



BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY

SCHEME OF DELEGATION TO OFFICERS

1. Preamble

- 1.1 For the purposes of this Scheme of Delegation the Proper Officers are Chief Fire Officer/Chief Executive, Treasurer and Clerk.
- 1.2 This Scheme is made under Section 101 of the Local Government Act 1972, as imported into the Combination Scheme Order to facilitate efficient decision making with regards those matters that can or cannot be delegated.
- 1.3 The Authority, therefore, whilst retaining overall responsibility for the formulation of policy including the approval of the Revenue and Capital Budgets and the Establishment Scheme, has delegated to the officers the powers set out in this Scheme.
- 1.4 The Scheme sets out the limits of authority for the Chief Fire Officer/Chief Executive, Treasurer and the Clerk to the Authority. Additional delegations to the Treasurer are described in the Financial Regulations.
- 1.5 The powers of the Monitoring Officer derive entirely from Statute and, therefore, there is no requirement for inclusion herein.
- 1.6 The Combined Fire Authority is required by the Local Government and Housing Act 1989 to appoint a Monitoring Officer. The Combination Order requires the appointment of a Treasurer to manage the Combined Fire Service Fund, and the Local Government Act 1972 together with the Local Government Finance Act 1988, require the Authority to have a Chief Financial Officer. The two posts are combined in this Authority.
- 1.7 Although not required by statute, good practice includes the appointment of a Clerk to the Authority.

2. General Conditions of Delegation and Definitions

- 2.1 The existence of a delegation shall not require the Chief Fire Officer to take a decision on that issue. The Chief Fire Officer needs to be aware of particular controversial issues of concern to the Authority. In such circumstances he may refer the matter for guidance or decision by the Authority if he considers it is appropriate to do so. In so doing the Chief Fire Officer shall advise the Members concerned of the extent of his delegated powers relating to the matter.
- 2.2 When action taken under the terms of this Scheme is of significance or importance to the work of the Authority, or could be construed to be a matter of political sensitivity or controversy, Officers shall inform Members, as soon as reasonably practical, either in writing or other suitable communication.

2.3 The Monitoring Officer to the Authority shall keep the operation of the Scheme under review, and the Authority may amend its provisions from time to time. Financial limits shall be reviewed annually by the Treasurer, having regard to price fluctuations.

2.4 By delegating power to an Officer, absolute responsibility for actions taken or not taken by that Officer remains with, and is not abrogated by, the Combined Fire Authority.

3. CHIEF FIRE OFFICER/CHIEF EXECUTIVE

3.1 The Chief Fire Officer shall, within the approved budgets and policies therefore, exercise all matters of day-to-day administration and operational management of the services and functions. This delegation shall include taking and implementing decisions including, in particular, any decision which is concerned with maintaining the operation or effectiveness of those services or with a matter incidental to the discharge of the Authority's functions or which falls within the scope of the Authority's policy framework.

3.2 The Chief Fire Officer is authorised to discharge the functions of the Authority in relation to the service, subject to the following requirements:

(i) any decisions or action shall comply with all relevant resolutions, orders and directions of the Authority and of its appointed Committee(s);

(ii) where any matter involves professional or technical considerations within the sphere or competence of another Officer, the Chief Fire Officer shall consult with that Officer before authorising action. This shall not be limited to officers within the employ of the Authority, if circumstances require.

3.3 Delegation to Chief Fire Officer does not include:

(i) any matter reserved to the Authority;

(ii) any matter which by law may not be delegated to an Officer;

(iii) any matter reserved to a Committee, Sub Committee or Panel;

(iv) any power to make a formal response on behalf of the Authority to any White Paper, Green Paper, Government Consultation Paper or draft European Union Directive without reference first to the relevant Chairman of the Authority. However, when the timescales so requires, the Chief Fire Officer is authorised to respond without discussion with the Chairman. The content of such response shall be referred to the appropriate committee for their attention.

3.4 To complement the discharge of functions under these arrangements, the Chief Fire Officer shall:

- (i) maintain close liaison with the Chairman in respect of controversial and sensitive issues.
 - (ii) maintain close liaison with Members representing the political groups in relation to any matter, which in the opinion of the Chief Fire Officer, may be regarded as sensitive or contentious by any such group.
 - (iii) keep a Member informed of significant developments relating to a specific matter, where a Member has made known to the Chief Fire Officer a legitimate interest, or where a matter relates to or affects the Member's electoral division or Ward.
- 3.5 The Chief Fire Officer may authorise, in writing, an Officer to exercise an authority in this Scheme in his absence, or at other times.
- 3.6 The Chief Fire Officer, in consultation with the Monitoring Officer, shall determine any case in which there is uncertainty whether an Officer is authorised to act under these arrangements.
- 3.7 Reference in these arrangements to the discharge of functions of the Authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions and the Chief Fire Officer is authorised to act accordingly.

4. TREASURER/CHIEF FINANCIAL OFFICER

- 4.1 The powers delegated to the Treasurer, are described below, and in the Financial Regulations.
- 4.2 The Treasurer has the authority to:
- (a) act as the suitably qualified officer responsible for the proper administration of financial affairs as required by Section 151 of the Local Government Act 1972.
 - (b) provide technical and professional advice to the Authority and its Members, the Chief Fire Officer Chief Executive, Directors and Brigade Managers.
 - (c) represent, as required, the Authority's interest at meetings with Government departments and agencies and other relevant national, regional and local organisations.
 - (d) be responsible for the Authority's corporate financial planning and financial management frameworks (both revenue and capital) ensuring that the frameworks are robust. This includes the co-ordination of the Authority's strategic financial plans (currently MTFP) in collaboration with other parts of the Authority and with elected members. This also includes the coordination of corporate financial performance reports in conjunction with other parts of the Authority as necessary.

- (e) deliver the finance functions and manage those related activities delivered under a Service Level Agreement with Buckinghamshire County Council.
- (f) interpret financial legislation as it relates to service.
- (g) provide appropriate training to Members and Officers with regard to financial planning or management issues.

5. CLERK TO THE AUTHORITY

5.1 The powers delegated to the Clerk to the Authority, are described below, and in the Financial Regulations.

5.2 The Clerk has the authority to:

- (a) approve applications for the supply of Authority and Committee agenda papers and minutes
- (b) circulate reports and agendas under Section 100 B(2) of the Local Government Act 1972
- (c) in consultation with the Monitoring Officer, as necessary, exclude reports from public inspection prior to a meeting in accordance with Section 100B(2) of the Local Government Act 1972
- (d) supply to the press copies of any documents supplied to Members in connection with an agenda item
- (e) prepare, print and despatch all final agendas within the legal deadlines required by the Local Government Act 1972 and meeting corporate standards. Make copies available to the press and for public inspection at the Civic Offices, Milton Keynes, County Hall, Aylesbury and Fire and Rescue Headquarters;
- (f) prepare and issue Decision and Action summaries;
- (g) in consultation with the Monitoring Officer, as necessary, exclude from disclosure to Members, documents containing exempt information in accordance with Section 100F(2) of the Local Government Act 1972
- (h) implement new procedures and legislation that affects the conduct of meetings;
- (i) supply summaries of Minutes under Section 100C(2) of the Local Government Act 1972
- (j) open tenders, in conjunction with a representative of the Chief Fire Officer.
- (k) witness and receive declarations of acceptance of office under Section 83 (1) – (4) of the Local Government Act 1972

- (l) receive declarations of resignation of office under Section 84 of the Local Government Act 1972
- (m) sign summonses to Authority, Committee, Sub Committee and Panel meetings
- (n) make or vary appointments to Committees, Sub Committees and Panels upon the nomination of the relevant group leaders subject to the changes being reported to the body in question
- (o) arrange for inspection of background papers by the public under Section 100D(1) and Section 100D(3) of the Local Government act 1972
- (p) receive notices regarding addresses to which a summons to a meeting is to be sent under paragraph 4(3) of Schedule 12 to the Local Government Act 1972