

HIGHLAND AND ISLANDS FIRE BOARD

10 SEPTEMBER 2009

Agenda Item	
Report No	

SCHEME OF DELEGATION – REVISION/UPDATE

Report by the Clerk

Summary

This Report highlights proposed updates to the Board's Scheme of Reference and Delegation to Sub-Committees/Working Groups and Officers.

Background

1. The Board has an obligation to review its Scheme of Reference and Delegation annually. A draft revised Scheme is appended to this report, with amendments highlighted.

Amendments

2. **Remits of Sub-Committees/Working Groups:** The Board agreed at its meeting on 23 January 2009 to amend the remit of the former Grievance Appeals Sub-Committee to that of a Grievance and Pension Appeals Sub-Committee, as shown in the Appendix.
3. **Delegation to Director of Housing and Property, the Highland Council:** It is recommended that the reference to a Public Private Partnership Project is deleted, as this is no longer a live project.

Recommendation

The Board is invited to approve the revised Scheme of Reference and Delegation to Sub-Committees/Working Groups and Officers, as appended to the report, with effect from 10 September 2009.

Signature

Designation Clerk

Date 1 September 2009

Author Mrs R Moir, Assistant Clerk

HIGHLAND AND ISLANDS FIRE BOARD

SCHEME OF REFERENCE AND DELEGATION

TO

**SUB-COMMITTEES/WORKING GROUPS
AND
OFFICERS**

SEPTEMBER 2009

SUB-COMMITTEES/WORKING GROUPS

GRIEVANCE AND PENSION APPEALS SUB-COMMITTEE

This Sub-Committee has delegated powers to deal with **(a)** grievance appeals involving uniformed personnel and/or support staff, where referred to that Sub-Committee in accordance with the relevant Conditions of Service and the terms of any local agreement made for different employee groups **and (b) Stage Two appeals submitted through the Internal Dispute Resolution Procedure established in terms of the Pensions Act 1995.**

DISCIPLINE SUB-COMMITTEE

This Sub-Committee has delegated powers to deal with:

- (a) disciplinary appeals involving uniformed personnel and/or support staff, where referred to that Sub-Committee in accordance with the relevant Conditions of Service and the terms of any local agreement made for different employee groups; and
- (b) disciplinary proceedings involving Principal Fire Officers.

POLICY AND FINANCE WORKING GROUP

This Working Group has the following remit:

- (a) consideration of budget strategy and the annual draft revenue estimates and capital plan, in particular preliminary consideration of:
 - all matters relating to the preparation of the Annual Revenue Budget and the requisitions to be made on the constituent authorities
 - all matters relating to the preparation of the Financial Plan and Capital Estimates;
- (b) consideration of proposals for the development of a Board Public Private Partnership (PPP) project;
- (c) consideration of major consultation responses arising between scheduled Board meetings
- (d) at the request of the Convener, consideration of other matters arising between scheduled Board meetings; and
- (e) consideration of such other matters as the Board may from time to time specify.

AUDIT WORKING GROUP

This Working Group has the following remit:

- (a) consideration of reports from the Internal Auditor on issues including the adequacy of the Fire and Rescue Service's/Board's financial systems, policies and practices and their compliance with the relevant statutes, standards and guidance;
- (b) review and approval of the Internal Audit Programme;
- (c) consideration of management reports by the Board's External Auditor;
- (d) monitoring of implementation by the Service of recommendations by Audit Scotland;
- (e) monitoring of implementation by the Service of recommendations by Her Majesty's Fire Service Inspectorate for Scotland;
- (f) preliminary consideration of the Chief Fire Officer's annual Public Performance Report and the Fire and Rescue Service annual Service Plan; and
- (g) consideration of Best Value issues.

INTEGRATED RISK MANAGEMENT PLAN WORKING GROUP

This Working Group's remit is to advise and make recommendations to the Board on the implementation of the Integrated Risk Management Plan process, policy matters and Action Plans.

JOINT CONSULTATION GROUP (FIRE STAFF) (JCG)

This Group has the following remit:

- (a) in the event of impasse at the conclusion of a consultation process between the Service management and Staff representatives: to assist the management and representative bodies to identify their differences clearly and to support them in trying to achieve agreement; and, to this end, to make suggestions with a view to preventing differences and resolving disagreements; and
- (b) in the event of impasse in a collective negotiation: to offer suggestions and solutions to assist in resolving the issue.

OFFICERS

OFFICERS

CHIEF FIRE OFFICER

The following matters are delegated to the Chief Fire Officer:

1. Discharging the Board's responsibilities in terms of Fire Services Acts and Fire Precautions Legislation
2. Discharging the obligations outlined in the Board's Financial Regulations, including the exercise of delegated powers
3. Management of stocks and equipment
4. In consultation with the Convener and Vice-Convener, buying land or property, so long as it has been specifically budgeted for, subject to the Board's Standing Orders and Financial Regulations
5. In consultation with the Convener, Vice-Convener and local Member, and subject to any other statutory consents that may apply, disposal at nil consideration to local good causes of surplus property valued at £5,000 or less.
6. Authorising the use of Service resources for sports, welfare activities and local community events, where appropriate
7. Preparing specifications and awarding contracts for the procurement and maintenance of vehicles and plant required for fire purposes, subject to the Board's Standing Orders and Financial Regulations
8. Responsibility for day-to-day personnel administration, other than relating to Chief Officers or as specified elsewhere in this Scheme of Delegation, in accordance with agreed Board policies, where in place
9. Appointing employees within the approved budgets
10. Authorising minor changes in the Service staff structures or gradings, provided these can be contained within their approved budgets
11. Conducting disciplinary proceedings in respect of employees within the general terms of employment law and the specific provisions of approved disciplinary procedures
12. Implementing national circulars where these contain no element of discretion

CLERK

The following matters are delegated to the Clerk:

1. Meetings and proceedings of the Board (Section 43 of the Act of 1973)
2. Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes (Section 50B(2); 50B(7)(c) and 50C(2) of the Act of 1973)
3. Complying with the Local Government (Access to Information) Act 1985 (Section 50A of the Act of 1973)
4. Deciding on members' rights of access to Board documents which disclose 'exempt information' in terms of the Local Government (Access to Information) Act 1985 (Section 50(F)(2) of the Act of 1973)
5. Acting as 'proper officer' to prepare and maintain a list of politically restricted posts (Section 2 of the Local Government and Housing Act 1989)
6. Accepting tenders and awarding contracts in circumstances as set out in the Board's Standing Orders Relating to Contracts
7. On the recommendation of the Chief Fire Officer, and in consultation with the Convener and Vice-Convener, approving early retirements on the grounds of ill-health and approving the payment of injury benefit where such ill-health has arisen as the result of an injury on duty
8. On the recommendation of the Chief Fire Officer, and in consultation with the Convener, Vice-Convener and Board Personnel Adviser, approving redundancies in the interests of the service.
9. Approving attendance of Members at conferences/seminars in Great Britain where there is insufficient time for the invitation to be considered by the Board prior to the conference/seminar being held, subject to availability of funds and a report for information being submitted to the next available meeting of the Board.
10. In consultation with the Convener and Vice-Convener, considering requests for the disposal at nil consideration of property valued at £5,000 or below.
11. Signing documents on behalf of the Board, including binding missives, if so required in the absence of the Head of Legal and Democratic Services or duly authorised members of his/her staff, contracts and other agreements; this matter also being delegated to the Assistant Clerk in the absence of the Clerk.

MONITORING OFFICER/HEAD OF LEGAL SERVICES

The Head of Legal and Democratic Services, the Highland Council, has been appointed to act as the Board's Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989.

In addition, the following matters are delegated to the Head of Legal and Democratic Services and solicitors appointed by him/her:

1. Acting as the proper officer of the Board in respect of the functions described in the following sections of the Local Government (Scotland) Act 1973:-

Section 190	-	service of legal proceedings
Section 191	-	claims in sequestrations and liquidations
Section 193	-	authorisation of documents
Section 194(i)	-	execution of deeds
Section 197	-	inspection and deposit of documents

2. Instituting, defending or appearing in any legal proceedings or any inquiry held by or on behalf of any minister or public body under any enactment, including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority
3. In an emergency, and in consultation with the Chief Fire Officer and Convener, settling legal actions of all descriptions
4. Appointing or consulting with Counsel where considered expedient to do so for the promotion or protection of the Board's interests
5. Engaging private legal firms, Sheriff Officers, patent agents and parliamentary agents when suitable
6. Publishing or serving on any person or body any notice, direction, order, licence, summons, writ or other document which the Board is required or authorised to publish or serve under any public act or any regulation or order made thereunder, other than where the publication or service of any document has been delegated by the Board to another officer
7. Signing binding missives on behalf of the Board relating to the purchase or sale of heritable property, and executing any notice, order, declaration or other document which may be required relative to any compulsory purchase authorised by the Board
8. Carrying out any legal procedure which may prove necessary to enable either the Chief Fire Officer, Clerk or Treasurer to implement a duty delegated to him/her

TREASURER

The following matters are delegated to the Treasurer:

1. Acting as the proper officer of the Board with responsibility for the administration of its financial affairs
2. Discharging the obligations outlined in the Board's Financial Regulations, including the application of delegated powers

DIRECTOR OF HOUSING AND PROPERTY, THE HIGHLAND COUNCIL

The following matters ~~are~~ *is* delegated to the Director of Housing and Property, the Highland Council:

1. Project management, design and supervision of the property construction and maintenance elements of the Board's capital programme, in accordance with the Board's agreed policies, priorities and budget decisions
- ~~2. Acting as Project Director of the Board's Public Private Partnership project~~

HEAD OF PERSONNEL, THE HIGHLAND COUNCIL

The following matter is delegated to the Head of Personnel, the Highland Council:

1. Acting as the Board's Personnel Adviser