

## West Midlands Fire and Rescue Authority - Delegations to Chief Officers

[illegible]

FUNCTION	DELEGATED
<ul style="list-style-type: none"> <li>• The grant of licences for way leaves and easements for the planting of apparatus in under or over land managed by the Authority.</li> <li>• The right to recover the Authority's surveyors' and legal costs and expenses as part of the terms for the letting, licensing and re-letting of the Authority's land and premises.</li> <li>• To deal with routine matters with regard to the tenancies of residential dwellings to operational premises.</li> </ul>	
<p><b>1.2 Home Loss, Disturbance and Right to Compensation for Improvement Payments</b></p> <p>To approve Home Loss, Disturbance and Right to Compensation for Improvement payments.</p>	<p>Chief Fire Officer in consultation with the Treasurer</p>
<p><b>1.3 Conduct of Legal Proceedings</b></p> <p>The conduct of legal proceedings be exercised by the appropriate legal staff of the Lead Authority, Sandwell MBC in accordance with a Service Level Agreement between the Authority and Sandwell MBC Legal Services.</p>	<p>Monitoring Officer</p>
<p><b>1.4 Local Government (Access to Information) Act 1985</b></p> <p>Appointment as Proper Officer for the purposes of the Local Government (Access to Information) Act, 1985.</p>	<p>Clerk/Monitoring Officer (Other Chief Officers in appropriate circumstances)</p>
<p><b>1.5 Local Government and Housing Act 1989</b></p> <p>Appointment as Proper Officer for the purposes of Section 15 of the Local Government and Housing Act, 1989 (proportionality on committees).</p>	<p>Clerk/Monitoring Officer</p>

FUNCTION	DELEGATED
<p><b>1.6 Appointment of Monitoring Officer</b>  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>	Monitoring Officer
<p><b>1.7 Code of Conduct</b>  To implement and maintain a register of interests in accordance with the requirements of the Authority's Code of Conduct.</p>	Monitoring Officer
<p><b>1.8 Letting of Authority Premises</b>  To determine 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.</p>	Chief Fire Officer
<p><b>1.9 Action on Matters of Urgency</b>  To act in matters of urgency, following consultation with the Chair and Vice-Chair, subject to:-  (a) the action being in accordance with Authority policy; and  (b) details of the action being reported to the next available meeting of the Authority.</p>	Clerk, Monitoring Officer, Chief Fire Officer and Treasurer
<p><b>1.10 Signing of Documents</b>  To sign documents on behalf of the Authority and to attest the fixing of the Common Seal of the Authority to documents.</p>	Clerk, Monitoring Officer and Treasurer.

<b>2. HUMAN RESOURCES</b>	
<b>2.1 Sick Leave</b> To authorise or 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
<b>2.2 Arrangements for Public and Concessionary Holidays</b> In consultation with the trade unions, to approve proposed arrangements for public and concessionary holidays.	Chief Fire Officer
<b>2.3 Legal Representation of Uniformed Staff in Relation to Road Traffic Act Offences</b> To administer the procedure for the legal representation of uniformed staff in relation to Road Traffic Act offences.	Clerk/Monitoring Officer and Chief Fire Officer
<b>2.4 Local Government and Housing Act 1989 – Political Restrictions</b> To issue any certificate required under Section 3 of the Act and to determine whether any posts should be added or deducted from the lost of politically restricted posts in the salary level category only.	Chief Fire Officer
<b>2.5 Medical Discharges</b> To authorise medical discharges.	Chief Fire Officer
<b>2.6 Injury Allowances – Local Government Pensions Scheme</b> To exercise discretionary powers under Part V of the Local Government (Discretionary Payments) Regulations 1996.	Chief Fire Officer

FUNCTION	DELEGATED TO
<p><b>2.7 Industrial Action</b> To seek repudiation from trade unions 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>In consultation with the Treasurer, 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 Executive Committee.</p> <p>To pursue the recovery of actual and necessary expenditure on contingency arrangements with the Communities and Local Government Department and the Local Government Association.</p>	<p>Chief Fire Officer</p> <p>Chief Fire Officer</p> <p>Chief Fire Officer</p>
<p><b>2.8 Secondment of Staff</b> To agree fixed term secondments of staff to other organisations where no costs fall on the Authority.</p>	<p>Chief Fire Officer</p>
<p><b>2.9 Provision of Training to Other Organisations</b> 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</p>
<p><b>2.10 Strategic Personnel Advice</b> 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>Chief Fire Officer</p>

<b>FUNCTION</b>	<b>DELEGATED TO</b>
<b>2.11 International Fire Service Exchange Scheme</b> To deal with all matters related to the selection of applications for the International Fire Service Exchange Scheme.	Chief Fire Officer
<b>2.12 Appointment and Promotion of Employees</b> 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.	Chief Fire Officer
<b>2.13 Disciplinary Action</b> 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.	Chief Fire Officer
<b>2.14 Changes to Conditions of Service</b> To make changes to conditions of service of the Authority's employees working within the framework of the Employee Relations Policy and Terms of Reference for the Joint Consultative Committee and Panel.	Chief Fire Officer
<b>2.15 Job Evaluation Scheme</b> To administer the Job Evaluation Scheme for the Authority's employees.	Chief Fire Officer
<b>2.16 Contracted Hours and Working Patterns</b> To make adjustments to the number of contracted hours for specific employees and to vary working patterns, where this has been agreed with the employee and where any financial implications are met within existing budgets.	Chief Fire Officer

<b>FUNCTION</b>	<b>DELEGATED TO</b>
<b>2.17 Career Breaks and Flexible Working</b> To make a determination in respect of requests for both career breaks and flexible working.	Chief Fire Officer
<b>2.18 Local Government Pension Scheme</b> In conjunction with the Treasurer, and in consultation with the Chairman of the Authority, to make a determination where appropriate on gratuities for employees covered by the Local Government Pension Scheme.	Chief Fire Officer
<b>2.19 Local Government Pension Scheme</b> In conjunction with the Treasurer, and in consultation with the Chairman of the Authority, to make a determination in respect of individual cases in relation to Regulation 7 of the Local Government (Early Termination of Employment)(Discretionary Compensation) (England and Wales) Regulations 2006 and Regulation 66 of the Local Government Pension Scheme (LGPS)(Administration) Regulations 2007 (as amended) in accordance with the terms of the Authority's policy statement.	Chief Fire Officer
<b>2.20 Voluntary Redundancy of Non-Uniformed Personnel</b> In conjunction with the Treasurer, and in consultation with the Chairman of the Authority, to make a determination in respect of approving requests for voluntary redundancy of non-uniformed personnel where their role or location of work, as specified in their contract of employment, has significantly changed.	Chief Fire Officer
<b>2.21 Assimilation of Ranks to Roles – Integrated Personal Development System</b> To make determinations in respect of the assimilation of ranks to roles under the Integrated Personal Development System.	Chief Fire Officer

FUNCTION	DELEGATED TO
<p><b>2.22 Firemen's Pension Scheme</b></p> <p>In conjunction with the Treasurer, and in consultation with the Chairman of the Authority, to make a determination in respect of discretionary rules under the Firemen's Pension Scheme, as set out below:-</p> <p>Firemen's 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> <p>C3 Spouse augmented award – gives the power to award increased spouses benefits in cases of death as a result of qualifying injuries.</p> <p>C8 (6) Gives the power to increase spouse's pensions reduced because "living apart" at the date of death.</p> <p>C9 Spouse's benefits cease upon remarriage however this rule gives the power to reinstate such pensions if the spouse again becomes single.</p> <p>D5 (4) Gives the power to pay children's benefits beyond normal end date of 17 or 19.</p> <p>D5 (5) Gives the power to disregard breaks in full time education (which would normally cause such pensions to cease).</p> <p>E2 (3) Allows the payment of a special pension to an adult dependant relative.</p> <p>E3 (3) Allows the payment of a dependant relative gratuity to an adult dependant relative.</p>	<p>Chief Fire Officer</p>



FUNCTION	DELEGATED TO
<p><b>Firemen's Pension Scheme contd.</b></p> <p>E5 (2)&amp;(3) Gives the power to commute a spouse's pension of a low value to a gratuity.</p> <p>E6 Gives the power to commute a child's pension of a low value to a gratuity.</p> <p>E9 (6) Power to increase a flat rate pension.</p> <p>F2 (3) Power to allow the counting of service for periods of absence from duty without pay upon the payment of relevant contributions.</p> <p>G6 &amp; G7 Gives the power to require a medical as part of the agreement to purchase additional service.</p> <p>13 (3)&amp; 14 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>	

<b>3. FINANCE AND PROCUREMENT</b>	
<b>3.1 Write Off of Individual Items of General Income</b> To write off, as irrecoverable, individual items of general income up to and including £1,000.	Treasurer
<b>3.2 Standing List of Tenderers</b> To add or delete contractors to and from the standing list for the execution of works in excess of £20,000.	Chief Fire Officer
<b>3.3 Capital Determinations</b> In accordance with Section 101 of the Local Government Act 1972, to make those determinations relating to capital expenditure required by Part IV of the Local Government and Housing Act 1989 in any particular year.	Treasurer
<b>3.4 Accounts and Audit Regulations</b> Duty to maintain an internal audit system.	Treasurer
<b>3.5 Administration of the Authority's Financial Affairs</b> 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.	Treasurer
<b>3.6 Submission of the Annual Efficiency Statement</b> Submission of the Authority's Annual Efficiency Statement to the relevant Government department, in accordance with FRS Circular 3/2007.	Treasurer

## **4. OPERATIONS SUPPORT**

<b>FUNCTION</b>	<b>DELEGATED TO</b>
<p><b>4.1 Fire Prevention Legislation</b></p> <p>To exercise the duties and powers of the Authority in respect of the following and any subsequent Fire Prevention Legislation and any Orders, Regulations or Statutory Instruments made thereunder:</p> <ul style="list-style-type: none"><li>Explosives Act 1875 and 1923;</li><li>Petroleum (Consolidation Acts) 1928 and 1936;</li><li>Public Health Act 1961;</li><li>Theatres Act 1968;</li><li>Health and Safety at Work, etc., Act 1974;</li><li>West Midlands County Council Act 1980;</li><li>Local Government (Miscellaneous Provisions) Act 1982;</li><li>Dangerous Substances (Notification of Marking of Sites) Regulations 1990;</li><li>Construction (Design and Management) Regulations 2007;</li><li>Health and Safety (Safety, Signs and Signals) Regulations 1996;</li><li>Management of Health and Safety Regulations 1999;</li><li>Dangerous Substances and Explosive Atmospheres Regulations 2002;</li><li>Fireworks Act 2003;</li><li>Fire And Rescue Services Act 2004;</li><li>Civil Contingencies Act 2004;</li><li>The Manufacture and Storage of Explosives Regulations 2005;</li><li>The Regulatory Reform (Fire Safety) Order 2005 (including appointment of inspectors under Article 26 – Enforcement of Order);</li><li>Licensing Act 2003.</li></ul>	<p>Chief Fire Officer</p>

FUNCTION	DELEGATED TO
<p><b>Fire Prevention Legislation contd.</b></p> <p><b>Note:</b> Legal proceedings under any of the provisions listed above will not be instituted until the Chief Fire Officer has consulted with the Chair and Vice-Chair of the Authority. The Chief Fire Officer will supply a report on each prosecution case occurring within a particular West Midlands District to the Members of the Authority representing that District.</p>	
<p><b>4.2 Crown Premises Inspection – Fire Safety</b> Fire safety officers to undertake fire safety inspections under the Regulatory Reform (Fire Safety) Order 2005 on behalf of the Crown Property Inspection Group.</p>	Chief Fire Officer
<p><b>4.3 Operational and Financial Arrangements for Mutual Assistance Between Fire Authorities</b> The Chief Fire Officer to negotiate the terms of such agreements and the Clerk and Treasurer be authorised to execute the arrangements on behalf of the Authority.</p>	Chief Fire Officer, Treasurer and Clerk
<p><b>4.4 Fire Safety and Safety of Places of Sports Act 1987</b> 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.</p> <p>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.</p>	<p>Chief Fire Officer</p> <p>Treasurer and Chief Fire Officer</p>

<b>FUNCTION</b>	<b>DELEGATED TO</b>
<b>4.5 Environment and Safety Information Act 1998</b> To keep the statutory register of notices in accordance with the requirements of the Environment and Safety Act 1988.	Chief Fire Officer
<b>4.6 Collaboration with Ambulance Service</b> To enter into an agreement with Ambulance Service NHS Trusts for the siting of emergency paramedic vehicles at mutually agreed fire stations within the West Midlands Fire Service Area.	Chief Fire Officer
<b>4.7 Fire and Rescue Services Act</b> To make and vary reinforcement schemes and agreements with neighbouring Fire Authorities, under the section 13 sub sections 1 to 5 inclusive and section 16 sub sections 1 to 3 inclusive, to provide mutual support to deal with situations where the resources of a Fire Authority are overstretched.	Chief Fire Officer
<b>4.8 Use of West Midlands Fire Service Manpower and Equipment Outside of the United Kingdom</b> 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 the United Kingdom.	Chief Fire Officer
<b>4.9 Civil Contingencies Functions</b> Responsibility for the Authority's Terrorism and Contingency Planning functions.	Chief Fire Officer



## **5. OPERATIONS DEPARTMENT**

### **5.1 Partnership Agreements**

To enter into Partnership Agreements eg Local Area Agreements, Local Strategic Partnerships, Crime and Disorder Reduction partnerships etc., except where income or funding exceeds £20,000 per annum.

Chief Fire Officer in consultation with the Clerk/Monitoring Officer

### **5.2 Offers of External Funding**

The Chief Fire Officer be authorised to accept future offers of external funding in consultation with the Clerk and Treasurer where appropriate up to a value in monetary terms or in kind of no more than £20,000 for each funding offer subject to the details of any such approvals being reported to a future meeting of the Executive Committee.

Chief Fire Officer