

West Midlands Fire and Rescue Authority

Scheme of Delegations

This scheme grants powers to officers to exercise powers and carry out duties of the Authority under various statutes, orders, regulations and byelaws and at Common Law.

The scheme should be read in conjunction with the Matters Reserved to the Authority, as set out in Article [6](#) and will be reviewed at each annual meeting of the Authority and otherwise as necessary. Paragraph 33 of the Authority's Procedural Standing Orders also applies to the scheme of delegation.

1. Conditions of Delegations

- 1.1 It is the duty of officers to whom the exercise of powers is delegated to keep members of the Authority informed of activity arising within the scope of the delegated powers given to them, [especially where it may be of particular political, media or public interest](#).
- 1.2 In exercising delegated powers, officers shall consult with each other as appropriate in the circumstances and shall have regard to any advice given.
- 1.3 It shall always be open to an officer to seek authority or guidance from the Authority (particularly Statutory Officers) and to elect not to exercise delegated powers; or to consult with members on the exercise of delegated powers, [especially where their use may they may be of particular political, media or public interest](#).
- 1.4 The exercise of delegated powers by an officer shall be in accordance with: -
 - (a) The policies of the Authority and its decisions from time to time;
 - (b) The Authority's Standing Orders and Financial Regulations.
- 1.5 A written record will be kept of all [decisions](#) taken under delegated [Authority](#).

2. Powers not to be delegated

- 2.1 This Scheme does not delegate: -

- (a) Any matter reserved to the Authority.
- (b) Any matter that must not by law be delegated to an officer.

2.2 Powers should not be delegated

- 2.2.1 Where to do so would effectively result in the officer making a decision reviewing their own decision in relation to pension and disciplinary matters.
 - 2.2.2 Where to do so would result in a breach of the Authority's Contract Standing Orders for the time being in force.
 - 2.2.3 In respect of action constituting the appointment or dismissal of the Chief Fire Officer, the Clerk, Monitoring Officer or the Treasurer; appointment of the Deputy Chief Fire Officer or Assistant Chief Fire Officer; or the determination of appeals against dismissal or other disciplinary action in respect of the Deputy Chief Fire Officer or the Assistant Chief Fire Officer(s).
 - 2.2.4 Where to do so would result in the Authority incurring expenditure for which no budgetary provision exists within the budget heads for which the officer proposing to exercise delegated powers is responsible.
- 2.3 No officer other than the Treasurer (S151 Officer) shall have the power to write off debts due to the Authority.
- 2.4 The term "officer" means the holder of a post named as having delegated powers or duties under this scheme.

3. Delegations to the Chief Fire Officer

As Head of Paid Service and aligned to the definition of operational decision making described in Article 4, and the role of the CFO described in Article 5, the CFO will be responsible for the direction, culture, delivery and management of the service, within the Authority's approved strategy. More specifically the CFO has responsibility for;

Strategic

- 3.1 Delivering against the requirements of the Fire and Rescue Services Act 2004, Fire Service National Framework, Regulatory Reform Order 2005, Civil Contingencies Act 2004 and all other relevant or superseding legislation.

- 3.2 The determination of the staffing structure, the direction and leadership of staff and services and the culture of the Service.
- 3.3 The preparation of the Community Risk Management Plan (CRMP) and the Strategy, and their implementation following Authority consideration and approval.
- 3.4 The preparation and proposal of an annual budget with the Treasurer (S151 Officer) or Authority consideration and approval, to enable effective and efficient delivery of the approved Strategy.
- 3.5 The management and allocation of finances, assets and fleet to support the most effective staffing structure and delivery of services within the Authority's approved Strategy.
- 3.6 The setup, development and progression of collaborative partnerships and sponsorship arrangements to enable the delivery of the Authority's approved StrategyWorkforce
- 3.7 The appointment and dismissal of all Service staff (with the exception of Brigade Managers and Statutory Officers).
- 3.8 Managing all staff and staffing structures and decide on personnel issues in line with agreed Authority policies.
- 3.9 Ensuring that nationally and locally agreed conditions of service are properly implemented in line with agreed Authority policies.
- 3.10 After consultation with the Treasurer (S151 Officer), authorising the implementation of any nationally agreed pay award in respect of all employees, subject to any element of discretion being referred to the Authority for consideration.
- 3.11 Varying the grading of individual posts up to (but not including) Assistant Chief Fire Officer (including progression within and between grades), having regard to the national Job Evaluation Scheme.
- 3.12 Determining acting-up arrangements in respect of vacancies occurring at Deputy Chief Fire Officer and Assistant Chief Fire Officer level, subject to regular review in accordance with the Authority's employment policies.
- 3.13 In line with *Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England*, Determining Special Severance Payments of between £20,000 and

£100,000 with the agreement of the Chair of the Authority and in consultation with the Treasurer (S151 Officer) and Monitoring Officer. Where such a payment is to be made to the Head of Paid Service/Chief Fire Officer, the payment should instead be approved by a panel including at least two independent persons.

3.14 Determining Special Severance Payments of below £20,000 in line with service policy.

3.15 Ensuring that the Fire Authority's employment policies and procedures are based on best practice guidance and are properly applied and enforced.

Finance, Assets and Estate

3.16 Undertaking all matters of day-to-day financial administration for the Service, in accordance with the Standing Orders and Financial Regulations of the Authority.

3.17 Approving virement on budgets under their control of amounts up to £250,000 on any one budget head during the year, subject to consultation with the Directors affected by the virement and notification to the Treasurer and in accordance with the scheme of virement set out in the Financial Regulations.

3.18 Approving sponsorship arrangements up to £250,000, subject to consultation with the Chair of the Authority.

3.19 Managing and maintaining land and property on a day-to-day basis, whether owned or leased, including determining requests received for the use of the Authority's premises and to waive or vary charges in appropriate circumstances or in circumstances where this is beneficial to the Authority. -

3.20 Authorising disposal or write off of redundant stocks and equipment by competitive quote or auction unless, following consultation with the Treasurer (S151 Officer).

3.21 Disposal of scrap or old/obsolete items of stock or equipment in accordance with procurement standing orders unless otherwise agreed with the Treasurer (S151 Officer), and where the estimated value exceeds £10,000, disposal is to be by tender.

- 3.22 Approving requests for items of obsolete equipment and uniform to be donated overseas or in the UK [excluding fire appliances, which will be disposed of on the open market].

Enforcement

- 3.23 To exercise all the powers of the Authority as an enforcement authority under relevant legislation, without prejudice to the generality of this position he/she may in particular:

3.21.1 Authorise the commencement of criminal proceedings (after consultation with the Monitoring Officer to the Authority) for any breach of any law or regulation, the enforcement of which the Authority is empowered to undertake.

3.21.2 Take appropriate action on behalf of the Authority under the Regulatory Reform (Fire Safety) Order 2005.

3.212 Designate persons as Inspectors under Article 26 of the Fire Safety Order 2005 and the Health and Safety at Work Act 1974.

3.21.3 Authorise named members of staff in writing to exercise statutory powers conferred on the Authority under Article 27 of the Fire Safety Order 2005.

3.21.4 Take appropriate action on behalf of the authority to meet the requirements of the Building Safety Act 2022.

Pensions

- 3.24 Making determinations, in consultation with the Treasurer (S151 Officer) and the Chair of the Authority, in relation to discretionary elements of the Local Government Pension Scheme/ Firefighters Pension Scheme and the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.

- 3.25 Hearing disputes under the first stage of the Internal Disputes Resolution Procedure, which have been lodged in relation to the Firefighters Pension Scheme or the Local Government Pension Scheme.

Governance

- 3.26 Implementing and maintaining an officers register of interests in accordance with the Authority's Code of Conduct for Officers.
- 3.27 Issuing any certificate required under Section 3 of the Local Government and Housing Act 1989 and to determine whether posts should be included in the list of politically restricted posts; and to maintain the list of politically restricted posts.

Trades Unions

- 3.28 The engagement with recognised trades unions through the agreed Employee Relations Framework.
- 3.29 To seek repudiation from trades unions of any industrial action that does not comply with the legal process set out in the Trades Union and Labour Relations (Consolidation) Act 1992; in consultation with the Treasurer (S151 Officer), to take such measures to mitigate risk to the community in the event of a firefighters' strike or any type of industrial action by Authority employees and to report such action and associated expenditure to the Authority; and to pursue the recovery of actual and necessary expenditure on contingency arrangements.

Delegation

- 3.30 The CFO (and in their absence the Deputy Chief Fire Officer) may further delegate to any other competent officer as appropriate.

4 Delegations to Monitoring Officer

- 4.1 To act as the Proper Officer for the purposes of the Local Government (Access to Information) Act 1985 and the Local Government and Housing Act 1989, Section 15 (proportionality on committees).
- 4.2 To act as Monitoring Officer for the purposes of Section 5 of the Local Government and Housing Act 1989 with all powers and duties under the Act.
- 4.3 To take all necessary steps, including the obtaining of Counsel's advice, in connection with any matter concerning legal advice to and

representation of the Authority and incur expenditure in connection therewith.

4.4 To institute on behalf of the Authority such proceedings or to take such other steps as he/she may consider necessary to:-

4.4.1 Secure the payment of any debt;

4.4.2 Recover possession of any land;

4.4.3 Enforce the performance of any obligations due to the Authority and to take such steps as he/she may consider necessary to enforce any judgment or order obtained in any such proceedings after consultation with the Chair of the Authority.

4.5 To take any necessary action to give effect to, or carry out any decision of the Authority, or the Chief Fire Officer acting under [their](#) delegated powers, with regard to the acquisition or disposal of land and premises, the management of leasehold land and premises [including the letting, underletting, licensing, re- letting and surrender of land, property or facilities under the control of the Authority for up to ten years with rent reviews at five-yearly intervals, management of tenancies of residential properties, the grant of rights of way, wayleaves and easements, consents to assign and alteration and variation of user]

4.6 To enter a defence to any claim brought against the Authority.

4.7 To authorise any person to appear on behalf of the Authority in any court, tribunal or inquiry on any matter relating to the business of the Authority.

4.8 The above powers may be delegated to a solicitor other than the [Authorities Monitoring Officer](#). [KT1]

5 Delegations to the Clerk to the Authority

In line with section 4 above and specifically 4.6 above:

5.1 To execute and issue all legal documents (including all contracts) necessary to implement decisions made by the Authority or its Committees or officers in pursuance of delegated powers, except where another officer has been authorised to take such action or the Monitoring Officer has authorised him/her to do so.

- 5.2 To act on behalf of the Authority in the formal and final signing of contractual documents, signing and/or affixing, where necessary, the Authority's common seal to documents. This can include via a suitably secure electronic signature system.
- 5.3 To enable notification to the Monitoring Officer and Chair of the Authority of organisational changes which will require their engagement at an early stage prior to reporting to the Authority.
- 5.4 To ensure the maintenance of effective and proactive work relationships between the Chief Fire Officer and Statutory Officers in line with this Constitution.
- 5.5 To implement and maintain a register of interests in accordance with the Authority's Code of Conduct for Members.

6 Delegations to the Treasurer

- 6.1 To act as the officer responsible for the administration of the Authority's financial affairs in accordance with Section 73 of the Local Government Act 1985.
- 6.2 To write off as irrecoverable individual items of general income up to and including £5,000 in accordance with the provisions of the Financial Regulations.
- 6.3 To make determinations relating to capital expenditure required in any particular year in accordance with the Local Government Act 2003.
- 6.4 To determine the accounting procedures and audit arrangements for the Authority.
- 6.5 To award tenders and agree extensions and variations of contracts and exemptions in accordance with Standing Order 1/8 [procurement procedures] except where decisions are reserved to the Fire Authority of the Authority.
- 6.6 To approve the procurement process in respect of tenders with value of up to £250,000.

7. Delegations to miscellaneous officers

Fire safety officers

- 7.1 To undertake fire safety inspections under the Regulatory Reform (Fire Safety) Order 2005 on behalf of the Crown Property Inspection Group.

.