

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

23rd June 2008

1. DELEGATIONS TO CHIEF OFFICERS

Joint report of the Clerk, Chief Fire Officer and Treasurer.

RECOMMENDED

THAT the Authority adopts the list of delegations to Chief Officers as set out in the attached Appendix.

2. PURPOSE

To consider a review of the list of the powers delegated to the Authority's Chief and Statutory Officers. This review aims to bring the list of delegations up to date and to validate the continued relevance of certain powers and duties previously delegated by the Authority.

3. BACKGROUND

- 3.1 Under the provisions of the Local Government Act 1972, the Authority is required to maintain a list of powers delegated to its Chief Officers and to make it available for public inspection.
- 3.2 Since the Authority was formed in 1986, a range of administrative and functional matters have been delegated to the Chief Fire Officer, Clerk and Treasurer to ensure that the Authority's powers and duties are properly and efficiently discharged. The list of delegated powers is maintained by the Clerk and forms an integral part of the Authority's overall governance arrangements.
- 3.3 This list of delegations supplements any functions or duties that may be undertaken by the Chief Fire Officer, Clerk and Treasurer:-
 - (a) in pursuance of their statutory obligations;
 - (b) as otherwise authorised by resolution of the Authority, one of its Committees, or in accordance with any standing orders, policies or procedures that may be adopted by the Authority from time to time.

3.4 It is proposed to delete the following delegations:-

(a) **Re-engagement of uniformed personnel following retirement**

This delegation is to be deleted following the changes to the Firefighters' Pension Scheme, which now allows firefighters to work beyond the age of 55.

(b) **Provision of an Aerial Appliance to Warwickshire Fire and Rescue Service**

This delegation is to be deleted as this agreement has now come to an end.

3.5 It is proposed to add the following to the list of delegations:-

(a) **Fire and Rescue Services Act 2004**

Under section 13 the Authority is required to, so far as is practicable, enter into reinforcement schemes with other fire and rescue authorities. Entering into and varying specific reinforcement schemes are operational decisions that under the previous act were a responsibility of the CFO. This should continue to be the case. Under section 16 the Authority may enter into arrangements with other fire and rescue authorities or any other person for the discharge of a function under any of sections 6 to 9 and 11. These are defined as fire fighting, road traffic accidents, emergencies and other eventualities. This is limited by the constraint that any arrangement entered into in respect of extinguishing fires can only be made with a person who employs fire-fighters. This power is also an operational decision that should be delegated to the CFO. The CFO's ability to establish, and as required, vary section 13 and 16 arrangements is key to the development of the regional agenda, which is a requirement in the National Framework document.

(b) **Submission of the Annual Efficiency Statement**

The CLG issued Fire and Rescue Service Circular FRSC 3/2007 on the 19th January 2007 setting out intended new arrangements for on-line reporting of future Annual Efficiency Statements (AES). The Circular identified that, as a result of the intended move to on-line submissions, a signed hard copy of the AES would no longer be required. The CLG consider that the person submitting the on-line statement will have delegated authority for ensuring that the AES is correct.

3.6 Proposed amendments to the list are shown highlighted in the text.

4. **EQUALITY IMPACT ASSESSMENT**

4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

5.1 Under the provisions of the Local Government Act 1972, the Authority is required to maintain a list of powers delegated to its Chief Officers and to make it available for public inspection.

6. **FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

SUSAN PHELPS
CLERK

F J E SHEEHAN
CHIEF FIRE OFFICER

L BATEMAN
TREASURER