

## Review of Scheme of Delegation to Officers and of Standing Orders

### Report of the Clerk

For further information about this report please contact Sharon Lloyd,  
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### 1 Purpose of Report

This report reviews the Fire Authority's Scheme of Delegation to Officers and Standing Orders 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:

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

### 3 Background

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

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

As these documents exceed 50 pages, they have not been attached as appendices to this report, in order to save paper and postage.

The current versions of the documents, showing proposed changes (additions in bold italics and deletions struck through) can, however, be viewed on the Fire Authority's website via the following link:

Please insert current link to most up to date versions

#### 4 Annual Review

Although not a legal requirement, it is deemed good practice for local authorities to review annually their Scheme of Delegations to Officers and Standing Orders. Accordingly, your officers have carried out a review and propose the amendments set out below. Additions are shown in bold italics and deletions struck through.

#### 5 Scheme of Delegation to Officers

The Scheme of Delegation to Officers has been reviewed and the following change is proposed.

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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.

***The Assistant Chief Fire Officer\*, 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 (Service Delivery) and then, in his / her absence or inability to act, to the Assistant Chief Fire Officer (Corporate Services).***

Although separate documentation exists, providing such delegated powers to the Head of Finance and Deputy Monitoring Officer, it would seem prudent to include these delegations within the Scheme to provide absolute clarity. Also, as the post of Deputy Chief Fire Officer is to be deleted, it would be opportune to include delegation of the Chief Fire Officer's powers to the Assistant Chief Fire Officers.

Under 3.2 at Delegations to the Authority Solicitor, it is proposed to include the following

- c) ***prosecute under the Authority's enforcement powers including under the Regulatory Reform (Fire Safety) Order 2005***

## 6 Standing Orders for the Regulation of Proceedings and Business

Standing Orders for the Regulation of Proceedings and Business have been reviewed and the following changes are proposed.

There are still some references to 'prejudicial' interests. Where these occur, it is proposed that they are substituted with 'disclosable pecuniary' interests.

### Standing Order No 1

- 5 (a) Notice of the time and place of the intended meeting shall be published at:  
The Shirehall, Shrewsbury;  
~~The Civic Offices,~~ **Darby House**, Telford; and  
Brigade Headquarters, Shrewsbury.

### Standing Order No 7 Appointment of Committees and Sub-Committees

~~3 Any committees or sub-committees appointed by the Authority shall as the first item of business at its first meeting consider the appointment of a Chair and Vice-Chair.~~

- 4 Any committees or sub-committees appointed by the Authority shall consider the election of a Chair and appointment of a Vice-Chair as the last item of business on the agenda of the annual meeting of the Authority.**

Suggested by Members, it is a pragmatic way of dealing with this business, rather than awaiting the next meeting of a committee, which could be some months after the annual meeting of the Authority.

- 5** When appointing committees (~~other than the Standards Committee~~) the Authority shall determine the overall number of seats on each committee and allocate numbers of seats to political groups ~~and to Independent Members~~ in accordance with the Local Government and Housing Act 1989 and regulations made under that Act.

This was inadvertently missed, when the last review was conducted.

## 7 Standing Orders relating to Contracts

Standing Orders relating to Contracts have been reviewed and the following changes are proposed.

### A Application

- C1** The Authority requires that all contracts for 'supplies' or 'services' over ~~£156,000 or~~ the European Union Public Sector Contract Threshold, ~~if lower,~~ have a tender exercise in accordance with EU legislation, ~~even if this amount is below the limit set by the EU.~~

## **F When tenders are required**

- F3 Where the consideration payable may be reasonably expected to exceed ~~£156,000~~ or the European Union Public Sector Contract Threshold, if lower, for 'supplies', or 'services', or ~~£3,900,000~~ for 'works', (**as appropriate to the contract type**), the contractors must be chosen using the EU Tendering Procedure.

The above changes would avoid any issues arising from the discrepancy in the review date for Standing Orders and any variances made in the EU Tender thresholds.

## **P5 Cancellation of Contract**

- (ii) If the contractor or any person engaged by him shall have committed any offence under the ~~Prevention of Corruption Acts 1889 to 1916~~ **Bribery Act 2010** or shall have given any fee or reward, the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

This amendment reflects legislative changes.

## **8 Financial Regulations Standing Orders**

The Financial Regulations Standing Orders have been reviewed and the following changes are proposed.

### **Status of Financial Regulations**

Where responsibilities have been delegated or devolved to other responsible officers, references to 'Brigade Managers' (i.e. the Chief Fire Officer, ~~Deputy Chief Fire Officer,~~ **and** Assistant Chief Fire Officers (Corporate, Performance and Operations) and ~~Assistant Chief Fire Officer (Human Resources)~~ or other statutory title in the regulations should be read as referring to them.

This change reflects the latest restructuring in respect of Brigade Managers.

### **Supporting Procedures**

The Authority shall be provided with, and scrutinise, its current financial year and future five **year** revenue and capital estimates ('the Budget') on the minimum of an annual basis.

## **9 Financial Implications**

There are no financial implications arising from this report.

## **10 Legal Comment**

The proposed changes to Standing Orders are lawful and the Fire Authority has the power to act as proposed in this report.

## 11 Initial Impact Assessment

An Initial Impact Assessment has been completed.

## 12 Appendices

There are no appendices attached to this report. The following documents can, however, be accessed via web link shown below:

- Scheme of Delegation to Officers
- Standing Orders for the Regulation of Proceedings and Business
- Standing Orders relating to Contracts
- Financial Regulations Standing Orders

Latest web link to be inserted

## 13 Background Papers

There are no background papers associated with this report, other than those listed in 12 above.