

West Midlands Fire and Rescue Authority - Delegations to Chief Officers

<b>CORPORATE PLANNING AND SUPPORT</b>	
<b>FUNCTION</b>	<b>DELEGATED TO</b>
<p><b>Property Management</b> To undertake the following in consultation with the Chief Fire Officer and Treasurer:-</p> <ul style="list-style-type: none"><li>• The 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;</li><li>• The acceptance of terms negotiated for rent review clauses in existing leases under the management of the Authority;</li><li>• The determination of applications for assignment, sub-letting or surrender of leases of land and premises managed by the Authority;</li><li>• The determination of applications for variation or extension of business use contained in leases of land and premises managed by the Authority;</li><li>• The determination of applications for consent to alter or erect premises comprised in lease under the management of the Authority;</li><li>• The granting of annual licences to use rights of way over land managed by the Authority.</li><li>• The grant of licences to statutory undertakers for way leaves for the placing of apparatus under or over land managed by the Authority;</li></ul>	<p>Clerk</p>
<p>To deal with routine matters with regard to the tenancies of residential dwellings to operational premises.</p>	<p>Chief Fire Officer</p>

<p><b>Homeless, Disturbance and Right to Compensation for Improvement Payments</b> To approve Homeless, Disturbance and Right to Compensation for Improvement payments.</p>	<p>Chief Fire Officer in consultation with the Treasurer</p>
<p><b>Conduct of Legal Proceedings</b> 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>Clerk</p>
<p><b>Local Government (Access to Information) Act 1985</b> Appointment as Proper Officer(s) for the purposes of the Local Government (Access to Information) Act 1985.</p>	<p>Clerk (Other Chief Officers in appropriate circumstances).</p>
<p><b>Local Government and Housing Act 1989</b> Appointment as Proper Officer for the purposes of Section 15 of the Local Government and Housing Act 1989 (proportionality on Committees).</p>	<p>Clerk</p>
<p><b>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>	<p>Clerk</p>
<p><b>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>	<p>Clerk</p>

<p><b>Letting of Authority Premises</b></p> <p>(a) 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;</p> <p>(b) To automatically apply inflationary increases to the charges for the use of the Authority's premises.</p>	<p>Chief Fire Officer</p>
<p><b>Action on Matters of Urgency</b> To act in matters of urgency, following consultation with the Chair and Vice-Chair, subject to:-</p> <p>(a) the action being in accordance with Authority policy; and</p> <p>(b) details of the action being reported to the next available meeting of the Authority.</p>	<p>Clerk, Chief Fire Officer and Treasurer</p>
<p><b>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>	<p>Clerk, Monitoring Officer and Treasurer.</p>
<p><b>Offers of External Funding</b> 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 Committee.</p>	<p>Chief Fire Officer</p>

<b>TECHNICAL SERVICES</b>	
<p><b>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 and a report be submitted to the Executive Committee on an annual basis.</p>	Chief Fire Officer
<b>HUMAN RESOURCES</b>	
<p><b>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.</p>	Chief Fire Officer
<p><b>Arrangements for Public and Concessionary Holidays</b> In consultation with the trade unions, to approve proposed arrangements for public and concessionary holidays.</p>	Chief Fire Officer
<p><b>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.</p>	Clerk and Chief Fire Officer

<p><b>Local Government &amp; 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 list of politically restricted posts in the salary level category only.</p>	Chief Fire Officer
<p><b>Medical discharges</b> To authorise medical discharges.</p>	Chief Fire Officer
<p><b>Injury Allowances – Local Government Pension Scheme</b> To exercise discretionary powers under Part V of the Local Government (Discretionary Payments) Regulations 1996.</p>	Chief Fire Officer
<p><b>Industrial Action</b> 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>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 Office of the Deputy Prime Minister and the Local Government Association.</p>	<p>Chief Fire Officer</p> <p>Chief Fire Officer</p> <p>Chief Fire Officer.</p>
<p><b>Secondment of Staff</b> To agree fixed term secondments of staff to other organisations where no costs fall on the Authority.</p>	Chief Fire Officer.

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<p><b>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>	Chief Fire Officer.
<p><b>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>	Chief Fire Officer.
<p><b>International Fire Service Exchange Scheme</b>  To deal with all matters related to the selection of applications for the International Fire Service Exchange Scheme.</p>	Chief Fire Officer.
<p><b>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.</p>	Chief Fire Officer.
<p><b>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.</p>	Chief Fire Officer.
<p><b>Changes to Conditions of Service</b>  To make changes to conditions of service of the Authority's employees 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>	Chief Fire Officer.

<p><b>Job Evaluation Scheme</b> To administer the Job Evaluation Scheme for the Authority's employees.</p>	Chief Fire Officer.
<p><b>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.</p>	Chief Fire Officer.
<p><b>Career Breaks and Flexible Working</b> To make a determination in respect of requests for both career breaks and flexible working.</p>	Chief Fire Officer.
<p><b>Local Government Pension Scheme</b> In conjunction with the Treasurer, to make a determination where appropriate on gratuities for employees covered by the Local Government Pension Scheme.</p>	Chief Fire Officer.
<p><b>Voluntary Redundancy of Non-Uniformed Personnel</b> In conjunction with the Treasurer, 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.</p>	Chief Fire Officer.
<p><b>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.</p>	Chief Fire Officer.
<p><b>Firemen's Pension Scheme</b> In conjunction with the Treasurer, to make a determination in respect of discretionary rules under the Firemen's Pension Scheme, as set out below:-  Firemens Pension Scheme Order - List of Rules that give Discretionary Power</p>	Chief Fire Officer.

A13 (3)	Gives the power to extend a Firefighters service beyond normal retirement age.
A14	Compulsory retirement on grounds of efficiency of Brigade.
A15	Compulsory retirement on grounds of disablement.
B8	Commutation of small pensions.
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.
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.
G6 & G7	Gives the power to require a medical as part of the agreement to purchase additional service.

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<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>	
<p><b>Re-engagement of uniformed personnel following retirement</b> 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>	Chief Fire Officer
<p><b>FINANCE AND PROCUREMENT</b></p>	
<p><b>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.</p>	Treasurer
<p><b>Write off debts relating to bankruptcies and liquidations</b> To write off as irrecoverable debts relating to bankruptcies and liquidations.</p>	Treasurer
<p><b>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.</p>	Treasurer
<p><b>Accounts and Audit Regulations</b> Duty to maintain an internal audit system.</p>	Treasurer

<b>Administration of the Authority's Financial Affairs</b>	Treasurer
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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.

<p><b>OPERATIONS SUPPORT</b></p>	
<p><b>Fire Prevention Legislation</b>  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> <p>Explosives Act 1875 and 1923;  Petroleum (Consolidation Acts) 1928 and 1936;  Public Health Act 1961;  Theatres Act 1968;  Health and Safety at Work, etc., Act 1974;  West Midlands County Council Act 1980;  Local Government (Miscellaneous Provisions) Act 1982;  Cinemas Act 1985;  Dangerous Substances (Notification of Marking of Sites) Regulations 1990;  Construction (Health, Safety and Welfare) Regulations 1996;  Health and Safety (Safety, Signs and Signals) Regulations 1996;  Management of Health and Safety Regulations 1999;  Dangerous Substances and Explosive Atmospheres Regulations 2002  Fireworks Act 2003  Fire And Rescue Services Act 2004  Civil Contingencies Act 2004  The Manufacture and Storage of Explosives Regulations 2005  The Regulatory Reform (Fire Safety) Order 2005 (including appointment of inspectors under Article 26 – Enforcement of Order)  Licensing Act 2003</p>	<p>Chief Fire Officer</p>

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<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>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>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>	Chief Fire Officer  Treasurer and Chief Fire Officer
<p><b>Environment and Safety Information Act 1988.</b> To keep the statutory register of notices in accordance with the requirements of the Environment and Safety Information Act 1988.</p>	Chief Fire Officer
<p><b>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.</p>	Chief Fire Officer.

<p><b>Provision of Aerial Appliance Cover to Warwickshire Fire and Rescue Service</b></p> <p>(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;</p> <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>Chief Fire Officer</p>
<p><b>Use of West Midlands Fire Service Manpower and Equipment outside of the United Kingdom</b></p> <p>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.</p>	<p>Chief Fire Officer</p>
<p><b>Emergency Planning Functions</b></p> <p>Responsibility for the Authority's Emergency Planning functions</p>	<p>Chief Fire Officer</p>

**Provision of Aid Outside the UK .**

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.

Chief Fire Officer.

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.

Chief Fire Officer in consultation with the Treasurer.

Requests for the donation of fire appliance vehicles be considered only if:-

Chief Fire Officer.

- (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.

Subject to the above conditions being established, a maximum of two appliances be donated in any one year.

In all cases where the value of the appliances/equipment is greater than the scrap value, authority be delegated to authorise their disposal.

Chief Fire Officer in consultation with the Treasurer.

**Working In, On or Near Water Policy**

To acquire such equipment as is necessary to safely implement the policy.

Chief Fire Officer