

**NORTH WALES FIRE AUTHORITY**

**EXECUTIVE PANEL**

**22 APRIL 2004**

**Report by the Clerk**

**DELEGATION OF POWERS TO THE CHIEF FIRE OFFICER**

**PURPOSE OF REPORT**

1. To review delegations to the Chief Fire Officer.

**BACKGROUND**

2. Existing delegations to the Chief Fire Officer have built up over time in a rather haphazard fashion. The modernising agenda for the fire and rescue service, including the repeal of Section 19 of the Fire Services Act 1947, the agreement of the authority's first Integrated Risk Management Plan and the introduction of Fire and Rescue Services Bill, means that a review of delegations is timely.

**ADVICE**

3. As a general principle, the Chief Fire Officer should have responsibility for all operational matters and taking all decisions in accordance with policies and strategies adopted by the Fire Authority, including the Integrated Risk Management Plan.
4. Member involvement will be necessary in individual operational decisions in circumstances such as:
  - (a) senior appointments, and personnel issues affecting such staff;
  - (b) decisions which require additional funding that cannot be absorbed within existing budgets;
  - (c) decisions which are likely to be subject of significant political and public debate, such as the closure of a fire station. (However the operating arrangements at a station, including staffing and equipment levels and operating hours, should be a matter for the Chief Fire Officer in accordance with the standards and policies in the Integrated Risk Management Plan.)
5. The appendix sets out existing and proposed delegations that follow the above principles and are consistent with arrangements adopted in many

local authorities. They take account of the Fire and Rescue Services Bill. Some of the proposed delegations would require amendments to existing policies such as procedures for appeals or other changes to legislation such as the Discipline Regulations, and therefore could not be implemented until new arrangements were in place following consultation with staff representatives. The proposed general delegation in respect of personnel matters would delegate all such matters to the Chief Fire Officer except where legislation or national or local agreements required member involvement and except for senior posts.

## **RECOMMENDATION**

6. The Executive Panel is recommended to consider the proposed revisions to delegations as set out in the appendix, and formulate its recommendation to the Fire Authority's meeting in July.

**Appendix  
FRS Bill = Fire and Rescue Services Bill**

<b>Existing delegation and date of decision</b>	<b>Proposed delegation</b>
<p>Some of the existing delegations deal with their onward delegation but many are silent.</p> <p>The proposal is for a general power for the Chief Fire Officer to delegate his functions as he sees fit.</p>	<p>The Chief Fire Officer may delegate any of his functions to an employee of the North Wales Fire Authority; and may arrange for his functions to be discharged by employees of other local authorities (including employees of other fire authorities).</p>
<p>Not identified</p>	<p>Exercise of supplementary powers under section 3 of the Fire Services Act 1947, except appointment of elected members to external bodies such as the Council of the Welsh Local Government Association etc.</p> <p>When the FRS Bill is enacted, substitute with: Exercise of incidental powers under section 5 of the Fire and Rescue Services Act 2004, except appointment of elected members to external bodies such as the Council of the Welsh Local Government Association etc.</p>
<p>Not identified</p>	<p>When the FRS Bill is enacted:</p> <p>In accordance with the Integrated Risk Management Plan and any policies approved by the Fire Authority, decisions on discharge of the functions of the fire authority under sections 6 to 12 of the Fire and Rescue Services Act 2004.</p>
<p>Decisions on support for Fire Service Associations and functions, including use of official transport and out of pocket expenses for persons attending meetings of such Associations; decisions on support for community functions such as organised bonfires. (13/2/1996)</p>	<p>Decisions on support for Fire Service Associations and functions, including use of official transport and out of pocket expenses for persons attending meetings of such Associations; decisions on support for community functions.</p> <p>When the FRS Bill is enacted, omit.</p>

Not identified	<p>Making, varying or revoking of reinforcement schemes with other persons, in accordance with sections 2 and 12 of the Fire Services Act 1947.</p> <p>When the FRS Bill is enacted, substitute with: Making, varying or revoking any arrangements with other persons in accordance with sections 13 to 17 of the Fire and Rescue Services Act 2004.</p>
Decisions on which specific incidents should be subject to a charge; power to increase the charges for special service calls annually (normally at the rate of inflation). (17/6/1996)	<p>Decisions on which specific incidents should be subject to a charge; power to increase the charges for special service calls annually, in accordance with the Authority's policy on charging.</p> <p>When the FRS Bill is enacted, substitute with: decisions on charges under section 19 of the Fire and Rescue Services Act 2004, in accordance with the Authority's policy on charging.</p>
Not identified	When the FRS Bill is enacted, decisions on exercise of powers at sea or under the sea under section 20 of the Fire and Rescue Services Act 2004.
Not identified	To the extent not already covered above: decisions on operational deployment of staff, equipment etc. and use of buildings in accordance with the Integrated Risk Management Plan. This delegation does not include the power to close a fire station permanently unless that is explicitly mentioned in the Plan or has been the subject of a resolution by the Fire Authority.
Not identified	When the FRS Bill is enacted:

	Agreements etc. in respect of water supply under Part 5 of the Fire and Rescue Services Act 2004.
Exercise of inspection, enforcement, advisory and consultative powers in respect of fire prevention under various Acts, with power to delegate functions to the Senior Fire Safety Officer or other Principal Officer. (29/9/1997)	Exercise of inspection, enforcement, advisory and consultative powers in respect of fire prevention. This delegation includes but is not limited to the Fire Authority's functions under the Health and Safety etc. at Work Act 1974 and regulations made thereunder, Building Act 1984, Housing Act 1985, Fire Precautions Act 1971, Licensing Act 2003, Gaming Act 1968, Safety of Sports Grounds Act 1975, Cinemas Act 1985, Theatres Act 1968.
<p>The Chief Fire Officer's powers in respect of appointments and discipline are implied by terms of reference of Executive Panel, 2001</p> <p>The Executive Panel presently deals with appeals and pension matters for all staff. The proposed delegation would place responsibility for most such matters with the Chief Fire Officer.</p> <p>See paragraph 5 of covering report.</p>	<p>In accordance with the policies for the time being adopted by the Fire Authority and except where member involvement is required under legislation or any relevant national or local agreements, decisions on all personnel issues including appointments, discipline, pensions, appeals, authorisations under sections 43 to 45 of the Fire and Rescue Services Act 2004 etc.</p> <p>This delegation does not apply to the appointment of or appeals by the Chief Fire Officer, Deputy and Assistant Chief Fire Officers and the Assistant Chief Officer (Corporate Services). Nor does this delegation apply to disciplinary proceedings commenced against, or pay or pension matters relating to, the Chief Fire Officer.</p>
Power to grant, withdraw or cancel permission to officers to pursue secondary employment, subject to various conditions. (28/10/1996)	Power to grant, withdraw or cancel permission to officers to pursue secondary employment. (This will be omitted if the general delegation in respect of personnel issues is agreed.)

<p>Power to vary leave requirements under the authority's policy on adoption leave. (16/6/1997)</p>	<p>Power to vary leave requirements under the authority's policies on adoption, maternity and paternity leave. (This will be omitted if the general delegation in respect of personnel issues is agreed.)</p>
<p>Decisions about reduction or stoppage of pay for officers on sick leave, subject to prior consultation with the Chairman or Vice-Chairman. (22/6/1998)</p>	<p>Decisions about reduction or stoppage of pay for personnel on sick leave. (This will be omitted if the general delegation in respect of personnel issues is agreed.)</p>