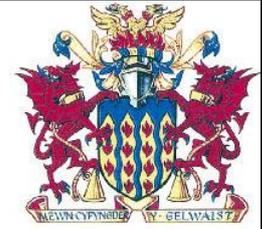


Report to	Executive Panel
Date	18 December 2023
Lead Officer	Gareth Owens, Clerk and Monitoring Officer
Contact Officer	Gareth Owens, Clerk and Monitoring Officer (01745 535286)
Subject	Delegation of powers following elections



PURPOSE OF REPORT

- 1 To include within the Constitution a standing delegation of powers from the end of office of the present Members of the North Wales Fire and Rescue Authority (the Authority) to the first meeting of the Authority following elections.

EXECUTIVE SUMMARY

- 2 Members of the Authority are appointed for differing terms based on the preference of their constituent council e.g. some are appointed annually and others for the whole of the council term. In all cases however the terms will end four days after the next elections in May 2027, even for councillors who are re-elected. There will then be a short period between the elections and the Annual Meeting of the Authority where there will be no office holders, during which time authority to act needs to be delegated to the Chief Fire Officer (CFO) in respect of a decision which cannot be delayed.

RECOMMENDATIONS

- 3 It is recommended that:
 - i) all the powers of the Authority, its committees and its office holders be delegated to the CFO, in consultation with the Clerk and Treasurer, for the period between ordinary elections and the first meeting of the Authority thereafter;
 - ii) these delegations shall apply only so far as such powers relate to decisions that cannot reasonably be delayed until the date of that first meeting; and
 - iii) that this delegation be recorded in the Authority's constitution.

BACKGROUND

- 4 Members are appointed to the Authority by their constituent councils for varying terms of office. Some are appointed for the whole of a council term and others are appointed annually. In each case, however, the term cannot extend beyond the Member's own term of office as a councillor. So, all Members will cease to be Members of the Authority four days after the next ordinary elections in May 2027, even if they are re-elected. If they are re-elected and wish to serve on the Authority again then they must be re-appointed by their constituent council. This means that there is always a short period after elections when the Authority has no body of Members ("the interregnum").
- 5 The length of the interregnum depends on how quickly the constituent councils make appointments in accordance with articles 12 and 13 of the combination order. Such appointments will not necessarily be made at the first meetings of the new councils, particularly if the appointments are executive functions delegated to cabinets.
- 6 Members cannot assume or resume any office with the Authority unless the Authority itself so resolves at its first meeting after the elections. This applies not only to the Chair/Deputy Chair of the Authority, but also to members of the Executive Panel, Audit Committee and to the two Authority Members who serve on the Standards Committee.
- 7 Thus, between ordinary elections and the annual meeting, usually in June, there is no mechanism by which any decisions that would normally fall to elected members may be taken by them. In the past the Authority has overcome this interregnum by making temporary delegations to the CFO before each election. There is a risk that such a temporary delegation may be forgotten leaving the Authority without the ability to make important decisions. In order to mitigate that risk the Authority agreed to seek this delegation on a permanent basis, and consequently added it as an action in its Annual Governance Statement (AGS).

INFORMATION

Advice

- 8 It would be helpful if a standing delegation in the same terms as the usual temporary delegation could be put in place to cover the interregnum. The delegation would only be capable of being exercised if the decision couldn't be delayed until after councillors are appointed at the first annual meeting. The delegation would cover all powers vested in Members, including those exercised by the Executive Panel and the Chair and Deputy Chair.

IMPLICATIONS

Wellbeing Objectives	The delegation will enable the Authority to continue to contribute towards its well-being objectives
Budget	No additional cost over and above the existing allocated budget
Legal	The recommendation will enable the Authority to make lawful decisions until new Members are appointed
Staffing	Not considered relevant
Equalities/Human Rights/Welsh Language	No direct implications arising out of the recommendation
Risks	The delegation will enable the Authority to manage any unforeseen emergency until new Members are appointed