



AGENDA ITEM: 15

NORTH WALES FIRE AND RESCUE AUTHORITY

20 March 2017

TEMPORARY DELEGATION OF POWERS BEFORE THE ANNUAL MEETING

Report by Colin Everett, Clerk to the Authority

Purpose of Report

- 1 To delegate powers from the end of office of the present members of the Fire and Rescue Authority to the first meeting of the Authority after the elections.

Background

- 2 Local authority elections will be held this year on 4 May 2017. Section 26(3) of the Local Government Act 1972 provides that "on the fourth day after any such ordinary election –
 - (a) the persons who were councillors immediately before the election shall retire; and
 - (b) the newly elected councillors shall assume office."
- 3 Therefore, councillors continue in office until first thing on Tuesday 9 May 2017 when the newly elected councillors take office.
- 4 In the same way the present Fire and Rescue Authority members remain in office until 9 May 2017, but the date of their replacement depends on how quickly the county and county borough 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.

- 5 The Chair and Deputy Chair of the Authority were elected on 20 June 2016. Article 17(2) of the Combination Order provides that they “hold office for a period of one year from the date of their election”. However this does not override paragraph 13 which provides that “a member of the Authority shall hold office for such period as shall be determined by the constituent authority which appoints him/her”. The term of office of all members is to the elections in May 2017. Therefore, even if the present Chair and Deputy Chair were re-elected as councillors and were re-appointed to the Fire and Rescue Authority by their councils, they cannot assume or resume any office with the Fire and Rescue Authority unless the Fire and Rescue Authority itself so resolves at its meeting on 19 June 2017. Similar restrictions apply to members of the Executive Panel, Audit Committee and to the two Authority members who serve on the Standards Committee.
- 6 Thus, between Monday 8 May and the annual meeting, scheduled for Monday 19 June, there is no arrangement in place for any decisions that would normally fall to elected members to be taken by them.

Advice

- 7 An appropriate delegation needs to be put in place to cover the interregnum so that any decision that would normally fall to members - and cannot reasonably be delayed until the first meeting of the Fire and Rescue Authority after the elections in May - can be dealt with. The delegation would cover all powers vested in members, including those exercised by the Executive Panel and the Chair and Deputy Chair.
- 8 It would be inappropriate for such a delegation to confer any decision-making powers solely on a councillor or councillors because there is no guarantee that any of the existing members will be re-elected as councillors and re-appointed to the Fire and Rescue Authority.

Recommendation

- 9 That all the powers of the Fire and Rescue Authority, its committees and its office holders be delegated to the Chief Fire Officer, in consultation with the Clerk and Treasurer, for the period from 9 May 2017 until the first meeting of the Fire and Rescue Authority on 19 June 2017.
- 10 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.