

Review of Standing Orders and Scheme of Delegation to Officers

Report of the Clerk

For further information about this report please contact Anthea Lowe, Clerk and Monitoring Officer, on 01952 383219, or Germaine Worker, Head of Human Resources and Administration, on 01743 260210.

1 Purpose of Report

This report reviews the Fire Authority's Standing Orders for the Regulation of Proceedings and Business, Standing Orders relating to Contracts and the Scheme of Delegation to Officers and asks Members to consider and decide upon the amendments proposed.

2 Recommendations

The Fire Authority is requested to consider and decide upon the amendments proposed to:

- Standing Orders for the Regulations of Proceedings and Business;
- Standing Orders relating to Contracts; and
- The Scheme of Delegation to Officers.

3 Background

As part of its constitution the Fire Authority has in place the following documents:

- Standing Orders for the Regulation of Proceedings and Business;
- Standing Orders relating to Contracts; and
- A Scheme of Delegation to Officers.

Although not a legal requirement, it is deemed good practice for local authorities to review the above documents annually.

4 Proposed Amendments

Following a review by Officers and the Legal Services Team at Telford & Wrekin Council, the following amendments are proposed to the documents named on the previous page.

Standing Orders for the Regulation of Proceedings and Business

Standing Order No 1 Meetings of the Authority

- 1 The annual meeting of the Shropshire and Wrekin Fire Authority (“the Authority”) shall be held on a day and at a time to be fixed by the Authority between 1 March and ~~31 July~~ **30 June** in each year.

This amendment reflects legislation that states that the annual meetings must be held in June.

- ~~4 No person shall smoke in the room where any meeting of the Authority is taking place.~~

This has been removed due to legislation now being in place which prevents smoking in workplaces.

Standing Orders relating to Contracts

A review of the Standing Orders relating to Contracts is currently being undertaken, although it is still not clear what amendments, if any, will be needed, following Britain leaving the European Union on 1 January 2021.

Should any amendments be required to these Standing Orders they will be brought to a future meeting of the Fire Authority for ratification.

The Scheme of Delegation to Officers

Delegations to Officers

This scheme grants delegated powers to the Chief Fire Officer, Authority Solicitor (Monitoring Officer) and Treasurer (“the Chief Officers”) under section 101 of the Local Government Act 1972 and any other enabling powers.

Either of the ~~The~~ Assistant Chief Fire Officers*, Head of Finance or Deputy Monitoring Officer may exercise these delegated powers in the absence or inability to act of the Chief Fire Officer, Treasurer or Monitoring Officer respectively.

~~* In the first instance such powers would be delegated to the Assistant Chief Fire Officer.~~

This amendment reflects the Service’s current Executive Officer Structure of a Chief Fire Officer and two Assistant Chief Fire Officers.

1.4 This Scheme does **not** delegate:

- a) any matter reserved to the Authority;
- b) any matter which may by law **may** not be delegated to an officer;

This is an amendment to wording to provide clarity.

3 Delegations to the Authority *Solicitor and Protocol for the Role of Monitoring Officer*

3.7 Protocol for the Role of Monitoring Officer

3.7.1 *The Monitoring Officer undertakes to discharge his/her responsibilities in a manner which will enhance the reputation of the Authority. In general terms his/her ability to discharge these duties depends on excellent working relations with colleagues and Members but also on the flow of information and access to debate, particularly at early stages.*

3.7.2 *The following arrangements and understandings between the Monitoring Officer and colleagues and Members are designed to help ensure the effective discharge of his/her functions:*

- a) ***Advance notice of meetings whether formal or informal, between Brigade Managers and/or the Treasurer and Committee Chairs or Vice Chairs will be given to the Monitoring Officer, where any procedural, vires or other constitutional issues are likely to arise.***
- b) ***Brigade Managers and the Treasurer will alert the Monitoring Officer to all emerging issues of concern, including legality, probity, vires and constitutional issues. The Monitoring Officer will provide feedback and inform Brigade Managers and the Treasurer of general or specific issues of concern.***
- c) ***The Monitoring Officer will have copies of all reports to Members.***
- d) ***The Monitoring Officer will develop good liaison and working relations with the External Auditor and the Ombudsman, including giving and receiving relevant information, whether confidential or otherwise.***
- e) ***The Monitoring Officer will have a good working relationship with the Chair and Vice Chair of the Authority and will ensure that Brigade Managers and the Treasurer have up-to-date information regarding emerging issues.***
- f) ***The Corporate Support Manager will liaise regularly with the Monitoring Officer, Deputy Monitoring Officer and Solicitor to consider and recommend action in connection with current governance issues and other matters regarding probity.***

- g) In carrying out any investigation the Monitoring Officer will have unqualified access to any information held by the Authority and any employees, who can assist in the discharge of his/her functions.***
- h) The Monitoring Officer will liaise with the Corporate Support Manager regarding monies required to enable him/her to seek Counsel's opinion on any matter concerning his/her functions.***
- i) The Monitoring Officer will be responsible for preparing a training programme for Members relating to standards issues.***
- j) The Monitoring Officer will report to the Authority from time to time on the Fire Authority's constitution and any necessary or desirable changes following consultation with Brigade Managers and the Treasurer.***
- k) The Monitoring Officer will appoint a deputy and keep him/her briefed on emerging issues.***
- l) The Monitoring Office will keep a Register of Interests and Register of Gifts and Hospitality for the Authority and regularly remind employees and Members to keep this up to date.***

For the purposes of this protocol "Brigade Managers" are defined as: The Chief Fire Officer, the Deputy Chief Fire Officer and the Assistant Chief Fire Officers.

The addition of the Protocol for the Role of Monitoring Officer to the Scheme of Delegation provides clarification of the Monitoring Officer's role and responsibilities.

Please note that the relevant documents have not been attached to this report in order to save paper and postage.

The current versions can, however, be viewed on the Fire Authority's website via the link below with proposed amendments being shown in bold italics and deletions struck through.

[23 June 2021 | Shropshire Fire and Rescue Service](#)

Hard copies of the documents are available to Members upon request.

5 Financial Implications

There are no financial implications arising from this report.

6 Legal Comment

The proposed changes to Standing Orders, Financial Regulations and the Scheme of Delegation to Officers are lawful and the Fire Authority has the power to act as proposed in this report.

7 Appendices

The Appendices to the report can be accessed via the following link:

[23 June 2021 | Shropshire Fire and Rescue Service](#)

Appendix A

Standing Orders relating to Proceedings and Business

Appendix B

Standing Orders relating to Contracts

Appendix C

Scheme of Delegation to Officers

8 Background Papers

There are no background papers associated with this report.