

## **Part 3**

### **Decision making**

#### **Section A - Responsibility for Functions**

1. The CFA has agreed the following delegation of its powers and duties to Committees and Officers. The exercise of any power or duty referred to in the Scheme of Delegation is to be subject to compliance with the law, the provisions of this Constitution, sufficient budgetary provision having been made and to any decision of the CFA.
2. Without prejudice to Paragraph 1 above each Committee has delegated authority to decide matters within the Scheme of Delegation in Section B.
3. In exercising any powers on a matter, a Committee, Sub-Committee or employee must have regard to any other Committees, Sub-Committees or Officers having responsibility for that or related matters.
4. Where a power or duty of the CFA has been delegated to a Committee, a Sub-Committee, the Chief Fire and Rescue Officer or other nominated Officer, the delegation shall be deemed to include any action that may be incidental to the exercise of the power or duty.
5. Without prejudice to the preceding paragraph, Officers are empowered in respect of their duties and responsibilities to take any action required to implement a decision of the CFA, its Committees or Sub-Committees.
6. The Chief Fire and Rescue Officer is authorised, in liaison with the Chairman of the CFA, to respond to consultation documents where the period during which a response is required does not allow the consultation paper to be reported to the CFA. Any such response shall be presented to the next meeting of the CFA.
7. The Chief Fire and Rescue Officer may authorise in writing any other Officer to exercise in his or her absence any of his or her powers or duties.
8. The Chief Fire and Rescue Officer shall have the power to exercise any of the powers and duties delegated to any other Officer in their absence but for the avoidance of doubt excluding those that are the responsibility of the Monitoring Officer or Treasurer.
9. The Chief Fire and Rescue Officer may delegate in writing any or all of his or

her powers and duties to any other Officer if he or she is of the opinion that such delegation is for the efficient operation of the CFA's business. Neither the Treasurer's nor the Monitoring Officer's statutory functions may however be delegated, except to their nominated deputies as set out in Article 10 of this Constitution.

10. Any reference to a function or matter shall be deemed to include a reference to all statutory powers relating to that function or matter whether directly or indirectly and shall be deemed to include authority to exercise all such powers.
11. Any reference in this Scheme of Delegation to an Act of Parliament or statutory instrument includes a reference to any amendment, modification or statutory re-Enactment (with or without modification) of the same.
12. The arrangements made in this Part for the discharge of the CFA's functions by a Committee, Sub-Committee or Officer does not prevent the full CFA from exercising those functions.

## **Section B - Scheme of Delegation**

### **1. DELEGATION TO COMMITTEES**

1.1 The CFA has delegated to the Corporate Governance Subcommittee and the Employment Subcommittee those functions set out in Part 2 of this Constitution.

### **2. DELEGATION TO THE CHIEF FIRE AND RESCUE OFFICER**

#### **2.1 General**

Any exercise of delegated powers by the Chief Fire and Rescue Officer or Officer nominated by the Chief Fire and Rescue Officer:

- a) shall comply with the CFA Procedure Rules, the Contract Procedure Rules and the Financial Procedure Rules;
- b) shall not authorise expenditure except in accordance with approved estimates and where further approval is required shall not precede that approval;
- c) shall not involve a new policy or extend an existing policy of the CFA;
- d) shall be the subject of prior consultation with the appropriate professional or technical officer providing services to the CFA in any case involving professional or technical considerations not within the province of the Chief Fire and Rescue Officer;
- e) shall be the subject of prior consultation with the Treasurer in respect of any financial implications and the Monitoring Officer in respect of any legal implications.

Any delegation to the Chief Fire and Rescue Officer may be exercised on his behalf by any Officer authorised by him either generally or specifically for the purpose.

Delegation to Officers shall be without prejudice to the overriding right of the CFA to decide any matter or to call for information about a particular case or class of case. In particular the Chief Fire and Rescue Officer may in any case in lieu of exercising his delegated powers refer a matter to the CFA for decision.

Subject to the foregoing conditions and to any special conditions which may have been or may in future be applied in respect of particular matters, the Chief Fire and Rescue Officer will be expected to make such decisions and to initiate such action as he deems necessary in the interests of the efficient running of the Fire and Rescue Service.

Subject to the foregoing conditions all decision-making not reserved to the CFA or a Committee as set out in this Constitution shall be delegated to the Chief Fire and Rescue Officer subject to the limitations set out in the following sub-paragraphs of paragraph 3.

Powers are delegated to the Chief Fire and Rescue Officer by this Constitution other than by the provisions set out in this Part 3.

### 3. LIMITATIONS ON THE DELEGATED POWERS OF THE CHIEF FIRE AND RESCUE OFFICER

#### 3.1 Incurring Expenditure

Power to incur such expenditure as necessary on the running of the Service provided that such expenditure is within policy and the approved revenue budget and capital programme.

#### 3.2 Property Acquisition, Disposal and Review

Power to acquire, dispose and appropriate property (excluding the right to buy and Leasehold Reform Sales) as necessary for the running of the Service subject to such acquisitions and disposals having been agreed with the CFA.

#### 3.3 Leases

Entering into or granting leases for any term subject to having terms agreed with the Treasurer.

#### 3.4 Disposal of Appliances and Equipment

All such disposals shall be reported back to the CFA.

#### 3.5 Management of Staff

- a) Power to appoint and promote within the authorised establishment, discipline, dismiss, grant early retirement to and accept an offer of voluntary redundancy by all Officers below the level of Assistant Chief Fire and Rescue Officer, apart from the Treasurer and Monitoring Officer who shall be appointed, disciplined and dismissed by the CFA.
- b) An appointment may be at any point within the approved salary scale, but in the case of linked grades shall normally be within the lower or lowest of such grades.
- c) All early retirements and voluntary redundancies shall be reported to the CFA on an annual basis.
- d) Power to make in-year variations to the Authorised Establishment provided that such variations are accounted for in the revised annual Authorised Establishment approved by the CFA.

#### 3.6 Grading of Support Staff

Regrading which forms part of a Service review or major sectional review shall be the subject of the approval of the CFA.

### 3.7 National Conditions of Service

The Chief Fire and Rescue Officer shall not have authority to impose conditions of service beyond the nationally agreed conditions of service.

### 4. DELEGATION TO THE TREASURER AND MONITORING OFFICER

Powers are delegated to the Treasurer and the Monitoring Officer by this Constitution other than by the provisions set out in this Part 3.