

APPENDIX K

DEVON AND CORNWALL POLICE AUTHORITY

SCHEME OF DELEGATIONS – OFFICERS

The provisions of Section 101 of the Local Government Act 1972 (as amended) enable the Police Authority to delegate powers to committees and officers.

The scheme of delegation is intended to ensure the efficient discharge of the Police Authority's business by allowing for decisions to be taken at the appropriate level. Effectively this allows the Chief Constable to carry out his day to day responsibilities for operational policing matters and the Police Authority to carry out its legal functions and deal with matters at a strategic level.

In delegating responsibility to the Chief Constable in relation to personnel, financial and property matters the Authority expects him to act within any approved strategies and policies and to seek professional advice as and when necessary. The same provisions will apply to the Authority's officers.

The Scheme of Delegation is complementary to the Authority's Standing Orders, Financial Regulations and Standing Orders for Tenders and Contracts and officers exercising delegated powers should do so in accordance with their provisions.

The delegation of powers to officers under this scheme does not prevent an officer from referring the matter to the Authority or a Committee for decision if the officer wishes or considers it appropriate.

In particular the Authority will expect its officers to draw its attention to sensitive issues or any matter which may have significant financial implications.

All decisions taken by officers under delegated powers shall be properly documented and available for inspection by any Member of the Authority

References in this document to the Chief Constable, Chief Executive or Treasurer shall include such other officers as may be authorised by them to act on their behalf.

The Chief Constable shall be responsible for ensuring that the provisions and obligations of the Scheme of Delegation are properly drawn to the attention of members of staff under his direction and control.

Definitions

Within this Scheme the following specific terms shall have the meanings as shown: -

Police Authority/the Authority	Devon and Cornwall Police Authority
Chief Constable	The designated Chief Constable or in his absence the Deputy Chief Constable or an Assistant Chief Constable designated by the Chief Constable after consulting the Authority.
Police Authority Staff	Persons employed by the Authority not falling within the definition of police staff
Police Staff	Persons employed by the Authority solely to assist the police force within the meaning of Section 15 of the Police Act 1996 (as amended)
Chief Officers	All members of the Force Chief Officer Group, including all ACPO officers and Force Directors that are members of the Chief Officer Group. Force Directors are not designated as Police Staff.
Treasurer	The officer with responsibility for the proper administration of the Authority's financial affairs for the purposes of S151 of the Local Government Act 1972
Monitoring Officer	The officer appointed under Section 5(1) of the Local Government and Housing Act 1989

A DELEGATIONS TO CHIEF EXECUTIVE

- 1.1 To carry out the duties of the Monitoring Officer for the purposes of S5 of the Local Government and Housing Act 1989 and to seek Counsel's opinion or other expert advice when this is considered to be in the interest and to the benefit of the Authority.
- 1.2 Subject to paragraph C 3.2 below and after consultation if appropriate with the Chief Constable or Treasurer to deal with all claims against the Authority and to institute such proceedings or take such steps as he may consider necessary to secure the payment of any debt to the Authority and to take any steps he may consider necessary to enforce any judgement obtained in any such proceedings.
- 1.3 To sign on behalf of the Authority any indemnity required to enable the Authority or the Police to exercise any of their functions, provided that where the giving of the indemnity could have significant financial implications not covered by the Authority's insurance policies such indemnity shall only be signed with the approval of the Treasurer

- 1.4 To sign, execute and issue all legal documents necessary to implement decisions taken by the Authority, its committees or officers acting under delegated powers subject to appropriate advice from the Force Legal Department. Where the Common Seal of the Authority is affixed to any document it shall be in the presence of and attested by the Chief Executive, or such other officer authorised by him, and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for that purpose and shall be authenticated by the person who has attested the seal.
- 1.5 To take responsibility for the Authority's budget (that part not delegated to the Chief Constable) in accordance with financial regulations and Standing Orders.
- 1.6 In relation to complaints against senior police officers received in accordance with the Police Reform Act 2002 to determine whenever possible within 5 working days of the complaint being received:
 - Whether or not the Authority is the appropriate authority to consider and record the complaint
 - Whether or not to refer the complaint to the IPCC subject in the case of a public interest referral to consultation with the Chairman of the Authority and, if appropriate, the Chief Constable
 - If the Authority is the appropriate authority, and in accordance with any guidance from the Home Secretary, whether or not the complaint relates to the direction and control of the Force and should be referred to the Chief Constable for consideration.
- 1.7 To make appointments to Police Appeals Tribunals in consultation with the Chairman of the Authority.
- 1.8 To make appointments to external and partnership bodies in consultation with the Chairman of the Authority
- 1.9 To act as the Authority's Money Laundering Reporting Officer under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003.
- 1.10 To organise the following matters in relation to custody visitors:
 - To appoint custody visitors following satisfactory interview, training and police checks;
 - To remove custody visitors not making the minimum number of visits required or when failing to comply with the Authority's guidelines and procedures;
 - To approve the attendance of custody visitors at national or regional conferences on custody visiting and the consequent payment of travelling and subsistence expenses.
 - To vary the payment of travelling allowances to custody visitors in accordance with the revisions that may be made to those applied to the Police Authority Members.

- 1.11 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 a Scheme.
- 1.12 To approve the payment of legal expenses for Police Officers in consultation with the Chairman and subject to a recommendation from the Force Legal Director
- 1.13 Various delegations for specific functions as determined by the Police Authority from time to time.
- 1.14 To deal with routine matters of urgency

B DELEGATIONS TO TREASURER

- 1.1 To be responsible for the administration of the Authority's financial affairs as set out in Sections 112 & 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003. Taken together these mean that the Treasurer is responsible for:
 - Ensuring that the financial affairs of the Authority and of the Force are properly administered and that the Financial Regulations are observed and kept up to date.
 - Reporting to the Authority and to the external auditor any unlawful or potentially unlawful expenditure by Members or Officers of the Authority or the Force.
 - Report to the Authority and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure.
 - Producing a statement of accounts
 - Maintaining an adequate and effective internal audit function.
- 1.2 To act as "Proper Officer" and carry out all of the duties of the officer designated by the Authority for the purposes of S151 of the Local Government Act 1972
- 1.3 To be the Authority's professional advisor on financial matters, the duties being to:
 - Provide financial advice to the Authority on all aspects of its activity including the strategic planning and policy making process
 - Assist the Authority in seeking to obtain the best value for money
 - Advise the Authority on financial propriety
 - ensure that accurate, complete and timely financial management information is provided to the Authority and the Chief Constable
 - Secure the preparation of statutory and other accounts
 - provide an effective audit service and assistance in providing safe and efficient financial arrangements
 - Advise in consultation with the Chief Executive & Clerk and the Chief Constable on the safeguarding of assets, including risk management and insurance
 - Arrange for the determination and issue of the precept
 - Advise on budgetary matters including any consequent long-term implications.
- 1.4 To implement and monitor the Treasury Management Policy Statement.

1.5 To be responsible for the investment of the Authority's money and the borrowing of money as necessary in accordance with the Treasury Management Strategy including authority to make investment decisions with regard to the Devon and Cornwall Investment Fund. The Treasurer may arrange for the Chief Constable to undertake day to day cash management activities or he/ she may procure these activities from an appropriate source.

1.5 Where member approval is not possible and in extremis to authorise payments without prior approval, irrespective of whether or not provision has been made in the revenue budget, in relation to:

- payments required by statute;
- payments ordered by a court;
- payments due under any agreement entered into by or on behalf of the Authority.

Any decisions taken under this provision must be reported to the next scheduled meeting of the Authority.

1.8 To be responsible for all banking arrangements together with the creation, closure or authorisations of any account.

1.9 To decide in consultation with Chair and Vice Chair of Resources any enhancements or applications of discretion within the Local Government Pension scheme with a total (capitalised) value of more than £50,000.

1.10 To decide in consultation with Chair and Vice Chair of Resources any liability claims with a total value of more than £50,000.

1.11 To manage the internal audit function of the Police Authority and to report all matters of concern arising from internal audit activity to the Corporate Governance Committee or the Police Authority as appropriate.

1.12 Various delegations for specific functions as determined by the Police Authority from time to time.

C DELEGATIONS TO CHIEF CONSTABLE

1 Personnel Matters

1.1 In accordance with the provisions of S15 of the Police Act 1996 (as amended) to exercise all of the powers as employer of Police Staff, including matters in respect of discipline, grievance and grading. (In relation to Police Authority staff the Chief Executive shall exercise all such powers and in relation to the Chief Executive the Authority will exercise such powers through the Chairman's Group)

1.2 To adjust the civilian Police Staff establishment both in numbers and gradings within the overall workforce budget approved by the Authority. Adjustments to overall establishment for police officers must be referred to the Authority for decision.

- 1.3 To appoint Police Staff excluding posts at Chief Officer level.
- 1.4 To implement national agreements on salaries and wages and conditions on the clear understanding that any issues which are sensitive or have major financial implications shall come before the Authority for decision.
- 1.5 To determine all issues relating to the terms and conditions of Police Staff in accordance with the law and any policies or procedures adopted by either the Devon and Cornwall Constabulary or the Police Authority.
- 1.6 To determine ex-gratia payments in respect of loss or damage to employee's personal property up the limit set out in Financial Regulations. All other payments to be referred to the Police Authority Treasurer for approval.
- 1.7 To determine all matters relating to police pensions (including widows' pensions) with the exception of:
 - retirement on ill health grounds of all officers, these will be determined by the Regulation A20 panel which is a sub-committee of the Human Resources Committee. The panel will also give initial consideration to decisions under Regulation K5 of the Police Pensions Regulations 1987 relating to the forfeiture of pensions upon commission of certain criminal offences.
- 1.8 To determine the following matters in relation to injury awards:
 - decide to refer the process to the Selected Medical Practitioner (SMP)
 - decide to retain an officer where the SMP confirms the officer is not permanently disabled and both the management and the officer agree the retention period is appropriate.
 - to decide the appropriate period review period for injury awards
 - decide whether there is a cognisant reason why an injury award should not be reduced to the lowest band upon the pensioner reaching the age of 65
- 1.9 To approve enhancements of pensions under the Local Government Pensions Scheme in case of retirement in the interest of efficiency or redundancy and to approve any other application of the discretion's available to employers under the Local Government Pensions Scheme with the exception of:
 - Any enhancements or applications of discretion with a total cost (including any capitalised values) of more than £50,000 will be referred for decision to the Treasurer in consultation with the Chair and Vice Chair of Resources.
- 1.10 To approve payments under any Authority approved bonus; performance related payments schemes and honoraria payments in recognition of additional duties and responsibilities or similar payments, with the exception of, payments in relation to the ACPO and other Chief Officers PDR/Bonus Scheme, which shall be reserved to the Authority.

2 Property Matters

- 2.1 To exercise all powers, rights and duties in respect of real and personal property in the ownership of the Authority, save that the Authority reserves to itself the right to buy and sell real property. These powers shall be exercised within the overall policies and strategies as agreed by the Authority. No capital expenditure shall be incurred unless the Authority has approved the scheme. Any property transaction that does not fall under the strategy outlined for the year shall be subject to prior approval by the Resources Committee.
- 2.2 Notwithstanding paragraph 2.1 above, after consultation with the Chief Executive and Treasurer to enter into short-term leases for land and buildings in circumstances where:
- a new lease is taken for a period of not more than 3 years and there are no implications for capital financing
 - an existing lease needs to be extended for a period up to 3 years and there are no implications for capital financing.
- 2.3 To dispose of surplus land buildings, vehicles and items of equipment according the Authority strategy and up to the limits as set out in the Police Authority Financial Regulations any disposal above this value are to be approved by the Resources Committee. All transactions are to be in accordance with the procedures set out within Financial Regulations.

3 Financial Matters

- 3.1 To exercise responsibility for Force expenditure (other than the part of the budget retained by the Authority for its own purposes) provided that such responsibility shall be exercised in accordance with the law and with the Authority's Financial Regulations and Standing Orders for Tenders and Contracts orders.
- 3.2 To deal with all matters relating to: -
- all claims against the office of Chief Constable
 - all claims against the Authority arising out of alleged acts or omissions in relation to Police Staff
- provided that advice will be sought from the Director of Legal Services and if appropriate he will represent either the Chief Constable or the Authority as the case may be
- 3.3 To approve the making of payments in settlement of claims referred to in paragraph 3.2 above subject to the limits set out in financial regulations and the provisos of paragraph 3.2. Any claim above the limit set out in Financial Regulations are to be approved by the Treasurer in consultation with the Chair and Vice Chair of Resources.
- 3.4 To approve the writing off of any debt due to the Authority up to the limit set out in the Police Authority Financial Regulations. Any debt in excess of the limit to be referred to the Resources Committee for approval
- 3.5 To accept income and offers of hospitality on behalf of the Authority provided that decisions taken are in accordance with any relevant Authority policies.

3.6 To accept on behalf of the Authority any lawful grant made to the Authority for police purposes.

4 Other Matters

4.1 After consultation with the Chairman to determine sums to be paid from the Police Property Fund towards charitable purposes