



# Cumbria Office of the Police and Crime Commissioner

Scheme of Delegation 2014/2015



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## Introduction

The Scheme of Delegation details the key roles of the Police and Crime Commissioner and those functions which he/she delegates to other officers. These are delegations to the Deputy Police and Crime Commissioner (Deputy PCC), the Chief Executive and the Chief Finance Officer of his/her office. It also sets out delegations by the Chief Executive to other officers who are given authority to carry out functions under the delegations within this scheme.

The Scheme of Delegation provides a framework which makes sure the business is carried out efficiently, ensuring that decisions are not unnecessarily delayed. It forms part of the overall Scheme of Governance and should be read along with other documents such as Procurement Regulations and Financial Regulations.

Procurement Regulations and Financial Regulations also specify powers given to the Chief Executive and the Chief Finance Officer. This Scheme of Delegation aims to clarify those powers. The Police and Crime Commissioner may limit these powers and/or remove delegation. This scheme, Procurement Regulations and Financial Regulations also set out the reporting arrangements in respect of any decisions or actions taken under authorised powers.

The delegations within this scheme are made under the powers given to the Commissioner by laws, orders, rules or regulations and national conditions of employment. Legislation defines some functions that the Commissioner may not delegate and these are also clearly stated within this scheme.

All delegated functions should be exercised in line with this scheme of delegation, the law, standing orders and financial regulations. Internal policies, procedures, plans, strategies and budgets must also be complied with. This Scheme of Delegation does not identify all the statutory duties which are contained in specific laws and regulations. It is the responsibility of senior officers to ensure all business is fully compliant with all laws, regulations and codes of practice.

## Notes

- I. Within this document there are references to significant financial implications. These are items of spending of £100,000 or more which have not been budgeted for.
- II. This document also refers to sensitive issues. These are unusual or exceptional circumstances which have arisen as a result of a risk assessment based on the PESTELO (Political, Economic, Social, Technological, Environmental, Legal, Organisational) method.
- III. The Police Reform and Social Responsibility Act 2011 prohibits delegation to, amongst others, a constable and a member of staff of a constable. A separate scheme of consent sets out those areas where the Chief Constable requires the authorisation of the Commissioner
- IV. The main body of this document sets out the key functions delegated to Senior Officers employed by the Police and Crime Commissioner.

# Key Roles of the Police and Crime Commissioner

## Introduction

The Police Reform and Social Responsibility Act 2011 established Police and Crime Commissioner's as elected officials with statutory functions and responsibilities for Policing and Crime within their area. The key roles of the Police and Crime Commissioner are:

### Holding the Chief Constable to Account

The Police and Crime Commissioner must ensure that the Chief Constable is held to account for the exercise of his/her functions and the functions of the police officers and staff under their direction and control. In doing so the Commissioner must ensure that:

- Good value for money is obtained in exercising those functions
- The Chief Constable has regard to the police and crime plan and strategic policing requirement
- The Chief Constable in exercising duties has regard to Codes of Practice issued by the Secretary of State
- The Chief Constable's arrangements for co-operation and for engagement with local people are efficient and effective
- The Chief Constable exercises duties relating to equality and diversity, safeguarding children and the promotion of child welfare

### Complaints and Conduct

The Police and Crime Commissioner will be responsible for handling complaints and conduct matters in relation to the Chief Constable, monitoring complaints against officers and staff, and complying with the requirements of the Independent Police Complaints Commission. The Commissioner will also appoint and if necessary dismiss the Chief Constable

### Funding

The Police and Crime Commissioner has responsibility for securing the maintenance of the Police force. The commissioner will set the budget, and the precept (charges to be paid by the district councils in the Cumbria area), and allocate funds and assets to the Chief Constable.

The Police and Crime Commissioner will receive funding, including government grants and precept, and other sources of income, related to policing and crime reduction. Funding for the Force will come via the Commissioner. Funding from the Commissioner is agreed in consultation with the Chief Constable who must comply with any terms of that funding.

The Commissioner can also make crime and disorder reduction grants. These are grants to fund initiatives that contribute to reducing crime and disorder.

The Commissioner has overall responsibility for maintenance of the Police Fund including borrowing and investment decisions. The Commissioner is responsible for holding the Chief Constable to account for the arrangements for financial administration within the Constabulary. The Commissioner must appoint a Chief Finance Officer with statutory responsibility for the proper administration of financial affairs.

## The Police and Crime Plan

The Commissioner will set the strategic direction and objectives of the Police Service in Cumbria through the Police and Crime Plan, monitoring the performance of the force against the agreed priorities. On an annual basis the Commissioner will issue a report that sets out the performance actually achieved against the objectives and priorities.

## Custody Visiting Scheme

The Commissioner must maintain an effective ‘independent custody visiting scheme’. The Custody Visiting Scheme enables independent members of the local community to visit police stations unannounced to check on the welfare of people in police custody.

## Community Engagement

The Police and Crime Commissioner provides a local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action. In doing this the Commissioner must seek the views of the community and the views of the victims of crime on policing. The views of people in the police area must be sought on the Commissioners proposals for expenditure ahead of the issuing of the police precept.

## Wider Responsibilities

The Police and Crime Commissioner has a wider responsibility than those solely relating to the police force, namely:

- the delivery of community safety and crime reduction
- enhance the effectiveness of policing capabilities and resilience
- the ability to bring together Community Safety Partnerships at a force level
- the enhancement of the delivery of criminal justice in their area
- a duty to ensure that all collaboration agreements with other local policing bodies and forces deliver better value for money and

## Accountability

The Police and Crime Commissioner in exercising these functions must have regard to statutory responsibilities i.e. Freedom of Information Act 2000, and all human rights and equality laws.

The Commissioner is the legal contracting body who owns all the assets and liabilities. He/she must appoint a Chief Executive to undertake the statutory role of Monitoring Officer.

The Police and Crime Commissioner must not restrict the operational independence of the police force and the Chief Constable who leads it.

The Commissioner is held to account by the Police and Crime Panel, who will scrutinise his/her decisions and the exercise of these functions.

## Police and Crime Panel

The Panel has a check and balance role on the Commissioner, rather than the Chief Constable.

## Audit Provision

The Police and Crime Commissioner is required under Home Office The Financial Management Code of Practice for the Police Service of England and Wales to appoint an independent audit committee. It is recommended that the Committee is a joint committee of the Commissioner and Chief Constable.

# General Principles of Delegation

The following General Principles of Delegation apply to all specific delegations provided for within this scheme.

1. The Police and Crime Commissioner may ask that a specific matter is referred to him/her for a decision and not dealt with under powers of delegation.
2. The scheme does not attempt to list all matters which form part of everyday management responsibilities.
3. Giving delegation to officers under this scheme does not prevent an officer from referring the matter to the Police and Crime Commissioner for a decision if the officer thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial implication).
4. When a statutory officer is considering a matter that is within another statutory officer's area of responsibility, they should consult the other statutory officer before authorising the action.
5. All decisions statutory officers make under powers given to them by the Commissioner must be recorded and be available for inspection.
6. The Police and Crime Commissioner will want to be involved in any projects/areas of work which may have a significant impact on the people of Cumbria. He/she will want to be involved in the scope, tendering process and evaluation of any material business case.
7. In this document reference made to the statutory officers include officers authorised by them to act on their behalf.
8. The statutory officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme of Delegation.
9. The person appointed as the Chief Executive (who will also be the Monitoring Officer) and the Chief Finance Officer (section 151 officer) have statutory powers and duties relating to their positions, and therefore do not rely on matters being delegated to them to carry these out.
10. The Scheme of Delegation provides an officer with the legal power to carry out duties of the Commissioner. In carrying out these duties the officer must comply with all other statutory and regulatory requirements and relevant professional guidance including:
  - The Police and Social Responsibility Act 2011 and other relevant legislation issued under this Act
  - Financial Regulations
  - Home Office Financial Management Code of Practice
  - CIPFA Statement on the role of the Chief Finance Officer of the Police and Crime Commissioner
  - Contract Regulations
  - The Commissioner's governance framework

- Employment law, policies and procedures
- The Data Protection Act 1998 and the Freedom of Information Act 2000
- Health and safety at work legislation and codes

11. When carrying out any duties, the Police and Crime Commissioner and staff must have regard to the following:

- The views of the people in Cumbria
- Any report or recommendation made by the Police and Crime Panel on the annual report for the previous financial year
- The Police and Crime Plan and any guidance issued by the Secretary of State. (this list is a summary and is not exhaustive)

12. The Commissioner may appoint any officer to carry out any function, with the exception of those listed below:

- Issuing the Police and Crime Plan
- Determining objectives in the Police and Crime Plan
- Calculation of budget requirements
- Making recommendations to the Home Secretary in relation to the appointment of the Chief Constable
- Making representations in relation to the appointment of Chief Officer posts
- Being consulted in relation to the appointment or removal of Chief Officer posts
- Suspension of the Chief Constable, or asking him or her to resign or retire
- Attendance at the Police and Crime Panel for specified duties
- Preparing the annual report

13. The Police and Crime Commissioner may give additional delegation to his/her officers under section 18 of the Act.

This Scheme is a record of the formal delegations that are in effect at the time of its publication and will be reviewed annually. With the exception of those matters listed in paragraph 12, the scheme allows any person, with appropriate authority, to delegate that power further.

# Delegations to the Deputy Police and Crime Commissioner

The Police and Crime Commissioner may delegate functions to the Deputy Police and Crime Commissioner other than those that are statutorily prohibited. The following functions may not be delegated to the Deputy Police and Crime Commissioner under the Police Reform and Social Responsibility Act 2011:

- Issuing a Police and Crime Plan
- Appointing the Chief Constable, suspending the Chief constable or calling upon the Chief constable to retire or resign
- Calculating a budget requirement

The Police and Crime Commissioner for Cumbria has determined not to appoint a person as the Deputy Police and Crime Commissioner.

# Functions delegated to the Chief Executive, Office of the Police and Crime Commissioner

## Introduction

The Chief Executive is the head of the Police and Crime Commissioner's office and staff, and is also the Monitoring Officer for the Commissioner. The formal delegations, listed below, are those given to the Chief Executive, which are in effect at the time of the publication of the scheme.

## General

- Prepare the police and crime plan and draft an annual report in consultation with Cumbria Constabulary for submission to the Commissioner.
- Provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions.
- To consider, with the Police and Crime Commissioner, any complaint made against the Chief Constable, and where appropriate, to make arrangements for appointing an officer to investigate the complaint.
- To make sure, in consultation with the Chief Constable, appropriate arrangements are made to gather the community's views on the policing of Cumbria and preventing crime.
- To respond to consultations on proposals affecting the Police and Crime Commissioner, if necessary, after first taking the views of the Commissioner, the Chief Finance Officer or the Chief Constable, as appropriate.

## Finance & Governance

The detailed financial management responsibilities of the Chief Executive are set out in the financial regulations. Specifically the Chief Executive will:

- Manage the budget, in compliance with Financial Regulations and Procurement Regulations, and in consultation with the Chief Finance Officer.

- Ensure arrangements are in place for the management of risk and where appropriate secure that arrangements are made to insure against risks. This includes arrangements for holding to account the Chief Constable for the management of risk within the Constabulary.
- Ensure that arrangements are in place for the management and security of assets in accordance with the requirements of financial regulations
- To consider whether, in consultation with the Chief Finance Officer, to provide indemnity and/or insurance to the Police and Crime Commissioner, individual staff of the Commissioner, Independent Members and Custody Visitors, in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004 and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
- To approve non-significant ex-gratia compensation claims for damage caused by staff in the execution of their duties.
- Manage a scheme and distribute the proceeds out of the Police Property Act Fund and manage schemes for the administration of grants awarded by the Commissioner and Deputy Commissioner.
- Make arrangements for the accepting and reporting of sponsorship, gifts, gratuities and hospitality and for the reporting of arrangements and acceptances to the Audit and Standards Committee.
- To prepare and review a scheme of expenses for approval by the Police and Crime Commissioner.

## Human Resources

- To appoint and dismiss staff.
- To make recommendations to the Police and Crime Commissioner with regard to staff terms and conditions of service, in consultation with the Chief Finance Officer.
- To make arrangements for the management of staffing resources for all staff employed by the Police and Crime Commissioner. This to include specific working agreements and the application of all personnel policies and procedures and other policies and procedures with staffing implications.
- To approve all payroll arrangements including salary advances for no more than one month, travel and subsistence claims in accordance with policy, changes to conditions of service, honoraria, starting salary within the scale, extension of half pay and no pay sickness scheme, implementation of national pay awards
- The transfer of accumulated local government pensions into the local government pension scheme after the expiry of 12 months after joining the authority.
- To settle appeals in relation to the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.

- To appoint Independent Custody Visitors, members of the Independent Audit and Standards Committee, Independent Tribunal Members and terminate appointments if necessary.
- To approve arrangements for the attendance of members and custody visitors at seminars and training events and any other expenditure outside the scheme of expenses
- To exercise the statutory powers of the Police and Crime Commissioner for professional standards, as delegated to them on a temporary or permanent basis and such delegations to be documented with this Scheme.

## Legal & Contracts

The delegations set out below cover legal and contractual matters. Further detail on procedure in respect of contracts can be found in the Procurement Regulations.

- To authorise people to make, defend, withdraw or settle any claims or legal proceedings on the Police and Crime Commissioner's behalf, having taken legal advice and in consultation with the Chief Finance Officer if there is significant financial implications.
- To approve settlement of any non-significant claim for damages against any individual police officer or special constable out of the police fund under section 88(4) of the Police Act 1996.
- To make arrangements to institute, defend or participate in any legal proceedings in any case where such action is necessary.
- To get legal or other expert advice and to appoint legal professionals whenever this is considered to be in the Police and Crime Commissioner's best interests and for his/her benefit.
- To approve financial assistance, in non-significant cases, to Police Officers involved in civil and criminal proceedings.
- To approve the entering into and administration of all contracts for works, goods and services in accordance with the delegated financial limits set out in the Financial Regulations and in accordance with the procurement Regulations
- To sign all contracts on behalf of the Commissioner in accordance with any decisions either has made.
- To affix the common seal of the Police and Crime Commissioner or to approve the entering into framework agreements for contracts, agreements or transactions in accordance with procurement regulations

## Other Delegations

- To deal with Freedom of Information Act requests and to prepare and issue Publication Schemes under the Freedom of Information Act 2000.
- To make arrangements for dealing with complaints against the Chief Constable, including the appointment of an investigating officer to investigate a recordable complaint in accordance with the appropriate regulations, and where an investigation has been undertaken, to ensure a suitable report is presented to the Commissioner to enable a decision to be made on the action to be taken.
- To review complaints of maladministration against the Commissioner and to approve the provision of any remedy, financial or otherwise.
- In relation to a grievance against the Chief Constable, to take the appropriate action to investigate the grievance, applying as appropriate the grievance procedure, and reporting the outcome to the Commissioner to enable appropriate action to be taken to resolve the grievance.
- To discharge functions and responsibilities in respect of Police Appeal Tribunals, on behalf of the Commissioner, including the appointment of members of the Tribunals.
- In relation to the Commissioner's land and property, to serve notices to quit and notices to terminate its use or occupation, and to institute court proceedings to recover arrears of rent and other payments or to recover possession from occupiers and users.
- To discharge the Commissioner's statutory duty for health and safety matters.
- To arrange for the provision of professional services as required by the Commissioner.
- In the absence of the Chief Executive, delegations can also be undertaken by the OPCC Chief Finance Officer/Deputy Chief Executive, excluding any matter that requires Monitoring Officer approval or decision.

## Statutory Functions

The Chief Executive/Monitoring Officer has statutory duty in respect of the lawfulness of decision making. In the absence of the Chief Executive this duty can only be undertaken by the Deputy Monitoring Officer.

# Functions delegated to the Chief Finance Officer, Office of the Police and Crime Commissioner

## Introduction

The Chief Finance Officer is the financial adviser to the Police and Crime Commissioner and has statutory responsibility to manage his/her financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2003 (as amended). Section 113 of LGFA 1988 requires the responsible officer to be a member of a specified accountancy body.

The Chief Finance Officer must ensure that the financial affairs of the Commissioner, and the force are properly administered having regard to their probity, legality and appropriate standards.

The formal delegations, listed below, are those given to the Chief Finance Officer, which are in effect at the time of the publication of this scheme. In the absence of the Chief Finance Officer, the Deputy Chief Finance Officer may undertake those functions that are authorised by the Chief Finance Officer within the shared services agreement between the Constabulary and Commissioner.

## Delegations

- To ensure that the financial affairs of the Office of the Police and Crime Commissioner are properly administered having regard to probity, legality, and appropriate standards.
- To assist the Police and Crime Commissioner in planning their budget and determining the level of funding and funding conditions to be provided for the Constabulary budget and those of other partners.
- To approve the commencement of capital schemes and the virement of resources between budgets and reserves in accordance with the financial regulations and funding conditions applying to partner budgets.
- To approve the arrangements for the treasury management function, including the day to day management, the production of the treasury management strategy, prudential limits and supporting policies and procedures.
- Authority to bring forward capital funding for future years from planned schemes where these have been approved and there is a requirement or capacity to commence the schemes at an earlier date.
- To approve the arrangements for securing and preparing the Police and Crime Commissioner's accounts, and seek assurances that there are appropriate arrangements in place for the preparation of the Chief Constable's accounts.
- To seek assurances that there are appropriate arrangements in place within the Constabulary for its financial management.

- To make arrangements on behalf of the Chief Executive for insurance and to seek assurance that appropriate arrangements are made for insurance with the Constabulary.
- To approve settlement figures for insurance claims on motor vehicles recommended by the Commissioner's insurers subject to the insurer's subrogated rights.
- To be responsible for all banking arrangements, together with creating, closing or authorising all bank accounts and being signatory to cheques and other mandates for payments on PCC accounts.
- To manage the financial arrangements for grants awarded by the Police and Crime Commissioner.
- To authorise payments, without having to get approval and regardless of whether or not provision has been made in the revenue budget in relation to payments that have to be made by law; payments ordered by the court; payments due under any agreement entered into by the Police and Crime Commissioner.
- To prepare and annually review draft financial and procurement regulations, in consultation with the Chief Executive, for approval by the Police and Crime Commissioner. To approve designated exceptions to the regulations.
- To determine when goods are surplus to requirements or obsolete and arrange for disposal in line with financial regulations.
- To write off debt subject to the limits within the financial regulations
- Provide for an adequate and effective internal audit service and make arrangements for the commissioning of external audit.

## Statutory Functions

- To report to the Police and Crime Commissioner and the external auditor any unlawful or potentially unlawful spending by his/her officers. In the absence of the Chief Finance Officer the Deputy Chief Finance Officer will undertake this function.

# Chief Executive Delegations to Other Officers

## Introduction

This section of the scheme of delegation sets out those functions delegated from the Chief Executive to other officers within the office of the Police and Crime Commissioner. Those officers may discharge these functions directly or secure their discharge through the arrangements for shared support services between the Commissioner and the Chief Constable. Where functions are discharged through the provision for shared support services, required authorisations are set out within the shared services agreement.

## Delegations to the Chief Finance Officer/Deputy Chief Executive

Securing the arrangements for the **management and security of the Commissioner's assets**; this to include:

- The day to day management of the property function subject to the provision of financial regulations.
- The maintenance of a register of all property owned or leased by the Police and Crime Commissioner. The register to include a range of property data (value, condition, maintenance etc.)
- Ensuring all property owned or leased by the Police and Crime Commissioner is fully compliant with all legislation, regulations and best practice codes applicable to the purpose of the asset.
- The development on an annual basis of a planned maintenance programme and providing advice on the appropriate amount to be budgeted for planned and reactive maintenance.
- Arranging for the survey and inspection of all property in compliance with legislation, regulations and best practice.
- Reporting the findings of survey and inspection and making arrangements for necessary works where these can be met within the approved budget
- Providing a draft medium term asset management strategies and plans for the Police and Crime Commissioner's property estate and assets acquired for use by the Constabulary.
- Providing an annual schedule for approval to be submitted to the Police and Crime Commissioner at the beginning of each financial year for all property to be developed, acquired and disposed of.
- Disposing of all assets which have previously been approved by the Police and Crime Commissioner, in accordance with approved methods of disposal, in accordance with the financial limits within the scheme of delegation.

- Acquiring and granting freeholds, leaseholds, leases, licences and wayleaves and make applications for planning permission in accordance with the agreed asset management plan, capital programme and revenue budgets.
- Providing regular reports to the Police and Crime Commissioner on the implementation of the agreed capital programme.
- Securing appropriate arrangements for the safeguarding of the Commissioner's assets including those used by the Constabulary in the delivery of policing in accordance with the requirements of Financial Regulations.

Securing the arrangements for the effective **management of procurement**; this to include:

- Acting as an officer authorised to undertake procurement in accordance with the Procurement Regulations
- Securing the provision of procurement support and advice to the Chief Executive and those undertaking procurement including on the approval of contract exemptions
- To provide advice and ensuring staff are aware of and comply with Procurement Regulations
- To secure the maintenance of records and reporting on all procurements and exemptions to meet the requirements of the Chief Executive in respect of any delegations and in accordance with the Procurement Regulations
- To approve the early termination of contracts
- To make arrangements for the purchase or lease the vehicles, machinery, equipment and services needed and to make arrangements for them to be used, disposed of, returned and replaced as appropriate in accordance with the agreed revenue budget and capital programme.

Securing arrangements for the accurate and reliable **payment of wages, pensions and salaries** ensuring transactions are submitted accurately and to deadlines.

## Delegations to the Head of Communications and Business Services

Securing arrangements for the **provision of human resources support services**; including:

- To secure arrangements for the provision of advice and support to the Chief Executive in the undertaking of his/her personnel responsibilities.
- To secure arrangements for the development and implementation of human resource policies and other arrangements in accordance with legislation, regulations and applicable national and local agreements and terms including those for staff welfare, management, health and safety

- To make arrangements for the management of staffing resources in line with agreed policies and procedures. This to include specific working agreements and the application of all personnel policies and procedures and other policies and procedures with staffing implications.
- To secure arrangements for the provision of transactional HR processes including the issuing and recording of contracts and personnel records

## Urgent matters

If any matter which would normally be referred to the Police and Crime Commissioner for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer. The appropriate chief officers authorised to decide urgent matters are:

- the Chief Executive (all issues other than operational matters);
- the Chief Finance Officer (financial and related issues);

Urgent decisions taken must be reported to the Police and Crime Commissioner as soon as practicably possible.

