

Review of Standing Orders and Scheme of Delegation to Officers

Report of the Clerk

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1 Purpose of Report

This report reviews the Fire Authority's Standing Orders for the Regulation of Proceedings and Business, Standing Orders relating to Contracts and the Scheme of Delegation to Officers and asks Members to consider and decide upon the amendments proposed.

2 Recommendations

The Fire Authority is requested to consider and decide upon the amendments proposed to:

- Standing Orders for the Regulations of Proceedings and Business;
- Standing Orders relating to Contracts; and
- The Scheme of Delegation to Officers.

3 Background

As part of its constitution the Fire Authority has in place the following documents:

- Standing Orders for the Regulation of Proceedings and Business;
- Standing Orders relating to Contracts; and
- A Scheme of Delegation to Officers.

Although not a legal requirement, it is deemed good practice for local authorities to review the above documents annually.

4 Proposed Amendments

Following a review by Officers and the Legal Services Team at Telford & Wrekin Council, there are following amendments are proposed to the documents named on the previous page.

Standing Orders for the Regulation of Proceedings and Business

Standing Order No 1 Meetings of the Authority

An item of business may not be considered at a meeting of the Authority unless either:

- (a) A copy of the agenda including the item (or copy of the item) has been open to inspection by the public in pursuance of paragraph 5 above for at least 5 clear working days before the meeting or, where the meeting is convened at shorter notice ***in cases of urgency in accordance with the provisions of the Local Government Act 1972***, from the time the meeting is convened; or

This amendment provides clarity in respect of the convening of urgent meetings.

Standing Order 14 Public Participation at Meetings

Questions, Statements and Petitions

- 1 Provision shall be made on the public part of the Agenda of each ordinary and, at the Chair's absolute discretion, special meetings of the Authority, of the Strategy and Resources Committee, ***and*** of the ***Standards***, Audit and Performance Management Committee, ~~and of the Standards and Human Resources Committee~~ for members of the public ('a person') to participate in accordance with the rules below.

This amendment is necessary due to the change in Committee structure which was agreed by the Fire Authority in April 2019. The Standards and Human Resources Committee has been removed from the Committee structure and the work undertaken by that Committee, has been reallocated to the Strategy and Resources Committee and the Standards, Audit and Performance Committee.

- 2 ***If items to be discussed are of a confidential nature or are classified as exempt, namely they relate to the financial or business affairs of the Authority, then the public and press can be excluded for this part of the meeting if it is the case that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. (See Section 9 of the Members' Handbook)***

This amendment is in response to an Internal Audit recommendation made in April 2020, which stated that the Fire Authority's constitution should be updated to provide guidance on what constitutes an exemption.

76 The Chair shall be entitled to refuse to allow a question to be put to the meeting, if, in the Chair's opinion, that question has previously been asked and answered and there has been no subsequent change in circumstances, ***or in his/her opinion it would risk the defamation of any individual, relates to confidential or exempt information, relates to an individual or personal dealings with the Authority or is considered to be frivolous or vexatious.*** The Chair shall advise Members in general terms of such a refusal.

This amendment provides further clarity to the Chair's powers to control members of the public who are speaking at a Fire Authority meeting.

Standing Orders relating to Contracts

There are currently no changes proposed to the Standing Orders relating to Contracts. However, the Service will review, and amend these Standing Orders as necessary, when the impact of Brexit on the European procurement requirements is known.

The Scheme of Delegation to Officers

Delegations to Officers

This scheme grants delegated powers to the Chief Fire Officer, Authority Solicitor (Monitoring Officer) and Treasurer ("the Chief Officers") under section 101 of the Local Government Act 1972 and any other enabling powers.

The ~~Deputy Chief Fire Officer~~, Assistant Chief Fire Officer*, Head of Finance or Deputy Monitoring Officer may exercise these delegated powers in the absence or inability to act of the Chief Fire Officer, Treasurer or Monitoring Officer respectively.

* In the first instance such powers would be delegated to the ~~Deputy Chief Fire Officer~~ and then, in his / her absence or inability to act, to the Assistant Chief Fire Officer.

This amendment is necessary to reflect the change the Service's Executive Officer Structure which was agreed by the Fire Authority in June 2020. The Executive Officer Structure now consists of the Chief Fire Officer and two Assistant Chief Fire Officers. There is currently no Deputy Chief Fire Officer within the structure.

The relevant documents have not been attached to this report in order to save paper and postage.

The current versions can, however, be viewed on the Fire Authority's website via the link below with proposed amendments being shown in bold italics and deletions struck through.

<https://www.shropshirefire.gov.uk/meeting/14-october-2020>

Hard copies of the documents are available to Members upon request.

5 Financial Implications

There are no financial implications arising from this report.

6 Legal Comment

The proposed changes to Standing Orders, Financial Regulations and the Scheme of Delegation to Officers are lawful and the Fire Authority has the power to act as proposed in this report.

7 Appendices

The Appendices to the report can be accessed via the following link:

<https://www.shropshirefire.gov.uk/meeting/14-october-2020>

Appendix A

Standing Orders relating to Proceedings and Business

Appendix B

Standing Orders relating to Contracts

Appendix C

Scheme of Delegation to Officers

8 Background Papers

There are no background papers associated with this report.