



NORFOLK POLICE AUTHORITY

Ensuring an Efficient and Effective Police Service

SCHEME OF **DELEGATION**

(Revised April 2009)

The powers delegated to the Chief Constable, Chief Executive and Treasurer should be exercised in accordance with Primary Legislation, Police Authority Standing Orders, Police Authority Financial Regulations, Contract Standing Orders and policies, principles, precedents, plans, strategies and budgets of the Authority as current from time to time.

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1. GENERAL PRINCIPLES OF DELEGATION

- 1.1 The powers delegated to the Chief Constable, Chief Executive, and Treasurer shall be exercised in accordance with:
- Police Authority Standing Orders;
 - Police Authority Financial Regulations;
 - Contract Standing Orders;
 - Policies, principles, procedures, precedents, plans, strategies and budgets of the Authority as current 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, 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 to the Chief Constable:
- 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 Act of Parliament, Statutory Instrument or any Section or Regulation thereof shall also be to the same as at any time 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, and Treasurer shall include such other officers as may be authorised by them to act on their behalf.

- 1.9 The Chief Constable 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. POLICE AUTHORITY FUNCTIONS

NOTE: The Police Authority will discharge the following functions and responsibilities (in line with their Terms of Reference) unless the function is delegated to a Committee or Officer.

- 2.1 To secure and maintain an efficient and effective police force;
- 2.2 To hold the Chief Constable to account for the exercise of his functions and those of persons under his direction and control;
- 2.3 To appoint (subject to the approval of the Secretary of State) the Chief Constable, Deputy Chief Constable, Assistant Chief Constables, the Assistant Chief Officer (Resources) and the Assistant Chief Officer (People);
- 2.4 To agree the police budget and set the precept;
- 2.5 To investigate complaints about the conduct of Chief Police officers or where appropriate refer complaints to the IPCC;
- 2.6 To approve, publish and monitor a 3 year rolling policing plan including Ministerial Priorities, local policing objectives and any performance targets set by the Authority;
- 2.7 To monitor the performance of the Constabulary in complying with the Human Rights Act 1998;
- 2.8 To secure that arrangements are made for the force to co-operate with other police forces where such co-operation would be in the interests of efficiency or effectiveness of their force or would promote the efficiency or effectiveness of policing generally;
- 2.9 To consult with local communities on policing issues;
- 2.10 To appoint a Chief Executive to the Authority, a Monitoring Officer and Treasurer.
- 2.11 To approve the charges for the provision of special police services;
- 2.12 To operate and maintain an Independent Custody Visiting Scheme;

3. DELEGATIONS TO THE CHIEF CONSTABLE

- 3.1 To administer 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 a budget monitoring report to each of the full Authority's meetings.

- 3.2 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.
- 3.3 To be responsible for the day to day management of the police estate, including maintenance of property.
- 3.4 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.
- 3.5 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).
- 3.6 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.
- 3.7 To adjust the police staff and police officer numbers, their locations, ranks and gradings within the overall budget approved by the Authority, except those posts at Chief Officer grade, both uniformed and staff which will be referred to the Authority.
- 3.8 To appoint all Force staff, excluding posts at Chief Police Officer level (including the Assistant Chief Officer (Resources) and Assistant Chief Officer (People)), which will only be made by the Authority.
- 3.9 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 Authority Professional Standards & HR Committee.
- 3.10 To approve 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.
- 3.11 To approve the appointment or secondment of police officers for central services or overseas duty.
- 3.12 In accordance with terms of any approval given by the secretary of state, to grant leave with pay and the payment of appropriate fees and charges in respect of police officers/police staff selected to take degree courses at University.
- 3.13 To implement 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. For the avoidance of

any doubt, all awards relating to Chief Officers shall only be authorised after prior consideration by the Chief Executive and Treasurer.

- 3.14 To approve payments under any Authority approved bonus, productivity of performance related payment schemes and honoraria payments in recognition of additional duties and responsibilities or similar special payments. For the avoidance of doubt, payments in relation to the ACPO PDR/Bonus Scheme shall be reserved to the Authority.
- 3.15 Notwithstanding the provisions of 3.13 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.
- 3.16 To grant essential or casual car user allowances.
- 3.17 To make awards under any Authority approved staff suggestion scheme.
- 3.18 Subject to consultation with the Chief Executive, 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.
- 3.19 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, [and, in accordance with the Regulations, to undertake reviews of such pensions and gratuities from time to time](#) 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 [and reviews undertaken](#) are to be reported to the Authority. The retirement of the Chief Constable, Deputy Chief Constable, Assistant Chief Constable, Assistant Chief Officer (Resources) and the Assistant Chief Officer (People) are to remain for consideration and approval by the Authority.
- 3.20 In accordance with Home Office advice to reimburse the Police Federation the reasonable and necessary legal costs incurred by the Federation in defending a 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.
- 3.21 To acquire the vehicles, plant, equipment and services required by the Authority and to make arrangements for their use, disposal and replacement as appropriate.
- 3.22 To allocate housing to police and other staff, and to deal with any associated matters including the recovery of possession.
- 3.23 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.

- 3.24 To apply for planning permission for the development of property.
- 3.25 To submit proposals for and make objections to the rating valuation lists.
- 3.26 To authorise the disposal of surplus police houses and to agree the terms of such disposals in accordance with the recommendation of a qualified Valuer.
- 3.27 The sale of land and buildings may take place by public auction, public tender or private treaty. The disposal method to 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.
- 3.28 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.
- 3.29 To be responsible for the day to day administration, supervision and effective monitoring of all building, civil engineering, information technology and consultancy contracts entered into by the Authority.
- 3.30 To accept offers of sponsorship, gifts and other income on behalf of the Authority provided that decisions taken are in accordance with any guidance or policy which the Police Authority may from time to time determine or under Section 93 Police Act 1996.
- 3.31 To exercise the powers and duties of the Police (Property) Regulations 1997 and in so doing:
- Authorise, where appropriate, requests for the donation of unclaimed found property to charitable causes
 - Approve the retention of such property where it can be put to good use for police purposes;

4. DELEGATIONS TO THE CHIEF EXECUTIVE

- 4.1 To act as “Monitoring Officer” under Section 5(1) of the Local Government and Housing Act 1989.
- 4.2 To act as “Money Laundering Reporting Officer” under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.
- 4.3 To act as “Proper Officer” to deal with various administrative matters involving the Authority under the Local Government Act 1972 (as amended).
- 4.4 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.

- 4.5 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 or to execute as a deed any appropriate documents or to sign any relevant contracts on behalf of the Authority.
- 4.6 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.
- 4.7 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.
- 4.8 To authorise the institution, defence, withdrawal or settlement of any claims or legal proceedings on behalf of the Authority in consultation with the Head of Legal Services (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.
- 4.9 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.
- 4.10 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 Superannuation Scheme in respect of those staff, in consultation with the Treasurer.
- 4.11 To consider, in conjunction with the Chairman of the Professional Standards & HR Committee, 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.
- 4.12 To respond to consultations on proposals affecting the Authority whenever this may prove necessary in advance of Authority meetings having first taken the views of the Chairman, 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.
- 4.13 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.
- 4.14 To approve the attendance of substitute Members at meetings of external bodies and organisations on which the Authority is represented.
- 4.15 To approve the attendance of Members at conferences, seminars and training courses and the consequent payment of attendance allowance, travelling and subsistence expenses.

- 4.16 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.
- 4.17 In consultation with the Chairman of the Custody Visitors 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.
- 4.18 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.
- 4.19 To act as the Specified Person in accordance with the relevant and extant Pension Regulations relating to the Norfolk LGPS Internal Dispute Resolution Procedure.
- 4.20 To review the Authority's statement of responsibility towards children as required by Section 11 of the Children's Act 2004.
- 4.21 To take all such decisions as may be required in accordance with the Local Government and Public Involvement in Health Act 2007 and Regulations made thereunder relating to complaints alleging breaches of the Authority's Members Code of Conduct; and to take all necessary decisions relating to the engagement of other Independent Persons and/or the procurement of external support or advice in connection therewith.

5. DELEGATIONS TO THE TREASURER

- 5.1 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 2003 and 2006. Taken together these mean that the Treasurer will:
- Ensure the proper administration of the Authority's financial affairs.
 - Provide financial advice to the Authority on all aspects of its activity including the strategic planning and policy making process.
 - Ensure that accounting standards, financial regulations and all other related policies and procedures are observed, kept up to date and applied consistently across the Authority and Constabulary.

- Ensure that accurate, complete and timely financial management information is provided to the Authority and Chief Constable.
 - Assist the Authority to agree a budget requirement and capital programme and to set the precept and advise on the robustness of the estimates and the adequacy of financial reserves.
 - Arrange for the determination, issue and transfer of the precept.
 - Assist the Authority to monitor the revenue and capital budgets.
 - Advise the Authority on issues associated with Value for Money, Activity Based Costing and Efficiency Planning.
 - Secure the provision of an effective internal audit service. Assist in the provision of safe and efficient financial arrangements ensuring there is a system of effective internal control.
 - Oversee the production of the Authority's Statement of Accounts in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom, and the Accounts and Audit Regulations.
 - Report both to the Authority and to the external auditor any unlawful, or potentially unlawful, expenditure or other financial transactions by the members or officers of the Authority or Constabulary.
 - Report both to the Authority and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure.
 - Advise on the safeguarding of assets including risk management and insurance issues.
 - Secure and monitor treasury management including loans and investments and ensure compliance with the Prudential Code and Treasury Management Code, including regular reports to Police Authority.
 - Be responsible for all banking arrangements and authorise the creation and closure of any account.
- 5.2 The Treasurer, in consultation with the Chief Executive and the Chief Constable, shall be given powers to institute any proceedings or take any action necessary to safeguard the finances of the Authority.

6. MATTERS OF URGENCY

- 6.1 Where any matter arises which would normally be referred to the Authority for a decision but which cannot await the next scheduled meeting and where the Chairman considers it inappropriate to convene an extraordinary meeting, the

matter may be decided by the appropriate Chief Officer in consultation with the Chairman and/or Vice Chairman and the other Chief Officers.

6.2 Where any matter arises which would normally be referred to a Committee for a decision but which cannot await the next scheduled meeting or where the Chairman and/or Vice Chairman concludes it inappropriate to convene an extraordinary Committee meeting, the matter may be decided by the appropriate Chief Officer in consultation with the Chairman of the Committee and the other Chief Officers.

6.3 The appropriate Chief Officers authorised to determine urgent matters are:

Chief Constable	-	operational and financial issues affecting the Force
Treasurer	-	financial and related issues affecting the Authority
Chief Executive	-	all issues other than operational matters

6.4 Urgent decisions taken under the above provisions must be notified to all Members of the Authority or Committee as appropriate as soon as practicable and a report on the matter included in the next agenda.