

HIGHLAND AND ISLANDS FIRE BOARD

SCHEME OF REFERENCE AND DELEGATION

TO

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

APRIL 2011

SUB-COMMITTEES/WORKING GROUPS

BEST VALUE AND AUDIT WORKING GROUP

This Working Group has the following general remit:

- (a) Scrutiny of Policy and Resources
- (b) Consideration of Audit and Inspection Reports (internal and external)
- (c) Consideration of Service Performance against stated plans, targets and objectives

Policy:

- consideration and development of all Board policy proposals;
- consideration of the Fire and Rescue Service annual Service Plan
- consideration and development of proposals for meeting the Board's responsibilities in relation to Community Planning and Single Outcome Agreements

Resources:

- 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 Capital Plan
- monitoring of the Board's Asset Management policy
- monitoring of strategic workforce issues

Audit:

- consideration of reports from the Internal Auditor and External Auditor
- review and approval of the Internal Audit Programme
- monitoring of implementation, by the Service, of recommendations by internal and external scrutiny bodies

Service Performance:

- consideration of the Chief Fire Officer's annual Public Performance Report
- consideration of Service Performance Plan and monitoring of implementation
- consideration of other Plans, in line with the requirement to achieve continuous service improvement and Best Value

SERVICE IMPROVEMENT WORKING GROUP

- (d) advise and make recommendations to the Board on the implementation of the Integrated Risk Management Plan process, policy matters and Action Plans
- (e) advise and make recommendations on service improvement including the monitoring of action plans
- (f) consideration and development of proposals for meeting the Board's requirements in relation to:-
 - Fire Safety and Community Fire Safety
 - Resilience
 - Asset Management Planning
 - Workforce Planning

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.

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. Responsibility for general asset, property and estate management and for capital investment, programmes and projects
5. 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
6. 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.
7. Authorising the use of Service resources for sports, welfare activities and local community events, where appropriate
8. 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
9. 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
10. Appointing employees within the approved budgets
11. Authorising minor changes in the Service staff structures or gradings, provided these can be contained within their approved budgets
12. Conducting disciplinary proceedings in respect of employees within the general terms of employment law and the specific provisions of approved disciplinary procedures
13. 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, these matters also being specifically delegated to the Highland Council's two Legal Managers (Conveyancing and Commercial) in the absence of the Head of Legal and Democratic Services
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

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