

## ANNEX 1, APPENDIX A TO REPORT DSFRA/21/12

### AUTHORITY APPROVED SCHEME OF DELEGATIONS

#### **5. MATTERS DELEGATED TO THE CLERK**

- 5.1 In accordance with the Devon & Somerset Fire & Rescue Authority (Combination Scheme) Order 2006 (as amended), to calculate annually the apportionment of places on the Authority to constituent authorities, using the most up-to-date local government electoral roll statistics available on the Office for National Statistics website, and to notify constituent authorities of the outcome of this in sufficient time to enable relevant appointments to be made at their annual meetings.
- 5.2 To receive and/or publish notices in accordance with the provisions of Standing Orders
- 5.3 In accordance with Standing Orders, to call an extraordinary meeting of the Authority if so required.
- 5.4 In accordance with Standing Orders and following consultation with either the Authority or relevant Committee Chair (as the case may be), to establish any Working Party or “task and finish” group as considered conducive and timely to the work of the Authority (**NOTE:** this delegation may also be exercised by the Chief Fire Officer).
- 5.5 “Proper Officer” for the purposes of Regulations 13 and 14 of the Local Government (Committees and Political Groups) Regulations 1990.
- 5.6 To approve and grant any dispensation to exempt a Member from the requirement in Standing Orders to attend at least one Authority meeting within a six month consecutive period, subject to the dispensation being approved and granted either prior to, or before the end of, the six month consecutive period concerned. For clarity, Authority meeting also includes Committee meetings of the Authority or any joint committee to which a Member has been appointed by the Authority.
- 5.7 In accordance with Standing Orders, to affix (and attest the affixing of) the Seal of the Authority to any relevant document.

## **6. MATTERS DELEGATED TO THE MONITORING OFFICER**

- 6.1. To maintain a Register of Interests for Members and Co-opted Members in accordance with Section 29 of the Localism Act 2011 and to ensure that:
  - (a). the Register is available for public inspection at all reasonable hours; and
  - (b). the Register is published on the Authority's website.
- 6.2. In accordance with Section 33(2)(a) of the Localism Act 2011, to grant a dispensation from the restriction either not to participate in discussion of, or participate in discussion of and vote on, any matter in which a Member or Co-opted Member has a disclosable pecuniary interest only in instances where, without the dispensation, the number of persons prohibited from participating in any particular business would be so great a proportion of the relevant body as to impede transaction of the business.
- 6.3. In relation to the Members Code of Conduct adopted in accordance with Section 27(2) of the Localism Act 2011, to:
  - (a). receive any allegations of breaches of the Code and determine, in consultation with the "independent person" whether or not any such allegation should be investigated; and
  - (b). to arrange for the undertaking of any investigations as required and report as required on the outcomes of such investigations to the Standards Committee or Hearing Panel thereof.
- 6.4. To maintain a register of interests in contracts declared by Officers of the Devon and Somerset Fire and Rescue Authority in accordance with Section 117 of the Local Government Act 1972;
- 6.5. "Proper Officer" for the purposes of Part VA (sections 100A to 100K)(as inserted by the Local Government (Access to Information) Act, 1985) of the Local Government Act 1972, specifically as the officer who:
  - (a) shall determine whether to exclude reports from agendas and connected reports of meetings of the Authority (or its committees or sub-committees) made available to public inspection on the grounds that the excluded report may, in his opinion, be considered by the meeting in the absence of the public;
  - (b) shall make a written summary (without disclosing exempt information) of the proceedings of any part of any meeting during which the public were excluded where the minute(s) of those proceedings does not provide the public with a reasonably fair and coherent record of the proceedings; and
  - (c) shall compile, and determine the contents of, lists of background papers used in the drafting of reports which are open to inspection by the public.

- 6.6. In accordance with Standing Orders, 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 Monitoring Officer considers expedient to take for the protection of the interests of the inhabitants of the Authority's area. **(NOTE:** this function may also be exercised by the Chief Fire Officer).
- 6.7. In accordance with Standing Orders, to sign on behalf of the Authority any document necessary to any legal procedure or proceedings **unless:**
- (a). another person is required by law (e.g. Act of Parliament) to sign such a document; or
  - (b). the Authority has specifically authorised another officer to sign the document in question.
- 6.8. To receive, return (if appropriate) and open tenders in accordance with Contract Standing Orders.
- 6.9. Following consultation with the Authority Chair, to suspend the Chief Fire Officer immediately in an emergency or if an exceptional situation arises whereby allegations of misconduct by the Chief Fire Officer are such that their continued presence at work poses a serious risk to the health and safety of others or to the resources, information or reputation of the Authority.