



Bedfordshire
Fire & Rescue Authority

SCHEME OF DELEGATION
BY THE
FIRE AND RESCUE AUTHORITY
TO THE
CHIEF FIRE OFFICER
AND ITS
OFFICERS

1. Introduction
2. Delegations to the Chief Fire Officer
 - General
 - Fire Service Issues
 - Property
 - People
 - Other Matters
3. Delegations to other Officers of the Authority
4. Record of Decisions

Part 1 Introduction

- 1.1 This Scheme of Delegation (the Scheme) is made by the Bedfordshire Fire and Rescue Authority (“the Authority”) under section 101 of the Local Government Act 1972 as applied by Paragraph 20 of the Bedfordshire Fire Services (Combination Scheme) Order 1996.
- 1.2 Subject to the provisions contained in Standing Orders and Financial Regulations, the Authority has delegated the powers and functions set out in the Scheme to the following officers:
- The Chief Fire Officer, who is the Authority’s Chief Executive and de facto Head of Paid Service/Head of Paid Staff.
 - The Treasurer, who is the Authority’s Chief Finance Officer under section 112 of the Local Government Finance Act 1988
- and
- The Monitoring Officer who is so designated under section 5 of the Local Government and Housing Act 1989.
- In the Scheme these officers are collectively referred to as “the Proper Officers.”
- 1.3 The Proper Officers shall not discharge any function which is by law expressly vested in the Authority.
- 1.4 All decision-making not reserved to the Authority, or a Committee as set out in their respective terms of reference or in the Authority’s Financial Regulations and Financial Instructions, or otherwise delegated to another Proper Officer under this Scheme is delegated to the Chief Fire Officer subject to the following requirements:
- (a) any decisions or actions shall comply with all relevant resolutions, orders, and directions of the Authority and of its appointed Committees;
 - (b) where any matter involves professional or technical considerations within the sphere or competence of another Officer, the Chief Fire Officer shall consult with that Officer before authorising action. This shall not be limited to officers within the employ of the Authority if circumstances require.
- 1.5 The inclusion of a specific function or power within the Scheme does not require the relevant Proper Officer to take a decision on that matter. Before taking a decision on a controversial or sensitive matter, a Proper Officer should consider whether it would be appropriate to consult members on the matter or refer the decision to the Authority or a committee for determination.
- 1.6 The Proper Officers, unless prohibited by regulation or statute, are authorised to delegate any of their delegated functions to other officers employed by the Authority.

- 1.7 Reference in the Scheme to the discharge of the Authority's functions includes the power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of those functions and the Chief Fire Officer is authorised to act accordingly.

Part 2 Delegations to the Chief Fire Officer/Chief Executive

General

- 2.1 Delegation to Chief Fire Officer does not include:
- (a) any matter which by law may not be delegated to an Officer;
 - (b) making a formal response on behalf of the Authority to any White Paper, Green Paper, or Government Consultation Paper without reference first to the Chairperson of the Authority. However, when the timescales so require, the Chief Fire Officer is authorised to respond without discussion with the Chairperson. The content of such response shall be referred to the appropriate committee for their attention.
- 2.2 To complement the discharge of functions under these arrangements, the Chief Fire Officer shall:
- (a) maintain close liaison with the Chairperson in respect of controversial and sensitive issues.
 - (b) maintain close liaison with Members representing the political groups in relation to any matter, which in the opinion of the Chief Fire Officer, may be regarded as sensitive or contentious by any such group.
 - (c) keep a Member informed of significant developments relating to a specific matter, where a Member has made known to the Chief Fire Officer a legitimate interest, or where a matter relates to or affects the Member's electoral division or Ward.

Fire and Rescue Functions

- 2.3 To undertake all operational aspects of the core functions of the Authority prescribed in Part 2 of the Fire and Rescue Services Act 2004 as follows:
- Fire Safety
 - Fire Fighting
 - Road Traffic Accidents
 - Emergencies
- 2.4 To exercise the Authority's powers and duties in relation to enforcement including the following:
- (a) To take appropriate action on behalf of the Authority under the Regulatory Reform (Fire Safety) Order 2005 ("the Fire Safety Order");

- (b) To institute, defend, withdraw, or compromise legal proceedings, whether civil or criminal, pertaining to the Authority's statutory functions under the Fire Safety Order;
- 2.5 To designate persons as Inspectors under the Fire Safety Order; and authorise named members of staff in writing to exercise the statutory powers conferred on the Authority by Articles 25 to 28 of the Fire Safety Order and section 45 of the Fire and Rescue Services Act 2004.
- 2.6 To prepare and exercise plans for performing fire and rescue functions in relation to emergencies and arrangements for cooperation with other agencies under the Civil Contingencies Act 2004 (the CCA).
- 2.7 In response to an emergency, to exercise the Authority's powers under the CCA and any regulations made under that Act and to take all necessary action on behalf of the Authority.

Property:

- 2.8 To authorise the granting, determination or obtaining of easements, wayleaves, and licences (including agreements for the seasonal use of agricultural land) over or in respect of land held for or required for the purposes of the Authority.
- 2.9 To approve the terms of any transactions as described in (2.10) above.
- 2.10 To authorise the sale or leasing of land to statutory undertakers for the purposes of their statutory functions.
- 2.11 To authorise the disposal of surplus houses and/or other property in accordance with the policy approved by the Authority.
- 2.12 Subject to financial provision existing and the net rent not exceeding £10,000 per annum to authorise:
 - (a) the taking of a lease or tenancy of land or buildings and/or
 - (b) to authorise the determination of such a lease or tenancy.
- 2.13 To authorise the granting and termination of leases, tenancies and licences for a period not exceeding fourteen years of premises held for staff accommodation or premises or land not immediately required for the Authority's purposes.
- 2.14 To hire or hire out or authorise the use of buildings or facilities held or required for the purposes of the Authority including discretion to decide whether to waive charges for the use of buildings in accordance with a scheme approved by the Authority.

- 2.15 To grant consent for the underletting or assignment of any lease or tenancy of land under the control of the Authority which is subject to restrictive covenants the benefit of which is vested in the Authority.
- 2.16 Subject to financial provision existing, to approve the terms of any land transaction where the consideration does not exceed £100,000 (in the case of a lump sum payment) or £10,000 per annum (in respect of an annual rental), and to maintain a register of all such transactions which is available for inspection by members of the Authority.
- 2.17 To approve plans of small buildings and other similar projects required for the purposes of the Authority, except in the case of buildings or projects involving a major change in design policy or which are unique.
- 2.18 To seek planning permission from a local planning authority and to obtain Building Regulations approval as appropriate.

People:

- 2.19 Within the approved financial estimates of the Authority to undertake the Authority's employment functions, including determining the management structure of the Service, approving grades, and starting salaries, appointing staff to all posts below the level of Principal Officer and managing the exit of employees within policies approved by the Authority.
- 2.20 To implement all national conditions of service and such other local agreements as may be determined by the Authority from time to time.
- 2.21 To agree individual compensation settlements arising from references to the ACAS Conciliation Officer in Employment Tribunal cases.
- 2.22 To settle individual claims for compensation arising from causes other than loss of or damage to an employee's property.
- 2.23 To approve requests for time off to undertake public duties which extend beyond the authorised special leave position.
- 2.24 To deal with responses required on matters concerned with the National Joint Council for Local Authorities' Fire Brigades Scheme of Conditions of Service.
- 2.25 To exercise discretions under the Local Government Pension Scheme (LGPS) Discretions Policy 2014 in consultation with the Proper Officers.
- 2.26 To act as the Scheme Manager in respect of the Fire Fighters' Pension Schemes in accordance with policies approved by the Authority.
- 2.27 To act as the designated officer in consultation with the Monitoring Officer in accordance with the Local Authorities (Exemption from Political Restrictions) (Designation) Regulations 2012¹

¹ Section 3A(7B) Local Government and Housing Act 1989 gives the Secretary of State power by regulations to make provision about the application of the section to a local authority that is not required to designate one of its officers as the head of its paid service to grant exemptions, in certain circumstances, from the political restrictions imposed on certain posts by the 1989 Act.

Other Matters:

- 2.28 To vary and waive charges, where appropriate, for non-emergency services carried out by the Service.
- 2.29 To institute, defend and pursue legal proceedings to protect the Authority's interests or to implement a decision made by the Authority or an officer acting on its behalf, or for the recovery of any debt or sum owed to the Authority, in consultation where appropriate with the Monitoring Officer.
- 2.30 To sign on behalf of the Authority any document, agreement or extract necessary to give effect to a resolution of the Authority or any committee and/or a decision made under the Scheme of Delegation.
- 2.31 To approve, award and enter into contracts on the Authority's behalf in accordance with the Procurement Policies and Procedures approved by the Authority.

Part 3 Delegation to Other Officers of the Authority

The Monitoring Officer

- 3.1 To exercise the powers and responsibilities of the Monitoring Officer pursuant to Section 5 of the Local Government and Housing Act 1989, and the Localism Act 2011 including the power of appointing a deputy for the purposes of section 5(7) of the Local Government and Housing Act 1989.
- 3.2 To sign on behalf of the Authority any document necessary to give effect to any resolution of the Authority or decision made by an officer pursuant the Scheme.
- 3.3 To act as the Proper Officer of the Authority, except where legislation or this scheme names another officer, or the Authority have specifically determined otherwise for:
 - (a) section 30 of the Local Government Act 1974²
 - (b) section 2 of the Local Government and Housing Act 1989³

² Giving notice of LG Ombudsman Reports

³ receiving updated lists of Politically Restricted Posts

- (c) sections 100B, 100C, 100D and 100F of the Local Government Act 1972⁴
- (d) Schedule 12 of the Local Government Act 1972 (as applied to the Authority by the Combination Scheme)⁵
- (e) Paragraph 14 of the Combination Scheme⁶
- (f) the Local Authorities (Members' Allowances) (England) Regulations 2003⁷
- (g) sections 225, 229, and 234 of the Local Government Act 1972⁸
- (h) attesting the affixing of the Authority's Common Seal
- (i) the purposes of the Local Government (Committees and Political Groups) Regulations 1990⁹
- (j) granting dispensations to Members under the Localism Act 2011
- (k) the purposes of section 36 of the Freedom of Information Act 2000 (to act as the qualified person)¹⁰

3.4 To act as Solicitor to the Authority and to advise the Chief Fire Officer on the institution, defence, withdrawal or compromise of legal proceedings, whether civil and/or criminal, pertaining to the Fire Authority's statutory functions in respect of the Regulatory Reform (Fire Safety) Order 2005; and to authorise the institution, defence, withdrawal or compromise of any other claims or legal proceedings, whether civil and/or criminal.

⁴ sections 100B, 100C, 100D and 100F applied to BFRA by section 100J(1)(f)
 100B(2) If the proper officer thinks fit, there may be excluded from the copies of reports published in advance of committee meetings the whole of any report which, or any part which, relates only to items during which, in his opinion, the meeting is likely not to be open to the public.
 100B(7)(c) the proper officer deciding (on being requested by a newspaper) whether to supply to the newspaper copies of papers circulated to members
 100C(2) the proper officer shall make a written summary of the proceedings or the part, as the case may be, which provides such a record without disclosing the exempt information
 100D(1) list, compiled by the proper officer, of the background papers (which -100D(5) - in the opinion of the proper officer are the basis for a report or important part of a report) for the report or the part of the report to be kept with reports
 100F (2) documents not to be open to inspection if it appears to the proper officer that it discloses exempt information

⁵ Schedule 12 –para 4 (2)(b) summonses signed by proper officer Schedule 12 –para 4(3) members' preferred address for receipt of summonses notified to proper officer

⁶ receiving notices of Member resignations

⁷ receiving notice of a member's intention to forego allowances

⁸ receipt of parliamentary documents; authentication, issuing notices

⁹ liaising with groups through their leaders and reviewing and allocating of seats

¹⁰ applying the public interest test where exemption from disclosure is on ground that disclosure likely to prejudice conduct of BFRA's affairs.

The Treasurer

- 3.5 To be responsible for the proper administration of the Authority's financial affairs under Sections 112, 113 and 114 of the Local Government Finance Act 1988 and for appointing a deputy for the purposes of section 114(6) of Local Government Finance Act 1988.
- 3.6 To ensure that accurate, complete, and timely financial management information is provided to the Authority, including for the budget and council tax setting process.
- 3.7 To secure the preparation of statutory and other accounts in compliance with the Accounts and Audit Regulations.
- 3.8 To ensure the provision of insurance and banking arrangements.
- 3.9 To secure an Internal Audit function and treasury management services, including borrowing and investments.
- 3.10 To be the proper officer for the purposes of:
 - (a) section 115 of the Local Government Act 1972¹¹
 - (b) section 116 of the Local Government Finance Act 1988¹²
 - (c) sections 139A and 68 respectively of the Local Government Finance Acts 1988 and 1992¹³

The Assistant Chief Fire Officer

- 3.11 To approve the adoption and the implementation of any internal dispute resolution procedures in accordance with Sections 50 to 50B of the Pensions Act 1995

Part 4 Record of Decisions

- 4.1 By virtue of the Openness of Local Government Bodies Regulations 2014 certain decisions taken by officers must be recorded and made available for inspection by the public.

¹¹ Section 115(2) (applied by Combination scheme) money owed by officers to BFRA to be paid to the proper officer.

¹² Duty to notify the Authority auditor of the date, time and place of the specified meeting to consider a report submitted under section 114 of the Local Government Finance Act 1988.

¹³ Duties to supply specified information required by the Secretary of State

- 4.2 The Regulations apply to decisions that have been taken by an officer under an express authorisation or to decisions taken in accordance with the Scheme of Delegation and where the effect of the decision is:
- to grant a permission or licence;
 - where the decision affects the rights of an individual; or
 - where it concerns the award of a contract or incurring expenditure which materially affects the Authority's financial position.
- 4.3 A register of decisions recorded under these arrangements is maintained by Democratic Services.