



**DORSET & WILTSHIRE
FIRE AND RESCUE
AUTHORITY**

Item 8

MEETING	Shadow Policy and Resources Committee
DATE OF MEETING	14 January 2016
SUBJECT OF THE REPORT	Steady State Scheme of Delegation to officers
STATUS OF REPORT	For open publication
PURPOSE OF REPORT	For decision
EXECUTIVE SUMMARY	This report makes recommendations about a scheme of delegation to officers to take effect on 1 April 2016.
RISK ASSESSMENT	None
COMMUNITY IMPACT ASSESSMENT	None
BUDGET IMPLICATIONS	There are no direct budget implications but if adopted the scheme of delegation will authorise officers to make decisions which will have financial implications for the Authority.
RECOMMENDATIONS	That members comment upon the proposed draft scheme of delegation and recommend a scheme for approval by the full authority.
BACKGROUND PAPERS	<ol style="list-style-type: none"> 1. The existing Dorset and Wiltshire schemes of delegation. 2. 17 September 2015 report to the Shadow Policy and Resources Committee recommending proposed delegations to the Chief Fire Officer designate (during the shadow period).
APPENDICES	<ol style="list-style-type: none"> 1. Proposed Dorset and Wiltshire Fire and Rescue Authority scheme of delegation.
REPORT ORIGINATOR AND CONTACT	Jonathan Mair j.e.mair@dorsetcc.gov.uk 01305 224181

1. Introduction

- 1.1 At a meeting of the Shadow Policy and Resources Committee on 17 September 2015 members adopted a series of delegations to the Chief Fire Officer designate to provide certainty as to his authority to do all that is necessary during the shadow period to ensure a smooth transition to a new service. This report looks beyond the shadow period to the need for a full scheme of delegation for when the new authority takes on its statutory functions and is operating in “steady state”.
- 1.2 As set out in the 17 September 2015 report under Section 101 of the Local Government Act 1972 local authority functions are discharged by an authority itself or the authority may arrange for the discharge of their functions.
- By a committee or sub committee
 - By an officer of the authority
 - By another local authority
- 1.3 Every local authority (which for these purposes includes a combined fire authority) must, irrespective of the range of services it delivers to the public, designate three statutory chief officers:
- A head of paid service, in this case the chief fire officer
 - A monitoring officer
 - A chief financial officer
- 1.4 The scheme of delegation now being recommended to members takes a rather different approach to the schemes of delegation previously adopted by the two fire authorities. The old schemes of delegation list specific things that officers are permitted to do. The drawback with this very prescriptive approach is that if an action is not listed in the scheme then officers will have no authority to act (in circumstances which might be time sensitive) and must wait until a member meeting can be convened or bring the matter within a delegated authority to act in a case of urgency. Prescriptive list based schemes of delegation require maintenance through updating if they are not to go out of date.
- 1.5 Members will be aware that as principal local authorities the five constituent councils each has a general power of competence. A combined fire authority does not have a general power of competence but amendments made by the Localism Act to the Fire and Rescue Services Act 2004 provided relevant fire and rescue authorities (including combined authorities) with wide ranging powers to do anything appropriate for the purposes of carrying out their functions and anything incidental to those functions.
- 1.6 The provisions in the Localism Act takes as their starting point a presumption that local authorities should have wide powers to act, limited only by specific prohibitions and

limitations contained in legislation. The proposed scheme of delegation adopts a similar approach, taking as its starting point:

- A presumption that officers have delegated authority to exercise functions and to make decisions about the service areas for which through their role they are responsible for.
- That senior managers will delegate roles, functions and decision making to the most appropriate levels within their services so that officers are free to do their jobs without having to refer questions for decision unnecessarily through tiers of management.
- A requirement that all staff will operate within the overall policies approved by the Fire Authority and the limitation on individual authority described in the scheme of delegation.

1.7 Whilst adopting a more permissive approach the proposed new scheme of delegation does recognise that the Chief Fire Officer, Treasurer and Monitoring Officer are the statutory officers of the Fire and Rescue Authority and that the authority to make certain decisions rests with them and with other officers specifically authorised by them in writing. In general though the intended approach aims to equip officers to perform their roles rather than, as has sometimes happened in the past, act as a barrier to decisions being made quickly and at the most appropriate level.

2. Limitations on the exercise of delegated authority

2.1 The proposed scheme of delegation includes a number of key limitations to ensure that the Fire Authority operates as a member led body, with certain decisions reserved to the full authority or to a committee and a requirement for consultation with lead members before an officer may exercise certain delegated authority.

2.2 It remains a fundamental under the scheme of delegation that as the governing board the full Fire Authority is responsible for:

1. Approving the annual community safety plan (including the integrated risk management plan).
2. Approving the annual budget and setting the precept to give effect to the budget.
3. Maintaining a comprehensive performance management system to ensure that the Authority's objectives are being met.
4. Setting the treasury management strategy and policies.
5. Approving and adopting standing orders and the scheme of delegation.

2.3 Similarly certain matters are reserved to members operating as the Policy and Resources Committee and as the Finance and Audit Committee.

- 2.4 In addition to those matters that are reserved to members when they are acting collectively the proposed scheme of delegation also includes requirements as to consultation with the Chairman of the Fire Authority and with certain other leading members, including where appropriate consultation with the Chairman of or the wider membership of a local Performance and Scrutiny Committee. In such circumstances, as required by law, the officer with delegated authority is expected to make the decision but after consulting with the relevant member or members. There may be circumstances where a member consulted about the proposed exercise of delegated authority believes that the matter should be referred to members for a collective decision. In such a case the officer would be prevented from making a decision and there would instead be a referral to the appropriate committee or to the full Authority for decision.
- 2.5 Unlike the constituent councils the Fire Authority does not operate executive/Cabinet style decision making arrangements but members will be familiar with the use of a key decision threshold beyond which officers cannot act and instead a decision must be referred to members. It is recommended that a key decision should be defined as one either with financial implications for the Authority of greater than £100,000 (one hundred thousand pounds); or which is likely to effect response standards or some other aspect of service provision to a significant extent in one or more constituent council area.
- 2.6 Key decisions would be recommended by the Policy and Resources Committee to the full Authority except in cases where it was necessary for the Policy and Resources Committee to exercise its power to act in a case of urgency (in which case the decision of the Policy and Resources Committee would be reported on at the next full Authority meeting).
- 2.7 Much of the proposed scheme of delegation relates to the overall functioning of the service and the relationship between members operating as a governing board and officers in managing the service. The scheme of delegation to the Chief Fire Officer does though make it very clear that operational matters and decisions are as a matter of course made by him and his staff, often in emergency situations in response to incidents.

Jonathan Mair

Monitoring Officer