

PART 3

**SCHEME OF DELEGATION
TO OFFICERS**

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Date of Next Review:	December 2023
Owner:	Monitoring Officer

Governance (Part I) - Delegations to Officers

Introduction

1. This Scheme of Delegation applies to, and must be adhered to by all officers, employees and elected Members of the Authority, and for the purposes of this Scheme, officers of Barnsley Metropolitan Borough Council are regarded as officers of the Authority
2. Where the Chief Fire Officer & Chief Executive or the Clerk to the Authority are authorised to discharge any functions on behalf of the Authority and is for any reason unable to discharge those functions their Deputy may discharge those functions. The Chief Fire Officer & Chief Executive and the Clerk may nominate one or more duly qualified officers to act on their behalf in the exercise of decision making powers under this Scheme and shall maintain and review annually a Register of Officers nominated on their behalf. These officers are detailed in the table at pages 4-19.
3. The Clerk is authorised to negotiate, conclude and execute on behalf of the Authority¹ any document or agreement required to give effect to any decision taken by the Authority, Committee or officer whether or not that decision specifically records such an authorisation, provided that where expenditure is authorised under the Financial Regulations, any documentation giving effect to that expenditure may be entered into by a duly authorised officer in accordance with this Scheme of Delegation and the Authority's Contract Standing Orders.

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FUNCTION	DELEGATED TO	CLERK / CHIEF FINANCIAL OFFICER NOMINATED OFFICERS	DIRECTOR RESPONSIBLE	ACTUAL POST HOLDER
A. ASSET MANAGEMENT				
<p>A1: Property Management Where the Authority requires for operational reasons to acquire or dispose of land and buildings the following authorisations shall apply:</p> <p>A2: Acquisition of Land and Buildings The authority to agree the terms and arrangements for the acquisition (whether by purchase, lease or licence), of land and/or buildings required for Authority purposes.</p> <p>A3: Disposal of Land and Buildings Where any land and/or buildings are no longer required for Authority purposes then authority to agree terms and arrangements for the disposal of the property concerned.</p> <p>In all cases seeking appropriate professional valuation/ estates and legal advice.</p> <p>A4: Estate Management Responsibility for the day to day management of the Authority's estate, including;</p>	<p>Chief Fire Officer & Chief Executive in consultation with the Clerk or Chief Financial Officer</p>	<p>Monitoring Officer</p> <p>Solicitor & Deputy Monitoring Officer</p>	<p>Director of Support Services</p> <p>Director of Support Services</p> <p>Director of Support Services</p> <p>Director of Support Services</p>	<p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p>
<p>A5: Letting of Authority Premises (a) To determine requests received for the use of the Authority's premises by charitable organisations and to waive or vary charges in appropriate circumstances which this is beneficial to the Authority</p>	<p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services</p>	<p>Estates & Facilities Manager</p>

<p>(b) To automatically apply inflationary increases to the charges for the use of the Authority's premises.</p>			<p>Director of Support Services</p>	<p>Estates & Facilities Manager</p>
<p>A6: Estate Legal and Contractual Matters Approve the service of Notices to Quit and such other notices and formal demands which are deemed necessary to protect the interests of the Authority; and</p> <p>The letting of properties and facilities within the control of the Authority, with five year rent reviews, other than leases or agreements exceeding a term of ten years; and</p> <p>Approve any revised rent fee, service charge or other sum payable under the terms of any lease, tenancy or licence agreement granted to the Authority; and</p> <p>Review and determine the rent fee, service charge or other sum payable under the terms of any lease, tenancy or licence granted by the Authority; and</p> <p>Determination of applications for assignment, sub-letting or surrender of leases of land and premises managed by the Authority; and</p> <p>Grant minor easements, wayleaves and rights of way; and</p> <p>Agree the terms of any indemnity required in connection with the use of land or premises for Authority purposes; and</p> <p>The determination of applications for variation or extension of business use contained in leases of land and premises managed by the Authority;</p>	<p>Chief Fire Officer & Chief Executive in consultation with the Clerk</p>	<p>Monitoring Officer, Solicitor & Deputy Monitoring Officer</p>	<p>Director of Support Services in consultation with the Clerk</p> <p>Director of Support Services in consultation with the Clerk</p> <p>Director of Support Services in consultation with the Clerk</p> <p>Director of Support Services in consultation with the Clerk</p> <p>Director of Support Services in consultation with the Clerk</p> <p>Director of Support Services in consultation with the Clerk</p> <p>Director of Support Services in consultation with the Clerk</p> <p>Director of Support Services in consultation with the Clerk</p>	<p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p>

<p>The determination of applications for consent to alter or erect premises comprised in lease under the management of the Authority;</p> <p>The granting of annual licences to use rights of way over land managed by the Authority.</p> <p>To deal with routine matters with regard to the tenancies of residential dwellings to operational premises.</p>			<p>Director of Support Services in consultation with the Clerk</p> <p>Director of Support Services in consultation with the Clerk</p> <p>Director of Support Services in consultation with the Clerk</p>	<p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p>
<p>A7: Protection and Sealing Take any necessary action to protect the Authority's interest in any part of the Authority's estate;</p> <p>Sign or use the Authority's seal on documents relating to dealings with the Authority's Estate.</p>	<p>Clerk in consultation with the Chief Fire Officer & Chief Executive</p>	<p>Monitoring Officer, Solicitor and Deputy Monitoring Officer</p>	<p>Director of Support Services in consultation with the Clerk</p> <p>Director of Support Services in consultation with the Clerk</p>	<p>Estates & Facilities Manager</p> <p>Estates & Facilities Manager</p>
<p>A8: Records Responsibility for the custody of all deeds and legal documents relating to the Authority's estate.</p>	<p>Clerk in consultation with the Chief Fire Officer & Chief Executive</p>	<p>Monitoring Officer, Solicitor and Deputy Monitoring Officer</p>	<p>Director of Support Services in consultation with the Clerk</p>	<p>Estates & Facilities Manager</p>
B. PEOPLE & ORGANISATIONAL DEVELOPMENT				
<p>B1: Appointment, Redeployment and Promotion of Employees To appoint, redeploy and promote employees, with the exception of principal officers (which is the responsibility of the Appointments Committee) and to issue contracts of employment.</p>	<p>Chief Fire Officer & Chief Executive</p>		<p>Relevant Director in consultation with Director of Service Development</p>	<p>Relevant Head of Function in consultation with the Head of People & Organisational Development</p>

<p>B2: Changes to Conditions of Service To make changes to conditions of service of the Authority's employees where these changes have been agreed either locally or nationally. Where there is no agreement, the matter will be forwarded to the Joint Consultative Panel or other appropriate body.</p>	Chief Fire Officer & Chief Executive		Director of Support Services	Head of People & Organisational Development
<p>B3: Disciplinary Action To suspend, discipline and, if appropriate, dismiss employees below Principal Officer level for misconduct or on the grounds of incapability, subject to appropriate procedures being followed. To maintain Codes of Conduct and Disciplinary policies and procedures for all employees</p>	Chief Fire Officer & Chief Executive		Relevant Director Director of Support Services	Relevant Head of Function with the Head of People & Organisational Development
<p>B4: Contracted Hours and Working Patterns To make adjustments to the number of contracted hours for specific employees and to vary working patterns, where this has been agreed with the employee.</p>	Chief Fire Officer & Chief Executive		Relevant Director	Relevant Head of Function with the Head of People & Organisational Development
<p>B5: Medical Discharges To authorise medical discharges.</p>	Chief Fire Officer & Chief Executive		Director of Support Services	Head of People & Organisational Development
<p>B6: Temporary Posts Authority to temporarily employ staff / contractors to cover staff absences or shortfalls (including for special projects).</p>	Chief Fire Officer & Chief Executive		Relevant Director in consultation with the Director of Support Services	Relevant Head of Function in consultation with Head of People & Organisational Development

<p>B7: Secondment of Staff To agree fixed term secondments of staff to other organisations where no costs fall on the Authority.</p>	<p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services in consultation with other Directors</p>	<p>Head of People & Organisational Development</p>
<p>B8: Assimilation of Ranks to Roles - Integrated Personal Development System To make determinations in respect of the assimilation of ranks to roles under the Integrated Personal Development System.</p>	<p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services</p>	<p>Head of People & Organisational Development</p>
<p>B9: Job Evaluation Scheme To administer the Job Evaluation Scheme for the Authority's employees.</p>	<p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services</p>	<p>Head of People & Organisational Development</p>
<p>B10: Voluntary Redundancy of Non-Uniformed Personnel To make a determination in respect of approving requests for voluntary redundancy of non-uniformed personnel where their role or location of work, as specified in their contract of employment, has significantly changed.</p>	<p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services</p>	<p>Head of People & Organisational Development in consultation with the Financial Services Manager</p>
<p>B11: Voluntary Early Retirement Authority to exercise the powers and duties of the Authority to make compensatory awards in relation to the The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006</p>	<p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services</p>	<p>Head of People & Organisational Development in consultation with the Financial Services Manager</p>

<p>B12: Re-engagement of uniformed personnel following retirement To re-engage uniformed employees with particular knowledge, skills and expertise, on temporary contracts following retirement.</p>	Chief Fire Officer & Chief Executive		Relevant Director in consultation with Director of Support Services	Not applicable
<p>B13: Career Breaks and Flexible Working To make a determination in respect of requests for both career breaks and flexible working.</p>	Chief Fire Officer & Chief Executive		Director of Support Services in consultation with relevant Director	Head of People & Organisational Development
<p>B14: Secondary Employment To exercise the Authority's powers to determine applications made by members of the Service to undertake secondary employment.</p>	Chief Fire Officer & Chief Executive		Director of Support Services	Head of People & Organisational Development
<p>B15: Sick Leave To determine or grant members of the service a further period of sick leave on full or half pay where appropriate on behalf of the Authority.</p>	Chief Fire Officer & Chief Executive		Director of Support Services	Head of People & Organisational Development
<p>B16: Calculation of Sick-Pay Authority to exercise the Authority's powers and duties in accordance with the following:-</p> <ul style="list-style-type: none"> (i) NJC for APT&C employees Scheme of Conditions of Service (ii) Y&H Provincial Council for Local Authorities' Services Handbook (Manual Workers) (iii) JNC for Local Authority Craft and Associated Employees, National Agreement on Pay and Conditions of Service 	Chief Fire Officer & Chief Executive		Head of People & Organisational Development	Senior People Partner (Employee Relations)

<p>B17: Arrangements for Public and Concessionary Holidays In consultation with the trade unions, to approve proposed arrangements for public and concessionary holidays.</p>	Chief Fire Officer & Chief Executive		Director of Support Services	Head of People & Organisational Development
<p>B18: Legal Representation of Uniformed Staff in Relation to Road Traffic Act Offences To administer the procedure for the legal representation of uniformed staff in relation to Road Traffic Act offences.</p>	Chief Fire Officer & Chief Executive in consultation with the Clerk	Monitoring Officer, Solicitor & Deputy Monitoring Officer	Director of Support Services	Senior People Partner (Employee Relations)
<p>B19: Local Government & Housing Act 1989 – Political Restrictions Preparing and maintaining a list of politically restricted posts on behalf of the Authority and Service.</p>	Clerk in consultation with the Chief Fire Officer & Chief Executive	Monitoring Officer, Solicitor & Deputy Monitoring Officer	Director of Support Services	Head of People & Organisational Development
<p>B20: The Occupational Pension Schemes Internal Dispute Resolution Procedures Responsibility for hearing stage one appeals.</p> <ul style="list-style-type: none"> • Local Government Pension Scheme • Firefighters' Pension Scheme 	Clerk Chief Fire Officer & Chief Executive	Not applicable	Director of Support Services	Senior People Partner (Employee Relations)

<p>B21: Injury Allowances – Local Government Pension Scheme To exercise discretionary powers under Local Government (Discretionary Payments)(Injury Allowances) Regulations 2011.</p>	<p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services</p>	<p>Head of People & Organisational Development</p>
<p>B22: Industrial Action To seek repudiation from the FBU of any industrial action that does not comply with the legal process set out in the Trade Union and Labour Relations (Consolidation) Act 1992.</p> <p>In consultation with the Clerk and the Treasurer, to take any necessary measures to mitigate risk to the community in the event of a firefighters’ strike or any type of industrial action by Authority employees and report such action and associated expenditure to the Authority.</p> <p>To pursue the recovery of actual and necessary expenditure on contingency arrangements with the Home Office and the Local Government Association.</p> <p>To authorise the approval of members of the Firefighters’ Pension Scheme to count as pensionable service any absence as a result of industrial action providing they pay the Authority the appropriate employer and employee pension contributions.</p>	<p>Chief Fire Officer & Chief Executive</p> <p>Chief Fire Officer & Chief Executive</p> <p>Chief Fire Officer & Chief Executive</p> <p>Chief Fire Officer & Chief Executive</p>		<p>Not applicable</p> <p>Director of Support Services</p> <p>Director of Support Services</p> <p>Director of Support Services</p>	<p>Not applicable</p> <p>Not applicable</p> <p>Financial Services Manager</p> <p>Not applicable</p>

<p>B23: Local Government Pension Scheme To make a determination where appropriate on gratuities for employees covered by the Local Government Pension Scheme (LGPS) and to exercise the powers and duties of the Authority to release early payment of pension benefits in relation to redundancy, efficiency of the Service or in accordance with Regulations 19, 20, 30 of the LGPS and Regulation 30 of the LGPS (Benefits Membership and Contributions) Regulation 2007 as amended by the LGPS (Amendment) Regulations 2008.</p> <p>B24: Local Government and Firefighter Pension Schemes Authority to exercise the Authority's powers and duties under the LGPS and FPS pensions legislation subject to policies approved by the Authority (except for Principal Officers)</p>	<p>Chief Fire Officer & Chief Executive</p> <p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services</p> <p>Director of Support Services</p>	<p>Not applicable</p> <p>Head of People & Organisational Development</p>
<p>B25: Ill-Health and Associated Matters In efforts to reduce incidents of ill-health retirement authority to exercise the Authority's powers to utilise any of the following:</p> <ul style="list-style-type: none"> • employ the services of an appropriate Medical and or Psychology consultants recommended by the Brigade Medical Adviser; • the provision of medical treatment in cases where the Brigade Medical Adviser's opinion is that it would increase the individual's potential for continued employment; • the provision of a physiotherapy service where such treatment would be delayed within the normal NHS channels; • the provision of treatment to employees before they incur sickness absence. 	<p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services</p>	<p>Head of People & Organisational Development and the Occupational Health Manager</p>

<p>B26: Firefighters' Pension Scheme To make a determination in respect of discretionary rules under the Firefighters' Pension Scheme, as set out below:-</p> <p>Firefighters' Pension Scheme Order - List of Rules that give Discretionary Power</p> <p>A13 (3) - Gives the power to extend a Firefighters service beyond normal retirement age.</p> <p>A15 - Compulsory retirement on grounds of disablement.</p> <p>H1 - Awards to be received under the scheme;</p> <p>H2 - Administration of appeals against a medical opinion</p>	<p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services</p>	<p>Head of People & Organisational Development</p>
<p>C. LEGAL</p>				
<p>C1: Conduct of Proceedings Authority to institute, defend or participate in any legal proceedings in any case where proceedings are necessary with regard to the Authority's interests, statutory or common law functions in proceedings in Magistrates' and Crown Courts or in any other judicial or quasi-judicial proceedings including laying information's, making complaints, signature of documents and otherwise representing the Authority.</p> <p>Where any document is to be signed by a Solicitor it shall be signed by the Authority's Solicitor or such other Solicitor as may be instructed by the Clerk to act for the Authority.</p>	<p>Clerk in consultation with the Chief Fire Officer & Chief Executive</p>	<p>Monitoring Officer Solicitor & Deputy Monitoring Officer</p>	<p>Relevant Director in consultation with the Clerk</p>	<p>Not applicable</p>

<p>C2: Representation in Legal Proceedings Exercising the above authority may be by way of instructing the Authority's Solicitor or his/her deputy (or such other Solicitor as instructed to act) to institute, defend, participate in or instruct Counsel in legal or employment proceedings in any court or tribunal as applicable.</p> <p>The Authority's function under Section 223(1) of the Local Government Act 1972 of authorising officers (not being Solicitors with current practising certificates) to prosecute or defend on the Authority's behalf or to appear on the Authority's behalf in proceedings before a Magistrates' court subject to report to the Authority.</p>	Clerk	Monitoring Officer, Solicitor & Deputy Monitoring Officer	Relevant Director in consultation with the Clerk	Not applicable
<p>C3: Negotiation and Settlement of Claims Authorisation to negotiate and approve the settlement of claims by or against the Authority below £10,000</p>	Chief Fire Officer & Chief Executive in consultation with the Clerk	Monitoring Officer, Solicitor & Deputy Monitoring Officer	Director of Support Services	Head of Service Delivery Support
<p>C4: Negotiation and Settlement - Urgent Circumstances Authority in urgent circumstances to approve the Settlement of any claim exceeding £10,000. Details of the settlement to be reported to the next meeting of the Authority</p>	Chief Fire Officer & Chief Executive in consultation with the Clerk if time permits	Monitoring Officer, Solicitor & Deputy Monitoring Officer	Director of Support Services	Head of Service Delivery Support

D. GENERAL				
<p>D1: Legislation To exercise the duties and powers of the Authority, including the powers of charging, entry, issue of licences, registrations, notices and certificates, maintenance of registers and the appointment of officers (including as inspectors), in respect of the following legislation and any Orders, Regulations or Statutory Instruments made under them and or any amending, repealing or replacing statutory provisions:</p> <p>Explosives Act 1875 ; ; Public Health Act 1936 & 1961; Licensing Act 2003; The Gaming Act 1968 (Sch 2 para.5(3)(d); Theatres Act 1968; Health and Safety at Work, etc., Act 1974; The Safety at Sports Grounds Act 1975; The South Yorkshire Act 1980; Local Government (Miscellaneous Provisions) Act 1982; Cinemas Act 1985; The Consumer Protection Act 1987; The Fire Safety and Safety of Places of Sport Act 1987; Environment and Safety Information Act 1988; Dangerous Substances (Notification of Marking of Sites) Regulations 1990; Construction (Health, Safety and Welfare) Regulations 1996; Health and Safety (Safety, Signs and Signals) Regulations 1996; Management of Health and Safety Regulations 1999; The Regulation of Investigatory Procedures Act 2000;; Dangerous Substances and Explosive Atmospheres Regulations 2002; Fireworks Act 2003; The Fireworks Regulations 2004; Fire And Rescue Services Act 2004; Civil Contingencies Act 2004; Regulatory Reform (Fire Safety) Order 2005 Manufacture and Storage of Explosives Regulations 2005; The Fire and Rescue Services (Emergencies) (England) Order 2007; and any other legislative or common law powers or duties exercisable by fire authorities including any retained EU legislation.</p>	<p>Chief Fire Officer & Chief Executive</p>		<p>Director of Support Services</p>	<p>Head of Prevention & Protection</p>

<p>D2: Consultations Authorisation to respond to consultations on proposals affecting the Authority on operational matters.</p> <p>Authorisation to respond to consultations on proposals affecting the Authority on urgent matters</p>	<p>Chief Fire Officer & Chief Executive</p> <p>Chief Fire Officer & Chief Executive and/or Clerk</p>		<p>Relevant Director in consultation with Corporate Management Board</p> <p>Relevant Director</p>	<p>Corporate Communications Manager</p> <p>Corporate Communications Manager</p>
<p>D3: Operational and Financial Arrangements for Mutual Assistance Between Fire Authorities The Chief Fire Officer to negotiate the terms of such agreements and the Clerk and the Chief Financial Officer be authorised to execute the arrangements on behalf of the Authority.</p>	<p>Chief Fire Officer & Chief Executive and Clerk</p>	<p>Clerk Treasurer</p>	<p>Director of Support Services in consultation with Corporate Management Board</p>	<p>Not applicable</p>
<p>D4: Partnership arrangements To enter, manage, terminate and invest in partnership arrangements with such other bodies (both public and private) where they directly contribute to the aims, objectives and statutory functions of the Authority.</p> <p>To decline involvement, or withdraw from involvement, in partnerships that do not deliver benefits for the Authority or the community, or in cases where the costs of involvement outweigh the benefits.</p>	<p>Chief Fire Officer & Chief Executive in consultation with Clerk</p>	<p>Monitoring Officer</p> <p>Solicitor and Deputy Monitoring Officer</p>	<p>Relevant Director</p> <p>Relevant Director</p>	<p>Relevant Head of Function</p> <p>Relevant Head of Function</p>

<p>D5: Collaboration with Emergency Services To enter into any agreement with Emergency Services to work together in discharging their functions.</p>	Chief Fire Officer & Chief Executive		Director of Support Services	
<p>D6: Provision of Mutual Assistance and Reinforcement</p> <ol style="list-style-type: none"> To enter into agreements with West Yorkshire, North Yorkshire, Derbyshire and Humberside Fire Authorities to provide Mutual support and reinforcement under the Fire and Rescue Services Act 2004 (and any amendment thereof) or other national agreement subject to the requirements of the South Yorkshire Fire and Rescue Service (SYFRS) being given priority; To enter into any mutual aid agreement with any Fire and Rescue Authority in the United Kingdom as appropriate subject to the requirements of the SYFRS being given priority. 	Chief Fire Officer & Chief Executive in consultation with the Clerk	Clerk Treasurer	Director of Support Services in consultation with Corporate Management Board	Head of Emergency Response
<p>D7: Use of SYFRS Personnel and Equipment outside of the United Kingdom Should the occasion arise, in times of disaster or emergency, the Chief Fire Officer, in consultation with the Chair and Vice-Chair, to make arrangements for the use of SYFRS personnel and equipment outside of the United Kingdom.</p>	Chief Fire Officer & Chief Executive and Clerk		Director of Support Services	Not applicable
<p>D8: Emergency Planning Functions Responsibility for the Authority's Emergency Planning functions including all elements of Plan Making and charging in relation to the manufacture and maintenance of Control of Major Accident Hazards (COMAH) Regulations 1999 and Pipelines Safety Regulations 1996 plans or other plans required by emergency planning legislation.</p>	Chief Fire Officer & Chief Executive		Director of Support Services	Head of Service Delivery Support

<p>D9: Provision of Aid Outside the UK By virtue of the Local Government (Overseas Assistance) Act 1993, authority to approve any request for items of obsolete equipment and uniform to be donated overseas if the initiative is considered appropriate and subject to the costs of transportation not being met by the Authority.</p> <p>Authority to sanction the use of Fire Service vehicles to transport aid to overseas countries where the costs of fuel for the vehicles will be borne by the aid organisers.</p> <p>Requests for the donation of fire appliance vehicles be considered only if:-</p> <ul style="list-style-type: none"> they are surplus to the Brigade’s requirements; the recipient country is widely accepted as being in need; the vehicle equipment would be used for Fire Service use only; <p>the cost of shipment is not to be met by the Authority.</p> <p>Subject to the above conditions being established, a maximum of two appliances be donated in any one year.</p> <p>In all cases where the value of the appliances/equipment is greater than the scrap value, authority be delegated to authorise their disposal.</p> <p>To authorise overseas attendance by uniformed fire officers to accompany donated equipment or provide specialist advice or provision of emergency support.</p>	<p>Chief Fire Officer & Chief Executive in consultation with the Clerk and the Chief Finance Officer</p> <p>Chief Fire Officer & Chief Executive</p>	<p>Monitoring Officer</p>	<p>Not applicable</p>	<p>Not applicable</p>
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<p>D10: Code of Recommended Practice on Local Authority Publicity Exercise of the Authorities duties to comply with the Code of Recommended Practice on Local Authority Publicity.</p>	Clerk and Chief Fire Officer & Chief Executive		Director of Support Services	Corporate Communications Manager
<p>D11: Freedom of Information Act 2000 Requests Determination of an appropriate charge in respect of cases where the costs incurred in providing information under the FOIA exceed £450.</p> <p>Authority to take decisions about FOIA Appeals.</p>	Clerk in consultation with the Chief Fire Officer & Chief Executive Clerk, Monitoring Officer or Chief Financial Officer		Director of Support Services Not applicable	Information and Governance Manager Not applicable

¹ Reference in this Scheme to the word “Authority” in connection with the discharge of a statutory power on behalf of the Authority will include those cases where that statutory power vests in either the full Authority, a committee of the Authority or an Officer of the Authority.

All reference to legislation i.e. statute, regulations and orders, refers to any amendments, repeals and replacements of that legislation which will then be reflected in the next version of this scheme.

Governance (Part II) - Governance Arrangements

The Clerk and the Treasurer

The Authority has appointed a Clerk to the Authority and a Chief Financial Officer who are responsible for the general administration of the Authority. The Chief Financial Officer is also the officer appointed by the Authority to be responsible for its financial affairs. The financial responsibilities of the Chief Financial Officer are set out in the Authority's Financial Regulations.

The general administrative duties of both the Clerk and the Chief Financial Officer are as set out below:

- i) The management of Authority proceedings and the provision of Member services including servicing all meetings of the Authority; administration of the Members allowance scheme and providing support and advice to individual Members on matters relating to the Authority's proceedings and procedures;
- ii) Policy development work on behalf of the Authority;
- iii) The provision of legal advice and representation to the Authority.
- iv) The provision of personnel advice and representation to the Authority.
- v) The provision of advice generally on the Authority's powers and duties.

Proper Officer Scheme

In connection with the discharge of the responsibilities of both the Clerk and the Chief Financial Officer mentioned above the Clerk and the Chief Financial Officer are authorised to exercise the specific powers identified in the following paragraphs of this Section.

Local Government Act 1972

Sections 94 - 96 Proper Officer for the receipt of general notices of pecuniary interests and keeping records of disclosures of pecuniary interests made in accordance with Section 94. Clerk

Section 100B (2) and (6) Proper Officer for the purposes of determining whether any reports or parts thereof for a meeting of the Authority, should be excluded from those made available for public inspection in advance of the meeting, and made available for the use of Members of the public present at the meeting, on the grounds that they relate to items during which the meeting is likely not to be open to the public. Clerk

<u>Section 100B (2) and (7) (c)</u> Proper Officer for determining (i) whether any reports or parts thereof should be excluded from those supplied in accordance with a request from any newspaper on the grounds that they relate to items during which the meeting is likely not to be open to the public, and (ii) whether copies of any other documents should be supplied.	Clerk
<u>Section 100 C (2)</u> Proper Officer responsible for the preparation of a written summary of proceedings as required by Section 100 C(2).	Clerk
<u>Section 100 D (1) (a)</u> Compilation of lists of background papers to reports.	The Clerk or Chief Fire Officer & Chief Executive depending on which officer is reporting to the Authority. In the case of Joint Reports, either the Clerk or Chief Fire Officer & Chief Executive depending on whose title first appears at the head of the report.
<u>Section 100D (5) (a)</u> Identification of background papers to reports.	Clerk or Chief Fire Officer & Chief Executive (as in the previous delegation).
<u>Section 100 F (2)</u> Proper Officer responsible for determining which documents are not available for inspection by members of the Authority by reason that they disclose exempt information.	Clerk
<u>Section 229</u> Proper Officer responsible for the certification of documents under Subsection (5).	Clerk and Chief Fire Officer & Chief Executive acting within delegated powers
<u>The Local Government Act 1974 - Section 30</u> Proper Officer responsible for arrangements for giving public notice of reports issued by the Local Government Ombudsman.	Clerk
<u>Section 234</u> Proper Officer for the purposes of signing any notice, order or other document which the Authority are authorised or required by or under any enactment to give make or issue.	Clerk and Chief Fire Officer & Chief Executive
<u>Section 115</u> Proper Officer responsible for receipt of money due from officers.	Clerk and the Chief Financial Officer and Chief Fire Officer & Chief Executive in respect of officers under their respective direction and control

Local Government and Housing Act 1989- Section 15 and the Local Government (Access to Information) Act 1985

Officer responsible for appointing Proper Officer

Clerk

Local Government Act 1972

Authorisation to act as “Proper Officer” of the Authority in accordance to any scheme maintained by the Authority under the Local Government Act 1972.

Clerk and Chief Fire Officer & Chief Executive

For the purposes of the Proper Officer provisions referred to above the Monitoring Officer, Chief Financial Officer and Deputy Monitoring Officer are authorised to act in the event of the Clerk being unable to act as Proper Officer.

Finance and Audit

As stated above the Treasurer’s responsibilities are covered in the Authority’s Financial Regulations.

These responsibilities are derived from the Authority:

- i) designating the Chief Financial Officer as the officer responsible for the proper administration of the Authority’s financial affairs for the purposes s. 73 of the Local Government Act 1985;
- ii) authorising the Chief Financial Officer to discharge the Authority’s duty to maintain an adequate and effective system of internal audit as required under Regulation 5 of the Accounts and Audit Regulations 2003;
- iii) authorising the Chief Financial Officer to enter into agreements for the transfer of credit approvals where appropriate for revenue estimates, capital programme and precepts.

The Chief Financial Officer has nominated the designated deputy to the Chief Financial Officer to perform his functions under Section 114 of the Local Government Finance Act 1988 (reports relating to unlawful expenditure) where he is unable to act owing to absence or illness.

Monitoring Officer Functions

The Monitoring Officer is the officer designated by the Authority to perform the functions of “the Monitoring Officer” under Section 5 of the Local Government and Housing Act 1989.

In accordance with the provisions of Section 5 the Monitoring Officer is required to prepare a report to the Authority with respect to any proposal, decision or omission by the Authority, any committee, sub-committee, officer or employee which has given rise to, or is likely to, or would give rise to, a contravention of any enactment or rule of law or any code of practice made or approved by or under any enactment.

In performing the duty conferred by Section 5 the Monitoring Officer will take account of reports made on a particular matter by any other officer and whether a matter is being resolved by other means including other reporting procedures.

The Monitoring Officer in performing the duties arising under Section 5 is authorised to incur expenditure where this is necessary in seeking advice outside the Authority.

The Monitoring Officer has nominated the Deputy Monitoring Officer to perform the functions under Section 5 when the Monitoring Officer is unable to act owing to absence or illness.

Members’ Attendance at Conferences

The Clerk is authorised to approve Authority Members’ attendance at Conferences in consultation with the Chair if required in advance of Authority meetings and to report to the next available meeting in accordance with the criteria set out below:-

Attendance at conference and seminars also contributes towards development. It is not always possible to determine in advance, (i.e. during this process) what conferences and seminars will be appropriate and/or available. Therefore, the attendance of Members at conferences will be delegated to the Clerk, in consultation with the Chair and in accordance with the following guidelines:-

- *Conferences would be in accordance with the functions of the Authority.*
- *The number of Members to attend would normally be 2 or 3 depending on the importance of the conference.*
- *Members would be selected from those who express an interest, and normally on a first come first served basis; unless the conference is of special interest to particular Members in view of their identified development needs and/or their link or other responsibilities.*

Procedural Standing Orders Delegations

PROCEDURAL STANDING ORDER	DELEGATED TO
<p>Agenda Setting and Order of Business</p> <p>PSO 3.1 Fixing items to be included in the Authority’s agenda subject to compliance with Standing Orders, and any statutory provisions.</p>	<p>Clerk in consultation with the Chief Fire Officer & Chief Executive and the Chair as appropriate.</p>
<p>Notice of Committee and Sub-Committee Meetings</p> <p>PSO 24.1 Publication and signature of notice at least 5 clear days before a committee or sub-committee meeting with the date, time and place of the meeting at 18 Regent Street, Barnsley. The notice shall be signed by the Proper Officer or the Chair or, in the case of an Extraordinary Meeting called under 24.5 by the Members of the committee or sub-committee calling the meeting.</p>	<p>Proper Officer</p>
<p>Urgent Business</p> <p>PSO 29.1 Power to act on behalf of and within the powers and duties of the Authority, committee or sub-committee in cases of <i>urgency</i> (in the case of a matter concerning the powers or duties of a committee or sub-committee, the Chairman of that committee or sub-committee concerned, or in their absence the Chair of the Authority,) This procedure is only to be activated by the Chief Fire Officer & Chief Executive through the Clerk.</p> <p>PSO 29.2 Power, as in 29.1 above, in cases of <i>emergency</i> but without the requirement of consultation. This procedure is only to be activated by the Chief Fire Officer & Chief Executive through the Clerk.</p>	<p>Clerk, and the Chief Fire Officer & Chief Executive after consultation with the Chair of the Authority or committee concerned</p> <p>Clerk and the Chief Fire Officer & Chief Executive</p>

<p>Arrangements for the Discharge of Functions by Officers</p> <p>PSO 30.1 Wherever the office of Clerk is vacant or he/she is for any reason unable to act the powers and duties delegated to the Clerk under the Procedural Standing Orders powers may be exercised subject to any enactment providing otherwise.</p> <p>PSO 30.2 Whenever the post of Chief Fire Officer & Chief Executive is vacant or the Chief Fire Officer & Chief Executive is for any reason unable to act authorisation to exercise all the powers and duties of the Chief Fire Officer & Chief Executive under Procedural Standing Orders</p>	<p>Monitoring Officer Chief Financial Officer Deputy Monitoring Officer</p> <p>Deputy Chief Fire Officer</p>
<p>Common Seal of the Authority</p> <p>PSO 31.1 Safe Custody of the Common Seal of the Authority</p> <p>PSO 31.3 Decision as to which documents should be under seal and to which the Common Seal affixed.</p> <p>PSO 31.4 Attesting the affixing of the Common Seal</p>	<p>Clerk Monitoring Officer Chief Financial Officer Deputy Monitoring Officer</p>
<p>Signing of Agreements and Contracts</p> <p>PSO 32.2 Signing all contracts and agreements (not being under seal) entered into by the Authority.</p> <p>PSO 32.3 Save as provided otherwise the officers authorised for the purpose of SO 31.2 are:-</p>	<p>Clerk or a duly authorised officer</p> <p>Deputy Monitoring Officer, Deputy Clerk</p>