

## 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,  
Corporate Services Manager, on 01743 260210.

### 1 Purpose of Report

To receive and note the amendments to the Scheme of Delegation to Officers and Standing Orders, which were agreed at, and stand adjourned from, the Annual Meeting of the Fire Authority.

### 2 Recommendations

The Fire Authority is requested to receive and note the amendments to the Fire Authority's Scheme of Delegation to Officers and to its Standing Orders (set out at paragraphs 3, 4, 5 and 6 of this report), which stand adjourned from the Annual Meeting of the Fire Authority, held in July 2010.

### 3 Scheme of Delegation to Officers

The Scheme of Delegation to Officers was reviewed and the Fire Authority agreed to remove point 3.6 from the Delegations to the Authority Solicitor, as the authority to deal with such applications now rests with the Standards Committee as per its delegation. Point 3.6 reads as follows:

To provide a Certificate of Opinion regarding politically restricted posts under section 3 of the Local Government and Housing Act 1989.

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

The Standing Order for the Regulation of Proceedings and Business was reviewed and the following amendments were agreed. Any additions are shown in bold italic type and deletions are struck through.

## **Standing Order No 7**

### **Appointment of Committees and Sub-Committees**

- 2 The Authority shall at its Annual Meeting ~~least annually~~ **least annually** review the constitution and composition of any committees or sub-committees which have been appointed – see Standing Order 6.3 above

This change would also need to be reflected in Standing Order No 6 Part 3 which would now read as follows:

## **Standing Order No 6**

### **Order of Business**

- 3 ~~At the Annual Meeting of the Authority~~ **least annually** in addition to the statutory and other business the Agenda shall include an item to consider the constitution of committees and sub-committees and their membership.

## **5 Standing Orders relating to Contracts**

The Standing Orders relating to Contracts were reviewed and the Fire Authority agreed the amendments to bring them up-to-date. Any additions are shown in bold italic type and deletions are struck through.

On page 4 at C2 and page 6 at F3 and G2

- C2** The Authority requires that all contracts for ‘supplies’ or ‘services’ over ~~£440~~**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. This will ensure legal compliance and use of best practice. ‘Works’ contracts in excess of £500,000 must be addressed in accordance with clause C3 below and may require an EU compliant tender procedure.

Advice must be sought from the Authority’s Solicitor or equivalent expert in the event that the use of EU procedures is deemed to be necessary.

- F3** Where the consideration payable may be reasonably expected to exceed ~~£440~~**156,000** or the European Union Public Sector Contract Threshold, if lower, for ‘supplies’ or ‘services’, or ~~£3,500~~**900,000** for ‘works’, the contractors must be chosen using the EU Tendering Procedure.
- G2** The value of the contract is less than ~~£40~~**15,000** and contract failure would not create a serious risk to the Authority or service delivery.

On page 4 at D1 and on page 12 at M5

**D1** Exemptions from this Standing Order may be obtained where there are special circumstances justifying such exemption, or in cases of urgency. The Chief Fire Officer and the Treasurer, after consultation with the Chair of the Authority, may exempt any contract from any such provision. All such exemptions shall be reported to ~~the a next~~ meeting of the Authority **or relevant committee within 6 months of award.**

## **M5 Consortium Purchasing and Standing Offer Arrangements**

Where the tender is for a standing offer comprising a range of different goods or services at different tender prices, the Chief Fire Officer, after consultation with the Chair or Vice-Chair of the Strategy and Resources Committee, may accept the most suitable tender irrespective of contract value **PROVIDED THAT** full details of the contract in question shall be recorded in the Register together with a statement of reasons and reported to ~~the following a~~ meeting of the Authority or relevant Committee **within 6 months of award.**

### **Explanatory Note**

*The Chief Fire Officer may accept lowest cost tenders where expenditure is included in approved estimates. Where other than lowest cost tender is accepted in compliance with these Standing Orders, reasons must be recorded in the Register and reported to ~~the following a~~ meeting of the Authority or relevant committee.*

On page 2 at A6

**A6** The financial limits specified within these Standing Orders are subject to EU Directives and review by the Authority. ~~The limits have been set out below the statutory levels, to ensure compliance and the use of best practice in high value contracts.~~

On page 16 at P4

**P4** Where an appropriate British Standard or British Standard Code of Practice issued by the British Standards Institution or equivalent European Standard is current at the date of the tender, every contract shall, where reasonable and practicable, require that, all goods and materials used or supplied and all workmanship shall not be inferior to that standard.

~~The contractor shall use his best endeavours to comply in all respects with the provisions of ISO9000 in respect of the quality of the work carried out under any contract.~~

## 6 Financial Regulations Standing Orders

The Financial Regulations Standing Orders were reviewed and the following amendments were agreed. Any additions are shown in bold italic type and deletions are struck through.

### Financial Regulation 2 – Financial Planning

#### 2.7 Preparation of the Capital Programme and ~~Borrowing~~ *Funding Plan*

The Treasurer is responsible for ensuring that a capital programme and ~~borrowing~~ *funding* plan are prepared on an annual basis for consideration by the Authority.

### Financial Regulation 7 – Treasury Management

All treasury management operations of the Authority shall be carried out in accordance with its Treasury *Policy and Strategy and with its Investment Strategy*. ~~with~~ *All operations must be within* guidelines based upon the CIPFA Code of Practice for Treasury Management.

## 7 Financial Implications

There are no direct financial implications arising from this report.

## 8 Legal Comment

The changes to the Scheme of Delegation to Officers and Standing Orders are lawful.

## 9 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

## 10 Appendices

There are no appendices attached to this report.

## 11 Background Papers

### Shropshire and Wrekin Fire and Rescue Authority

Annual Meeting 21 July 2010, Report 8d – Review of Scheme of Delegation to Officers and of Standing Orders, and Minutes of that meeting

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	
Capacity		Member Involvement	
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial		Staff	
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	