

SCHEDULE 1.3

WARWICKSHIRE POLICE AUTHORITY

SCHEME OF DELEGATION FOR OFFICERS

May 2008

The powers delegated to the Officers referred to in this Scheme shall be exercised in accordance with legislation, Police Authority Standing Orders, Police Authority Financial Regulations, Police Authority Contract Standing Orders and such policies, procedures, plans, strategies and budgets of the Authority as applicable from time to time.

1. GENERAL PRINCIPLES OF DELEGATION

- 1.1 The powers delegated to the Chief Constable, Chief Executive, Monitoring Officer and Treasurer shall be exercised in accordance with:
 - Police Authority Standing Orders;
 - Police Authority Financial Standing Orders;
 - Police Authority Contract Standing Orders;
 - Policies, principles, procedures, precedents, plans, strategies and budgets of the Authority as applicable from time to time.
- 1.2 The Authority (and any Committee with power to do so) may require that a specific matter be referred to it for a decision and not dealt with under Delegated Powers.
- 1.3 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 expects its officers to draw its attention to sensitive issues or any matter which may have a significant financial implication.
- 1.4 The Chief Constable, Chief Executive, Monitoring Officer or Treasurer should, when considering a professional or technical matter that is within the sphere of competence of another of these officers, consider consulting with the appropriate professional officer before authorising the action.
- 1.5 In order to avoid any doubt, the following areas of responsibility are reserved to the Authority and thereby are specifically excluded from Delegated Powers:
 - The control of any budget sum specified by the Authority as being for the Authority's own use;
 - The use of the Authority's reserves.
- 1.6 Any reference in this Scheme to any Statutory Instrument or any Section or Regulation thereof shall include reference to any such Statutory Instrument or Section or Regulation as amended or where such an Act, Instrument, Section or Regulation has been replaced, consolidated or re-enacted, with or without amendment, such reference shall be to the provisions of the replacing, consolidating or re-enacting Statute or Instrument.
- 1.7 All decisions made by officers under powers delegated to them by the Authority shall be properly documented and available for inspection by any Member of the Authority.
- 1.8 References in this document to the Chief Constable, Chief Executive, Monitoring Officer and Treasurer shall include such other officers as may be authorised by them to act on their behalf.
- 1.9 The Chief Constable, Chief Executive, Monitoring Officer and Treasurer shall be responsible for ensuring the provisions and obligations of the Scheme of Delegated Powers are properly drawn to the attention of members of staff under his/her direction and control.

2. DELEGATIONS TO THE CHIEF CONSTABLE

- 2.1 To manage and monitor the approved budget, save for any part which is retained by the Authority for its own purposes. In exercising this power, the Chief Constable shall have regard to the relevant Codes of Practice and also submit budget monitoring reports to meetings of the Authority at intervals to be determined by the Authority.
- 2.2 To be responsible for the direction and control of persons employed by the Authority to assist the Police Force, in accordance with Section 15 (2) of the Police Act 1996.
- 2.3 To be responsible for the management of the police estate, including maintenance of property, and for this purpose to incur expenditure within the Authority's approved maintenance budget.
- 2.4 In consultation with the Chief Executive, to make arrangements for the effective management of Warwickshire Police's insurance arrangements including negotiating terms and conditions of policies and renewals and maintaining effective liaison with Warwickshire Police's insurers.
- 2.5 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.
- 2.6 To undertake such powers and duties delegated to him from time to time under the Authority's Contract and Financial Standing Orders
- 2.7 To be responsible for the provision of payroll, pensions, and general financial administration within the Force, subject to the role of the Treasurer as Section 151 Officer (Local Government Act 1972).
- 2.8 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.
- 2.9 To adjust the police staff and police officer establishment in numbers, locations, ranks and gradings within the overall workforce budget approved by the Authority, except those posts at Chief Officer grade, both uniformed and staff which will be referred to the Authority.
- 2.10 To appoint all Force staff, excluding posts at Chief Officer and Assistant Chief Officer level (police and non-police staff) which will only be made by the Authority.
- 2.11 To authorise, in accordance with Police Staff Conditions of Service, the suspension 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 dismissal lodged by a member of the Police Staff will remain to be considered by the Chief Constable.

- 2.12 To approve, within any policy approved by the Police Authority, the retirement, in the interests of the efficiency of the service, of employees subject to the Local Government Pension Scheme with or without enhancement of service with the exception of staff whose appointment is made by the Authority.
- 2.13 To determine the appointment or secondment of police officers for central services or overseas duty.
- 2.14 To implement mandatory national agreements on salaries, 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.
- 2.15 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 payments. All discretionary awards and payments in relation to Chief and Assistant Chief Officers (including PDR/Bonus schemes) shall be reserved to the Authority.
- 2.16 Subject to the provisions of 2.15 above, to undertake negotiations and reach agreements with recognised Trade Unions and Staff Associations on any matters suitable for local determination. All agreements reached will be reported back to the Authority for information.
- 2.17 To approve within any Police Support Staff Council guidelines, requests from police support staff to undertake additional outside work.
- 2.18 To manage car allowances and force vehicles in accordance with Authority policy.
- 2.19 To make awards under any Authority approved staff suggestion scheme
- 2.20 To make appointments of police surgeons and deputy police surgeons in accordance with the terms and conditions agreed by the JNC for the Fees of Doctors Assisting Local Authorities provided that it is within budgetary provision..
- 2.21 Subject to consultation with the Chief Executive and the Monitoring Officer, to issue certificates sought by staff seeking exemption from political restriction under the Local Government and Housing Act 1989, in those cases where it is considered that the duties of the post do not fall within Sub-section 3 of Section 2 of the Act.
- 2.22 To make ex gratia payments in respect of upheld complaints arising from operational activity.
- 2.23 To approve the retirement of police officers and police staff on the grounds of ill health and the payment of ordinary and ill health pensions and gratuities as appropriate, with due regard to the advice of the Force Medical Examiner or selected medical practitioner. This power to be restricted to officers up to and including the rank of Chief Superintendent. In exercising this power, details of all ill health retirements approved are to be reported to the Authority. The retirement of the Chief Constable, Deputy Chief Constable, Assistant Chief

Constable and the Director of Resources are to remain for consideration and approval by the Authority.

- 2.24 In accordance with Home Office advice to reimburse the Police Federation the reasonable and necessary legal costs incurred by the Federation in defending members of the Force in criminal proceedings arising out of police duties. Where considered appropriate, the same principle to be applied to members of the Special Constabulary and appropriate police staff.
- 2.25 To acquire the vehicles, plant, I.T, equipment and services required by the Authority and to make arrangements for their use, disposal and replacement as appropriate.
- 2.26 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.
- 2.27 In consultation with the Chief Executive, to apply for planning permission for the development of property.
- 2.28 To submit proposals for and make objections to the rating valuation lists.
- 2.29 In accordance with a prior decision of the Authority, to decide on the most appropriate method for the sale of Authority land and buildings, which having received appropriate advice from a qualified valuer, maximises value for money to the Authority.
- 2.30 To settle rent reviews (including third party determinations) dilapidation claims and compensation payments at the termination of leases and lettings in accordance with advice received from a qualified Valuer.
- 2.31 To be responsible for the day to day management, supervision and effective monitoring of all building, civil engineering, information technology and consultancy contracts entered into by the Authority.
- 2.32 In accordance with any guidance or policy which the Police Authority may from time to time determine or under Section 93 Police Act 1996, to authorize officers to accept offers of sponsorship and gifts on behalf of the Authority provided that decisions taken are.
- 2.33 To exercise the powers and duties of the Police (Property) Regulations 1997 and in so doing:
 - Approve the retention of such property where it can be put to good use for police purposes;
 - To dispose of property where appropriate and pay the proceeds of sale into the police property fund for usage in accordance with the Regulation.
 - Authorise, where appropriate, requests for the donation of unclaimed found property to causes holding charitable status.
- 2.34 To make necessary arrangements to engage with communities and partner agencies, to solve local policing problems.

3. DELEGATIONS TO THE CHIEF EXECUTIVE

- 3.1 To act as the nominated officer for the purposes of the Money Laundering Regulations 2003 and associated legislation and/or guidance.
- 3.2 To act as “Proper Officer” to deal with various administrative matters involving the Authority, except where those functions are delegated to others.
- 3.3 In conjunction with the Treasurer to manage the budget retained by the Authority for its own purposes and in particular:
 - To place orders for goods and services and to incur expenditure for which provision has been made in the revenue budget;
 - To invite and accept quotations and tenders for goods and services for which provision is included in the revenue budget;
 - To undertake such powers and duties delegated to him from time to time under the Authority’s Contract and Financial Standing Orders
- 3.4 To liaise with the Chief Constable, to make regarding all insurance matters.
- 3.5 To affix the Common Seal of the Authority and to sign on behalf of the Authority any document to give effect to any decisions made by the Authority, any member body or officer acting within delegated powers or to execute as a deed any appropriate documents or to sign any relevant contracts on behalf of the Authority, any member body or officer acting within delegated powers.
- 3.6 To sign on behalf of the Authority any indemnity required to enable the Authority to exercise any of its functions, provided that where the giving of an indemnity could have significant financial implications, such indemnity shall only be signed with the approval of the Treasurer.
- 3.7 To approve ex-gratia payments to complainants up to £1000 in relation to upheld complaints where a financial remedy is appropriate.
- 3.8 To process all appeals lodged by police officers retired on the grounds of ill health and to implement the subsequent awards made in accordance with the provisions of the Police & Pensions Regulations.
- 3.9 To appoint and dismiss staff employed by the Authority who are not under the control and direction of the Chief Constable; to make recommendations to the Authority relating to their Terms and Conditions of Service and to make all discretionary decisions under the Local Governments Pension Scheme in respect of those staff, in consultation with the Treasurer and the Monitoring Officer as necessary.
- 3.10 To consider, in conjunction with the Chair of the Professional Standards & HR Committee and the Monitoring Officer, any complaint made against a Chief Police Officer and where deemed appropriate to make arrangements for the appointment of an Investigating Officer to investigate the complaint.
- 3.11 To respond as necessary to consultations on proposals affecting the Authority in advance of Authority meetings having first taken the views of the Chair, Chief Constable or Treasurer as appropriate. Actions taken under this

provision are to be the subject of a report to the next appropriate meeting of the Authority.

- 3.12 To make arrangements for the appointment of members to the Authority or its committees or panels, including receiving and/or witnessing declarations of acceptance of office and resignations.
- 3.13 To appoint a Member to any Authority Committee or Panel for the duration of a meeting as a substitute in place of a Member of the Committee or Panel who will be absent from that meeting.
- 3.14 To approve the attendance of substitute Members at meetings of external bodies and organisations on which the Authority is represented.
- 3.15 To approve the attendance of Members at conferences, seminars and training courses and the consequent payment of attendance allowance, travelling and subsistence expenses.
- 3.16 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.
- 3.17 In consultation with the Chair of the Custody Visitors Sub Committee:
 - 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.
- 3.18 To determine appeals, as the "Scheme Manager" against decisions of the Senior Officer of the pension staff at Warwickshire County Council in accordance with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.
- 3.19 To ensure, in consultation with the Chief Constable, appropriate arrangements are made to obtain the views of the community on the policing of Warwickshire and the prevention of crime therein.
- 3.20 To ensure an annual local policing summary for each household is produced as soon as possible after the end of each financial year.
- 3.21 To take and implement decisions on matters relating to the day to day administration of the areas within his responsibility and to take any necessary decisions incidental to policy decisions that have been taken by the Authority.

4. DELEGATIONS TO THE MONITORING OFFICER

- 4.1 To act as “Monitoring Officer” under Section 5(1) of the Local Government and Housing Act 1989.
- 4.2 To be responsible for the Authority’s legal affairs including responsibility for;
 - Complying with legal requirements regarding the publication and accessibility of Authority reports and documents and determining any related disputes
 - Ensuring that a register of members’ interests is maintained and kept up to date
 - Receiving and recording declarations of interests from members made at meetings of the Authority or its committees
 - Ensuring that a written summary is made of proceedings of the Authority or its committees
 - Seeking Counsel’s opinion or other expert advice and retaining Counsel whenever this is considered to be in the interest and to the benefit of the Authority.
- 4.3 To be the Authority’s professional advisor on legal and standards related matters, the duties being to;
 - Provide legal advice to the Authority on all aspects of its activity including the strategic planning and policy making process
 - Advise the Authority on matters relating to standards, conduct and probity
 - To advise on matters relating to the Constitution and to amend the Constitution to reflect any changes made by the Authority to ensure that it remains up to date
 - Advise the Authority or its committees on points of procedure and/or conduct at meetings
 - Advise in consultation with the Chief Executive and the Chief Constable on matters related to risk management and insurance
- 4.4 To affix the Common Seal of the Authority and to sign on behalf of the Authority any document to give effect to any decisions made by the Authority, any member body or officer acting within delegated powers or to execute as a deed any appropriate documents or to sign any relevant contracts on behalf of the Authority, any member body or officer acting within delegated powers.
- 4.5 To authorise the institution, defence, withdrawal or settlement of any claims or legal proceedings on behalf of the Authority in consultation with the Chief Executive (and the Treasurer where there are significant financial implications). Any decisions taken under this provision must be reported to the next scheduled meeting of the Authority.
- 4.6 To sign and issue and serve notices or legal documents on behalf of the Authority
- 4.7 To maintain a list of Authorising Officers of the Authority under the Regulation of Investigatory Powers Act and to exercise overall management control of authorisations made by the Authority under the Act.

- 4.8 To fix fees for copies of documents and extracts of documents requested by the public under the provisions of the Local Government (Access to information) Act 1985 or the Freedom of Information Act 2000 or Data Protection legislation.
- 4.9 In consultation with the Chief Executive, to maintain and review Contract Standing Orders, keep them up to date and monitor their operation.
- 4.10 To deal with as appropriate any matters referred to him under the Members' Code of Conduct.
- 4.11 In consultation with the Chief Executive (and the Treasurer as regards financial irregularities) to carry out or supervise investigations into any suspected irregularities
- 4.12 To undertake such powers and duties delegated to him from time to time under the Authority's Contract and Financial Standing Orders.

5. DELEGATIONS TO THE TREASURER

- 5.1 To act as "Proper Officer" in accordance with Section 151 of the Local Government Act 1972 to deal with various financial matters involving the Authority.
- 5.2 To be responsible for the administration of the Authority's financial affairs as set out in Section 112 & 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 1993 and 1996. 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.
- 5.3 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.
 - Secure the preparation of statutory and other accounts.
 - Advise in consultation with the Chief Executive 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.

- 5.4 To be responsible for the investment of the Authority's money and borrowing of money as necessary in accordance with the Treasury Management Strategy (which forms part of the Police Authority Annual Budget Setting Process) approved by the Authority. The Treasurer may arrange for the Chief Constable to undertake or procure this activity in a manner acceptable to the Treasurer.
- 5.5 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;
 - Liabilities falling to be discharged by the Authority not otherwise detailed in Financial Standing Orders
- Any decisions taken under this provision must be reported to the next scheduled meeting of the Authority.
- 5.6 To make arrangements for the expeditious recovery of debts of the Authority and to approve write-offs of irrecoverable debts of up to £1,000.
- 5.7 To be responsible for all banking arrangements together with the creation, closure or authorisations of any account.
- 5.8 To authenticate cheques bearing lithograph signatures where such authentication is required under the Authority's banking arrangements.
- 5.9 To decide any cases of uncertainty in relation to a Member's expenses and allowances.
- 5.11 In consultation with the Chief Executive and the Monitoring Officer to carry out or supervise investigations into any suspected financial irregularities.
- 5.12 To undertake such powers and duties delegated to him from time to time under the Authority's Contract and Financial Standing Orders.

6. MATTERS OF URGENCY

- 6.1 Matters of urgency are dealt with in accordance with paragraph 26 of the Authority's Procedural Standing Orders.