

## **SECTION 11 - SCHEME OF DELEGATION – (POWERS OF OFFICERS)**

### **Introduction**

- 11.1 This Scheme of Delegation (the Scheme) sets out the powers of officers.
- 11.2 The powers of officers are given to them (delegated) by Cheshire Fire Authority (the Authority). The delegation of powers takes place by virtue of Members approving the Scheme. Section 101 of the Local Government Act 1972 grants the power to delegate.

### **General Principles**

- 11.3 Officers must not take decisions which are the responsibility of the Authority, any of its decision-making bodies, or an individual Member.
- 11.4 Officers will normally be expected to exercise the powers delegated to them but may on occasion choose not to do so. They are at liberty to refer a matter to another officer and/or Members of the Authority.
- 11.5 Officers must use their powers in such a way that is consistent with the policies and procedures of the Authority.
- 11.6 Officers must ensure that in using their powers they do not break the law, and take note of any relevant guidance, codes of practice etc.
- 11.7 Officers must use their powers in a way that is consistent with the Authority's available budget (generally, as well as that which is specifically allocated for management by the officer) and its financial regulations.
- 11.8 Officers must consider whether it is necessary to consult with officers and/or Members prior to exercising their powers. If they do consult they must have regard to any views expressed/advice given.
- 11.9 Officers are able to delegate a power to another officer provided that:
- The delegation is to an officer at an appropriate level and with appropriate experience;
  - If it is possible to further delegate it is properly described;
  - The delegation is recorded;
  - Details of the delegation are given to the Director of Governance and Commissioning.
- 11.10 Officers exercising their powers must consider whether other officers and/or Members require notification of actions/decisions etc.
- 11.11 Officers with delegated powers must review the delegations available to them regularly.
- NB For the purpose of the above Principles, 'Officers' means those roles that are described in the Scheme.

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### **Specific Delegations/Responsibilities**

#### **CHIEF FIRE OFFICER AND CHIEF EXECUTIVE**

11.12 The Chief Fire Officer and Chief Executive is the Head of Paid Service. The Chief Fire Officer and Chief Executive is responsible to the Fire Authority for:

- a) Leading and directing the strategic management of the Authority;
- b) Ensuring the effective pursuit and achievement of the Authority's objectives;
- c) Ensuring the Authority's activities are carried out with maximum effectiveness and efficiency;
- d) Ensuring the efficient and effective discharge of the decision-making and scrutiny functions of the Authority;
- e) Monitoring and reviewing the Authority's management arrangements;
- f) Influencing the direction of local, regional and national policy in support of the vision, aims and objectives of the Authority;
- g) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising recall to duty, where appropriate;
- h) Authorising surveillance activity in accordance with the Authority's policy;
- j) Making or arranging for appointments to all posts where a decision by Members is not required;
- k) Liaison with other Services and Chiefs;
- l) Jointly with the Director of Governance and Commissioning, the Treasurer and the Head of Finance to prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority;
- m) Authorising officers to exercise the powers under the Fire and Rescue Services Act 2004 (Sections 44, 45 and 46);
- n) To appoint inspectors by virtue of Article 26(1) The Regulatory Reform (Fire Safety) Order 2005 (the Order) to exercise the powers contained in Article 27 of the Order and to authorise the inspectors to serve alterations notices (Articles 29 of the Order), enforcement notices (Article 30 of the Order) and prohibition notices (Article 31 of the Order)

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Inspectors will also be appointed to exercise the powers under:

- i. Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (Regulations 5, 6, 7 & 8)
- ii. Health and Safety (Signs and Signals) Regulations 1996 (Section 7(b))
- iii. Construction Design and Management Regulations 2015 (Regulations 30, 31, 32 & 36)
- iv. Licensing Act 2003 (Sections 59, 96 and 179)

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### **ASSISTANT CHIEF FIRE OFFICER**

11.13 The Assistant Chief Fire Officer is responsible to the Fire Authority for:

- a) Providing strategic leadership to shape and direct service provision;
- b) Managing the overall co-ordination of the activities of the Service and optimising the use of resources;
- c) Leading and managing the Departments within his/her area of responsibility;
- d) Authorising surveillance activity in accordance with the Authority's policy;
- e) The Assistant Chief Fire Officer – Service Delivery and Prevention is responsible for the safeguarding of children, young people and vulnerable young adults as well as the safeguarding of vulnerable adults (including the preparation and maintenance of appropriate policies and procedures);
- f) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising recall to duty, where appropriate.
- g) Undertake the role of Fire Gold Commander at major incidents within Cheshire.
- h) Managing budgets in accordance with Financial Regulations.
- i) Deputise for the Chief Fire Officer and Chief Executive as necessary.

The Chief Fire Officer and Chief Executive and Assistant Chief Fire Officer are collectively referred to as Brigade Managers in some documents.

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### **DIRECTORS**

#### **Governance and Commissioning**

- 11.14 The Director of Governance and Commissioning is the Monitoring Officer, responsible for the duties imposed by Section 5 of the Local Government and Housing Act 1989.
- 11.15 The Director of Governance and Commissioning is responsible for:
- a) Defending/settling actions against the Authority (actual or threatened) (up to £25,000);
  - b) Taking action on behalf of the Authority;
  - c) Arranging for the proper administration of Member meetings;
  - d) Securing appropriate decision-making arrangements;
  - e) Signing documents/contracts on behalf of the Authority;
  - f) Arranging an appropriate standards regime and dealing with standards issues relating to Members of the Authority;
  - g) Ensuring the actions/activities of the Authority are lawful;
  - h) Supporting work on the promotion of good governance;
  - i) Managing an effective procurement function and processes;
  - j) Act as Senior Information Risk Owner and managing information requirements e.g. Freedom of Information, Data Protection etc.;
  - k) Acting as panel member in consideration and determination of applications for voluntary redundancy;
  - l) Leading upon, developing, implementing and reviewing the Service's environment-related policies and procedures;
  - m) Monitoring and maintenance of the relationship with NW Fire Control Limited and the service that it provides (including engagement with the other authorities);
  - n) Arranging and managing the Service's insurance arrangements;
  - o) Arranging and managing the Service's internal audit function;
  - p) Ensuring that appropriate corporate governance arrangements are in place and managed effectively;

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- q) Effect arrangements to deal with risk identification and management;
- r) Jointly with the Chief Fire Officer and Chief Executive, the Treasurer and Head of Finance to prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority;
- s) Jointly with the Treasurer to: secure and maintain systems to manage the budget; issue a precept; and report, as necessary, on financial matters to the Fire Authority;
- t) Engaging with and managing the relationship with Cheshire Constabulary for the provision of the joint services and other collaborative opportunities.

### **Transformation**

11.16 The Director of Transformation is responsible for:

- a) Leading, developing, implementing and reviewing strategies, policies and procedures relating to human resources and workforce transformation;
- b) Ensuring that individual and organisational development needs are established and met as far as reasonably practicable;
- c) Securing and managing payroll, pension and occupational health requirements;
- d) Maintaining a suitable policy and effective procedures intended to secure appropriate checks on potential (and current) employees and volunteers (e.g. DBS);
- e) Fulfilling the role of lead officer for dignity at work issues;
- f) Managing and chairing the JCNP and leading on trade union relations;
- g) Acting as panel member in consideration and determination of applications for voluntary redundancy;
- h) Fulfilling the role of Scheme Manager responsible for the management and administration of the firefighters' pension schemes;
- i) Leading upon, developing, implementing and reviewing the Service's equality policies and procedures.

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### **AREA MANAGERS**

#### **Protection and Organisational Performance**

11.17 The Area Manager for Protection and Organisational Performance is responsible for:

- a) Act as the strategic advisor to Principal Officers and the Authority on all matters relating to the Fire Safety order with responsibility for ensuring the Authority fulfils its statutory duty in this regard;
- b) Lead on all aspects of organisational performance;
- c) Ensure the alignment of service activity with the Home Office Inspectorate requirements;
- d) Authorising the signing of any notices under the legislation relating to fire safety;
- e) Authorisation of safeguarding referrals as Duty Area Manager;
- f) Authorisation of payments for items purchased during emergencies such as refreshments when acting as Duty Area Manager;
- g) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising when acting as the Duty Area Manager or as a response to recall to duty, where appropriate.

#### **Operational Policy and Assurance**

11.18 The Area Manager for Operational Policy and Assurance is responsible for:

- a) To ensure the effective performance and integration of functions which form part of the department so as to provide the best overall support to Service Delivery and other departments;
- b) Authorisation of the Operational Policy and Assurance business continuity plans;
- c) Authorisation of safeguarding referrals as Duty Area Manager;
- d) Authorisation of payments for items purchased during emergencies such as refreshments when acting as Duty Area Manager;
- e) Securing and managing resilience arrangements, e.g. agreements under Sections 13 or 16 of the Fire and Rescue Services Act 2004;
- f) Leading upon, developing, implementing and reviewing health and safety policies and procedures;

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- g) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising when acting as the Duty Area Manager or as a response to recall to duty, where appropriate;
- h) Co-ordination of business continuity arrangements for the Service.

### **Service Delivery**

11.19 The Area Manager for Service Delivery is responsible for:

- a) Management of the Operational Establishment including the transfer and promotion of station based personnel up to Watch Manager including extensions and terminations of temporary promotion;
- b) Appeals linked to the compulsory transfer of staff;
- c) Flexibility of crewing levels to exhaust annual leave;
- d) Payment of CPD and appeal decisions;
- e) Authorisation of the deployment of Targeted Response Vehicles and associated overtime payments;
- f) Authorisation of the Service Delivery business continuity plans;
- g) Authorisation of safeguarding referrals as Duty Area Manager;
- h) Authorisation of payments for items purchased during emergencies such as refreshments;
- i) Providing guidance in relation to proposals involving expenditure of more than £500 from UPG budgets;
- j) Authorising involvement of staff and funds to assist in partner initiatives at a local level within the unitary areas;
- k) In an operational context, managing and providing strategic leadership at major operational incidents by devising, overseeing and monitoring plans and the use of resources and authorising when acting as the DAM or as a response to recall to duty, where appropriate.



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### **HEADS OF DEPARTMENT**

#### **Prevention**

11.20 The Head of Prevention is responsible for:

- a) Procuring and finalising data sharing arrangements.
- b) Overseeing and managing the Service's safeguarding arrangements
- c) Lead in supporting the Community Safety Partnership across the sub-region and liaise with national government on related matters;
- d) Ensuring the effective management of the Service's volunteering strategy;
- e) Developing and delivering on key external referral programmes for the Service.

#### **Treasurer (Section 151 Officer)**

11.21 The Treasurer is the Section 151 Officer (Local Government Act 1972) and has responsibilities under Section 151 and Section 114 of the Local Government Finance Act 1988.

11.22 The Treasurer is responsible for:

- a) Carrying out the powers and duties contained in the Authority's Financial Regulations;
- b) Providing high quality, professional support services;
- c) Jointly with the Head of Finance ensuring effective control of budgets;
- d) Ensuring that the Financial Regulations, including procurement rules, are adequate, regularly monitored and adhered to;
- e) Jointly with the Head of Finance negotiating and managing treasury management activities;
- f) Jointly with the Head of Finance prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority, calculating the draft Council Tax precept, monitoring and reviewing the Authority's Reserves Policy and maintaining a scheme of Financial Delegation;
- g) Ensuring there are appropriate arrangements for the production and publication of the Annual Statement of accounts including liaising with the external auditor and certifying the draft accounts;

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- h) Arranging for the necessary precepts to be raised with the constituent authorities;
- i) Acting as panel member in consideration and determination of applications for voluntary redundancy;
- j) Jointly with the Chief Fire Officer and Chief Executive and Director of Governance and Commissioning, approving offers of sponsorship.

### **Head of Finance**

11.23 The Head of Finance is responsible for:

- a) Carrying out the powers and duties contained in the Authority's Financial Regulations;
- b) Providing high quality, professional support services;
- c) Providing timely and accurate financial monitoring information and reporting financial performance to Members;
- d) Jointly with the Treasurer ensuring effective control of budgets;
- e) Jointly with the Treasurer negotiating and manage treasury management activities;
- f) Jointly with the Treasurer prepare an annual revenue budget and capital programme for consideration and approval by the Fire Authority, calculating the draft Council Tax precept, monitoring and reviewing the Authority's Reserves Policy and maintaining a scheme of Financial Delegation;
- g) The preparation of the draft Annual Statement of Accounts and draft Annual Governance Statement.
- h) Acts as Deputy S151 Officer.

### **Communications**

11.23 The Head of Communications is responsible for:

- a) Developing and co-ordinating the Service's internal and external communications to ensure full and effective consultation with service users, employees, external agencies and the community (ensuring that the Authority's statutory consultations are carried out to deadline and in line with legal requirements and Authority principles);
- b) Promoting knowledge and understanding of the Service and its services and objectives, to both internal and external stakeholders, through the use of appropriate and effective communications and marketing techniques;

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- c) Approving, before publication, all public and media statements on behalf of the Service;
- d) Maintaining an effective approach to communication using the Service's website and social media channels;
- e) Managing and securing responses to consultations from third parties.

### **GROUP MANAGERS**

11.24 Group Managers are responsible for:

- a) Managing work activities within a functional area, identifying and developing proposals for improvement and planning for their implementation;
- b) Undertaking quality assurance by audit and assessment of performance against station and functional plans and ensuring the alignment of service activity with the Service's IRMP;
- c) Identifying, allocating controlling and evaluating the use of resources to support corporate objectives and implementing organisational strategies;
- d) Managing the performance of teams and individual employees through performance management processes to ensure that organisational aims and objectives are achieved;
- e) Delivering performance within the Performance Scrutiny Group and be responsible for its operation and link to performance; and
- f) In an operational context, manage and lead operational incidents as Incident Manager by devising, implementing and monitoring plans, managing resources and conducting de-briefings to ensure their effective resolution.

### **STATION MANAGERS**

11.25 Station Managers are responsible for:

- a) Formulating Station Plans and supervising the station planning process by allocating work activities, implementing and evaluating work plans to ensure that service delivery needs are continually met;
- b) Managing and developing the Station Management Team and providing appropriate support, guidance and coaching in order that organisational aims and objectives are achieved;

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- c) Identifying by assessment risk critical needs in line with the role map of Watch Managers and developing employees to ensure they are equipped with the necessary skills, knowledge and experience to fulfill their roles;
- d) Fostering positive relationships within the community through pro-active networking;
- e) Gathering and analysing local intelligence on community risks;
- f) Investigating performance and conduct related issues and any grievances raised;
- g) In an operational context, manage and lead operational incidents as Incident Manager by devising, implementing and monitoring plans, managing resources and conducting de-briefings to ensure their effective resolution.

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### General Requirements

ALL AREA MANAGERS and HEADS OF DEPARTMENT are responsible for the following:

#### General Responsibilities

Leading and managing the functions that the Area Manager or Head of Department is responsible for
Making returns/reporting etc., as necessary, to satisfy Governmental and/or statutory and/or regulatory requirements that apply in relation to their areas of responsibility.

#### Financial Responsibilities

Agreeing and managing revenue and capital budgets
Procurement of goods and services
Processing of income and pursuance of debts

In accordance with Financial Regulations and any internal guidance produced by the Head of Finance and/or the Director of Governance and Commissioning (e.g. approval limits set in Agresso and maintenance of imprest accounts).

#### Human Resourcing Responsibilities

Ongoing assessment of staffing requirements of department (and sections within it)
Management of staff
Specific assessment of staffing need whenever a post is due to/has become vacant
Filling of all vacancies
Notification to Director of Transformation in relation to staff (appointment, grading etc)
Authorisation for overtime, expense claims etc
Completion of relevant documentation for redundancy/early retirement
Engagement at an appropriate level in disciplinary and other staff-related processes

In accordance with policies and procedures produced by the Director of Transformation and/or the Head of Finance.

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Asset-Related Responsibilities - this includes physical assets and also information (however stored)

Maintaining adequate assets to deliver the service
Safeguarding and maintenance of assets
Disposal of assets

In accordance with policies and procedures.

### Risk Management Responsibilities

Reviewing and updating risk profiles and securing suitable arrangements to manage risks
Logging new risks and ensuring that mitigating actions are identified and allocated appropriately
Handling claims (potential/actual) so as to protect (not prejudice) the Authority's position and its access to insurance arrangements

### Performance Management Responsibilities

Engaging appropriately in corporate performance management processes
Reporting on performance in a meaningful, timely and balanced way