

EXTRACT FROM CURRENT AUTHORITY APPROVED SCHEME OF DELEGATIONS

1. MATTERS DELEGATED TO THE CHIEF FIRE OFFICER

(a). General

- 4.1 To exercise the functions of Head of Paid Service.
- 4.2 In consultation with the Legal Adviser as necessary, to institute, defend or settle legal proceedings (either in the name of the Authority or an individual officer of the Authority) at common law or under any enactment, statutory instruments order or bye law conferring functions upon the Authority (or in respect of functions undertaken by it) and to lodge an appeal in respect of any such proceedings. For the avoidance of doubt, this delegation shall extend to the taking of all procedural steps including service of notices - statutory or otherwise - counter-notices, the Laying of Informations and to any proceedings which the Chief Fire Officer considers expedient to take for the protection of the interests of the inhabitants of the Authority's area. Any claim settled in accordance with this delegation will be subject to the provisions of paragraph 4.6 below. (**NOTE: this function may also be exercised by the Clerk to the Authority**).
- 4.3 To exercise the Authority's powers as consultee under any legislation including objecting to the issue of licences, consents, registrations or permissions and/or submitting responses or representations.
- 4.4 In the absence of the post-holder and subject to consultation with appropriate officers as indicated, power to exercise any of the functions delegated to the Clerk as detailed in Section 5 below.
- 4.5 In accordance with Standing Orders and in cases of urgency ONLY, power to act on behalf of the Fire and Rescue Authority, subject ALWAYS to consultation with other officers of the Fire and Rescue Authority (as appropriate) and with the Chairman or Vice-Chairman and to a report being submitted on any action so taken to the next ordinary meeting of the Fire and Rescue Authority.
- 4.6 In consultation with the Treasurer, to approve the making of any grant up to and including the limit as set out in Financial Regulations.
- 4.7 In consultation with the Treasurer, to settle employee claims up to and including the threshold as set out in the Schedule to Financial Regulations;
- 4.8 To negotiate and approve, in consultation with the Treasurer, the settlement of other claims against the Authority up to the thresholds as set out in the Schedule to the Financial Regulations.
- (**NOTE:** the delegations at 4.7 and 4.8 above EXCLUDE claims to be settled by officers under insurance arrangements).

4.9 In consultation with the Treasurer, to approve ex gratia payments up to the thresholds as set out in the Schedule to the Financial Regulations in the case of loss or damage to an employee's clothing and equipment during the course of employment (subject to there being no negligence on the part of the employee) or in relation to any incidental expenditure arising from assault/serious injury to employees at work.

(b). Operational

4.10 In accordance with the Fire and Rescue Services Act ("the Act") 2004:

- (i). to exercise power to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any fire and rescue authority function in accordance with Section 5;
- (ii). to ensure that the core functions of the Authority as provided for by Sections 6 to 9 of the Act are duly exercised in accordance with the Authority's Integrated Risk Management Plan and any associated policies approved by the Authority;
- (iii). to exercise power to respond to any other eventualities in accordance with Section 11;
- (iv). to provide other staff/equipment for other purposes as appropriate in accordance with Section 12;
- (v). to enter into reinforcement schemes with other fire and rescue authorities in accordance with Section 13;
- (vi). to enter into arrangements with other employers of firefighters (excluding other fire and rescue authorities) for the discharge of firefighting, road traffic accidents or other emergencies in accordance with Section 15;
- (vii). to enter into arrangements for the discharge of functions by others in accordance with Section 16 of the Act;
- (viii). to exercise powers at or under sea in accordance with Section 20;
- (ix). to provide information as requested to the Secretary of State in accordance with Section 26;
- (x). to provide information in connection with pensions etc. in accordance with Section 35;
- (xi). to make arrangements for water supplies in accordance with Part 5, Sections 38 to 43;
- (xii). to authorise employees of the Authority for the purposes of Part 6, Sections 44, 45 and 46 (powers of entry in the event of an emergency and for information gathering/fire investigation purposes) and furnish them with evidence of authority.

- 4.11 To the extent not covered elsewhere in this Scheme of Delegations, decisions on operational deployment of staff, equipment etc. and the use of buildings in accordance with the approved Integrated Risk Management Plan. This delegation DOES NOT include the power to close a fire station unless that is explicitly mentioned in the approved Plan or has been the subject of a separate resolution by the Authority.
- 4.12 To enter into agreements in respect of fire alarm systems in circumstances where special arrangements are provided to transmit the call from the protected premises to the Fire and Rescue Service Mobilising Centre.
- 4.13 To offer training to outside bodies in aspects in which the Service has expertise.
- 4.14 To authorise the exercise of powers of entry, inspection and survey and the carrying out of emergency works by staff of the Service or contractors acting on behalf of the Fire and Rescue Authority and/or the Service on land or buildings.

(c). Fire Safety

- 4.15 To exercise all the powers of the Authority under the Regulatory Reform (Fire Safety) Order 2005 including, amongst other things:
- (i). appoint inspectors in accordance Article 26(1) of the Order and furnish them with evidence of authority;
 - (ii). in accordance with Article 26(3) of the Order, make arrangements with either the Health and Safety Commission or the Office of Rail Regulations for the for the performance of the Authority's functions in relation to any particular premises;
 - (iii). in accordance with Article 28(1), to give consent to a duly appointed inspector (or any other person authorised by the Secretary of State) authorising in writing an employee of the fire and rescue service to exercise powers conferred on a fire inspector by virtue of Article 27 of the Order.

(d). Asset Management

- 4.16 To agree, following consultation with the Legal Adviser as necessary, the terms and arrangements for the acquisition (whether by purchase, lease or licence) of land and/or buildings required for Authority purposes subject to:
- (i). prior approval of the Authority for any acquisition involving a conveyance;
 - (ii). compliance with Financial Regulations (or Procedures made thereunder) and this Scheme of Delegations in relation to thresholds for capital expenditure.
- 4.17 To agree, following consultation with the Legal Adviser as necessary, the terms and arrangements for the disposal of Authority land and/or buildings considered surplus to requirements subject to:

- (i). prior approval of the Authority for any disposal involving a conveyance;
- (ii). compliance with Section 123 of the Local Government Act 1972.

(e). Personnel

4.18 Subject to:

- (i) any statutory restrictions and requirements;
- (ii) any conditions of Service requirements;
- (iii) such policies, procedures and practices that may from time to time be determined by the Authority;
- (iv) the provisions of paragraph 4.18 below

the power to deal with all matters relating to the appointment (including the method of appointment), suspension, dismissal, relegation, pay, promotion, supervision, compensation, conditions of service, redundancy, recruitment, qualification, training, health, safety, welfare, housing allowances and the provision of telephones and pay and any other matters relating to the paid employment of persons by the Service, both uniformed and non-uniformed.

In particular, this delegation shall include the power to:

- (a) effect minor variations in the establishment between uniformed and non-uniformed posts where this is in the best interests of the Service and subject to consultation with representative bodies and to there being no additional resource implications associated with the variation;
- (b) to effect changes in the establishment structure subject to any financial implications being contained from within existing resources and to compliance with the virement thresholds as contained in the Authority's Financial Regulations;
- (c) approve secondments to the Fire Service College, appropriate government department(s) and other relevant agencies subject to all costs being met by the seconding agency. Authorisation to fill vacancies in the Service arising from substantive secondments;
- (d) determine applications submitted by individual members of the Service for approval to carry on outside employment and to determine those occupations likely to present any unacceptable risk of injury or unfitness and impose limitations as appropriate;
- (e) exercise in the first instance, and in accordance with the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions and Service (the "Grey Book"), discretion on extensions of sick pay for uniformed firefighters;

- (f) consider on their individual merits requests for extensions of service beyond the normal retirement age and, if appropriate and subject to a satisfactory medical exam, to approve such requests in line with the conditions as set out in the new Grey Book and the Firefighters' Pension Scheme.
- (g) exercise discretion over broken service with another authority for the purpose of calculating service for the long service bounty scheme;
- (h) approve for membership of a Local Authority, Health Authority or other Public Body (including school/college governing body), to stand as a parliamentary candidate or be a Justice of the Peace and approval of special paid or unpaid leave in relation to these functions;
- (i) in accordance with any directions and/or financial thresholds set by the Authority, to exercise those delegations under Firefighters Pensions Schemes and Local Government Pension Scheme as may from time to time be approved by the Authority (NOTE: the most recent delegations in relation to the Local Government Pension Scheme were approved by the Authority at its meeting on 29 July 2015 - Minute DSFRA/21 refers. Delegations in relation to the Firefighters Pensions Schemes were initially approved by the Authority at its meeting on 7 October 2015 – Minute DSFRA/26(c)(ii) refers – and amended on 30 July 2018 – Minute DSFRA/16(a)(i) refers);
- (j) in consultation with the Treasurer, approve premature retirement of staff (other than uniformed firefighters) on grounds of permanent ill-health and/or the efficiency of the Service and where appropriate the exercise of discretion in respect of the award of added years.

4.19 The power in paragraph 4.18 above shall NOT include any matter:

- (i) relating to the posts of Deputy Chief Fire Officer and Assistant Chief Fire Officer;
- (ii) relating to the statutory posts of Monitoring Officer and Chief Financial Officer (other than suspension of these Officers in accordance with Standing Orders;
- (ii) arising from a proposal for major restructuring;
- (iii) which is a major change in the Authority's or Service's policies, procedures or practices and
- (iv) under the Superannuation Acts relating to the payment and enhancement of pensions.

(f). Commercial Activities

- 4.20 To exercise, on behalf of the Authority, any written approvals (other than the entering into of contracts for the provision of goods and services) as required by the Trading Company Contract between the Devon & Somerset Fire & Rescue Authority and Red One Ltd.