act for the Authority.</p>	LAMO in consultation with CFO	
<p><b>5.2 Representation in Legal Proceedings</b></p> <p>Exercising 5.1 above, authority may be by way of instructing the Authority's Solicitor or their deputy (or such other Solicitor as instructed to act) or the ACFOSPR (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>	CFO	
<p><b>5.3 Information Compliance</b></p> <p>To ensure compliance with the following legislation and any associated Brigade policies and procedure:</p> <ul style="list-style-type: none"> <li>• Data Protection Act 2018 - General Data Protection Regulation</li> <li>• Freedom of Information Act 2000</li> <li>• Regulation of Investigatory Powers Act 2000</li> <li>• Localism Act 2011</li> <li>• Public Interest Disclosure Act 1998</li> <li>• Local Government Transparency Code 2015</li> <li>• Protection of Freedoms Act 2012</li> </ul>	CFO	ACFOSPR
<p><b>5.4 Negotiation and Settlement of Claims</b></p> <p>(i) To negotiate and approve the settlement of claims by or against the Authority up to a maximum of £50,000. Settlements above this limit are subject to the approval of the Authority.</p> <p>(ii) To approve, in urgent circumstances, the settlement of any claim exceeding £50,000. Details of the settlement to be reported to the next meeting of the Authority</p> <p>(iii) To seek Counsel's opinion on any matters affecting the CFA's affairs. (Cost to be notified to CFA in advance)</p> <p>(iv) To institute proceedings for the recovery of property as a result of trespass or the breach of the terms of any lease or mortgage.</p> <p>(v) 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.</p> <p>(vi) 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.</p>	<p>(i)(ii)(iii) LAMO in consultation with CFO &amp; TRS</p> <p>(iv) LAMO in consultation with CFO and Chair</p> <p>(v)(vi) LAMO in consultation with CFO &amp; TRS</p>	

<b>5. Legal</b>		
<b>Delegated Power</b>	<b>Delegated Officer</b>	<b>Authorised Officer</b>
<b>5.4 Negotiation and Settlement of Claims continued</b> (vii) To register or record any contract easement right or privilege enjoyed by the CFA in respect of land. (viii) To vote in any meeting of creditors in relation to either corporate liquidation, creditors' voluntary arrangement or personal bankruptcy matters under the Insolvency Act 1986.	(vii) LAMO in consultation with CFO & TRS (viii) Dep TRS in consultation with LAMO	

<b>6. Consultation</b>		
<b>Delegated Power</b>	<b>Delegated Officer</b>	<b>Authorised Officer</b>
<b>6.1 Consultations</b> (i) To respond to consultations on proposals affecting the Authority on operational matters. (ii) To respond to consultations on proposals affecting the Authority on urgent matters	CFO (ii) CFO and/or LAMO and/or TRS in consultation with Chair	
<b>6.2 Code of Recommended Practice on Local Authority Publicity</b> To comply with the Code of Recommended Practice on Local Authority Publicity.	LAMO in consultation with CFO	

<b>7. Corporate</b>		
<b>Delegated Power</b>	<b>Delegated Officer</b>	<b>Authorised Officer</b>
<b>7.1 Local Government (Access to Information) Act 1985</b> To appoint as Proper Officer for the purpose of Local Government (Access to Information) Act 1985	LAMO	ACFOSPR
<b>7.2 Local Government and Housing Act 1989</b> To appoint as Proper Officer for the purpose of Section 15 of the Local Government and Housing Act 1989 (proportionality on Committees)	ACFOSPR	
<b>7.3 Code of Conduct</b> To implement and maintain a register of interests in accordance with the requirements of the Authority's Code of Conduct	LAMO	ACFOSPR
<b>7.4 Attendance at Conferences</b> To agree Member attendances at Conferences	ACFOSPR in consultation with Chair & Vice Chair	

## 8. Partnerships

Delegated Power	Delegated Officer	Authorised Officer
<b>8.1 Partnership arrangements</b> (i) 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. (ii) 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.	CFO in consultation with the LAMO and/or TRS	ACFOCP ACFO SPR

## 9. Other

Delegated Power	Delegated Officer	Authorised Officer
<b>9.1 Actions of Matters of Urgency</b> To act in matters of urgency, following consultation with Chair and Vice-Chair subject to: <ul style="list-style-type: none"><li>the action being in accordance with Authority policy; and</li><li>details of the action being reported to the next available meeting of the Authority</li></ul>	CFO, LAMO, TRS	