

# WARWICKSHIRE POLICE AUTHORITY

## CONSTITUTION

### ARTICLES

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## **ARTICLE 1: THE WARWICKSHIRE POLICE AUTHORITY AND ITS CONSTITUTION**

- 1.1 This Constitution, and all its Schedules and Appendices, is the Constitution of Warwickshire Police Authority.
- 1.2 The purpose of Warwickshire Police Authority is collectively to ensure that Warwickshire has an efficient and effective Police Force ("the Force") by:
  - following consultation with the local community, setting the strategic direction for the Force and independently scrutinising the Force performance;
  - seeking to achieve value for money (Best Value) and continuous improvement in all services provided by the Force;
  - maintaining constructive partnerships with the local community, the Police Force, Local Authorities, HMIC, and the Audit Commission;
  - demonstrating that services are delivered fairly and without discrimination;
  - implementing the national Good Governance Standards; and
  - overseeing and authorising the work of individual members of the Police Authority.
- 1.2 The purpose of this Constitution is to:
  - help the Police Authority and its members to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
  - support the active involvement of citizens in the process of Police Authority decision-making;
  - encourage openness and transparency by ensuring that those who make decisions are clearly identifiable to local people, and that they explain the reasons for decisions;
  - promote high standards of conduct by members and officers and provide a means of holding decision-makers to public account;

- enable efficient and effective decision-making and improve the delivery of services to the community.
- 1.3 The Police Authority will exercise its powers, duties and functions in accordance with the law and this Constitution.

## **ARTICLE 2: MEMBERS OF THE POLICE AUTHORITY: APPOINTMENT, RIGHTS AND RESPONSIBILITIES**

- 2.1 The Police Authority will comprise 17 members. Members are drawn from two groups: elected councillors of Warwickshire County Council, and independent members. With effect from 1 October 2008, the membership of the Authority will comprise 9 elected councillors of Warwickshire County Council and 8 independent members of whom 1 must be a lay justice.
- 2.2 Only registered voters of the county or those living or working there will be eligible to hold the office of member. Those members who are elected councillors of Warwickshire County Council will be appointed by Warwickshire County Council. Those members who are independent members will be appointed by a panel of Police Authority Members and external representatives for a term of four years.
- 2.3 In addition to any specific responsibilities set out in this Constitution or otherwise allocated to them from time to time, all members will fulfil the following key roles:
- represent the people of Warwickshire and the interests of individual constituents;
  - provide community leadership and contribute to the good governance of the area;
  - actively encourage community participation and citizen involvement in decision-making;
  - collectively be the ultimate policy makers and participate in the governance and management of the Police Authority; and
  - promote and maintain the highest standards of conduct and ethics in the conduct of Police Authority business.
- 2.4 Members will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Schedule 4 of this Constitution.
- 2.5 Members will not make public information which is confidential or exempt without the consent of the Police Authority or divulge information given in confidence to anyone other than a member or officer entitled to know it.
- 2.6 Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Schedule 5 of this Constitution.
- 2.7 Members will have rights of access to such documents, information, land and buildings of the Police Authority as are necessary for the proper discharge of their functions and in accordance with the law.

- 2.8 Members will have rights to speak, or raise an item at, all Police Authority meetings at the discretion of the Chair and provided they comply with Procedural Standing Orders and the Members' Code of Conduct.
- 2.9 The Chair of the Police Authority will be appointed from the members of the Police Authority in accordance with Procedural Standing Orders and will have specific responsibilities:
- to help to uphold and promote the purposes of the Constitution, and to interpret the Constitution where necessary;
  - to preside over meetings of the Police Authority so that its business can be carried out efficiently and with regard to the rights of members and the interests of the community;
  - to ensure that the Police Authority meeting is a forum for the debate of matters of concern to the local community and the place at which members are able to hold to account other members or officers in relation to decisions or functions for which they have responsibility;
  - to help to promote public involvement in the Police Authority's activities; and
  - to attend such civic and ceremonial functions as the Police Authority and he/she determines appropriate.

### **ARTICLE 3: CITIZENS' RIGHTS AND RESPONSIBILITIES**

- 3.1 Citizens have the following rights. Their rights to information, to participate and to complain are explained in more detail in Parts [3], [4] and [6] of this Constitution.
- 3.2 Citizens have the right to access information about the Police Authority including by:
- attending meetings of the Police Authority and any of its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - finding out from the forward plan (published on the Police Authority's website) what decisions will be taken by the Police Authority and when;
  - seeing reports and background papers, and any records of decisions made by the Police Authority and its committees which are open to the public;
  - inspecting the Police Authority's accounts during the audit process and make their views known to the external auditor, and
  - exercising their rights under legislation including the Freedom of Information Act 2000 and the Data Protection Act 1998.
- 3.3 Citizens have the right to participate in public interest debates, public question time where provided for in procedural standing orders, and where appropriate, and by invitation, in the investigations by special committees or working parties.
- 3.4 Citizens have the right to complain to:
- the Police Authority itself under its complaints procedure;
  - the Local Government Ombudsman after using the Police Authority's own complaints procedure;

- the Standards Board for England about a breach of the Member's Code of Conduct.
- 3.5 Citizens are obliged to be open and truthful in their dealings with the Police Authority.
- 3.6 Citizens must not be violent, abusive or threatening to members or officers and must not damage property owned by the Police Authority, or members or officers.

#### **ARTICLE 4: THE POLICE AUTHORITY: POWERS, DUTIES AND FUNCTIONS**

- 4.1 The Warwickshire Police Authority, as a collective body of all of its members, is the public corporation recognised in law as being responsible for ensuring the provision of an efficient and effective police force in the county of Warwickshire. All committees, panels and officer responsibilities set out in this Constitution are established under the powers of the Police Authority.
- 4.2 The powers, duties and functions of the Police Authority may change from time to time. The current statutory powers, duties and functions of the Police Authority are set out in Appendix 1 to these Articles. These include:
- publishing annually, a three year rolling policing plan for Warwickshire which sets local priorities within the national priorities set by the Home Secretary;
  - consulting local communities to include appropriate concerns within the policing plan;
  - holding the Chief Constable to account for the continuous improvement of performance and efficiency of the Force;
  - setting and auditing the annual budget to ensure the delivery of the policing plan and to secure value for money;
  - scrutinising the performance of the Force and responding appropriately to the outcomes of local county and district scrutiny processes;
  - appointing and retaining high quality staff at ACPO level;
  - supporting the ACPO team and sharing the leadership role with them; and
  - leading the Police Authority's commitment to fair and non discriminatory practice in the management of staff and the delivery of services to the public.
- 4.3 Subject to any legislative requirement to the contrary, only the Police Authority will exercise the following functions:
- adopting, changing or suspending the Constitution to the extent permitted by Article [9];
  - approving or adopting the policy framework and the budget (see below);
  - making decisions which are contrary to the policy framework or decisions which are contrary to or not wholly in accordance with the budget ;
  - agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
  - appointing representatives to outside bodies;
  - adopting an allowances scheme under Article [2.6];

- confirming the appointment of the Chief Executive, the Monitoring Officer and the Treasurer;
- confirming the appointment of the Chief Constable of Warwickshire Police; and
- all other matters which, by law, must be reserved to the Police Authority.

4.4 In Article [4.3] above and wherever else in this Constitution the context supports it:

- “the policy framework” means plans and strategies which the Police Authority may from time to time decide to adopt, and includes the three-year policing plan and any policies or strategies required by law.
- “the budget” includes the allocation of capital and revenue resources, the precept level, the council tax, the planned use of reserves, the Police Authority’s borrowing limit and the virement limits.

## **ARTICLE 5: GROUPS, COMMITTEES AND PANELS OF THE POLICE AUTHORITY**

### **STEERING GROUP**

5.1 The Police Authority will appoint a Steering Group to scrutinise the priority performance issues of the Force; to liaise with the Chief Constable and co-ordinate the work of the authority across its Governance Streams. The membership of the steering group and stream groups and their responsibilities are set out in Schedule 2.

### **RESOURCES ASSURANCE GROUP**

5.2 The Police Authority will appoint a Resources Assurance Group to ensure that there is certainty in the outcomes of the Authority’s Medium Term Financial Plan and Efficiency Targets and advising the Authority on the nature and timing of changes which are required to sustain protection in Warwickshire.

### **COMMITTEES**

5.3 The Police Authority will appoint committees to discharge certain of its functions. These committees will have decision-making powers to the extent set out in the scheme of delegation [in Schedule 1] of this Constitution.

#### **Standards Committee**

5.3.1 The Police Authority will appoint the Standards Committee, whose role will include promoting and maintaining high standards of conduct by members and oversight of other arrangements for the maintenance of probity allocated from time to time by the Police Authority.

5.3.2 The Standards Committee will be chaired by an independent appointment who is external to (that is to say, is not a member of) the Authority. In addition, the Chair of the Professional Standards Committee plus 2 other appointed members will serve on the Committee.

5.3.3 The role of the Chair of the Standards Committee will include liaising with the Chair of the Authority, the Chief Executive and the Monitoring Officer to ensure the Authority implements all the legislative requirements of good governance. The Chair will also ensure the Committee meets at least annually and when otherwise required by events.

### **Appointments and Remuneration Committee**

5.3.4 The Police Authority will appoint the Appointments and Remuneration Committee, whose role will include ensuring that high quality persons are appointed and appropriately remunerated (within any rules determined by the Home Secretary) for the following posts:

- for Police Officers at ACPO rank level and Civilian Staff
- for the post of Chief Executive of The Authority
- for posts in support of the Chief Executive and the Authority.

5.3.5 The Committee will be chaired by the Chair of the Authority. In addition, membership will comprise the Vice Chair of the Authority plus 3 other members provided always there are 3 elected councillor members on the Committee (Usually the Lead Member for Diversity will be co-opted and other members may be co-opted where necessary).

### **Professional Standards Committee**

5.3.6 The Police Authority will appoint the Professional Standards Committee, whose role will include overseeing the development of high professional standards by:

- ensuring the investigation of complaints against the Force is managed to the agreed standards;
- reviewing actions taken to address unacceptable conduct and performance;
- taking action in respect of complaints, misconduct or grievances relating to senior officers;
- examining the implications of investigations for strategic direction, change management, efficiency and effectiveness;
- enabling the continuous development of members in their governance role to meet the requirements of the national Good Governance Standards.

5.3.7 The appointment of the Chair of the Committee together with 3 additional members will be made through the Authority's selection process.

5.3.8 The role of the Chair of the Committee will include:

- liaising with the Deputy Chief Constable and the Head of Professional Standard to ensure appropriate action is being taken in all relevant cases;

- liaising with the regional commissioner of the IPCC as required to ensure the Authority's interests are protected.

### **Audit Committee**

5.3.9 The Police Authority will appoint an Audit Committee with advisory powers to oversee the auditing of all aspects of the Force use of resources and finance to deliver policing plan priorities and to consult with internal and external auditors and inspectors, recommending to the Authority any actions needed to ensure probity and value for money. The membership of the Committee and detailed responsibilities of its members are set out in [Schedule 1].

## **GOVERNANCE STREAMS, PANELS AND INDIVIDUAL MEMBER LEADS**

5.4 The Police Authority will appoint governance streams, panels and individual members to fulfil certain advisory functions and report back on those functions, and any decisions required to be taken, to the Police Authority. These panels and individual member advisory roles do not confer any decision-making powers under the Police Authority's scheme of delegation. Panel and Lead Member roles are set out in Schedule 2.

### **Governance Stream: Local Policing**

5.4.1 The Police Authority will appoint a group of members with advisory powers in relation to Warwickshire Partnerships and Local Policing. The role of this Governance Stream will be to improve the scrutiny and governance of local policing, making it more relevant to communities by holding the Chief Constable to account for delivery of the three year rolling Policing Plan and entering partnerships within Warwickshire that:

- Increase local influence on policing priorities and the Policing Plan
- Enable the Authority to demonstrate value for money
- Display our commitment to diversity
- Value the contribution being made to services by voluntary effort.

The membership of the Governance Stream and detailed responsibilities of its members are set out in Schedule 2.

### **Community Engagement and Consultation Panel**

5.4.2 The Police Authority will appoint a Panel of members with advisory powers to engage and consult with all key stakeholders in Warwickshire to establish the local policing priorities, supporting their delivery and ensuring the Police Authority contribution to local scrutiny is effective. The membership of the Panel and detailed responsibilities of its members are set out in Schedule 2.

## **Governance Stream: Resources and Standards**

5.4.3 The Police Authority will appoint a group of members with advisory powers in relation to Resources and Standards. The role of this Governance Stream will be to oversee the achievement of value for money and high standards of conduct by:

- advising on allocating resource to underpin policing priorities and scrutinising the results
- ensuring that the Police Authority's and the Force's response to complaints and misconduct reinforces a commitment to high professional standards
- securing high standards of member development and conduct
- improving the Police Authority's response to national policy and consultation.

The membership of the Governance Stream and detailed responsibilities of its members are set out in Schedule 2.

## **Equality, Diversity and Human Rights Panel**

5.4.4 The Police Authority will appoint a Panel of members with advisory powers to advise the Authority and the Force on all aspects of diversity and equality on behalf of the Authority and to monitor the Force in meeting all their statutory responsibilities in relation to diversity and equality. The membership of the Panel and detailed responsibilities of its members are set out in Schedule 2.

## **Governance Stream: Protective Services, Standards and Planning**

5.4.5 The Police Authority will appoint a group of members with advisory powers in relation to External Partnerships, Protective Services and Business Improvement. The role of this Governance Stream will be to improve the governance of protective services and the investigation of serious crime, and scrutinise the impact of the deployment of resources to improve the fair delivery of front line policing. The membership of the Governance Stream and detailed responsibilities of its members are set out in [Schedule 1].

## **OTHER COMMITTEES OR PANELS**

5.5 The Police Authority may from time to time establish such other committees, panels and joint arrangements with such decision-making or advisory powers as it sees fit (subject to the restrictions set out in these Articles or in law). The composition and responsibilities of any such bodies currently in existence are set out in Schedule 2 of this Constitution.

## **ARTICLE 6: OFFICERS OF THE POLICE AUTHORITY**

6.1 The Police Authority may engage such officers as it considers necessary to

carry out its functions.

- 6.2 The Police Authority will be responsible for confirming the appointment, and determining the terms and conditions, of the Chief Executive, the Monitoring Officer, and the Treasurer.
- 6.3 The functions of the Chief Executive, Monitoring Officer and Treasurer are set out in detail in the scheme of delegation in Schedule 1 of this Constitution. Essentially they can be summarised as follows:
- The Chief Executive will be responsible for the corporate and day to day management of the Police Authority, for ensuring that the members of the Police Authority are able to discharge their duties of governance and accountability in respect of the functions and decisions of the Police Authority, and for ensuring the co-ordination of service and the provision of appropriate professional advice;
  - The Monitoring Officer will be responsible for ensuring the lawfulness and fairness of decision-making in relation to Police Authority functions, for compliance with legal obligations, promoting high standards of conduct and probity in relation to members and officers and for contributing to the corporate governance of the Police Authority through the provision of professional advice, auditing and reporting;
  - The Treasurer will be responsible for ensuring the financial prudence of decision-making in relation to Police Authority functions, for reporting to the Police Authority and the Police Authority's external auditor on the lawfulness of expenditure, for administering the financial affairs of the Police Authority including compliance with legal requirements in respect of the Police Authority's annual accounts and budget, and for contributing to the corporate governance of the Police Authority through the provision of professional advice, auditing and reporting.
- 6.4 The Police Authority will provide the Chief Executive, Monitoring Officer and Treasurer with such resources as are sufficient to allow their duties to be performed.
- 6.5 The Chief Executive will appoint and determine the terms and conditions of any officers of the Police Authority other than those officers set out in Article [6.2] above.
- 6.6 Officers will comply with the Officers' Code of Conduct set out in Schedule 4 of this Constitution.

## **ARTICLE 7: PRINCIPLES OF DECISION MAKING**

- 7.1 All decisions of the Police Authority, or its committees, members or officers, will be made in accordance with the following principles:
- proportionality (ie the action will be proportionate to the desired outcome);
  - due consultation and the taking of professional advice from officers;
  - respect for human rights and for equality and diversity;

- a presumption in favour of openness;
  - clarity of aims and desired outcomes; and
  - explaining what options were considered and giving the reasons for the decision.
- 7.2 Any member or officer will follow the applicable Standing Orders set out in Schedule 3 of this Constitution when considering any matter, to ensure that decisions are properly taken and properly recorded.
- 7.3 Any member or officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the Human Rights Act 1998.
- 7.4 Where appropriate, a decision to be taken by the Police Authority or its committees, members or officers will be subject to an equality and diversity impact assessment.
- 7.5 The Police Authority will adopt and maintain a scheme of delegation setting out the functions and decisions delegated from the Police Authority to its committees and officers. All decisions that are delegated by the Police Authority will be taken in accordance with this scheme of delegation.
- 7.6 Wherever these Articles expressly reserve a function or decision to the Police Authority, that decision or function will not be delegated except to the extent permitted by the Articles.

## **ARTICLE 8: THE POLICE AUTHORITY'S FINANCIAL AND LEGAL AFFAIRS**

- 8.1 The management of the Police Authority's financial affairs will be conducted in accordance with the Financial Standing Orders set out in Schedule 3 of this Constitution. These may change from time to time.
- 8.2 Every contract made by the Police Authority will comply with Contract Standing Orders set out in Schedule 3 of this Constitution. These may change from time to time.
- 8.3 The Chief Executive and the Monitoring Officer both have authority to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Police Authority or in any case where he/she considers that such action is necessary to protect the Police Authority's interests.
- 8.4 Where any document is necessary to any legal procedure or proceedings on behalf of the Police Authority, it will be signed by the Chief Executive or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Police Authority has given requisite authority to some other person.

## **ARTICLE 9: REVISION, SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

- 9.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution, and of the Police Authority, are given full effect.
- 9.2 Changes to the Constitution may only be made at a meeting of the Police Authority, after advice from the Monitoring Officer, provided at least one half of the members of the Police Authority are present and on a two-thirds majority of those voting.
- 9.3 The Articles of this Constitution may not be suspended.
- 9.4 The Standing Orders set out in Schedule 3 of this Constitution may be suspended by a meeting of the Police Authority, provided at least one half of the members of the Police Authority are present and on a two-thirds majority of those voting. The extent and duration of suspension will be proportionate to the result to be achieved.
- 9.5 The ruling of the Chair of the Police Authority as to the construction or application of this Constitution or as to any proceedings of the Police Authority shall be final at any meeting of the Police Authority. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.
- 9.6 The Monitoring Officer will ensure the Constitution is published as follows:
- by publishing on the Police Authority's website;
  - by making printed copies available to members of the Police Authority; and
  - by making printed copies available for public inspection at the Police Authority's offices.