

Delegations to Chief Officers

Appendix1

Minute No.	Delegation	Delegated to
Authority 53/86	<p>Fire Prevention Legislation</p> <p>The duties of the Authority in respect of the following Fire Prevention Legislation and any Orders, Regulations or Statutory Instruments made thereunder be exercised by the Chief Fire Officer, in consultation with the Chair and Vice-Chair:-</p> <p>Fire Precautions Act 1971; West Midlands County Council Act 1980; Local Government (Miscellaneous Provisions) Act 1982; Health and Safety at Work Act 1974; Explosives Acts 1875 and 1923; Licensing Act 1964; Petroleum (Consolidation Acts) 1928 and 1936; Safety of Sports Grounds Act 1975; Public Health Act 1961; Cinemas Act 1985; Gaming Act 1968; Theatres Act 1968; Building Act 1984; Caravan Sites and Control of Development Act 1960; Housing Act 1980; Zoo Licensing Act 1981</p> <p><i>This delegation needs to be brought up to date and consolidate all existing delegations relating to Fire Safety into one (also see Minutes 70/86, 140/87, 44/91, 37/96).</i></p>	Chief Fire Officer

Authority 53/86	<p>Conduct of Legal Proceedings</p> <p>The conduct of legal proceedings be exercised by the appropriate legal staff of the Lead Authority, Sandwell MBC.</p> <p><i>In practice, this is carried out under a Service Level Agreement between the Authority and Sandwell MBC Legal Services.</i></p>	Clerk
Authority 70/86	<p>Fire Prevention Legislation</p> <p>The duties of the Authority in respect of Fire Prevention legislation detailed in the report be exercised by the Chief Fire Officer, with the exception of the institution of legal proceedings under any of the enactments listed and the making of complaints to the court seeking the prohibition or restriction of the use of premises under Section 10 of the Fire Precautions Act 1971 which shall be exercised by the Chief Fire Officer in consultation with the Chair and Vice-Chair.</p> <p><i>Need to consolidate all delegations on Fire Prevention (see 53/86)</i></p>	Chief Fire Officer
Authority 85/86	<p>Acceptance of Tenders</p> <p>Where tenders are opened by the Tenders Committee and because of their complex nature, the tender prices cannot be immediately identified, the Chief Fire Officer in consultation with the Chair and Vice-Chair, be authorised to accept the lowest tender in each case subject to his reporting to the next meeting on the action taken.</p> <p><i>This delegation is no longer relevant. The Executive Committee has the function to award contracts in circumstances where it is recommended to accept other than the lowest tender received. This could be expanded to cover circumstances 'where the original estimate has been exceeded.'</i></p>	Chief Fire Officer

Authority 87/86	Local Government (Access to Information) Act 1985 Appointment as Proper Officer(s) for the purposes of the Local Government (Access to Information) Act 1985.	Clerk Appropriate Chief Officers.
Authority 93/86	Secondment of Staff to Fire Service College The Chief Fire Officer be authorised to agree the secondment of uniformed staff to the Fire Service College at Moreton in Marsh for a period of 2 years with all costs being recharged to the Home Office so that no cost falls on the Authority Delete this; it is superseded by Minute 73/03 of the Authority.	Chief Fire Officer
Authority 153/86	Operational and Financial Arrangements for Mutual Assistance Between Fire Authorities The Chief Fire Officer and the Treasurer to negotiate the terms of such agreements and the Clerk be empowered to prepare and execute the agreements on behalf of the Authority.	Chief Fire Officer, Treasurer and Clerk
Authority 174/86	Sick Leave The Chief Fire Officer be authorised to grant members of the service a further period of sick leave on full or half pay where appropriate on behalf of the Authority.	Chief Fire Officer
Authority 193/86	Insurance Arrangements The Chief Fire Officer and Treasurer to decide on future insurance arrangements in consultation with the Chair and Vice-Chair. This delegation needs revision as insurance arrangements are the subject of a report to the Executive Committee each year.	Chief Fire Officer and Treasurer.

Authority 29/04	Homeloss, Disturbance and Right to Compensation for Improvement Payments Chief Fire Officer in consultation with the Treasurer to approve such payments.	Chief Fire Officer in consultation with the Treasurer
Authority 131/87	Arrangements for Public and Concessionary Holidays The Chief Fire Officer in consultation with the trade unions to approve proposed arrangements for public and concessionary holidays.	Chief Fire Officer.
Authority 140/87	Fire Safety and Safety of Places of Sports Act 1987 Powers and duties under the Fire Safety and Safety of Places of Sports Act 1987 with the exception of Section 3 (Charges for Fire Certificates) delegated to the Chief Fire Officer. In accordance with Section 3 of the above Act, a charge be made for the issue of or an amendment to a Fire Certificate based on the actual cost to the Authority as determined annually by the Treasurer and the Chief Fire Officer.	Chief Fire Officer Treasurer and Chief Fire Officer

Authority 28/88	Use of West Midlands Fire Service Manpower and Equipment outside of the United Kingdom Should the occasion arise, in times of disaster or emergency, the Chief Fire Officer, in consultation with the Chair and Vice-Chair, to make arrangements for the use of West Midlands Fire Service manpower and equipment outside of the United Kingdom.	Chief Fire Officer
Authority 51/88	Legal Representation of Uniformed Staff in Relation to Road Traffic Act Offences To administer the procedure for legal representation of uniformed staff in relation to Road Traffic Act offences.	Clerk and Chief Fire Officer
Authority 127/88	Emergency Planning Functions Responsibility for the Authority's Emergency Planning functions.	Chief Fire Officer.
Authority 144/88	Environment and Safety Information Act 1988. Chief Fire Officer authorised to keep the statutory register of notices in accordance with the requirements of the Environment and Safety Information Act 1988.	Chief Fire Officer
Authority 42/89	Voluntary Disclosure of Interests by Members and Officers in Contracts and other matters Clerk, in consultation with the Chair and Vice-Chair, to determine the extent of such declarations. <i>This delegation needs review in the light of the changes introduced by the Local Government Act 2000 and the Authority's Standing Orders. The Clerk is responsible for administering the statutory register of Members' Interests in accordance with this Act.</i>	Clerk

Authority 11/90	<p>Local Government & Housing Act 1989 – Political Restrictions Chief Fire Officer authorised to issue any certificate required under Section 3 and to determine whether any posts should be added or deducted from the list of politically restricted posts in the specified salary level category only and that an updated list be submitted on an annual basis.</p> <p><i>It is considered unnecessary to submit a list on an annual basis. Post holders who hold a politically restricted post are aware under their job description and contract of employment. Any new post holder is advised through the advertising and selection process. The delegation should be amended to read... "The Chief Fire Officer be authorised to issue any certificate required under Section 3 of the Act and to determine whether any posts should be added or deducted from the list of politically restricted posts in the salary level category only."</i></p>	Chief Fire Officer
Authority 63/90	<p>Medical discharges Power to authorise medical discharges delegated to the Chief Fire Officer.</p>	Chief Fire Officer
Authority 68/90	<p>Standing list of tenderers for the execution of works in excess of £10,000. Chief Fire Officer authorised to add or delete contractors to and from the list and a report be submitted to the Authority on an annual basis.</p> <p><i>The limit of £10,000 has not been reviewed since 1990 and it is recommended that this be increased to £20,000. It would be more appropriate to submit future reports to the Executive Committee.</i></p>	Chief Fire Officer

Authority 93/90	Local Government and Housing Act 1989 Appointment of Clerk as Proper Officer for the purposes of Section 15 of the Local Government and Housing Act 1989 (proportionality on committees).	Clerk
Authority 158/90	Prosecutions under the Fire Precautions Act 1971. Chief Fire Officer to supply a report on each case occurring within a particular West Midlands District to the members of the Authority representing that district. <i>Need one single delegation on all matters relating to Fire Safety legislation (see 53/86).</i>	Chief Fire Officer
Authority 172/90	Write off of individual items of general income Authority delegated to the Treasurer to write off, as irrecoverable, individual items of general income up to and including £25.00. <i>The Treasurer recommends that this figure is increased to £1,000 in line with the arrangements operated by Sandwell MBC.</i>	Treasurer
Authority 44/91	The Dangerous Substances (Notification of Marking of Sites) Regulations 1990. With the exception of the power to recommend the institution of legal proceedings, the powers and duties under the Regulations be delegated to the Chief Fire Officer;	Chief Fire Officer

	<p>The power to recommend the institution of legal proceedings under the Regulations be delegated to the Chief Fire Officer following consultation with the Chair and Vice-Chair.</p> <p><i>Need one single delegation on all matters relating to Fire Safety legislation (see 53/86)</i></p>	Chief Fire Officer.
Authority 103/91	<p>Capital Determinations In accordance with Section 101 of the Local Government Act 1972, authority delegated to the Treasurer to make those determinations relating to capital expenditure required by Part IV of the Local Government and Housing Act 1989 in any particular year.</p>	Treasurer
Authority 40/92	<p>Appointment of Monitoring Officer For the purposes of Clause 5 of the Local Government and Housing Act 1989, the Clerk be designated the Authority's Monitoring Officer with all powers and duties under the Act.</p>	Clerk
Authority 46/92	<p>Lettings Policy for Authority Premises: The Chief Fire Officer authorised to determine requests received for the use of the Authority's premises by charitable organisations;</p> <p>Where applicable, the Chief Fire Officer, in consultation with the Chair and Vice-Chair, authorised to waive or vary the charges for the use of the Authority's premises.</p> <p><i>Minutes Nos. 28/97, 8/01 and 5/02 all refer to letting of Authority facilities. We should consolidate these in one single delegation.</i></p>	Chief Fire Officer

	<p><i>The delegation to read as follows:-</i></p> <p><i>The Chief Fire Officer, in consultation with the Treasurer, be authorised:-</i></p> <ul style="list-style-type: none"> <i>to determine requests for the use of the Authority's premises by charitable organisations and to waive or vary charges in appropriate circumstances, or where beneficial to the Authority;</i> <i>to automatically apply future inflationary increases to the charges for the use of Authority premises.</i> 	
Authority 14/93	<p>The Road Traffic (Carriage of Dangerous Substances in Road Tankers and Tank Containers) Regulations 1992 Authority to determine licence applications and issue licences under the Regulations.</p> <p><i>Delete – no longer relevant.</i></p>	<p>Chief Fire Officer Deputy Chief Fire Officer Assistant Chief Fire Officer</p>
Authority 125/94	<p>Provision of Aid Outside the UK .</p> <p>Authority to approve any request for items of obsolete equipment and uniform to be donated overseas if they are still useable and the initiative is considered appropriate and subject to the costs of transportation not being met by the Authority.</p>	<p>Chief Fire Officer.</p>

	<p>Authority to sanction the use of Fire Service vehicles to transport aid to overseas countries where the costs of fuel for the vehicles will be borne by the aid organisers.</p> <p>Requests for the donation of fire appliance vehicles be considered only if:-</p> <ul style="list-style-type: none"> (i) they are surplus to the Brigade's requirements; (ii) the recipient country is widely accepted as being in need; (iii) the vehicle equipment would be used for Fire Service use only; (iv) the cost of shipment is not to be met by the Authority. <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, authority be delegated to authorise their disposal.</p>	<p>Chief Fire Officer in consultation with the Treasurer.</p> <p>Chief Fire Officer.</p> <p>Chief Fire Officer in consultation with the Treasurer.</p>
Authority 99/95	<p>Review of Fire Service Recruit Training Charges</p> <p>Authority to negotiate specific contracts with fire authorities for the training of their recruits on a fixed term and numbers basis, at a reduced charge to the minimum direct recovery figure of £230, plus the cost of meals.</p> <p><i>Needs to be deleted: superseded by Minute 73/03.</i></p>	<p>Chief Fire Officer in consultation with the Treasurer.</p>

<p>Authority 37/96</p>	<p>Fire Prevention Legislation:</p> <p><i>This minute delegates powers to specific named officers and is out of date. The general delegation should be given to the Chief Fire Officer. It is then a matter for the Chief Fire Officer to determine the appropriate level of authorisation. This issue should be included in one single delegation covering all Fire Prevention and Safety (see Minute 53/86).</i></p> <p>Issue and withdraw letters of objection – Licensing Act 1964</p> <p>The power to respond to consultations requested by law from other bodies – Licensing Act 1964</p> <p>Issue and Amend Fire Certificates – Fire Precautions Act 1971 Issue Notices of requirements – Fire Precautions Act 1971. Issue Extensions and Final Extensions– Fire Precautions Act 1971. Issue Improvement Notices – Fire Precautions Act 1971. Issue and Withdraw Exemptions Notices– Fire Precautions Act 1971. Cancel Fire Certificates– Fire Precautions Act 1971. Issue Section 10 Notices (in conjunction with Senior Divisional Officer) – Fire Precautions Act 1971.</p>	<p>Station Officer (if nominated in writing by the Deputy Divisional Commander(Fire Safety)).</p> <p>Assistant Divisional Officer (if nominated in writing by the Deputy Divisional Commander(Fire Safety)) and in their absence.</p>
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	<p>Apply for Revocation of a Licence – Licensing Act 1964. Issue Notices of Consent – West Midlands County Council Act 1980. Issue Section 73 Notice – Public Health Act 1961. Issue, amend and cancel Petroleum Licences – Petroleum Acts 1928 and 1936. Issue Explosives Licence and Explosives Registrations – Explosives Act 1875.</p> <p>The powers delegated to the Assistant Divisional Officer as referred to above.</p> <p>Countersign Section 10 Notices. The powers delegated to the Deputy Divisional Commanders (Fire Safety) referred to above.</p> <p>Sign summonses on behalf of the Authority. The powers delegated to the Senior Divisional Officer referred to above.</p> <p>The powers delegated to the Assistant Chief Officer referred to above.</p>	<p>Deputy Divisional Commander (Fire Safety)</p> <p>Senior Divisional Officer.</p> <p>Assistant Chief Officer.</p> <p>Chief Fire Officer and Deputy Chief Fire Officer.</p>
Authority 38/96	<p>Accounts and Audit Regulations Duty to maintain an internal audit system.</p>	<p>Treasurer.</p>

Authority 28/97	Review of Lettings Charges To waive or vary charges where it would be beneficial for the Authority. <i>Need one single delegation on all matters relating to lettings charges (see 46/92).</i>	Chief Fire Officer.
Authority 48/97	Fire Service Recruit Training Charges Increases in charges resulting from inflation to be automatically applied. <i>Needs to be deleted: superseded by Minute 73/03.</i>	Chief Fire Officer.
Authority 49/97	Commercial and Industrial Training Charges Authority to waive or vary charges where it would be beneficial for the Authority. Increases in charges resulting from inflation to be automatically applied. <i>Needs to be deleted: superseded by Minute 73/03.</i>	Chief Fire Officer.
Authority 70/97	Personnel Advice to the Authority – Advice to the Authority, where necessary, on a strategic level to be provided by the Clerk. <i>Needs to be deleted: superseded by Minute 73/03.</i>	Clerk.

Authority 110/98	Collaboration With Ambulance Service Authority to enter into an agreement with West Midlands Ambulance Service NHS Trusts for the siting of emergency paramedic vehicles at mutually agreed fire stations <i>within the West Midlands Fire service Area.</i> <i>This delegation needs to be slightly reworded to reflect operational reality; in particular the transfer of the City of Coventry Emergency Ambulances to the Warwickshire Ambulance Service.</i>	Chief Fire Officer.
Authority 22/00	Injury Allowances – Local Government Pension Scheme Authority to exercise discretionary powers under Part V of the Local Government (Discretionary Payments) Regulations 1996.	Chief Fire Officer.
Authority 35/00	International Fire Service Exchange Scheme Panel of Officers to select applications for exchange and to set a limit on the number of exchanges which may be allowed at any one time. <i>Needs to be deleted: superseded by Minute 73/03.</i>	Panel of Officers
Authority 8/01	Review of Letting Charges at the Brigade Training Centre To waive or vary charges in appropriate circumstances. Future increases, as a result of inflation, to be automatically applied. <i>Need one single delegation on all matters relating to lettings charges (see 46/92).</i>	Chief Fire Officer

Authority 38/02	<p>Action on Matters of Urgency To act in matters of urgency following consultation with the Chair and Vice-Chair and subject to the action taken being reported to the next available meeting of the Authority.</p> <p><i>This delegation needs to clarify that any action taken by officers should be in accordance with Authority policy.</i></p>	Chief Officer, Clerk and Treasurer
Authority 82/01	<p>Working In, On or Near Water Policy Authority to acquire such equipment as is necessary to safely implement the policy.</p>	Chief Fire Officer
Authority 5/02	<p>Review of Brigade Letting Charges Authority to waive or vary charges in appropriate circumstances. Any future increases to the charges, as a result of inflation, to be automatically applied.</p> <p><i>Need one single delegation on all matters relating to lettings charges (see 46/92).</i></p>	Chief Fire Officer
Authority 27/02	<p>Adoption of Model Code of Conduct To implement and maintain a register of members' interests in accordance with the requirements of the Code of Conduct.</p>	Clerk

Authority 70/02	Fire fighters' National Pay Claim To take the necessary measures to mitigate risk to the community in the event of a fire-fighters' strike and report such action and associated expenditure to the Chairs Committee. <i>The delegations relating to industrial action should be combined into one single delegation (see also 76/02 and 98/02 below)</i>	Chief Fire Officer in consultation with the Treasurer.
Authority 76/02	Unofficial Industrial Action 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.	Chief Fire Officer.
Authority 98/02	National Pay Dispute and Industrial Action To pursue the recovery of actual and necessary expenditure on the contingency arrangements with the Office of the Deputy Prime Minister and the Local Government Association.	Chief Fire Officer.
Authority 9/03	Provision of Aerial Appliance Cover to Warwickshire Fire and Rescue Service (1) To enter into an agreement with Warwickshire Fire Authority (Warwickshire County Council) to provide operational aerial appliance cover to the north area of Warwickshire Fire and Rescue Service (WFRS) and that the provision of this aerial appliance be subject to the requirements of the West Midlands Fire Service (WMFS) being given priority;	Chief Fire Officer.

	<p>(2) To enter into an agreement with Warwickshire County Council to provide a reserve aerial appliance to cover pre-planned maintenance, serious breakdown or accident damage and that the provision of a reserve aerial appliance will be subject to the requirements of the WMFS being given priority.</p>	
<p>Authority 10/03</p>	<p>Re-engagement of uniformed personnel following retirement To re-engage uniformed employees with particular knowledge, skills and expertise, on temporary contracts following retirement, subject to no new contract being issued until an individual has retired from the Service and a four week period has expired between the date of retirement and the commencement of the temporary contract.</p>	<p>Chief Fire Officer</p>
<p>Authority 73/03</p>	<p>Human Resources Management</p> <p>Secondment of Staff To agree fixed term secondments of staff to other organisations where no costs fall on the Authority.</p> <p>Provision of Training to Other Organisations 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>	<p>Chief Fire Officer, in consultation with other officers where specified.</p>

	<p>Strategic Personnel Advice To provide advice to the Authority on personnel issues, supported by the Authority's personnel managers and, in relation to strategic issues, following consultation with the Clerk.</p> <p>International Fire Service Exchange Scheme To deal with all matters related to the selection of applications for the International Fire Service Exchange Scheme.</p> <p>Appointment and Promotion of Employees To appoint and promote employees, with the exception of principal officers (which is the responsibility of the Appointments Committee) and to issue contracts of employment.</p> <p>Disciplinary Action To suspend, discipline and, if appropriate, dismiss employees for misconduct, subject to appropriate procedures being followed. To dismiss employees on the grounds of incapability, subject to appropriate procedures being followed.</p> <p>(NB: The Authority's Appeals Committee will determine the outcome of any appeal against dismissal from substantive employees).</p> <p>Changes to Conditions of Service To make changes to conditions of service of the Authority's employees</p>	
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	<p>where these changes have been agreed either locally or nationally. Where there is no agreement, the matter will be forwarded to the Joint Consultative Panel.</p> <p>Job Evaluation Scheme To administer the Job Evaluation Scheme for the Authority's employees.</p> <p>Contracted Hours and Working Patterns 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 and where any financial implications are met within existing budgets.</p> <p>Career Breaks and Flexible Working To make a determination in respect of requests for both career breaks and flexible working.</p> <p>Local Government Pension Scheme In conjunction with the Treasurer, to make a determination where appropriate on gratuities for employees covered by the Local Government Pension Scheme.</p> <p>Voluntary Redundancy of Non-Uniformed Personnel In conjunction with the Treasurer, to make a determination in respect of</p>	
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	<p>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.</p> <p>Assimilation of Ranks to Roles - Integrated Personal Development System To make determinations in respect of the assimilation of ranks to roles under the Integrated Personal Development System.</p> <p>Firemen's Pension Scheme In conjunction with the Treasurer, to make a determination in respect of discretionary rules under the Firemen's Pension Scheme, as set out below:-</p> <p>Firemens Pension Scheme Order - List of Rules that give Discretionary Power</p> <p>A13 (3) Gives the power to extend a Firefighters service beyond normal retirement age.</p> <p>A14 Compulsory retirement on grounds of efficiency of Brigade.</p> <p>A15 Compulsory retirement on grounds of disablement.</p> <p>B8 Commutation of small pensions.</p> <p>C1 (6) Gives the power to extend the time limit for elections on spouses benefits i.e. choose between a pension or reduced pension plus gratuity.</p>	
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	C3	Spouse augmented award – gives the power to award increased spouses benefits in cases of death as a result of qualifying injuries.	
	C8 (6)	Gives the power to increase spouse's pensions reduced because "living apart" at the date of death.	
	C9	Spouse's benefits cease upon remarriage however this rule gives the power to reinstate such pensions if the spouse again becomes single.	
	D5 (4)	Gives the power to pay children's benefits beyond normal end date of 17 or 19.	
	D5 (5)	Gives the power to disregard breaks in full time education (which would normally cause such pensions to cease).	
	E2 (3)	Allows the payment of a special pension to an adult dependant relative.	
	E3 (3)	Allows the payment of a dependant relative gratuity to an adult dependant relative.	
	E5(2)&(3)	Gives the power to commute a small spouse's pension to a gratuity.	
	E6	Gives the power to commute a small child's pension to a gratuity	
	E9 (6)	Power to increase a flat rate pension.	
	F2 (3)	Power to allow the counting of service for periods of absence from duty without pay upon the payment of relevant contributions.	

	<p>G6 & G7 Gives the power to require a medical as part of the agreement to purchase additional service.</p> <p>I3 (3) & I4 Gives the power to award spouses benefits in cases of death as a result of injuries or qualifying injuries received by service personnel during periods of service with the armed forces.</p>	
Executive Committee 27/04	<p>Offers of External Funding</p> <p>The Chief Fire Officer be authorised to accept future offers of external funding in consultation with the Clerk and Treasurer where appropriate subject to the details of any such approvals being reported to a future meeting of the Committee.</p> <p><i>It is recommended that this should be subject to an upper limit of £20,000 for each funding offer (either in monetary terms or in kind).</i></p>	Chief Fire Officer