

## REPORT OF THE CLERK

# REVIEW OF SCHEME OF DELEGATION TO OFFICERS AND STANDING ORDERS

### 1 Purpose of Report

To receive 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 Recommendation

The Fire Authority is requested to note the amendments to the Fire Authority's Scheme of Delegation to Officers and Standing Orders (set out at paragraphs 3, 4, 5 and 6 of this report), which were agreed at, and stand adjourned from, the last meeting of the Authority.

### 3 Agreed Amendments to Scheme of Delegation to Officers

The following amendments to the Fire Authority's Scheme of Delegation to Officers (shown in italics) were agreed at, and stand adjourned from, the Annual Meeting, which took place in July 2006

At 2.3.6, following the repeal in the Fire and Rescue Services Act 2004 of the Fire Services (Discipline) Regulations 1985:

*To ensure that the Fire Authority's disciplinary policy and procedures, based on the Advisory, Conciliation and Arbitration Service (ACAS) best practice guidance, are properly applied and enforced.*

At 2.3.8, following changes in the legislation relating to firefighters' pensions:

*To take decisions in connection with legislation relating to firefighters' pensions, after having consulted with the Treasurer on budgetary implications and the Authority Solicitor on any legal basis.*



## 4 **Agreed Amendments to Standing Orders for the Regulation of Proceedings and Business**

The following amendments to the Fire Authority's Standing Orders for the Regulation of Proceedings and Business (shown in italics) were agreed at, and stand adjourned from, the Annual Meeting, which took place in July 2006.

It was agreed that Standing Order 20 (page 14) will now to read as follows, i.e. any references to substitutes have been removed:

### **ATTENDANCES**

#### **Record of Attendances**

- 1 Every Member of the Authority attending a meeting of the Authority or of any of its committees or sub-committees of which s/he is a Member shall sign his/her name in the attendance book or sheet.

#### **Appeal Hearings**

- 2 Any Member of any panel or committee, who has been involved with a decision, shall not be permitted to sit on any subsequent panel or committee dealing with an appeal against such a decision.

#### **Attendances in the absence of a Quorum**

- 3 The Clerk to the Authority shall keep a record of the attendances of Members of the Authority at Authority meetings and at meetings of each of the committees of the Authority or of the sub-committees or working parties thereof, whether there be a quorum or not.

#### **Records of other attendances and approved duties**

- 4 The Chief Financial Officer of the Authority or other person authorised for the time being to make any payments to Members of the Authority under Section 18 Local Government and Housing Act 1989 or any regulations made thereunder shall keep such records of the attendances, approved duties, conferences, meetings, visits and other occasions qualifying for such payments as such officer considers necessary or desirable and Members of the Authority shall supply to such officer such details thereof as s/he reasonably prescribes.

#### **Failure to attend meetings**

- 5 Where a Member fails, throughout a period of six months from the date of their last attendance, to attend any meeting of the Authority, then the appropriate Political Group Spokesperson shall be advised of the non-attendance, unless the failure to attend was as a result of some reason approved by, or on behalf of, the Authority or one of the Constituent Authorities before the expiry of that period. A 'meeting of the Authority' includes meetings of the Authority itself, of its committees and panels and outside body attendance, where the Member is a named Member of that body.



## 5 Agreed Amendments to Standing Orders relating to Contracts

The following amendments to the Fire Authority's Standing Orders relating to Contracts (shown in bold italics) were agreed at, and stand adjourned from, the Annual Meeting, which took place in July 2006.

On pages 3 and 5 at C2 and F3, to reflect more closely the European Union limits: The figure of £100,000 to be replaced with '**£140,000 or the European Union Public Sector Contract Threshold, if lower**'.

On Page 5 after G3 the following clause to be added:

**G4 The goods or services are supplied under national procurement arrangements (through FireBuy).**

On page 6 delete the following clause:

~~(iv) Where a purchase is being made through a collaborative purchasing agreement based on a local or national public sector framework agreement, subject to Standing Order E above.~~

Clauses (v) to (viii) will then require renumbering and the reference in the final clause of that section to 'clauses (i) to (vii) above' will need to be amended to '**clauses (i) to (vi) above**'.

On page 9:

### K SUBMISSION OF TENDERS

#### K1 Form and Receipt of Tenders

Each invitation to tender shall state that:

- (i) No tender will be received except:
  - a. in a plain sealed envelope which may bear the word "Tender" followed by the subject to which it relates but shall not bear any name or mark indicating the sender; or
  - b. **to a defined electronic mail box specifically for this purpose**

~~(ii) Every tender must be in writing and signed by a duly authorised person;~~

~~(iii) All such envelopes shall be forwarded to an officer of the Authority, designated by the Chief Fire Officer; and~~

- (iv) The officer to whom tenders are to be returned shall make arrangements for every tender received to be retained in secure custody unopened until the time appointed for its opening.

#### K2 Return Date

Tenders in respect of each contract shall be returnable by the time and date specified in the contract documentation which shall be the same date and time for each particular contract. Failure to comply will render a tender void and unacceptable.



Tenders submitted by facsimile ~~or e-mail~~ will **not** be considered as valid and will render the tender **void** and **unacceptable**.

The Chief Fire Officer shall maintain all tender documents received by him/her, including matters provided for as prime costs or provisional sums in larger contracts for building works, for a period of 2 years. All documentation received from the successful contractor shall be maintained for the full contract (including warranty) period or such longer period as he/she thinks fit.

#### ***Explanatory Note***

*A variation to such procedures may be required as a consequence of the need to adhere to EU Directives, or if tenders are to be received by the Authority's solicitor or procurement advisor.*

*Officers must ensure that a properly addressed return label including the date and time of return is sent out with all tender documents.*

*Wherever practicable a minimum of 10 working days should be allowed for the return of tenders, but officers should consider the adequacy of any time given.*

*Particular care should be taken to ensure that the identity of the sender is not known prior to the formal opening process.*

***A unique email address will be established for each tender and this address will not be accessed until the formal tender opening.***

## **6 Agreed Amendments to Standing Orders for the Regulation of Financial Matters and Financial Regulation**

The following amendments to the Fire Authority's Standing Orders for the Regulation of Financial Matters and Financial Regulation (shown in italics) were agreed at, and stand adjourned from, the Annual Meeting, which took place in July 2006

A change in the name to ***Financial Regulations Standing Orders***

On page 1 an additional final paragraph under Status of Financial Regulations:

***Officers should comply with the Financial Standing Orders of both the West Midlands Regional Management Board and the Fire Authority but, for the avoidance of doubt, where there is any conflict or lack of clarity between the two, officers must ensure that those of the Fire Authority are followed.***

On page 8 at Financial Regulation 6 – Accounting, the year in the first line should be amended from 1998 to 2003.

## **7 Financial Implications**

There are no financial implications arising from this report.



## 8 Legal Comment

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

## 8 Appendices

There are no appendices attached to this report.

## 9 Background Papers

### Shropshire and Wrekin Fire Authority:

Annual Meeting 19 July 2006 Report 8 – Review of Scheme of Delegation to Officers and of Standing Orders and Minutes

Fire Authority Handbook Section 4 – Officers of the Authority and Scheme of Delegation to Officers

Fire Authority Handbook Section 5 – Standing Orders for the Regulation of Proceedings and Business

Fire Authority Handbook Section 6 – Standing Orders relating to Contracts

Fire Authority Handbook Section 7 – Standing Orders for the Regulation of Financial Matters and Financial Regulation

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	
Equality and Diversity		Retained	
Efficiency Savings		Risk and Insurance	
Environmental		Staff	
Financial		Strategic Planning	
Fire Control/Fire Link		West Midlands Regional Management Board	*

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