

SCHEME OF DELEGATION

DELEGATED POWERS TO CHIEF FIRE OFFICER/CHIEF EXECUTIVE DERBYSHIRE FIRE & RESCUE AUTHORITY

GENERAL

1. Power, subject to the Financial Regulations and the Standing Orders as to contracts entered into by the Fire & Rescue Authority; strategies approved by the Fire & Rescue Authority, the employee code of conduct, appropriate national or other Conditions of Service relating to the employees, and any Codes of Practice relating to specific functions which may from time to time be adopted and the subsequent reporting as required by this scheme to Members on decisions taken.
 - (a) To take any executive, administrative or operational action necessary in the interests of the efficient functioning of the Service
 - (b) To take any necessary action for the discharge by the Fire & Rescue Authority of their duties with regard to Fire Safety
 - (c) To authorise expenditure in accordance with approved estimates
2. Any delegation to the Chief Fire Officer/Chief Executive may be exercised on their behalf by any officer authorised by them either generally or specifically in writing in advance for this purpose. The basis on which the scheme will be applied is set out in the supporting Managers guide. Details of the action taken under the delegated powers to be recorded in accordance with the recording guide for managers, in the relevant software information system, report, minute of meeting etc. and to be open to the inspection of the Chair of the Fire & Rescue Authority and Members of the Fire & Rescue Authority.
3. Power to take any action between meetings which the Chief Fire Officer/Chief Executive considers to be urgent after consultation with the Chair and Vice Chair of the Fire & Rescue Authority subject to the details of such action being reported for information to the next meeting of the Fire & Rescue Authority or relevant Committee.

SPECIFIC

HUMAN RESOURCES

POWERS DELEGATED TO THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE IN CONSULTATION WITH THE DIRECTOR OF CORPORATE SERVICES, THE SOLICITOR/MONITORING OFFICER AND HEAD OF CORPORATE FINANCIAL SERVICES/TREASURER (SECTION 151 OFFICER) TO THE AUTHORITY

4. To authorise the nominations and attendance of employees for all learning and development opportunities, relevant to current and future Fire & Rescue Service roles.
5.
 - (a) To appoint, promote, redeploy, and dismiss employees, other than Brigade Managers, subject to adherence of Service procedures
 - (b) In consultation with the Strategic HR Partner, to approve changes to the establishment (other than Brigade Managers or Statutory Officers being the Head of Paid Service, Treasurer (Section 151 Officer) or the Monitoring Officer) within the approved corporate budget, for the purpose of economy and efficiency e.g. creation of posts, extension of temporary posts, deletion and substitution of posts and re-evaluation of grades of all posts. An Annual Report on all such changes to be reported to the Fire and Rescue Authority.
 - (c) To approve the payment of honoraria up to a value of £5,000 per annum in the case of support employees who undertake a proportion of the duties and responsibilities of a higher graded support post that they cover due to the absence of a permanent postholder.
 - (d) To approve the payment of accelerated increments to support employees within their existing grade.
 - (e) To deal with all requests relating to the ill health retirement, early retirement, and voluntary redundancy of employees, other than Brigade Managers, subject to existing appeal mechanisms and subject to the approval of the Head of Corporate Financial Services/Treasurer with regard to the financial aspects of the proposals
6.
 - (a) To suspend, and or discipline employees and hear grievances, complaints and appeals of employees, other than Brigade Managers in accordance with Service procedures.
 - (b) To be the final level of appeal for discipline at formal stage 3 of the Discipline Policy and the Corporate Level of management as defined in the Grievance Policy.
 - (c) All powers to be delegated to appropriate levels of management as prescribed in the Fire & Rescue Authority Disciplinary and Grievance Policies, as well as details outlined in other Service procedures relating to all other employment matters.
7. To extend sick pay entitlement in accordance with the Conditions of Service for employees.
8. To make recommendations to the Home Office for the award of the Fire Service Long Service and Good Conduct Medal in accordance with the Royal Warrant.

9. To determine employee requests for special leave with pay not exceeding ten days in any period of 12 months.
10. To reduce retained fees during periods of limited attendance, in cases of failure to attend for training, fires or for other duties.
11. To determine applications from employees to engage in outside and secondary employment.
12. To negotiate and agree, with the representative bodies, issues, and concerns about local conditions for employees, subject to general conditions agreed by the Fire & Rescue Authority.
13. To exercise on behalf of the Fire & Rescue Authority any local discretion afforded to the employer (but not exercised by the Authority) of the National Conditions of Service (Gold, Grey, and Green Books) and to determine local employment policies and procedures.
14. To make decisions required by the Fire & Rescue Authority under the Firefighters Pension Scheme 1992, the Firefighters' Pension Scheme 2006, the Firefighters' Compensation Scheme (England) Order 2006, the Firefighters' Pension Scheme 2015 and the Local Government Pension Scheme.
15. In consultation with the Head of Corporate Financial Services/Treasurer of the Fire & Rescue Authority to charge or waive fees in respect of the right of access under the Data Protection Act 2018, and the Freedom of Information Act 2000 to data held in Service.
16. In consultation with the Strategic HR Partner to recruit Trainee Firefighters in advance of predicted vacancies, to enable operational assurance of service delivery. The delegated powers provided require appointments to be managed within current budget availability, and to take into account workforce planning assessments.

FINANCE

POWERS DELEGATED TO THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE IN CONSULTATION WITH THE SOLICITOR/MONITORING OFFICER AND HEAD OF CORPORATE FINANCIAL SERVICES/TREASURER (SECTION 151 OFFICER) TO THE AUTHORITY

17. To determine (subject to compliance with any approved scale of charges) the use by appropriate organisations and bodies of any land or premises in the ownership of the Fire & Rescue Authority.
18. To approve price variations verified under the Rise and Fall Clauses in any contract and approve increases in contract costs due to delayed starts etc., where the cost can be contained within the original budget or by reductions in work or from within the contingency sum.

19. Power to waive charges and to make charges in lieu.
20. Claims against the Authority by its employees where there is no legal liability, may be settled by the Chief Fire Officer / Chief Executive up to £1,000 in respect of any excess on any insurance claim and in respect of damage caused to personal property arising from the attendance of the Service at an operational incident.
21. Claims against the Authority by its employees where there is no legal liability, may be settled by the Chief Fire Officer / Chief Executive up to £5,000 in any case, in respect of damage to or loss of personal property occurring in the course of their duties. Provided that there is no contributory negligence, the settlement for the full cost of repairs to clothing or other property and for three quarters of the reasonable replacement cost of clothing or other property where repair is impractical.

22. **Civil Emergency**

To authorise expenditure in the event of a civil emergency, where emergency action is essential. Notification of such significant incidents as they occur and any action taken under this provision must be reported to the Chair of the Fire & Rescue Authority retrospectively as soon as is reasonably practicable and in line with the Gold Command Handbook.

23. **Capital Expenditure - Increased Cost**

Subject to funding being available, approval to vary the cost and phasing of capital schemes within the overall capital programme should be obtained from:

- For schemes up to £1m

Area Manager or Director of Corporate Services Head of Corporate Financial Services/ Treasurer (Section 151 Officer)	£0 - £50,000
Principal Officer Treasurer (Section 151 Officer)	£50,001 - £100,000
Fire Authority	>£100,000

- For schemes over £1m

Area Manager or Director of Corporate Services Head of Corporate Financial Services/ Treasurer (Section 151 Officer)	£0 - £50,000
Principal Officer	£50,001 - £200,000

Head of Corporate Financial Services/ Treasurer (Section 151 Officer)	
Fire Authority	>£200,000

24. Routine Expenditure

To incur revenue expenditure in line with budgetary provision in accordance with standing orders and financial regulations.

25. Authentication of Cheques

To authenticate cheques bearing lithograph signatures where such authentication is required and authorise online banking transactions under the Fire & Rescue Authority's banking arrangements.

26. Renewal of Insurance Policies

To approve the annual renewal of insurance policies where the present insurers offer either continuation of existing or reduced terms which in accordance with long term agreements must be accepted.

POWERS DELEGATED TO THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE JOINTLY WITH THE HEAD OF CORPORATE FINANCIAL SERVICES/ TREASURER (SECTION 151 OFFICER) AND THE MONITORING OFFICER

27. Financial Limits

To review biennially cost of living increases to the monetary values in the Scheme, Standing Orders, and Financial Regulations. Any other substantial changes to this Scheme of Delegation would require Fire & Rescue Authority approval.

28. Treasury Management

The execution and administration of the Fire & Rescue Authority's approved Treasury Management strategy, in accordance with Treasury Management Policies and CIPFA's Standards of Professional Practice on Treasury Management.

29. Dilapidation Claims

To settle dilapidation claims and compensation payments at the termination or surrender of hirings or lettings up to the sum of £50,000 in any one case.

30. Replacement Vehicles

To select vehicles and re profile vehicles to be replaced under the agreed Transport Replacement Programme and within the approved Revenue Budget and Capital Programme.

31. Planning Permission

To seek Planning Permission under Regulation 3 of the Town and Country Planning Regulations 1992 and to obtain Building Regulations approval as appropriate, for alterations, improvements, adaptations, and minor developments to Service premises.

32. Local Plans

To lodge objections and submit proposals regarding local plans/issues which may affect current or future plans e.g. Section 106 Claims.

FIRE SAFETY

POWERS DELEGATED TO THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE IN CONSULTATION WITH THE HEAD OF CORPORATE FINANCIAL SERVICES/TREASURER (SECTION 151 OFFICER) TO THE AUTHORITY

33. To appoint inspectors and enforce the relevant statutory provisions of the Regulatory Reform (Fire Safety) Order 2005.
34. To authorise employees of the Fire & Rescue Service under Sections 44 and 45 of the Fire & Rescue Services Act 2004.
35. To maintain the register required by the Environment and Safety Information Act 1988.
36. To respond to the relevant Local Authority when consulted on matters under Part 6 and to enforce Part 7 of the Derbyshire Act 1981.
37. To appoint inspectors and enforce the relevant statutory provisions of any other appropriate legislation.

PROPERTY

DELEGATED POWERS TO THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE IN CONSULTATION WITH THE CHAIR OF THE FIRE & RESCUE AUTHORITY, SOLICITOR/MONITORING OFFICER AND HEAD OF CORPORATE FINANCIAL SERVICES/TREASURER (SECTION 151 OFFICER) TO THE AUTHORITY

DISPOSAL OF LAND AND BUILDINGS

38. To approve the disposal of land, buildings and other assets, subject to prior confirmation by the Fire & Rescue Authority that the property concerned is surplus to requirements in accordance with the Capital Programme. An annual report on disposals under this delegated power is to be submitted to the Fire & Rescue Authority.
39. To authorise the renting of / sale of land, wayleave agreements, essentials and rights of way to statutory undertakers for the purposes of their statutory functions.

40. To approve the disposal of property by the appropriate means and where appropriate to set the reserve price in line with approved Capital Programme.
41. To accept the highest tender of offer received for the sale of land and buildings following the evaluation of bids in line with approved Capital Programme.

42. **Leases**

To grant and accept leases, licences of land and premises subject to means testing of lease versus capital purchase, (including acceptance of the surrender of these) for the purposes of the Fire & Rescue Authority for values over £50,000 in accordance with the Capital Programme.

43. **Residential Tenancies**

To approve new or changes to existing terms of occupancy agreements.

POWERS DELEGATED TO THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE IN CONSULTATION WITH THE SOLICITOR/MONITORING OFFICER AND HEAD OF CORPORATE FINANCIAL SERVICES/TREASURER (SECTION 151 OFFICER) TO THE AUTHORITY

44. **Wayleaves and Easements**

To grant and accept Wayleaves and Easements and to approve the consideration payable to or by the Fire & Rescue Authority.

FURNITURE, EQUIPMENT AND VEHICLES

POWERS DELEGATED TO THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE

45. **Telephone Installations and Radio**

- (a) To arrange for the provision of telephones, radio communications and other technical services for business purposes.
- (b) To enter into Line Rental Agreements for facilities required for Fire & Rescue Authority purposes.

Subject to the costs of 43 (a) being met from existing budgetary provision.

46. **Lost, damaged, obsolete, and surplus items of furniture, equipment, stocks and stores**

- (a) To write off furniture, equipment, stocks and stores found to be lost, damaged or obsolete; in the case of stores items subject to a maximum value per individual item of £10,000 and to the annual total agreed of £10,000.

- (b) To dispose of any surplus furniture, vehicle, equipment, stocks and stores in accordance with policies approved from time to time by the Fire & Rescue Authority.
- (c) To dispose of Fire & Rescue Authority vehicles due for auction to other Fire & Rescue Services and organisations where there is a quasi-Fire Service relationship. The price must be commensurate with that which would be anticipated at public auction.

47. Raising of charges for lost/damaged uniform or equipment

To raise charges for any item of equipment lost or damaged through negligence or carelessness on the part of the Fire & Rescue Authority employee to a degree insufficient to warrant formal disciplinary action, where the individual concerned is willing to accept this method of dealing with the matter. The amount of any charge raised will take into account the age and condition of the article at the time of the loss, damage or replacement.

48. Use of Vehicles

To approve the use of vehicles under the appropriate Service Car Scheme and the supporting policies relating to such use.

49. Processions and Displays

To determine the occasions and conditions under which fire appliances, officers and equipment may be used to participate in processions, displays or other events organised by Local Authorities or other bodies.

50. Hiring out of Equipment

To approve the hiring out of vehicles, plant and equipment subject to an economic charge being made and subject to appropriate contractual provisions relating to insurance etc. being agreed.

MISCELLANEOUS

POWERS DELEGATED TO THE SOLICITOR/MONITORING OFFICER BY THE FIRE & RESCUE AUTHORITY

51. Local Government and Housing Act 1989

To issue certificates sought by employees seeking exemption from political restriction under the Local Government and Housing Act 1989 where the Solicitor/Monitoring Officer is of the opinion that the duties of their posts do not fall within Section 2(3) of that Act.

52. Copyright and Access to Information

To authorise the making and supply to the public of copies of background papers.

53. Common Seal

To affix the Seal of the Authority to any relevant document.

LEGAL ACTION

POWER DELEGATED TO THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE IN CONSULTATION WITH THE CHAIR OF THE FIRE & RESCUE AUTHORITY AND SOLICITOR/MONITORING OFFICER

54. New Legislation

- (a) To authorise and make arrangements for the powers and duties of the Fire & Rescue Authority under new legislation to be fulfilled in cases where action may be required to be taken prior to formal consideration of the legislation by the Authority.
- (b) To authorise action to protect the interests of the Fire & Rescue Authority in relation to any local or private Bill or Order deposited in Parliament.

POWERS DELEGATED TO THE CHIEF FIRE OFFICER/CHIEF EXECUTIVE IN RELATION TO LEGAL ACTION SAVE FOR THAT WHICH ARISES OUT OF THE CONSTITUTION OR ADMINISTRATION OF THE FIRE & RESCUE AUTHORITY IN CONSULTATION WITH THE SOLICITOR/MONITORING OFFICER AND TREASURER

55. Recovery of Property and debts

- (a) To institute legal proceedings for the recovery of property and debts.
- (b) To incur any necessary expenditure in relation to these legal proceedings.

56. Claims

- (a) To settle claims for damages up to £10,000 where there is a legal liability on the Fire & Rescue Authority.
- (b) To bring or to defend or arrange for the bringing or defending of any actions, claims or proceedings in respect of the Fire & Rescue Authority, agree compromise agreements, and settle claims for damages up to £25,000 (including making payments into court where necessary) and incur necessary expenditure in relation to legal processes involved including (but not limited to) expenditure in relation

to the retention of external advisers including counsel, experts and external legal advisers.

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