

**POWERS
DELEGATED TO
OFFICERS**

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THE CHIEF FIRE OFFICER, EXECUTIVE DIRECTOR OF RESOURCES, DEPUTY CHIEF FIRE OFFICER, ASSISTANT CHIEF FIRE OFFICER, DEPUTY CLERK AND EXECUTIVE DIRECTOR OF LAW, DIRECTOR OF FINANCE

1. The Chief Fire Officer, Executive Director of Resources, Deputy Chief Fire Officer, Assistant Chief Fire Officer, Deputy Clerk and Director of Finance are delegated by the Authority with the powers set out in paragraph 2 subject to the restrictions set out in paragraph 3.
2.
 - 2.1. Power to exercise the powers and carry out the duties of the Authority under all statutes (whether public or Local Acts) Orders, Regulations and Bylaws and at common law.
 - 2.2. In particular Power to exercise the discretionary powers and duties of the Authority under all employees Conditions of Service for the time being in force.
 - 2.3. In particular power to take action under the Authority's Contract Standing Orders and to sign contracts and documents on behalf of the Authority.
 - 2.4. In particular power to incur expenditure on behalf of the Authority.
3. Delegated Powers shall not be exercised by officers as follows:
 - 3.1. where a decision is required to be made by the Authority itself, or
 - 3.2. where the Authority has expressly reserved such a decision to itself or a Committee of the Authority, or
 - 3.3. where to do so would effectively result in the officer making a decision reviewing their own decision in relation to pension and disciplinary matters;
 - 3.4. where to do so would result in a breach of the Authority's Contract Standing Orders for the time being in force;
 - 3.5. in respect of action constituting the grant of an exemption under C.S.O. 3 or the award of a Contract the value of which exceeds £250,000;
 - 3.6. in respect of action constituting the entering into of sponsorship arrangements the value of which exceeds £25,000;
 - 3.7. in respect of action constituting the appointment or dismissal of any of the officers specified in paragraph 1 above.
 - 3.8. where to do so would result in the Authority incurring expenditure for which no budgetary provision within the budget heads for which the officer proposing to exercise delegated powers is responsible;
 - 3.9. where to do so would result in expenditure entailing the virement of sums totalling in excess of £50,000 from one budget line approved by the Authority to another budget line.

- 3.10 where to do so would result in the Authority incurring expenditure on hospitality in excess of £800 on any occasion or in breach of any guidance issued by the Authority;
- 3.11 No officer other than the Executive Director of Resources shall have the power to write off debts due to the Authority or equipment or other assets held by the Authority. The Director of Finance shall have power to write off debts and assets up to the value of £5000 but shall exercise such power only if satisfied that:-
- (a) it would not be cost effective to expend additional resources to recover the amounts owed, or
 - (b) every reasonable effort has been made to recover the amounts due and further action is likely to damage the reputation of the Authority, or
 - (c) The debt is legally irrecoverable, and
 - (d) That the Authority has not reserved such a decision to itself
- 3.12 The Chief Fire Officer shall be the officer nominated to hear disputes under the first stage of the Internal Disputes Resolution Procedure, which have been lodged in relation to the Firefighters Pension Scheme or the Local Government Pension Scheme.

DIRECTOR OF OPERATIONAL PLANNING

4. The Director of Operational Planning shall have:-
- 4.1. Power to exercise the powers and duties of the Authority under the following statutory provisions or any statutory amendments or re enactment thereof:-
- 4.1.1. The Control of Major Accident Hazard Regulations 1999 made under the Health and Safety at Work etc. Act 1974;
 - 4.1.2. The Public Information for Radiation Emergencies Regulations 1992;
 - 4.1.3. The Pipeline Safety Regulations 1996.
 - 4.1.4. The Radiation (Emergency Preparedness and Public Information) Regulations 2001.
 - 4.1.5. The Civil Contingencies Act 2004, and
- 4.2. Power to nominate suitably qualified officers, members and volunteers to attend other forms of training and pursuant to the Control of Major Accident Hazard Regulations 1999, the Food and Environmental Protection Act 1985, the Public Information for Radiation Emergencies Regulations 1992 and the Pipeline Safety Regulations 1996.

INSPECTORS

5. Officers appointed as Inspectors under the Health & Safety at work etc. Act 1974 shall have the powers of an Inspector specified in the following statutory provisions or any statutory amendments or re-enactments thereof:-
 - 5.1. Sections 20,21,22, 25 and 39 of the 1974 Act
 - 5.2. any health and safety regulations; and
 - 5.3. the provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that Schedule and of the regulations, orders and other instruments of a legislative character made or having effect under any provision so specified.

6. Officers appointed as inspectors under the Fire Precautions Act 1971 shall have:-
 - 6.1. Power to exercise the powers of an Inspector specified in:-
 - (a) Section 19 of the 1971 Act.
 - (b) Section 20 of the 1971 Act; and
 - 6.2. Power to perform the functions of the Authority under the Fire Precautions (Workplace) Regulations 1997 as amended.

7. Officers appointed as Inspectors under the Regulatory Reform (Fire Safety) Order 2005 (when made) or any statutory amendment or re-enactment thereof, shall have :-
 - (a) the powers of an Inspector, specified in Regulation 27 of that Order, and
 - (b) powers to issue and serve alteration notices, enforcement notices, prohibition notices and notices relating to switches for luminous tube signs under that Order;
 - (c) power to take any other action relating to the Authority's role as enforcing authority in respect of that Order.

LITIGATION OFFICER

8. The Litigation Officer shall have power to take all action on behalf of the Authority in respect of claims by or against the Authority where the Authority is insured in respect of such claims subject:
 - (a) to the Litigation Officer consulting with the Chief Fire Officer (or the Deputy Chief Fire Officer in his absence) if practicably possible;
 - (b) in the case of claims against the Authority to sufficient budgetary provision being available;
 - (c) to the terms of any settlement complying with the recommendations of the solicitor acting for Authority's Insurer;

- (d) to the Litigation Officer reporting to the Chief Fire Officer in writing within a reasonable time of the exercise of this power; and
- (e) to the delegated power being limited to settlement of claims by or against the Authority up to a maximum of £200,000.

DIRECTOR OF PROCUREMENT

- 8. Power to take action under the Authority's Contract Standing Orders and to sign contracts and documents on behalf of the Authority except in respect of action constituting the grant of an exemption under CSO 3 or the award of a contract where in both cases the value exceeds £250,000.

DIRECTORS

- 9. Officers appointed to posts at Director level for the time being of the Authority shall have all of the powers set out in paragraph 2 above subject to :-
 - 9.1. The restrictions set out in paragraph 3 above, and
 - 9.2. The matter the exercise of delegated powers being within the role and area of responsibility of that Director.

ALL OPERATIONAL FIREFIGHTING EMPLOYEES

- 10. All employees of the Authority who are, for the time-being appointed as operational firefighters from the rank/role of Firefighter to the rank/role of Chief Fire Officer/Brigade Manager are authorised for the purposes of :-
 - (a) S.44 of the Fire & Rescue Services Act 2004 (Powers in the Event of an Emergency); and
 - (b) S.45 of the 2004 Act (Powers of Entry).
 - (c) Any statutory amendment or re-enactment of the above provisions.