



Devon & Cornwall  
Police Authority

# Constitution

Version date: 9 May 2008

Topic	Change made	Meeting	Date	Minute number	Destroy previous version on (date)	

|

# DEVON AND CORNWALL POLICE AUTHORITY

## CONSTITUTION

The Devon and Cornwall Police Authority is a body corporate constituted in accordance with Section 3, Schedule 1 of the Police Act 1996.

### Article 1 - The Constitution

#### 1.1 The Constitution

The Constitution of Devon and Cornwall Police Authority comprises these Articles and appendices A to K.

#### 1.2 Powers of the Police Authority

The Police Authority will exercise all its powers and duties in accordance with the law and this Constitution.

#### 1.3 Purpose of the Constitution

- to set out how the Police Authority will exercise its powers and duties to ensure the provision of an effective and efficient police service for Devon and Cornwall and the Isles of Scilly
- to set out how decisions will be taken;
- to ensure that the people responsible for decision making are clearly identifiable
- to establish a means of holding decision makers to public account;
- to ensure that no member will review or scrutinise a decision in which he or she was directly involved other than to contribute to the debate when any decision is re-considered;

### Article 2 – Members and Officers of the Police Authority

#### 2.1 Composition

The Police Authority comprises 10 Councillors, 3 Justices of the Peace and 6 Independent members.

The Councillor members are appointed as follows: -

Cornwall County Council	3 Members
Devon County Council	4 Members
Plymouth City Council	1 Member
Torbay Borough Council	1 Member
Council for the Isles of Scilly	1 Member

Councillor members are appointed by the above Councils to reflect the overall political balance across the 5 appointing councils.

The Authority appoints the Justices of the Peace and the Independent members.

As a result of the Police and Justice Act 2006 from October 2008 the Authority will comprise 10 Councillors and 9 Independent members – at least one of the Independent Members must be a Justice of the Peace.

The Chairman and Vice-Chairman are appointed annually. The Chairman may serve a maximum of three years..

## **2.2 Roles of Members**

- Attend meetings of the Police Authority
- Participate effectively as a member of any committee, group or other forum to which appointed
- Represent the Police Authority on other bodies such as Crime and Disorder Reduction Partnerships and Local strategic Partnerships
- Oversee police performance and standards of policing
- Engage with local people to obtain their views on local policing
- Set annual budget and the associated police precept (Council tax)
- Agree a 3-year strategic plan, local policing priorities and targets to improve police performance
- Appoint the Chief Constable and other senior police officers and staff
- Maintain an understanding of both local and national policing issues
- To promote equality and diversity
- To develop opportunities for partnership working

## **2.3 Rights and Duties**

- (i) Members have rights of access to such documents, information, land and buildings of the Authority as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Members must not make public any information which is confidential, exempt or restricted without the consent of the Authority or divulge information given to them in confidence to anyone other than another member or officer entitled to receive it.

## **2.4 Governance and Ethical Standards**

All members sign a declaration that they will at all times observe the Members' Code of Conduct set out in Appendix A. Members and officers are expected to abide by the Protocol on Member/Officer relations, which is set out in Appendix B.

The Authority has adopted a Code of Corporate Governance as in Appendix C.. The Code is about ensuring the Authority is doing the right things, in the right way, for the right people in a timely, inclusive, open and accountable manner.

## **2.5 Allowances**

All Members are entitled to receive allowances in accordance with the Members' Allowances Scheme set out at Appendix D.

## **2.6 Management Structure**

The Authority shall employ such staff, as it considers necessary for the discharge of its functions and responsibilities, including a Chief Executive, Treasurer and Monitoring Officer. The Authority shall specify from time to time the job descriptions of those officers. The Chief Executive shall be responsible for the effective management of all staff directly employed by the Police Authority and the efficient delivery of services to the membership. The Chief Executive currently undertakes the role of Monitoring Officer.

## **2.7 Duty to provide sufficient resources to the Monitoring Officer and Treasurer**

The Authority will provide the Monitoring Officer and the Treasurer with such officers, accommodation and other resources as are in the officers' opinion sufficient to allow their duties to be performed.

# **3. Decision Making**

## **3.1 Responsibility for decision making**

The Police Authority  
A Committee or Group acting in accordance with delegated powers  
An Officer or member acting with delegated power

## **3.2 Principles of decision-making**

All decisions of the Authority will be made in accordance with the following principles:

- The provisions of this Constitution;
- Legality;
- Financial prudence;
- The provision of an effective and efficient police service.

## **3.3. Police Authority**

The following matters are reserved unto the full Police Authority for decision: -

- Setting of Annual Budget
- Matters relating to the borrowing of money

- Matters relating to a substantial variation in or future development of programmes or services for which a committee is responsible
- Matters that raise a question of substantial policy not previously discussed by the Authority
- Matters in which the Authority has established a policy but where a Committee's decision would be at variance with that policy
- Matters involving expenditure for which budget provision is not made
- Matters where there is a disagreement between one committee and another
- Agreement of the following statutory plans and schemes
  - All diversity schemes
  - Three year Strategic Plan including the Authority Strategic Plan
  - Stop and search Plan
- Approval of Code of Corporate Governance
- Delegation of specific functions to a Committee or Group
- Approval of Committee and Group memberships
- Appointment of Independent Members – final approval
- Appointment of Independent Members of the Standards Committee
- Changes to the Constitution

### **3.4 Committees/Groups**

The Authority operates with a system of Committees and Groups. The terms of reference and delegated powers of Committees and Groups are set out in Appendices E and F..

Individual Committees and Groups will appoint their own Chairmen at the first meeting after the Annual meeting of the Police Authority.

### **3.5 Membership of Committees and Groups**

The Chairman of the Police Authority will recommend, as and when necessary, to the Police Authority on the membership of individual Committees and Groups.

### **3.6 Chairmen's Group**

The Membership off the Chairmen's Group is as follows: -

Chair of Police Authority  
Vice-Chair of Police Authority  
Chair of Human Resources Committee  
Chair of Performance Management Committee  
Chair of Community Engagement Committee  
Chair of Resources Committee

In the event that either the Chairman or Vice-Chairman also holds the position of a Committee Chair then the Vice-Chairman of that Committee will be a standing Member of the Group.

When a Committee Chairman is unable to attend a Group meeting then his/her Vice-Chairman can attend on their behalf.

### **3.7 Notice of meetings**

A Notice of all meetings will be sent to all members in the form of the agenda. Formal members of the Committee or group will receive a hard copy of the agenda and papers – other members will be able to view these via the Internet. Any member can ask that a hard copy of any particular item be sent to him/her.

### **3.8 Notice and summons to meetings**

The Chief Executive will give notice to the public of the time and place of meetings.

### **3.9 Record of decisions**

The minutes of a meeting will be produced as soon as practicable after the meeting..

### **3.10 Attendance at meetings**

Any member can attend any committee or group meeting and may with the agreement of the Committee/Group speak on any item.

In the event of a member being unable to attend any meeting he/she shall have the right to submit his/her views in writing or by e-mail to the Chief Executive in relation to any matter before the Committee. The Chief Executive will arrange for such views to be reported to the Committee.

### **3.11 Task and Finish Groups**

The Chairmen's Group sets up Task and Finish Groups and will agree the membership, terms of reference and timescale for each Task and Finish Group.

### **3.12 Lead Members**

Lead Members are agreed by the Chief Executive in consultation with the Chairman with a specific scope of work. The lead Member operating protocol is set out at Appendix G

### **3.13 Standing Orders/Financial Regulations/Standing Orders for Tenders and Contracts**

The Authority's Standing Orders/Financial Regulations/Standing Orders for Tenders and Contracts will apply to all Authority and Committee meetings. These are set out in Appendices H, I and J

### **3.14 Officers – Delegated Powers**

The delegated powers given to the Authority's officers and the Chief Constable are set out in Appendix K.

## **4. Review and Revision of the Constitution**

### **4.1 Duty to monitor and review the Constitution**

The Authority's corporate Governance Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

### **4.2 Protocol for monitoring and review of Constitution by Monitoring Officer**

The Monitoring Officer will advise the Corporate Governance Committee on the operation of the Constitution and make recommendations for ways in which it should be amended in order better to achieve the purposes set out in 1.3. In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the member and officer structure;
- (b) undertake an audit trail of a sample of decisions;
- (c) record and research issues raised with him by members, officers, the public and other relevant stakeholders; and
- (d) compare the Authority's practices with those in other comparable authorities or national examples of best practice.

### **4.3 Changes to the Constitution**

Changes to the Constitution will only be approved by the Police Authority after consideration of a proposal by the Corporate Governance Committee except that the Monitoring Officer shall be responsible without such reference for routine updating necessary to reflect the decisions of the Authority.

## **5. Suspension, Interpretation and Publication of the Constitution**

### **5.1 Suspension of the Constitution**

#### **(a) Procedure to suspend.**

A motion to suspend any provisions of the Constitution will not be moved without notice at a meeting of the Police Authority unless at least one half of the whole number of members is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in 1.3.

## **5.2 Interpretation**

The ruling of the Chairman of Police Authority as to the interpretation or application of this Constitution shall not be challenged at any meeting of the Authority. Any such ruling will have regard to the purposes of this Constitution contained in Article 1.3.

## **5.3 Publication**

The Monitoring Officer will:

- (a)** give a printed copy of this Constitution to each member of the authority upon appointment to the Police Authority.
- (b)** ensure that copies are available for inspection at the Authority's offices and can be purchased by members of the local press and the public on payment of a reasonable fee.

# **DEVON AND CORNWALL POLICE AUTHORITY**

## **CONSTITUTION**

### **APPENDICES**

- A. Members Code of Conduct
- B. Protocol on Member/Officer Relations
- C. Code of Corporate Governance
- D. Members' Allowances Scheme
- E. Terms of References of Committees and Groups
- F. Delegated Powers of Committees and Groups
- G. Protocol
- H. Standing Orders
- I. Financial Regulations
- J. Standing Orders for Tenders and Contracts
- K. Delegated Powers – Chief Executive, Treasurer and Chief Constable