

**HIGHLAND AND ISLANDS FIRE BOARD**

**SCHEME OF REFERENCE AND DELEGATION**

**TO**

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

**SUB-COMMITTEES/WORKING GROUPS**

## **BUDGET 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:
- (b) all matters relating to the preparation of the Annual Revenue Budget and the requisitions to be made on the constituent authorities
- (c) all matters relating to the preparation of the Financial Plan and Capital Estimates;
- (d) consideration of proposals for the development of a Board Public Private Partnership (PPP) project;
- (e) consideration of major consultation responses arising between scheduled Board meetings
- (f) at the request of the Convener, consideration of other matters arising between scheduled Board meetings; and
- (g) 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 ~~Brigade's~~ *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 Inspectorate of Fire Services;*
- (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 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.

## **GRIEVANCE APPEALS SUB-COMMITTEE**

This Sub-Committee has delegated powers to deal with grievance appeals ~~and appeals against dismissal by~~ involving uniformed personnel and/or support staff, ~~in the former case for reasons other than those contained in the Fire Services (Discipline) (Scotland) Regulations 1985~~ where referred to that Sub-Committee in accordance with the principles of Section 6 of the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service ("The Grey Book") and the terms of any local agreement made thereunder.

## **~~DISCIPLINARY TRIBUNAL~~**

~~This body has delegated powers to deal with disciplinary matters involving uniformed personnel, in accordance with the provisions on Disciplinary Tribunals in the Fire Services (Discipline) (Scotland) Regulations 1985.~~

## **~~DISCIPLINE APPEALS SUB-COMMITTEE~~**

This Sub-Committee has delegated powers to deal with:

- (a) disciplinary appeals involving uniformed personnel ~~in accordance with the provisions on disciplinary appeals in the Fire Services (Discipline) (Scotland) Regulations 1985~~ and/or support staff, where referred to that Sub-Committee in accordance with the principles of Section 6 of the National Joint Council for Local Authority Fire and Rescue Services Scheme of Conditions of Service ("The Grey Book") and the terms of any local agreement made thereunder; and
- (b) disciplinary proceedings involving Principal Fire Officers.

## **JOINT CONSULTATION GROUP (FIRE STAFF) (JCG)**

This Group has the following remit, as laid down in its constitution:

- (a) to provide a means of regular consultation between the Board and the staff in order to prevent differences and to make suggestions to resolve them, should they arise;
- (b) to consider and, if necessary, make recommendations to the Board as to (i) the application of the Conditions of Service determined by the National Joint Council for Local Authority Fire ~~Brigades~~ and Rescue Services, or other negotiating bodies, subject however to the exclusion of discussion or reference to the personal salaries of individual members of staff and (ii) the arrangements for post entry and welfare of staff;
- (c) to consider and make suggestions for improving the Board's services;
- (d) to consider and offer observations on any proposals made by the Board on any scheme of administrative reorganisation which affects the conditions of employment of staff; and
- (e) to consider and report on any matter which may be referred to the Committee by the Board or by the staff;

provided that it shall be within the discretion of either side to refer to the National Joint Council for Local Authority Fire ~~Brigades~~ and Rescue Services or any other negotiating body, for advice or guidance, any matter brought before the Joint Consultation Group.

## **OFFICERS**

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### 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 ~~establishment~~ *structure* and, where appropriate, in terms of the Fire Services (Appointments and Promotions) Regulations
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

## **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

## **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.

## **MONITORING OFFICER/HEAD OF LEGAL SERVICES**

The Head of Legal 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 Services and solicitors appointed by him:

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

## **DIRECTOR OF PROPERTY & ARCHITECTURAL SERVICES, THE HIGHLAND COUNCIL**

The following matters are delegated to the Director of Property & Architectural Services, 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

## **PERSONNEL MANAGER, THE HIGHLAND COUNCIL**

1. Acting as the Board's Personnel Adviser