



**Derbyshire Police Authority**

# **SCHEME OF DELEGATION OF POWERS TO OFFICERS**

**September 2010**

## Introduction

1. The Derbyshire Police Authority is under a duty to secure the maintenance of an effective and efficient police service in Derbyshire.
2. In order to discharge its duty, good governance is a core business for the Derbyshire Police Authority. The delivery of the policing service is broadly the function of the Force. This means the operational management functions are principally delegated to the Chief Constable. However, there are certain aspects where the Police Authority has a direct responsibility for managing its own business.
3. It is important therefore that the Police Authority and the Force should operate transparent and sound decision making processes with an effective system to support it.
4. Derbyshire Police Authority, in common with most Police Authorities, operates corporate decision making arrangements. Yet to facilitate effective operational management and expediency in decision making certain decisions can be delegated to 'Senior Officers' of both the Authority and the Force.
5. This scheme sets out those functions and decisions for which the Police Authority has given the officers delegated authority to act. The scheme forms part of the Authority's Corporate Governance Framework and therefore should be read in conjunction with:
  - a. Committee Terms of Reference
  - b. Police Authority Standing Orders
  - c. Police Authority Financial Regulations and delegated limits
  - d. Contract Standing Orders
  - e. Members' Code of Conduct

And in accordance with:

- f. Policies, principles, procedures, strategies and plans; and

- g. Budgets of the Authority as in place at the time.
6. Delegation is made by the Derbyshire Police Authority in accordance with its powers to delegate (to committees, sub committees and officers) under the provisions of section 101 (and section 107) of the Local Government Act 1972. In exercising delegated authority officers must abide by the above as these contain further detailed delegations.
  7. This delegation framework is intended to ensure the efficient discharge of the Police Authority's business. It provides for delegated powers to officers so decision making can be carried out at the appropriate level. In certain instances, particularly in relation to issues around the day to day management of the constabulary, it is necessary to delegate certain functions of the Police Authority to the Chief Constable.
  8. The Chief Executive and Chief Constable may authorise officers in other named posts under their direction and control to act on their behalf in exercising any of their delegated powers. This authorisation should ideally be made in writing except where the exigencies of the service dictate otherwise.
  9. The Police Authority expects its officers and the Chief Constable, when exercising these delegated powers, to draw its attention to issues which are, or have the potential to be, sensitive, contentious or have a significant financial implication and, whenever it is considered appropriate, to either report to and / or to seek the views of, or a decision from, the Authority on the issue in question. Similarly they should submit a report on any delegated matters whenever so required by the Derbyshire Police Authority (and any of its standing committees and panels).
  10. All decisions made by officers under powers delegated to them by the Authority shall be properly documented and available for inspection by Members and internal and external audit.
  11. The Chief Executive and the Chief Constable shall be responsible for ensuring the provisions and obligations of the Corporate Governance Framework and this

Scheme of Delegation of Powers to Officers are properly drawn to the attention of officers and staff under their direction and control.

## **Interpretation**

12. In this Scheme of Delegation:

- a. Words denoting the singular include the plural and vice versa.
- b. Words denoting any gender includes all genders.
- c. References to statutory provisions shall be construed as references to those provisions as respectively replaced, amended or re-enacted from time to time (whether before or after the date of this Scheme) and shall include any provisions of which they are re-enactments (whether with or without modifications) and any subordinate legislation made under such provisions.

## **Derbyshire Police Authority – Role and Responsibilities**

13. Derbyshire Police Authority's core statutory duty is to secure the provision of an efficient and effective police service on behalf of the public of the Derbyshire policing area. Derbyshire Police Authority is part of the 'tripartite structure' with responsibility for policing together with the Home Secretary and the Chief Constable and acts as the employer of all Derbyshire Constabulary non-sworn staff.
14. To fulfil its core statutory duty Derbyshire Police Authority has a number of duties and responsibilities. The main ones are listed below and the Police Authority will discharge these unless they are delegated to a Committee or Panel.
  - a. Hold the Chief Constable to account for the quality and cost of policing services;
  - b. Determine and approve the annual policing precept and police budget. Thereafter to approve the use of police authority reserves;
  - c. Ensure arrangements are in place within the Force for proper financial management;
  - d. Ensure that the Force has adequate arrangements for the management of risk;
  - e. Ensure that the Force acts within its powers and in accordance with the law;

- f. To appoint (and dismiss, if necessary) the Chief Constable and other Chief Police Officers and determine their conditions of service;
- g. To approve, publish and monitor the 3 year strategic policing plan;
- h. To set and monitor local policing objectives and targets (taking account of any national objectives and targets set by the Home Secretary);
- i. Ensure that the Force keeps improving, including receiving HMIC force inspection reports and responding to HMIC about implementing recommendations;
- j. To call for reports from the Chief Constable on such matters as may be specified, being matters connected with the policing of the Force area;
- k. To publish an annual policing summary / annual report on the extent to which objectives contained in the strategic policing plan have been achieved and comment thereon;
- l. To approve any change of numbers of Chief Officers or the ratio of police officers to police staff in the Chief Officer Group;
- m. To consider and investigate (where appropriate) complaints about the conduct of Chief Officers or (where appropriate) refer complaints to the Independent Police Complaints Commission (IPCC);
- n. Oversee professional standards and complaints issues within the Force;
- o. To make arrangements to engage local people regarding the policing of their area and obtain their co-operation in preventing crime and anti-social behaviour;
- p. Work in partnership with the Chief Constable and other strategic partners to reduce crime and disorder and the fear of crime;
- q. Secure collaboration between forces in the interests of efficiency and quality of policing services delivered to the public;
- r. Monitor the Force's compliance with human rights legislation;
- s. To promote diversity within the Force and Authority and ensure relevant legislation governing diversity is complied with;
- t. Meet employer's liabilities, including health and safety requirements, and ensure the force does likewise;
- u. Publish annual accounts to demonstrate the authority's stewardship of public funds;
- v. To maintain and operate an Independent Custody Visiting Scheme to provide an independent check on persons being detained in police cells;

w. To appoint a Chief Executive, a Monitoring Officer and a Treasurer to the Authority.

15. Whilst it is the Police Authority's role to oversee and scrutinise all Force activity it should not interfere with the day to day operational functions of the Force which are the preserve of the Chief Constable.

### **Urgency Powers**

16. There is a presumption that all decisions not delegated to the officers will be made through the Authority's normal committee processes.

17. In circumstances where an urgent decision is needed it is permissible for that matter to be determined by the Authority's Special Committee.

18. Urgent decisions taken under the above provisions must be notified to all Members of the Authority at the next meeting of the Authority.

### **Powers delegated to the Deputy Chief Executive**

#### Monitoring Officer Function

19. To discharge the duties of a Monitoring Officer in accordance with section 5(1) of the Local Government and Housing Act 1989.

### **Powers Delegated to the Chief Executive**

20. To maintain under section 81 (1) of the Local Government Act 2000 a Register of Members' personal interests including any gifts or offers of hospitality.

#### Legal Functions

21. In cases impacting upon a function or duty of the Derbyshire Police Authority which has not been delegated to the Chief Constable or which will directly impact upon the

Police Authority's finances to provide instruction to the Authority Legal Adviser (Force Solicitor) to institute, defend or participate in any legal proceedings in any case where such action is considered appropriate.

22. Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Chief Executive or the Authority Legal Adviser (Force Solicitor) acting pursuant to any instruction or any other person nominated by the Chief Executive unless any enactment otherwise authorises or requires, or the Authority has given requisite authority to some other person.
23. The Common Seal of the Authority will be kept in a safe place in the custody of the Chief Executive. A decision of the Authority, or any part of it, will be sufficient for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Executive should be sealed. The affixing of the Common Seal will be attested by the Chief Executive or some other person authorised by the Chief Executive. A record of the use of the Common Seal shall be maintained.
24. To agree any fees for copies or extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985 and the Freedom of Information Act 2000.
25. To seek Counsel's opinion or other expert advice and to retain Counsel whenever this is considered to be in the interest and to the benefit of the Authority.

#### Management/Human Resources

26. For staff directly employed by the Authority (who are not under the direction and control of the Chief Constable) to manage staff resources and the determination of general staffing issues, including:
  - a. The appointment and dismissal of staff and the determination of terms and conditions of service (with reference to existing HR policies and procedures,

and conditions of service) including the authorisation of recognised professional management fees.

- b. For the appointment of senior posts (Chief Executive, Monitoring Officer and Treasurer), to ensure member involvement in the recruitment and determination of terms and conditions;
  - c. The management and implementation of disciplinary, grievance and harassment policies and procedures;
  - d. Approving a Performance Development and Review (PDR) Scheme for all Secretariat staff;
  - e. Agreeing incremental changes to grades and pay bands;
  - f. The extension of service for staff over normal retirement age;
  - g. Granting leave of absence without pay beyond that provided for;
  - h. The payment of honoraria to officers who have undertaken additional duties over an extended period in the absence of a more senior officer;
  - i. The engagement of temporary or agency staff or consultants;
  - j. Approving the attendance of officers at conferences / seminars and other training events;
  - k. To manage any other matters involving Police Authority Secretariat, including staff resources and service delivery;
27. To approve minor restructurings of establishment of up to three posts at any one time in relation to the Authority's Secretariat, subject to:
- a. There being budget provision for the proposals;
  - b. Consultation with the trades union.
28. To manage (supported by the Treasurer) that part of the budget which is not delegated to the Chief Constable, in accordance with the Authority's Financial Regulations and Standing Orders.
29. To place orders for goods and services and to incur expenditure for which provision is included in the revenue budget. The Treasurer may also exercise this delegated power in the absence of the Chief Executive.



30. To invite and accept quotations and tenders for goods and services for which provision is included in the revenue budget in accordance with Financial Regulations and Contract Standing Orders. The Treasurer may also exercise this delegated power in the absence of the Chief Executive.

### General

31. To agree the attendance of Members at conferences, seminars and other events. If the cost per member exceeds £1,250 then agreement must be sought from the Chair or Vice Chair of the Police Authority. The Treasurer may also exercise this delegated power in the absence of the Chief Executive.
32. To agree changes to scheduled Authority or Committee dates and Committee membership, in consultation with the Chair of the Authority or the relevant Committee Chair, as appropriate.
33. In connection with complaints against Chief Officers received by the Authority in accordance with the Police Reform Act 2002, to determine, in conjunction with the Chairman of the Derbyshire Police Authority:
  - a. Whether or not the Authority is the appropriate body to consider such a complaint.
  - b. Whether or not to refer the complaint to the IPCC, subject in the case of a public interest referral, in consultation with the Chair of the Resource Committee and, if appropriate the Chief Constable.
  - c. Decide whether or not to record the complaint.
  - d. If the Authority is the appropriate body, and in accordance with IPCC guidance whether or not the complaint relates to the direction and control of the Force and so should be referred to the Chief Constable for consideration.
34. In consultation with the lead Member for the Independent Custody Visiting Scheme, to appoint and remove visitors to/from the scheme.

35. To respond to consultations affecting the Authority whenever this may prove necessary for reasons of timing of Committee meetings, in consultation with the Chairman of the Authority or appropriate Committee Chairman.
36. To provide Secretariat assistance to the Panel for the Selection of Independent Members in accordance with Schedule 3 of the Police Act 1996.
37. To approve the attendance of substitute Members at meetings of external bodies and organisations on which the Authority is represented.
38. To authorise payments of Members' expenses and allowances in accordance with the Authority's approved scheme and to vary such allowances from time to time in accordance with the provisions of the Scheme, and as directed by the Remuneration Panel. The Treasurer may also exercise this delegated power.
39. To make arrangement as necessary to appoint Independent Members of the Authority's Standards Committee and to make the appropriate payments in accordance with section 9 of the Members' Allowances Scheme when attendance is reasonably justified.

#### **Powers delegated to the Treasurer**

40. The Treasurer (and the Chief Constable) will arrange for the financial management of the service in accordance with the details and delegations set out in financial regulations.
41. The Treasurer shall be responsible for the administration of the Authority's financial affairs as set out in Sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003. The responsibilities are to:
  - a. Provide professional financial advice to the Authority including advice on arrangements for financial delegation;
  - b. Advise the Authority on the content and implications of the budget and medium term financial strategy / plans;
  - c. Assist the Authority in seeking to obtain best value for money;

- d. Ensure that accurate, complete and timely financial management information is provided to the Authority;
  - e. Advise the Authority on financial propriety;
  - f. Provide, under delegation from the Authority, an adequate and effective internal audit service and assistance in securing safe and efficient financial arrangements;
  - g. Secure the preparation and publication of statutory and other accounts;
  - h. Secure appropriate banking arrangements and treasury management including loans and investments;
  - i. Advise on risk management and insurance relating to the Authority;
  - j. Work with the Chief Executive to the Authority to ensure effective corporate management of the Authority's resources.
42. To determine whether to write off debts considered irrecoverable, including in cases where write-off action results from theft or fraud, up to an individual maximum amount of £1,000. Above this limit approval of the Authority or the Resource Committee is required.
43. In the absence of the Chief Executive to agree the attendance of Members at conferences, seminars and other events. If the cost per member, including travel and accommodation exceeds £1,250 then agreement must be sought from the Chairman or Vice Chairman of the Police Authority.
44. In the absence of the Chief Executive to place orders for goods and services and to incur expenditure for which provision is included in the revenue budget.
45. To authorise payments of Members' expenses and allowances in accordance with the Authority's approved scheme and to vary such allowances from time to time in accordance with the provisions of the Scheme or after any independent review of such allowances. The Chief Executive may also exercise this delegated power.

### **Powers delegated to the Chief Constable**

#### Legal

46. In cases impacting upon a function or duty of the Police Authority which has been delegated to the Chief Constable or directly upon the Constabulary's finances to provide instruction to the Authority Legal Adviser (Force Solicitor), to institute, defend or participate in any legal proceedings in any case where such action is considered appropriate.

## Financial

47. The statutory responsibilities of a 'Chief Finance Officer' are set out in Sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations. The Home Office Financial Management Code of Practice recommends that, wherever possible, the financial management of the Force takes place within that Force.
48. The Chief Constable (and Treasurer) will arrange for the financial management of the service in accordance with the details and delegations set out in the financial regulations.
49. The Chief Constable shall undertake the day to day financial management of Derbyshire Constabulary, including responsibility for Force expenditure provided that such responsibility is exercised in accordance with the law and with the Authority's Financial Regulations and Contract Standing Orders and any statutory guidance and codes of practice. The Chief Constable should also have regard to the Corporate Governance Framework and submit, as a standing item, revenue and capital budget monitoring reports to the Authority's Resources Committee.
50. The Chief Constable, in liaison with the Police Authority, shall appoint a Chief Officer with responsibility for financial matters, known in Derbyshire Constabulary as the Director of Finance and Administration, with a professional qualification to take responsibility for the Finance function and for ensuring robust financial policies and procedures are in place. This will include such matters as the provision of payroll, pensions and general financial administration, subject to the role of the Treasurer as S.151 Officer.

51. The Director of Finance and Administration shall:

- a. Provide financial expertise, advice and information within Derbyshire Constabulary directly to the Chief Constable to enable him to fulfil his delegated responsibility from the Derbyshire Police Authority for the financial management of Derbyshire Constabulary.
- b. Provide the strategic financial perspective on the main management board of Derbyshire Constabulary;
- c. Provide professional leadership of the finance function within Derbyshire Constabulary, ensuring that high standards of financial management are maintained; that financial systems and procedures promote the effective conduct of business; and that financial considerations are fully taken into account in all policy decisions.
- d. Work closely with the Treasurer of the Derbyshire Police Authority to make proposals for the Financial Regulations and the delegated limits within which Derbyshire Constabulary will operate. To ensure that managers at all levels are aware of their responsibilities in relation to these Financial Regulations and that they adhere to them.
- e. Support the Treasurer to the Derbyshire Police Authority in his/her statutory responsibilities for the financial affairs of Derbyshire Constabulary by ensuring probity, legality and appropriate standards in all financial dealings.
- f. Act as the main point of contact with the Treasurer in providing, receiving and interpreting information on the financial affairs of Derbyshire Constabulary.
- g. Ensure effective control of financial planning, budgeting and monitoring within a devolved budget framework in respect of all Derbyshire Constabulary income and expenditure. Nominated budget holders within the Force will have responsibility for that part of the budget allocated to them.
- h. Ensure that the Authority's intellectual property rights are not compromised by commercial agreements, and shall report any significant issues in this respect to the Chief Executive.
- i. Take the lead in developing, refining and implementing the medium term financial strategy in Derbyshire Constabulary.
- j. Be authorised by the Treasurer to operate bank accounts on behalf of the Authority.

- k. Provide the Chief Constable with expertise, advice and information to enable him to fulfil his delegated responsibility in respect of procurement, transport, property matters, information technology, communications and other support services.
52. The Chief Constable may commit expenditure or vire between budget headings within the overall approved budget to meet the policies and objectives agreed with the Authority and reflected in the three year strategic policing plan. Such virements must be in accordance with the limits set out in the financial regulations of the Police Authority. These will be reported to the Authority through the budget monitoring mechanism.
53. The Chief Constable may write off debts considered to be irrecoverable up to an individual maximum amount of £1,000. Any individual write off above £1,000 must be referred to the Authority or to the Authority's Resource Committee, as appropriate, for approval. All cases where write-off action results from theft or fraud shall be referred to the Treasurer for approval up to an individual maximum of £1,000 and to the Authority's Resource Committee as appropriate above £1,000.
54. To accept income, offers of sponsorship and gifts on behalf of the Police Authority provided that decisions taken in this regard are in accordance with the law, comply with any guidance or policy which the Authority may from time to time determine and meet the requirements set out in the Financial Regulations.

#### Tendering and Contracts

55. The Authority remains the legal contracting party for Contracts, however responsibility for the day to day management and control of contracts is delegated to the Chief Constable, in accordance with the Authority's Contract Standing Orders and provided that the Authority is satisfied that the Chief Constable has in place adequate systems, procedures and expertise to discharge these responsibilities. The delegations set out in this section may be exercised by the Chief Constable or his authorised representative.

56. Where the value of any contract exceeds £150,000 this will be reported to the Resource Committee.
57. To open tenders, subject to the tendering arrangements of the Contract Standing Orders. In exceptional circumstances the Chief Constable or his authorised representative may accept a late tender, notifying the Monitoring Officer and the Treasurer in every case.
58. Any contract not awarded to the lowest bidder will be reported to the Resource Committee within the Director of Finance's quarterly report.
59. To sign all contracts on behalf of the Authority, irrespective of value, once they have been properly approved, except for those which are required to be executed under the Common Seal of the Authority. In these cases the Chief Executive is authorised to affix the Seal.
60. To declare goods surplus to requirements or obsolete and arrange for disposal in accordance with the financial regulations delegated limits.

#### Land and Property Matters

61. The Chief Constable or his authorised representative may purchase or dispose of land or property on behalf of the Authority, in accordance with Financial Regulations, the Estates Strategy or approved business case agreed by the Authority or the Resource Committee and / or by specific Authority decision. Transactions of a value in excess of £150,000 must be approved by the Authority or its Resource Committee. Naturally the disposal method should be one which, in the view of the Chief Constable having received appropriate advice from a qualified valuer, maximises value for money to the Authority.
62. To be responsible for the development of plans for the police estate. To manage the police estate, including maintenance of property, and for this purpose to incur expenditure within the Authority's approved maintenance budget.

63. To take all appropriate steps to ensure that the Authority's approved capital programme is implemented, subject to the Police Authority being periodically informed of progress.
64. To authorise the use of police property by outside bodies or staff associations, provided that such use is temporary and no tenancy or other legal interest is created.

#### Management / Human Resources

65. The Chief Constable, or his nominated representative(s), is/are responsible for the direction and control of persons employed by the Authority (police staff) to assist the Police Force, in accordance with section 15(2) and (4) of the Police Act 1996.
66. To adjust the police staff and police officer establishment in numbers, locations, ranks and grading within the overall workforce budget approved by the Authority and to make best use of workforce modernisation principles. This does not apply to Chief Officer posts, both uniformed and police staff which will be referred to the Authority, nor to the Executive Office and Secretariat of the Police Authority.
67. To authorise, in accordance with Police Staff Council conditions of service, the suspensions of staff and / or the termination of their employment with the exception of staff whose appointment is made by the Authority. Nevertheless any appeal against a dismissal lodged by a member of police staff will remain to be considered by the Authority's Appeals sub-committee.
68. To approve the retirement, in the interests of the efficiency of the service, of police staff employees subject to the Local Government Pension Scheme (LGPS) with or without enhancement of service subject to reports to the Police Authority as appropriate about the actions taken in pursuance of this delegation.
69. To determine matters relating to police pensions (including widows' pensions) under 1987 police pension regulations except for i) retirement on the grounds of ill health of ACPO officers and ii) decisions under regulation K5 which deals with the



forfeiture of pensions upon the commission of certain criminal offences *and iii) regulation A19 of the 1987 Regulations and regulation 20 of the 2006 Regulations beyond its use in the termination of the appointment of officers on the 30+ and 30+PLUS schemes.*

*In respect of all 30+ or 30+PLUS appointments where the annual review process is commenced on or before the 28<sup>th</sup> February 2011, any decision to terminate the appointment will be determined by the Pensions Forfeiture Panel of the Police Authority.”*

70. To determine ex-gratia payments to members of the public in respect of claims for loss or damage to property arising from police officers forcing entry in the course of their duties in accordance with the Financial Regulations.
71. To approve payments under any Authority approved bonus, productivity or performance related payment schemes and honoraria payments in recognition of additional duties and responsibilities or similar special payment schemes. For the avoidance of doubt, payments in relation to the ACPO PDR / Bonus Scheme shall be reserved to the Authority.

**Chairman**

**Derbyshire Police Authority**

**Approved 9 September 2010**