

SCHEME OF DELEGATION OF POWERS TO OFFICERS

1 Introduction

1.1 Good governance is core business for Humberside Police Authority. The delivery of the policing service is broadly the function of the Force. This means the operational management functions are principally delegated to the Chief Constable. However, there are certain aspects where the Police Authority has a direct responsibility for managing its own business.

1.2 It is important therefore that the Police Authority and the Force should operate transparent and sound decision making processes with an effective system to support it.

1.3 Humberside Police Authority, in common with most Police Authorities, operates corporate decision making arrangements, yet to facilitate effective operational management and expediency in decision making certain decisions can be delegated to 'Senior Officers' of both the Authority and the Force.

1.4 This scheme sets out those functions and decisions for which the Police Authority has given the officers delegated authority to act. The scheme forms part of the Authority's Corporate Governance Framework and therefore should be read in conjunction with:

- i. Committee Terms of Reference
- ii. Police Authority Standing Orders
- iii. Police Authority Financial Regulations and delegated limits
- iv. Contract Standing Orders
- v. Members' Code of Conduct

And in accordance with:

- i. Policies, principles, procedures, strategies and plans; and
- ii. Budgets of the Authority as in place at the time.

1.5 Delegation is made by the Humberside Police Authority in accordance with its powers to delegate (to committees, sub committees and officers) under the provisions of section 101 (and section 107) of the Local Government Act 1972. In exercising delegated authority officers must abide by the above as these contain further detailed delegations.

1.6 The delegation framework is intended to ensure the efficient discharge of the Police Authority's business by providing for decision making to be carried out at the appropriate level i.e. the Chief Constable being able to carry out his responsibility for operational matters and the Police Authority being able to concentrate on fulfilling its statutory functions and dealing with issues of strategic importance.

1.7 The Chief Executive and Monitoring Officer, Chief Constable and Director of Performance and Resources may authorise officers in other named posts under their direction and control to act on their behalf in exercising any of their delegated powers. This authorisation should be made in writing.

1.8 The Police Authority (and any of its standing committees) may require that a specific matter be referred to it for a decision and not dealt with under delegated powers as provided by s.22(3) of the Police Act 1996.

1.9 The Police Authority expects its officers, when exercising these delegated powers, to draw its attention to issues which are, or have the potential to be, sensitive, contentious or have a

significant financial implication and, whenever it is considered prudent to do so, seek the views of, or a decision from, the Authority on the issue in question.

1.10 The Chief Executive and Monitoring Officer, Chief Constable or Director of Performance and Resources should, when considering a professional or technical matter that is within the sphere of competence of another of these officers, consult with the appropriate professional officer before authorising the action.

1.11 All decisions made by officers under powers delegated to them by the Authority shall be properly documented and available for inspection by Members and internal and external audit.

1.12 The Chief Constable shall be responsible for ensuring the provisions and obligations of the Corporate Governance Framework and this Scheme of Delegation of Powers to Officers are properly drawn to the attention of staff under his direction and control.

2 Humberside Police Authority – Role and Responsibilities

2.1 Humberside Police Authority's core statutory duty is to secure the provision of an efficient and effective police service on behalf of the public of the Humberside policing area. Humberside Police Authority is part of the 'tripartite structure' with responsibility for policing together with the Home Secretary and the Chief Constable and acts as the employer of all Humberside Police non-sworn staff.

2.2 To fulfil its core statutory duty Humberside Police Authority has a number of duties and responsibilities. The main ones are illustrated below and the Police Authority will discharge these unless they are delegated to a Committee, Sub Committee or Chief Officer.

- i. Hold the Chief Constable to account for the quality and cost of policing services;
- ii. Determine and approve the annual policing precept and police budget. Thereafter to approve the use of police authority reserves;
- iii. Ensure arrangements are in place within the Force for proper financial management;
- iv. Ensure that the Force has adequate arrangements for the management of risk;
- v. Ensure that the Force acts within its powers and in accordance with the law;
- vi. To appoint (and dismiss, if necessary) the Chief Constable and other Chief Police Officers and determine their conditions of service;
- vii. To approve, publish and monitor the 3 year strategic policing plan (including annual policing plan);
- viii. To set and monitor local policing objectives and targets (taking account of any national objectives and targets set by the Home Secretary);
- ix. Ensure that the Force keeps improving, including receiving HMIC force inspection reports and responding to HMIC about implementing recommendations;
- x. To call for reports from the Chief Constable on such matters as may be specified, being matters connected with the policing of the Force area;
- xi. To publish an annual policing summary / annual report on the extent to which objectives contained in the strategic policing plan have been achieved and comment thereon;
- xii. To approve any change of numbers of Chief Officers or the ratio of police officers to police staff in the Chief Officer Group;
- xiii. To consider and investigate (where appropriate) complaints about the conduct of Chief Officers or (where appropriate) refer complaints to the Independent Police Complaints Commission (IPCC);
- xiv. Oversee professional standards and complaints issues within the Force;
- xv. To make arrangements to engage local people regarding the policing of their area and obtain their co-operation in preventing crime and anti-social behaviour;
- xvi. Work in partnership with others to reduce crime and disorder and the fear of crime;
- xvii. Secure collaboration between forces in the interests of efficiency and quality of policing services delivered to the public;
- xviii. Monitor the Force's compliance with human rights legislation;

- xix. To promote diversity within the Force and Authority and ensure relevant legislation governing diversity is complied with;
- xx. Meet employer's liabilities, including health and safety requirements, and ensure the force does likewise;
- xxi. Publish annual accounts to demonstrate the authority's stewardship of public funds;
- xxii. To maintain and operate an Independent Custody Visiting Scheme to provide an independent check on persons being detained in police cells;
- xxiii. To appoint (and dismiss) a Chief Executive and Monitoring Officer to the Authority and a s.151 Officer.

2.3 Whilst it is the Police Authority's role to oversee and scrutinise all Force activity it should not interfere with the day to day operational functions of the Force which are the preserve of the Chief Constable.

3 Urgency Powers

3.1 There is a presumption that all decisions not delegated to the officers will be made through the Authority's normal committee processes.

3.2 In circumstances where an urgent decision is needed it is preferable, if timescales allow, for that matter to be determined by one of the Authority's Standing Committees, irrespective of whether the subject matter forms part of that Committees normal terms of reference.

3.3 Where any matter arises, however, that cannot await the next meeting of the Police Authority or appropriate standing committee and where the Chair of the Authority feels that it is inappropriate to call an extraordinary meeting, the following urgency powers will be invoked:

The Chief Executive and Monitoring Officer, Director of Performance and Resources and the Chief Constable may take the necessary decision provided she / he has first obtained the written support of the Chair of the Authority in the form of a decision record. The Chief Executive and Monitoring Officer / Director of Performance and Resources will consult with the Vice Chair of the Police Authority in the absence of the Chair.

3.4 Urgent decisions taken under the above provisions must be notified to all Members of the Authority at the next meeting of the Authority.

4 Powers delegated to the Chief Executive and Monitoring Officer

Monitoring Officer Function

4.1 To act as Monitoring Officer in accordance with section 5(1) of the Local Government and Housing Act 1989.

4.2 To maintain under section 81 (1) of the Local Government Act 2000 a Register of Members' personal interests including any gifts or offers of hospitality and to maintain a Register for Members and Officers in relation to the anti-discrimination Code of Conduct.

Legal Functions

4.3 To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where the Chief Executive and Monitoring Officer considers that such action is necessary to defend the Authority's interests.

4.4 Where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Chief Executive and Monitoring Officer or other person nominated by the Chief Executive and Monitoring Officer, unless any enactment otherwise authorises or requires, or the Authority has given requisite authority to some other person.

4.5 The Common Seal of the Authority will be kept in a safe place in the custody of the Chief Executive and Monitoring Officer. A decision of the Authority, or any part of it, will be sufficient for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Chief Executive and Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Executive and Monitoring Officer or some other person authorised by the Chief Executive and Monitoring Officer.

4.6 To agree any fees for copies or extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985 and the Freedom of Information Act 2000.

4.7 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.

4.8 To advise and represent the Authority on all legal matters.

Management/Human Resources

4.9 For staff directly employed by the Authority (who are not under the direction and control of the Chief Constable) to manage staff resources and the determination of general staffing issues, including:

- i. The appointment and dismissal of staff and the determination of terms and conditions of service;
- ii. For the appointment of senior posts, to ensure member involvement in the recruitment and determination of terms and conditions;
- iii. The management and implementation of disciplinary, grievance and harassment policies and procedures;
- iv. Approving a Performance and Development Review (PDR) Scheme for all Secretariat staff;
- v. Agreeing incremental changes to grades and pay bands;
- vi. The extension of service for staff over normal retirement age;
- vii. Granting leave of absence without pay beyond that provided for;
- viii. The payment of honoraria to officers who have undertaken additional duties over an extended period in the absence of a more senior officer;
- ix. The engagement of temporary or agency staff or consultants;
- x. Approving the attendance of officers at conferences / seminars;
- xi. To manage any other matters involving Police Authority Secretariat, including staff resources and service delivery;

4.10 To approve minor restructurings of establishment of up to three posts in relation to the Authority's Secretariat, subject to:

- i. Confirmation that the proposals are unlikely to have any repercussions on or significance for other elements of the staffing structure;
- ii. There being budget provision for the proposals;
- iii. Consultation with the trades union.

4.11 To manage (in conjunction with the Director of Performance and Resources) that part of the budget which is not delegated to the Chief Constable, in accordance with the Authority's Financial Regulations and Standing Orders.

4.12 To place orders for goods and services and to incur expenditure for which provision is included in the revenue budget.

4.13 To invite and accept quotations and tenders for goods and services for which provision is included in the revenue budget in accordance with Financial Regulations and Contract Standing Orders.

General

4.14 To agree the attendance of Members at conferences, seminars and other events. If the cost per member exceeds £1,000 then agreement must be sought from the Chair or Vice Chair of the Police Authority. The Director of Performance and Resources may also exercise this delegated power in the absence of the Chief Executive and Monitoring Officer.

4.15 To agree changes to scheduled Authority or Committee dates and Committee membership, in consultation with the Chair of the Authority or the relevant Committee Chair, as appropriate.

4.16 To select, in consultation with the Chair of the Human Resources Committee, three Members of that Committee to form the Appeals Sub-Committee to hear any appeal by a member of police staff, in accordance with Force policies on discipline, grievance, dismissal or regrading.

4.17 In connection with complaints against Chief Officers received by the Authority in accordance with the Police Reform Act 2002, to determine, in conjunction with the Chair of the Human Resources Committee:

- i. Whether or not the Authority is the appropriate body to consider such a complaint.
- ii. Whether or not to refer the complaint to the IPCC, subject in the case of a public interest referral, to consultation with the Chair of the Human Resources Committee and, if appropriate the Chief Constable.
- iii. Decide whether or not to record the complaint.
- iv. If the Authority is the appropriate body, and in accordance with IPCC guidance whether or not the complaint relates to the direction and control of the Force and so should be referred to the Chief Constable for consideration.

4.18 In consultation with the lead Member for the Independent Custody Visiting Scheme, to appoint and remove visitors.

4.19 To respond to consultations affecting the Authority whenever this may prove necessary for reasons of timing of Committee meetings, in consultation with the Chair of the Authority or appropriate Committee Chair.

4.20 To make the necessary arrangements and appointments to constitute a Police Appeals Tribunal under schedule 6 of the Police Act 1996 in the event that notice is received under section 85 of the Act.

4.21 To provide Secretariat assistance to the Panel for the Selection of Independent Members in accordance with Schedule 3 of the Police Act 1996.

4.22 To approve the attendance of substitute Members at meetings of external bodies and organisations on which the Authority is represented.

4.23 To authorise payments of Members' expenses and allowances (including annual cost of living increases) 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. The Director of Performance and Resources may also exercise this delegated power.

4.24 To ensure appropriate forums are established, maintained and regularly reviewed through which the views of the community on policing, anti-social behaviour and the prevention of crime are obtained.

4.25 To make arrangement as necessary to appoint four Independent Members of the Authority's Standards Committee and make the appropriate payments in accordance with section 7 of the Members' Allowances Scheme when attendance is reasonably justified.

5 Powers delegated to the Director of Performance and Resources

5.1 The Director of Performance and Resources (and the Chief Constable) will arrange for the financial management of the service in accordance with the details and delegations set out in financial regulations. The following delegations listed 5.2 to 5.5 apply:

5.2 The Director of Performance and Resources shall be responsible for the administration of the Authority's financial affairs as set out in Sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003. The responsibilities are to:

- i. Provide professional financial advice to the Authority including advice on arrangements for financial delegation;
- ii. Advise the Authority on the content and implications of the budget and medium term financial strategy / plans;
- iii. Assist the Authority in seeking to obtain best value for money;
- iv. Ensure that accurate, complete and timely financial management information is provided to the Authority;
- v. Advise the Authority on financial propriety;
- vi. Provide, under delegation from the Authority, an adequate and effective internal audit service and assistance in securing safe and efficient financial arrangements;
- vii. Secure the preparation and publication of statutory and other accounts;
- viii. Secure appropriate banking arrangements and treasury management including loans and investments;
- ix. Advise on risk management and insurance;
- x. Work with the Chief Executive and Monitoring Officer to the Authority to ensure effective corporate management of the Authority's resources.

5.3 To determine whether to write off debts considered irrecoverable, including in cases where write-off action results from theft or fraud, up to an individual maximum amount of £10,000. Above this limit Authority or Finance Committee approval is required. An annual report shall be produced for Members of the Finance Committee detailing the total amount of debt write offs.

5.4 In the absence of the Chief Executive and Monitoring Officer to agree the attendance of Members at conferences, seminars and other events. If the cost per member exceeds £1,000 then agreement must be sought from the Chair or Vice Chair of the Police Authority.

5.5 To authorise payments of Members' expenses and allowances (including annual cost of living increases) 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 allowances. The Chief Executive and Monitoring Officer may also exercise this delegated power.

6 Powers delegated to the Chief Constable

Financial

6.1 The statutory responsibilities of a 'Chief Finance Officer' are set out in Sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 2003. The Home Office Financial Management Code of Practice recommends that, wherever possible, the financial management of the Force takes place within that Force.

6.2 The Chief Constable (and Director of Performance and Resources) will arrange for the financial management of the service in accordance with the details and delegations set out in the financial regulations. The following delegations listed 6.3 to 6.27 apply:

6.3 The Chief Constable shall undertake the day to day financial management of Humberside Police, including responsibility for Force expenditure provided that such responsibility is exercised in accordance with the law and with the Authority's Financial Regulations and Contract Standing Orders and any statutory guidance and codes of practice. The Chief Constable should also have regard to the Corporate Governance Framework and submit, as a standing item, revenue and capital budget monitoring reports to the Authority's Finance Committee.

6.4 The Chief Constable shall appoint a Chief Officer with responsibility for financial matters, known in Humberside Police as the Assistant Chief Officer (Support), with a professional qualification to take responsibility for the Finance function and for ensuring robust financial policies and procedures are in place. This will include such matters as the provision of payroll, pensions and general financial administration, subject to the role of the Director of Performance and Resources as S.151 Officer.

6.5 The Assistant Chief Officer (Support) shall:

- i. Provide the strategic financial perspective on the main management board of Humberside Police;
- ii. Provide financial expertise, advice and information within Humberside Police directly to the Chief Constable to enable him to fulfil his delegated responsibility from the Humberside Police Authority for the financial management of Humberside Police.
- iii. Provide professional leadership of the finance function within Humberside Police, ensuring that high standards of financial management are maintained; that financial systems and procedures promote the effective conduct of business; and that financial considerations are fully taken into account in all policy decisions.
- iv. Work closely with the Director of Performance and Resources of the Humberside Police Authority to make proposals for the Financial Regulations and the delegated limits within which Humberside Police will operate. To ensure that managers at all levels are aware of their responsibilities in relation to these Financial Regulations and that they adhere to them.
- v. Support the Director of Performance and Resources to the Humberside Police Authority in his statutory responsibilities for the financial affairs of Humberside Police by ensuring probity, legality and appropriate standards in all financial dealings.
- vi. Act as the main point of contact with the Director of Performance and Resources in providing, receiving and interpreting information on the financial affairs of Humberside Police.
- vii. Ensure effective control of financial planning, budgeting and monitoring within a devolved budget framework in respect of all Humberside Police income and expenditure. Nominated budget holders within the Force will have responsibility for that part of the budget allocated to them.
- viii. Ensure that the Authority's intellectual property rights are not compromised by commercial agreements, and shall report any significant issues in this respect to the Chief Executive and Monitoring Officer.
- ix. Take the lead in developing, refining and implementing the medium term financial strategy in Humberside Police.
- x. Be authorised by the Director of Performance and Resources to operate bank accounts on behalf of the Authority.
- xi. Provide the Chief Constable with expertise, advice and information to enable him to fulfil his delegated responsibility in respect of procurement, transport, property matters, information technology, communications and other support services.

6.6 The Chief Constable shall consult the Chief Executive and Monitoring Officer / Director of Performance and Resources, who will determine whether the Authority's approval should be sought, for all expenditure proposals of an exceptional nature because of particular difficulty, potential public interest or sensitivity.

6.7 The Chief Constable may commit expenditure or vire between budget headings within the overall approved budget to meet the policies and objectives agreed with the Authority and reflected in the three year strategic policing plan. Such virements must be in accordance with the limits set out in the financial regulations of the Police Authority. These will be reported to the Authority through the budget monitoring mechanism.

6.8 The Chief Constable may write off debts considered to be irrecoverable up to an individual maximum amount of £10,000. Any individual write off above £10,000 must be referred to the Authority or the Authority's Finance Committee, as appropriate, for approval. All cases where write-off action results from theft or fraud shall be referred to the Director of Performance and Resources for approval up to an individual maximum of £10,000 and to the Authority's Finance Committee as appropriate above £10,000.

6.9 To accept income, offers of sponsorship and gifts on behalf of the Police Authority provided that decisions taken in this regard are in accordance with the law, comply with any guidance or policy which the Authority may from time to time determine and meet the requirements set out in the Financial Regulations.

Tendering and Contracts

6.10 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 and provided that the Authority is satisfied that the Chief Constable has in place adequate systems, procedures and expertise to discharge these responsibilities. A business case must be prepared before any procurement action is started, and all action must accord with the contract standing orders. The delegations set out in this section may be exercised by the Chief Constable or his authorised representative.

The Chief Constable shall have delegated authority:

6.11 To invite and accept tenders in accordance with the terms and conditions of the Police Authority's Contract Standing Orders, provided that a business case and a properly calculated written estimate of cost have been prepared prior to invitation and there is provision in approved estimates for the subject of tender action. The approval of the Finance Committee or full Police Authority must be sought where:

- i. The written estimate exceeds £250,000;
- ii. It raises questions of principle or financial policy;
- iii. It possesses unusual features or involves particular difficulty;
- iv. It might arouse particular public interest or publicity;
- v. It concerns a matter of particular importance or sensitivity; or
- vi. It concerns proposals for outsourcing contracts or is connected with a public/private partnership or a private finance initiative.

6.12 To open tenders, subject to the tendering arrangements of the Contract Standing Orders. In exceptional circumstances the Chief Constable or his authorised representative may accept a late tender, notifying the Chief Executive and Monitoring Officer and Director of Performance and Resources in every case.

6.13 If any contract is not awarded to the lowest bidder, the Chief Executive and Monitoring Officer shall be informed and will arrange for this to be reported to the Finance Committee. Similarly if any contract which generates income for the Police Authority is not awarded to the highest bidder this should also be reported to the Finance Committee.

6.14 To sign all contracts on behalf of the Authority, irrespective of value, once they have been properly approved, except for those which are required to be executed under the Common Seal of

the Authority. In these cases the Chief Executive and Monitoring Officer is authorised to affix the Seal (see delegation 4.5 above).

6.15 To declare goods surplus to requirements or obsolete and arrange for disposal in accordance with the financial regulations delegated limits.

Land and Property Matters

6.16 The Chief Constable or his authorised representative may purchase or dispose of land or property on behalf of the Authority, in accordance with Financial Regulations, the Estates Strategy or approved business case agreed by the Authority or the Finance Committee and / or by specific Authority decision. Transactions of a value in excess of £250,000 must be approved by the Authority or its Finance Committee. Naturally the disposal method should 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.

6.17 To be responsible for the development of plans for the police estate. To manage the police estate, including maintenance of property, and for this purpose to incur expenditure within the Authority's approved maintenance budget.

6.18 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.

6.19 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.

6.20 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 and approve the retention of such property where it can be put to good use for police purposes.

Management / Human Resources

6.21 To be responsible for the direction and control of persons employed by the Authority (police staff) to assist the Police Force, in accordance with section 15(2) and (4) of the Police Act 1996.

6.22 To adjust the police staff and police officer establishment in numbers, locations, ranks and gradings within the overall workforce budget approved by the Authority and to make best use of workforce modernisation principles. This does not apply to Chief Officer posts, both uniformed and police staff which will be referred to the Authority.

6.23 To authorise, in accordance with Police Staff Council conditions of service, the suspensions 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 a dismissal lodged by a member of police staff will remain to be considered by the Authority's Appeals sub-committee.

6.24 To approve the retirement, in the interests of the efficiency of the service, of police staff employees subject to the Local Government Pension Scheme (LGPS) with or without enhancement of service subject to reports to the Police Authority as appropriate about the actions taken in pursuance of this delegation.

6.25 To determine matters relating to police pensions (including widows' pensions) under 1987 police pension regulations except for i) retirement on the grounds of ill health of ACPO officers and ii) decisions under regulation K5 which deals with the forfeiture of pensions upon the commission of certain criminal offences.

6.26 To determine ex-gratia payments to members of the public in respect of claims for loss or damage to property arising from police officers forcing entry in the course of their duties in accordance with the Financial Regulations.

6.27 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 payment schemes. For the avoidance of doubt, payments in relation to the ACPO PDR / Bonus Scheme shall be reserved to the Authority.

Approved 18 December 2007