

Agenda item: 8

NORTH WALES FIRE AUTHORITY

EXECUTIVE PANEL

22 APRIL 2004

TEMPORARY DELEGATION OF POWERS PRIOR TO THE ANNUAL GENERAL MEETING

Report by the Clerk

Purpose of report

- 1 To delegate powers during the period from the end of office of the present members of the fire authority to the first meeting of the fire authority after the elections in June.

Background

- 2 As a result of the Local Government (Ordinary Day of Election) (Wales) Order 2004 No. 218, the local government elections will be held on 10 June 2004. The order provides that councillors continue in office until the fourth day after the elections i.e. first thing on Monday 14 June when the newly elected councillors take office. The present fire authority members remain in office until 14 June in the same way 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.
- 3 The chair and vice chair were elected on 16 June 2003. Article 17(2) of the combination order provides that they "hold office for a period of one year from the date of their election" i.e. until 16 June 2004. A consequence of this is that, even if the present chair and vice chair were re-elected as councillors and were re-appointed to the fire authority by their councils, they cannot assume or resume any office with the fire authority unless the fire authority itself so resolves at its meeting.
- 4 Similar considerations apply to members of the Executive Panel, Best Value Committee etc.
- 5 Thus, between Monday 14 June and the annual general meeting which is presently scheduled for Monday 19 July, there is no mechanism in place for any decision that would normally fall to elected members to be taken by them. A similar situation will arise every four years, following each ordinary election of councillors.

- 6 While this gap might be reduced by bringing forward the date of the annual general meeting, we cannot bring it forward too far because there is a risk that not all councils will have made their appointments.

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 that cannot reasonably be delayed until the first meeting of the fire authority after the elections in June can be dealt with. The delegation would cover all powers vested in members, including those exercised by the Executive Panel and the chair and vice chair (which would therefore include, for example, the chair's power under standing order 5(1) to call an extraordinary meeting of the fire authority).
- 8 It would be inappropriate for such a delegation to confer any decision-making powers only on a councillor or councillors because there is no guarantee that any of the existing members will be re-elected or re-appointed to the fire authority.

Recommendation

- 9 That all powers of the fire authority, its committees and its office holders be delegated to the chair and vice-chair of the fire authority elected in June 2003 if one or both of them are re-appointed to the fire authority or, if neither of them is so reappointed, to the Chief Fire Officer, in consultation with the Clerk and Treasurer. The delegation applies during the period from 14 June 2004 until the first meeting of the fire authority after the elections on 10 June 2004, so far as such powers relate to decisions that cannot reasonably be delayed until the date of that first meeting.