



# **BUCKINGHAMSHIRE AND MILTON KEYNES FIRE AUTHORITY**

## **SCHEME OF DELEGATION TO OFFICERS**

## 1. Preamble

- 1.1 This Scheme is made under Section 101 of the Local Government Act 1972, as imported into the Buckinghamshire Fire Services (Combination Scheme) Order 1996 (“the Combination Scheme”) and has been approved by the Authority to facilitate efficient decision making.
- 1.2 The Authority, therefore, whilst retaining overall responsibility for the formulation of policy including the approval of the Revenue Budget and Capital Programme has delegated to the officers the powers set out in this Scheme.
- 1.3 The Authority is required by the Local Government and Housing Act 1989 to appoint a Monitoring Officer -the Director of Legal and Governance fulfils that role. The Local Government Finance Act 1988 requires the Authority to appoint a Chief Finance Officer – the Director of Finance and Assets fulfils that role. The duty under the Local Government and Housing Act 1989 to designate one of its officers as a Head of Paid Service does not apply to the Authority
- 1.4 There are certain duties for which the Authority is required to appoint “proper officers” and assign responsibilities to those individuals. For the purposes of this Scheme the Proper Officers are the Chief Fire Officer/Chief Executive, the Director of Finance and Assets and the Monitoring Officer

**The Chief Fire Officer** is the Chief Executive of the Authority and is the de facto head of paid service

**The Chief Finance Officer** (the Director of Finance and Assets)

**The Monitoring Officer** (the Director of Legal and Governance )

## 2. General Conditions of Delegation and Definitions

- 2.1 The existence of a delegation shall not require the Chief Fire Officer to take a decision on that issue. The Chief Fire Officer needs to be aware of particular controversial issues of concern to the Authority. In such circumstances he or she may refer the matter for guidance or decision by the Authority if he or she considers it is appropriate to do so. In so doing the Chief Fire Officer shall advise the Members concerned of the extent of his or her delegated powers relating to the matter.
- 2.2 When action taken under the terms of this Scheme is of significance or importance to the work of the Authority, or could be construed to be a matter of political sensitivity or controversy, Officers shall inform Members, as soon as reasonably practical, either in writing or other suitable communication.

- 2.3 The Monitoring Officer to the Authority shall keep the operation of the Scheme under review, and the Authority may amend its provisions from time to time.

### **3. CHIEF FIRE OFFICER/CHIEF EXECUTIVE**

- 3.1 The Chief Fire Officer shall, within the approved budgets and policies, exercise all matters of day-to-day administration and operational management of the services and functions. This delegation shall include taking and implementing decisions including, in particular, any decision which is concerned with maintaining the operation or effectiveness of those services or with a matter incidental to the discharge of the Authority's functions or which falls within the scope of the Authority's policy framework.
- 3.2 All decision-making not reserved to the Authority or Committee as set out their respective terms of reference or in the Authority's Financial Regulations and Financial Instructions, or otherwise delegated to another Proper Officer under this Scheme is delegated to the Chief Fire Officer subject to the following requirements:
- (a) any decisions or action shall comply with all relevant resolutions, orders and directions of the Authority and of its appointed Committee(s);
  - (b) where any matter involves professional or technical considerations within the sphere or competence of another Officer, the Chief Fire Officer shall consult with that Officer before authorising action. This shall not be limited to officers within the employ of the Authority, if circumstances require.
- 3.3 Delegation to Chief Fire Officer does not include:
- (a) any matter which by law may not be delegated to an Officer;
  - (b) making a formal response on behalf of the Authority to any White Paper, Green Paper, Government Consultation Paper or draft European Union Directive without reference first to the Chairman of the Authority. However, when the timescales so requires, the Chief Fire Officer is authorised to respond without discussion with the Chairman. The content of such response shall be referred to the appropriate committee for their attention.
- 3.4 To complement the discharge of functions under these arrangements, the Chief Fire Officer shall:
- (a) maintain close liaison with the Chairman in respect of controversial and sensitive issues.

- (b) maintain close liaison with Members representing the political groups in relation to any matter, which in the opinion of the Chief Fire Officer, may be regarded as sensitive or contentious by any such group.
  - (c) keep a Member informed of significant developments relating to a specific matter, where a Member has made known to the Chief Fire Officer a legitimate interest, or where a matter relates to or affects the Member's electoral division or Ward.
- 3.5 The Chief Fire Officer may authorise, in writing, an Officer to exercise an authority in this Scheme in his or her absence, or at other times.
- 3.6 The Chief Fire Officer, in consultation with the Monitoring Officer shall:
- (a) determine any case in which there is uncertainty whether an Officer is authorised to act under these arrangements; and
  - (b) act as the designated officer in accordance with the Local Authorities (Exemption from Political Restrictions) (Designation) Regulations 2012
- 3.7 Reference in these arrangements to the discharge of functions of the Authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions and the Chief Fire Officer is authorised to act accordingly.

#### **4. CHIEF FINANCE OFFICER**

- 4.1 The Director of Finance and Assets has the authority to:
- (a) act as the suitably qualified responsible officer for the proper administration of financial affairs as required by Section 112 of the Local Government Finance Act 1988.
  - (b) after consulting with the Monitoring Officer, report to the full Authority and the Authority's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Authority is about to enter an item of account unlawfully or the Authority has insufficient resources to meet its spending
  - (c) provide technical and professional advice to the Authority Members and Officers.
  - (d) represent, when expressly authorised by the Authority or by a committee of the Authority, the Authority's interest at meetings with Government departments and agencies and other relevant national, regional and local organisations.

- (e) ensure that the Authority's corporate financial planning and financial management frameworks (both revenue and capital) are robust, including the co-ordination of the Authority's strategic financial plans ; and including the coordination of corporate financial performance.
- (f) deliver the finance functions and manage the continuous internal audit of the Authority's activities.
- (g) interpret financial legislation as it relates to Authority.
- (h) provide appropriate training to Members and Officers with regard to financial planning or management issues.
- (i) take decisions necessary to discharge responsibilities assigned to the role in the Authority's Financial Regulations and Financial Instructions
- (j) be the proper officer for the purposes of:
  - (i) section 115 of the Local Government Act 1972
  - (ii) section 116 of the Local Government Finance Act 1988
  - (iii) sections 139A and 68 respectively of the Local Government Finance Acts 1988 and 1992

## **5. MONITORING OFFICER**

### **5.1 The Monitoring Officer has authority to:**

- (a) ensure that up-to-date versions of the Constitutional documents are maintained and available for inspection by Members, Officers and the public.
- (b) ensure lawfulness in decision-making
- (c) after consulting with the Chief Finance Officer, report to the full Authority if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (d) contribute to the promotion and maintenance of high standards of Member conduct
- (e) ensure the proper operation of the procedure for complaints against Members
- (e) provide advice on the scope of powers and Authority to take decisions; maladministration; financial impropriety; and probity to all Members.

- (f) ensure that the following registers and lists are maintained:
  - (i) a register of Members' interests.
  - (ii) a list of Officers to whom powers are delegated under section 100G (2) of the Local Government Act 1972.
- (g) act as the qualified person for the purposes of section 36 of the Freedom of Information Act 2000
- (h) be the proper officer for the purposes of:
  - (i) section 30 of the Local Government Act 1974
  - (ii) section 2 of the Local Government and Housing Act 1989
  - (iii) sections 100B,100C, 100D and 100F of the Local Government Act 1972
  - (iv) Schedule 12 of the Local Government Act 1972 (as applied to the Authority by the Combination Scheme)
  - (v) Paragraph 14 of the Combination Scheme
  - (vi) the Local Authorities (Members' Allowances) (England) Regulations 2003
  - (vii) sections 225,229, and 234 of the Local Government Act 1972
  - (viii) authenticating documents
  - (ix) attest the affixing of the Authority's Common Seal
  - (x) for the purposes of the Local Government (Committees and Political Groups) Regulations 1990
  - (xi) granting dispensations to Members under the Localism Act 2011