

### **Cumbria Police Authority - Scheme of Delegation**

Reviewed by Governance Committee 20 September 2011; approved by Police Authority meeting on 27 September to become effective from 01 October 2011

#### **PREAMBLE:**

1. A Police Authority created as a local public authority under section 3 Police Act 1996 is a 'corporation sole' constituting a separate legal 'person' from a Constabulary created under section 2, which is not. Its functions under section 6 include independently monitoring the Constabulary in order to secure its efficiency and effectiveness whilst many of the constitutional rules and regulations governing its operation as a species of local authority are derived from the Local Government Acts. Technically, it is the employer of everyone in the Constabulary, even though (apart from the full or part-time personnel who conduct the Authority's administrative/democratic business) the Constabulary's officers and staff remain under the direction and control of the Chief Constable. Likewise, most major items of procurement and capital projects for the Constabulary are by convention usually contracted-for and invoiced in the name of the Police Authority, although many other lesser transactions may be entered into under these delegated powers by the Constabulary without reference to the Authority.
2. The Police & Justice Act 2006 added supplementary legal duties to the Authority's role. The key elements of that Act which impact on this Scheme have been incorporated into this version.
3. The importance and benefits of a written statement for the Authority of all those occasions where it delegates the exercise of its legal powers or responsibilities, either to its own officers or to Constabulary officers, in bringing certainty and ensuring lawfulness, accountability, and transparency for these processes have been underlined for both bodies on numerous occasions..
4. The form of scheme adopted by the Authority is the product of the Authority's Chief Executive and its Treasurer working in close consultation with the Chief Constable and staff. It was first derived from a detailed register of all known practical and legal delegations from the Authority to the Chief Constable or Constabulary; some supported by legislation or policies, others traceable to 'custom and practice'.

#### **Principles applying:**

5. Although discretion is often given to any public authority to make decisions under governing legislation, it must be understood that the exercise of such discretion is not unfettered. There is a legal requirement on all Public Authorities to comply with what became known as the "*Wednesbury Principles*", after the reported case of the same name and its requirement for "*reasonableness*" in the exercise of executive powers by a public authority.
6. This quality of '*reasonableness*' is best achieved by an Authority having clear, written policies which state the principles it will adopt in making determinations in each area of activity; and which will often annotate the decision to be taken in each of several different, defined circumstances. Thus, the delegation becomes an act of approving predetermined outcomes according to predicted circumstances.
7. Where delegations exercised under the scheme are wielded in conjunction with policies not fully familiar to the Authority, the creation of such a scheme inevitably highlights the Authority's consequent duty arising, which is to inform and satisfy itself about underlying policies. Hence, any policies underpinning the scheme should themselves be reviewed periodically, so that they remain current and still reflect local circumstances and conditions.

## **Cumbria Police Authority - Scheme of Delegation**

Reviewed by Governance Committee 20 September 2011; approved by Police Authority meeting on 27 September to become effective from 01 October 2011

8. Exercise of the discretions and delegations approved by the Authority under this scheme is also subject at all times to the Chief Constable or other Delegates complying with the general law and being able to comply with:
  - Budgetary provision - within the bounds provided by the Scheme of Devolved Financial Management;
  - Standing Orders; Financial Regulations; and Contract Standing Orders
  - Any policy or procedure approved by the Authority (or Constabulary with the Authority's approval - e.g. Hay Reviews) or any specific Police Regulation relating to the particular activity concerned;
  - Police Regulations generally;
  - Governing Legislation generally.
9. In any instance where the exercise of the delegation would give rise to a conflict with any of the above matters, then the matter must stand referred back to the Authority for explicit determination.
10. Where circumstances do not directly conflict with the terms of the scheme but there is still some ambiguity, then in these situations this preamble provides for the Chief Constable to consult with the Authority's officers, so it can be decided whether the matter should stand referred to the Authority as above, or can proceed on the basis of advice to the Chief Constable.
11. The delegation of a power or a duty is itself subject to the overriding legal principle "*delegatus non potest delegare*": someone to whom a power has been delegated cannot delegate it (on) to another person. This does not mean that the holder of a delegated power and responsibility may not in practical terms allocate the task onward to another person to carry out, which is why a column within the scheme states who in the Constabulary is likely to do so.
12. *The scheme document may also deal with certain powers where no delegation occurs. If so, these would be shown in italic print and recited simply in order to set associated delegations into functional context.*
13. The Scheme produced out of this process continues to provide a 'living document' – one which is not only subject of routine review every 12 months, but also capable of being amended as required at other times, when the business of the Authority and/or the Constabulary reveals adjustments to the scheme are needed.
14. With effect from 09 November 2011, following the restructure of the Authority staffing arrangements, all references to the office of Treasurer shall be deemed to refer to the officer holding the post of Treasurer /Deputy Chief Executive.

## **Cumbria Police Authority - Scheme of Delegation**

Reviewed by Governance Committee 20 September 2011; approved by Police Authority meeting on 27 September to become effective from 01 October 2011

15. Acknowledgement is made of government legislation (the Police Reform and Social Responsibility Act) which will replace the Police Authority by a locally elected Police and Crime Commissioner in (November) 2012. The enactment of the legislation and the issue of subsequent guidance and secondary legislation will give rise to the need for a wholesale review of this Scheme of Delegation and its replacement by a suitable Scheme dependent on the allocation of duties and responsibilities between, and the legal status accorded to, the Police and Crime Commissioner and the Chief Constable respectively.
16. Acknowledgement is made of the Review of Police Officers and Police Staff conditions of service being undertaken by Tom Winsor whose second and final report is due to be published in January 2012. This has the potential to have a significant impact on matters delegated in sections 1 and 2 of this Scheme and will require timely review depending on the implementation dates for the findings adopted within the review.
17. **NB: To allow a few days to circulate the document and place it on the intranet after approval, this revised Scheme of Delegation will first take effect on 1<sup>st</sup> October 2011**  
© Cumbria Police Authority – 27 September 2011

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
<b>1. Personnel</b>					
1.1	<p>Approval of staff appointment and transfers-</p> <ul style="list-style-type: none"> <li>❑ <i>Chief Constable, Deputy Chief Constable and Assistant Chief Constable(s)</i> {s. 11 – s. 12 Police Act 1996}</li> <li>❑ Police Officers below Assistant Chief Constable {s. 13 Police Act 1996}</li> <li>❑ Police Staff {s. 15 Police Act 1996} <ul style="list-style-type: none"> <li>(i) All, save (ii) and (iii)</li> <li>(ii) Chief officer grade</li> <li>(iii) Others, if to be appointed at more than 15% beyond the prevailing Director salary levels.</li> </ul> </li> <li>❑ Special Constables</li> </ul>	<p><i>Appointments Panel</i></p> <p>Chief Constable</p> <p>(i) Chief Constable</p> <p>(ii) and (iii) Chief Constable, subject to prior consultation with and advice from Police Authority</p> <p>Chief Constable</p>	<p>Chief Constable for all appointments of Chief Inspector rank and above.</p> <p>Deputy Chief Constable for all appointments up to and including the rank of Inspector.</p> <p>Director of Personnel &amp; Development for all Police Staff.</p> <p>Director of Personnel &amp; Development authorised to appoint all ranks of Special Constables.</p> <p>The Commandant can authorise mutually agreed transfers, but compulsory transfer will be authorised by Director of Personnel &amp; Development.</p>		<p>Statutory Responsibility</p> <p>Statutory Responsibility</p>



## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
1.3	<p>Disciplinary action including dismissal-</p> <ul style="list-style-type: none"> <li>❑ <i>Chief Constable, Deputy Chief Constable and Assistant Chief Constable(s) part 2 and Schedule 3 Police Reform Act 2002</i></li> <li>❑ Police Officers below Assistant Chief Constable (non probationers) Police Reform Act 2002 and the Police (Conduct) Regulations 2008.</li> <li>❑ Police Staff (S.15 Police Act 1996)</li> <li>❑ Special Constables (S.51 Police Act 1996 as amended by S35 Police Reform Act 2002)</li> <li>❑ <i>Dismissal of designated Police Authority staff</i></li> <li>❑ <i>Dismissal of Police Authority staff (non-designated officers)</i></li> <li>❑ <i>Independent Custody Visitors / Volunteers / Independent Members of Misconduct Panel</i></li> </ul>	<p><i>Police Authority</i></p> <p>Chief Constable</p> <p>Chief Constable</p> <p>Chief Constable</p> <p><i>Appointments Panel</i></p> <p><i>Chief Executive</i></p> <p><i>Chief Executive</i></p>	<p>The decision to take disciplinary action re police officers sits with the Deputy Chief Constable. Where the decision is taken to hold a disciplinary tribunal any penalty imposed is the responsibility of the tribunal.</p> <p>Deputy Chief Constable for all Police Staff under direction &amp; control of Chief Constable. Delegated authority for discipline to Line Manager (operational Sergeant and LPT Inspector). Advice about officers of police authority not under direction and control of Chief Constable taken from Director of Personnel &amp; Development as appropriate</p> <p>The Chief Executive would investigate and decide upon suitable disciplinary action. Any appeals to such decisions would be heard by the People and Performance Committee</p>		<p>Police (Conduct) Regulations 2008</p> <p>Statutory Responsibility</p> <p><i>Officers of police authority not under direction and control of Chief Constable</i></p>

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
1.4	<p>To approve the early retirement of Police Staff in accordance with the Authority's approved policy:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Efficiency of the Constabulary</li> <li><input type="checkbox"/> Early retirement with reduced benefits</li> <li><input type="checkbox"/> On the grounds of ill-health</li> <li><input type="checkbox"/> <i>In respect of designated staff employed within the Police Authority</i></li> <li><input type="checkbox"/> <i>In respect of non-designated staff employed within the Police Authority</i></li> </ul>	<p>Chief Constable</p> <p>Chief Constable</p> <p>Chief Constable</p> <p><i>Appointments Panel</i></p> <p><i>Chief Executive</i></p>	<p>Decision for early retirement of Police Staff on the Grounds of Efficiency rests with the Deputy Chief Constable.</p> <p>Decision for early retirement of Police Staff with Reduced Benefits rests with the Deputy Chief Constable.</p> <p>Decision for early retirement of Police Staff on the grounds of Ill Health rests with the Deputy Chief Constable, subject to assessment and certification by external Medical Adviser.</p>	<p>To advise Authority</p> <p>To advise Authority</p> <p>To advise Authority</p>	<p><i>Officers of police authority not under direction and control of Chief Constable</i></p>
1.5	<p>To approve secondments of staff –</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Police Officers below rank of Assistant Chief Constable</li> <li><input type="checkbox"/> Police Staff</li> <li><input type="checkbox"/> <i>Police Authority Staff - Designated posts</i></li> </ul> <p style="text-align: right;"><i>- non-designated posts</i></p>	<p>Chief Constable</p> <p>Chief Constable</p> <p><i>People &amp; Performance Committee</i></p> <p><i>Chief Executive</i></p>	<p>Deputy Chief Constable for all Police Officers .</p> <p>Deputy Chief Constable for all Police Staff.</p>		<p><i>Officers of police authority not under direction and control of Chief Constable</i></p>



## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
1.9	<p>Time off to participate in staff associations, trade union duties/activities and for other public duties.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Police Officers {Regulation 23, Police Regulations 2003}</li> <li><input type="checkbox"/> Police Staff</li> <li><input type="checkbox"/> Police Authority Staff</li> </ul>	<p>Chief Constable</p> <p>Chief Constable</p> <p>Chief Executive</p>	<p>Deputy Chief Constable to approve.</p> <p>Deputy Chief Constable</p>		<p>Statutory Responsibility</p> <p>In accordance with Policy and Approved Scheme for time off for public duties</p> <p>In accordance with Policy and Approved Scheme for time off for public duties</p>
1.10	<p>The adoption, amendment or termination of specific working agreements within the flexibility of national agreements-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Police Officers</li> <li><input type="checkbox"/> Police Staff</li> <li><input type="checkbox"/> Police Authority Staff</li> </ul>	<p>Chief Constable</p> <p>Chief Constable</p> <p>Chief Executive</p>	<p>Deputy Chief Constable to adopt, amend or terminate.</p> <p>Deputy Chief Constable to adopt, amend or terminate.</p>		<p>Statutory Responsibility</p>
1.11	<p>To approve the payment of a standard rate transitional rent/housing allowance in accordance with Regulations 49 (2) (c) and 49 (11) of the Police Regulations 1995.</p>	<p>Chief Constable</p>	<p>Director of Personnel &amp; Development</p>		<p>In accordance with the relevant Regulations and Approved Scheme</p>
1.12	<p>To approve claims for the reimbursement of removal expenses under Regulation 35 of the Police Regulations 2003 (<i>below ACPO</i>)</p>	<p>Chief Constable</p>	<p>Director of Personnel &amp; Development .</p>		<p><i>Removal expenses at ACPO grade reserved to Police Authority</i></p>

## **Cumbria Police Authority Scheme of Delegation**

<b>Ref.</b>	<b>Nature of Authority</b>	<b>Police Authority Delegation to</b>	<b>Functional Allocation within Constabulary</b>	<b>Treasurer to the Police Authority</b>	<b>Comments</b>
1.13	The retirement of Police Officers on the grounds of ill-health and the payment of ordinary and ill-health pensions and gratuities as appropriate; and the processing of appeals lodged by individual officers under the Police Pensions Regulations 1987.	Chief Constable	Chief Constable authorised to retire Police Officers on the grounds of ill-health, subject to the certificate of the SMP (Selected Medical Practitioner)	Advise the Authority	In accordance with the Regulations
1.14	The restoration of a widow's pension payable under the 1987 Police Pension Scheme which had ceased to be payable on remarriage after she has again become a widow or the marriage has been dissolved.	Chief Constable	Deputy Chief Constable	Advise the Authority	In accordance with the Regulations
1.15	Transfer of accumulated Local Government Pensions into the Local Government Pension Scheme after the expiry of 12 months after joining the Constabulary.  Transfer of accumulated Local Government Pensions into the Local Government Pension Scheme after the expiry of 12 months after joining the Authority.	Chief Constable  Chief Executive	Director of Personnel & Development.	Advise the Authority	

## Cumbria Police Authority Scheme of Delegation

<b>Ref.</b>	<b>Nature of Authority</b>	<b>Police Authority Delegation to</b>	<b>Functional Allocation within Constabulary</b>	<b>Treasurer to the Police Authority</b>	<b>Comments</b>
1.16	<p>Police Pensions-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> payable to dependants in full time education.</li> <li><input type="checkbox"/> changes affecting spouses widows.</li> <li><input type="checkbox"/> dependent relatives special pension.</li> <li><input type="checkbox"/> working beyond retirement age limit.</li> <li><input type="checkbox"/> working beyond 30 years service.</li> </ul>	<p>People and Performance</p> <p>People and Performance</p> <p>People and Performance</p> <p>Chief Constable</p> <p>Chief Constable</p>	<p>Chief Constable to advise the Police Authority.</p> <p>Chief Constable to advise the Police Authority.</p> <p>Chief Constable to advise the Police Authority.</p> <p>Deputy Chief Constable</p> <p>Deputy Chief Constable</p>	<p>Treasurer to Advise the Authority</p> <p>Treasurer to Advise the Authority</p> <p>Treasurer to Advise the Authority</p> <p>Treasurer to Advise the Authority</p> <p>Treasurer to Advise the Authority</p>	<p>Police Pensions Regulations.</p> <p>Police Pensions Regulations.</p> <p>Police Pensions Regulations.</p> <p>Police Reform Act (PNB Agreement). Subject to cover under Employers Liability Insurance.</p> <p>Police Reform Act (PNB Agreement).</p>
1.17	Police Pension Internal Resolution Procedures.	Chief Constable and Treasurer in accordance with the Internal Resolution Scheme.	Stage 1 of Police Pensions Internal Resolution Scheme undertaken by the Director of Finance and Resources.	Stage 2 of the Police Pensions Internal Resolution Scheme undertaken by Treasurer to the Police Authority.	<p>Police Pensions Regulation and Home Office Guidance.</p> <p>Stage 3 of the Internal Resolution Scheme is with the Pension Ombudsman.</p>
1.18	Approval of Injury Awards to Police Officers.	Chief Constable	Chief Constable authorised to approve payment of Injury Awards to Police Officers subject to report by SMP and certification of degree of disability by SMP.		Annual report to People and Performance Committee

## Cumbria Police Authority Scheme of Delegation

<b>Ref.</b>	<b>Nature of Authority</b>	<b>Police Authority Delegation to</b>	<b>Functional Allocation within Constabulary</b>	<b>Treasurer to the Police Authority</b>	<b>Comments</b>
1.19	Review of degree of Disability of Police Officers.	Chief Constable	Chief Constable authorised to review the degree of Disability of Police Officers subject to re-certification of degree of disability by SMP.		
1.20	To approve claims for medical expenses where cost is not likely to exceed £1,000 and prior approval is being sought for the expenditure (eg to secure an earlier return to work by paying for an operation).	Chief Constable	Authorised by Director of Personnel and Development, and payment is devolved to Area Commanders & Departmental Heads.		
1.21	To approve the reimbursement of professional fees. <ul style="list-style-type: none"> <li>• Police Staff</li> <li>• Police Authority Staff</li> </ul>	Chief Constable  <i>Chief Executive</i>	Director of Personnel & Development.		Police Staff Terms & Conditions Handbook, Section 13. These will only be reimbursed to those members of staff where membership of a particular professional body is gained by examination <b>and</b> is a requirement for undertaking their duties.

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
1.22	<p>Business Interests incompatible with membership of a Police Force. {Regulation 7, and 8, Police Regulations 2003}</p> <ul style="list-style-type: none"> <li>❑ Police Officers below Assistant Chief Constable .</li> <li>❑ Chief Constable, Deputy Chief Constable and Assistant Chief Constable(s)</li> <li>❑ Police Staff</li> <li>❑ Police Authority – Designated Staff</li> <li>❑ Police Authority – Non-designated Staff</li> </ul>	<p><i>Designated committee of the Authority deals with appeals from members of the Constabulary over decisions of the chief officer about the compatibility of a business interest.</i></p> <p><i>Appeal maybe made to the Police Authority, within 10 days after receiving the decision from the Deputy Chief Constable.</i></p> <p><i>People &amp; Performance (Full Authority to hear any appeal against a Committee decision).</i></p> <p>Chief Constable</p> <p><i>People and Performance Committee</i></p> <p><i>Chief Executive</i></p>	<p>On behalf of Chief Officer, Deputy Chief Constable considers applications made in writing re disclosure of Business Interests and whether they are compatible.</p> <p>Within 28 days of receiving their notice, the Deputy Chief Constable shall inform the applicant of their decision on behalf of Chief Officer.</p> <p>Deputy Chief Constable considers applications made in writing. Appeals to Chief Constable.</p>		<p><i>Reg. 7(3) refers</i></p> <p><i>Reg 7 (2 )refers</i></p> <p><i>Appeal is a statutory appellate function of Police Authority – cannot be delegated (Reg 7 (3) refers)</i></p>
1.23	<i>Police Authority Members Remuneration and Allowances</i>	<i>Approval of Scheme and Annual Review reserved to Police Authority</i>		<i>Advice to Police Authority and initiating annual review and updating of Scheme.</i>	<i>Scheme based on report of the Independent Panel commissioned by the Association of Police Authorities</i>

## Cumbria Police Authority Scheme of Delegation

<b>Ref.</b>	<b>Nature of Authority</b>	<b>Police Authority Delegation to</b>	<b>Functional Allocation within Constabulary</b>	<b>Treasurer to the Police Authority</b>	<b>Comments</b>
<b>2. Payroll Functions</b>					
2.1	Responsibility for making all necessary arrangements for ensuring the accurate and reliable payment of wages, pensions and salaries.	Chief Constable	Director of Finance and Resources.	Section 151 Officer	Section D5 Cumbria Police Authority Financial Regulations.
2.2	To ensure that all payroll transactions are submitted accurately, in the form required and according to deadlines.	Chief Constable	Director of Finance and Resources.	Section 151 Officer	Section D5, Cumbria Police Authority Financial Regulations.
2.3	To approve advances on gross salary to a figure no more than one months net salary.	Chief Constable	Authority to approve advances on salary delegated to Treasury Services Officer.	Section 151 Officer	
2.4	Claims for travel and subsistence are completed within the Constabulary Policy.	Chief Constable	Authority delegated Director of Finance and Resources.	Section 151 Officer	Section D5, Cumbria Police Authority Financial Regulations.
2.5	Changes to conditions of service. <ul style="list-style-type: none"> <li><input type="checkbox"/> Police Officers up to rank of Chief Superintendent.</li> <li><input type="checkbox"/> Police Staff</li> <li><input type="checkbox"/> Police Authority Staff –Designated posts</li> <li><input type="checkbox"/> –non-Designated posts</li> </ul>	Chief Constable  Chief Constable  <i>People &amp; Performance Committee</i>  <i>Chief Executive</i>	Deputy Chief Constable  Director Personnel & Development for staff below Director. Advice about officers of police authority not under direction and control of Chief Constable taken from Director of Personnel & Development as appropriate	Section 151 Officer	<i>Officers of police authority not under direction and control of Chief Constable</i>

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
2.6	Granting Honoraria <ul style="list-style-type: none"> <li><input type="checkbox"/> Police Officers up to rank of Chief Superintendent.</li> <li><input type="checkbox"/> Police Staff below Director</li>   <li><input type="checkbox"/> Police Staff - Directors</li> <li><input type="checkbox"/> Police Authority Staff – Designated</li> <li><input type="checkbox"/> Police Authority Staff – Non-designated</li> </ul>	Chief Constable .  Chief Constable  Chief Constable  <i>People &amp; Performance Committee</i>  Chief Executive	Deputy Chief Constable.  Director Personnel & Development  Deputy Chief Constable.	Section 151 Officer	<i>Officers of police authority not under direction and control of Chief Constable</i>
2.7	Agreeing Starting Salary within the scale. <ul style="list-style-type: none"> <li><input type="checkbox"/> Police Officers</li>   <li><input type="checkbox"/> Police Staff</li>   <li><input type="checkbox"/> Police Authority Staff - <i>Designated</i></li> <li><input type="checkbox"/> <i>Non Designated</i></li> </ul>	Chief Constable in respect of Officers up to Chief Superintendent.  Chief Constable  <i>Remuneration Panel</i>  Chief Executive	Deputy Chief Constable  Director Personnel & Development for staff below Director. Deputy Chief Constable for Director level.		
2.8	Approval of extension of Half Pay and No Pay Sickness Scheme. <ul style="list-style-type: none"> <li><input type="checkbox"/> Police Officers</li> <li><input type="checkbox"/> Police Staff</li> <li><input type="checkbox"/> Police Authority Staff - <i>Designated</i></li> <li><input type="checkbox"/> <i>Non Designated</i></li> </ul>	Chief Constable  <i>People &amp; Performance Committee</i>  <i>Chief Executive</i>	Chief Constable, acting on recommendation from Director of Personnel & Development.  Director of Personnel & Development.		Reg 28 Police Regulations 2003  In accordance with policy  In accordance with policy

## **Cumbria Police Authority Scheme of Delegation**

<b>Ref.</b>	<b>Nature of Authority</b>	<b>Police Authority Delegation to</b>	<b>Functional Allocation within Constabulary</b>	<b>Treasurer to the Police Authority</b>	<b>Comments</b>
2.9	Payment of expenses not covered by Police Regulations (Police Officers).	Chief Constable	Relevant line manager Chief Officer.		Statutory Responsibility
2.10	Chief Officers Implementation of Nationally promulgated Salaries and pay awards	<i>Treasurer to the Police Authority.</i>			Report to People and Performance Committee

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
<b>3. Financial Regulations</b>					
3.1	<i>Determining Budget Requirements.</i> (Local Government Finance Act 1992)	<i>Full Authority approve budget requirements.</i>	Chief Constable to report budgetary requirements to the Police Authority.	<i>Advise the Police Authority.</i>	<i>Statutory function of Police Authority – cannot be delegated</i>
3.2	<i>Set Precept.</i>	<i>Full Authority sets Precept.</i>	Chief Constable to report requirements to the Police Authority.	<i>Advise the Police Authority.</i>	<i>Statutory function of Police Authority – cannot be delegated</i>
3.3	Approve overall allocation of resources.	Chief Constable in consultation with and agreement of Treasurer to the Police Authority.	Chief Constable to report requirements to the Police Authority.	Report to the Police Authority.	Section A, Cumbria Police Authority Financial Regulations.
3.4	To write off debts due <ul style="list-style-type: none"> <li>❑ up to a maximum value of £5,000 (each individual debt).</li> <li>❑ over the value of £5,000 (each individual debt).</li> </ul>	<i>Police Authority Treasurer</i>  <i>All write-offs of individual debts over £5,000 must be approved by the Governance Committee</i>		Authority to write off debts to a maximum of £5,000, on the provision that all other possibilities have been considered.  Submit periodic reports and advise Governance Committee	Section D2, Cumbria Police Authority Financial Regulations.
3.5	To monitor and arrange Bank Accounts of the Police Authority.	Police Authority Treasurer and Chief Constable	Director of Finance and Resources responsible for day to day running of the bank accounts.	Treasurer retains overall responsibility for all banking arrangements, and must authorise the creation or closure of any account.	Section C6, Cumbria Police Authority Financial Regulations.
3.5a	Signatory to cheques and other mandates for payments on Police Authority (or Constabulary) Accounts	<i>Treasurer</i>		Treasurer's signature evidences authorisation	

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
3.6	<p>Treasury Management.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve the Annual Treasury Management Strategy</li> <li><input type="checkbox"/> To consider Periodic and Annual Reports.</li> <li><input type="checkbox"/> Investments and Borrowings in accordance with Authority and Constabulary requirements and subject to compliance with the Authority's Annual Treasury Management Strategy</li> </ul>	<p>Reserved to the full Authority</p> <p>Governance Committee</p> <p>Treasurer to Police Authority</p>	<p>Undertaken by Director of Finance and Resources and his staff in accordance with practices set out in the Authority's Annual Treasury Management Strategy.</p>	<p>Treasurer to advise the Police Authority.</p> <p>Treasurer responsible for overall conduct of the Investment and Borrowing Strategy and reports quarterly on performance to Governance Committee</p>	<p>Local Government Act 2003 and CIPFA Prudential Code</p>
3.7	<p>Prudential Borrowing Limits and Indicators</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Approve annual Borrowing Limits and Prudential Indicators</li> <li><input type="checkbox"/> Borrowings in accordance with annual Limits and Indicators adopted by Authority under Prudential Code.</li> </ul>	<p>Reserved to the full Authority</p> <p>Treasurer to Police Authority</p>	<p>Undertaken by Director of Finance and Resources and his staff in accordance with practices set out in the Authority's Annual Treasury Management Strategy.</p>	<p>Treasurer to advise the Police Authority.</p> <p>Treasurer responsible for overall compliance with Borrowing Limits and reports quarterly on performance to Governance Committee</p>	<p>Local Government Act 2003 and CIPFA Prudential Code</p>
3.8	<p>Insurance &amp; Risk Management-</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> General arrangements.</li> <li><input type="checkbox"/> Insurance Strategy</li> </ul>	<p>Governance Committee.</p> <p>Chief Constable and Treasurer.</p>	<p>Director of Finance and Resources conducts administration of</p>	<p>Advice to the Committee.</p> <p>Treasurer to the Police Authority has overall responsibility.</p>	<p>Section C, Cumbria Police Authority Financial Regulations.</p> <p>Section C, Cumbria Police Authority Financial Regulations.</p>





## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
<b>4. Revenue and Capital Budgets and Devolved Financial Arrangements</b>					
4.5	<p>Governance on use of Earmarked Revenue Reserves.</p> <ul style="list-style-type: none"> <li>❑ Constabulary <ul style="list-style-type: none"> <li>Designated Reserves for this delegation</li> <li>Health and Safety Reserve</li> <li>Management of Change Reserve</li> <li>Incentivisation Harmonisation Reserve</li> <li>Risk Management Initiatives Reserve</li> </ul> </li> <li>❑ Authority <ul style="list-style-type: none"> <li>Police Authority Revenue Budget Reserve</li> <li>Police Authority Transition Reserve</li> </ul> </li> </ul>	<p>Chief Constable given authority to apply up to £50,000 annually from individual designated earmarked reserves beyond any annual budget provision for the purpose established by the reserve and in consultation with the Authority Treasurer</p>	<p>Director of Finance and Resources</p>	<p>Advise the Chief Constable</p>	<p>Subject to compliance with Financial Regulations, Contract Standing Orders and Devolved Scheme of Financial Management.</p> <p>Use of Funds to be reported to next Governance Committee meeting</p>
		<p>Chief Executive given authority to apply up to £10,000 annually from Authority Budget Reserve beyond any annual budget provision for the purpose established by the reserve subject to consultation with the Authority Chairman (or Vice Chairman in the absence of the Chairman) and the Authority Treasurer</p>		<p>Advise the Chief Executive.</p>	<p>Subject to compliance with Financial Regulations, Standing Orders.</p> <p>Use of Funds to be reported to next Governance Committee meeting</p>



## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
------	---------------------	--------------------------------	---	-----------------------------------	----------

<b>6. Gifts &amp; Sponsorship to the Constabulary</b>					
6.1	Acceptance of Sponsorship, Gifts and Loans for the use of the Constabulary.	<i>Police Authority to approve policy in form of general guidance to the Chief Constable</i>	Chief Constable to accept/reject offers within the general guidance.	Treasurer to advise Authority	Section (c) 10 of Financial Regulations.
6.2	Reporting of Sponsorship, Gifts and Loans for the use of the Constabulary.  (this does not relate to corporate mementoes etc)	Governance Committee Approval of Annual report.	Director of Finance and Resources required to produce an Annual Report to Governance Committee.		Section (C) 10 of Financial Regulations.

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
<b>7. Claims against the Authority and Constabulary</b>					
7.1	<p>(i) To approve settlement of any claim including costs made against and in the name of the Chief Constable under section 88 of the Police Act 1996, for any one claim, including claims by Police Officers and Police Staff.</p> <p>(ii) To approve settlement of any claim up to a value of £25,000 including costs made against and in the name of the Police Authority</p> <p>(iii) To approve settlement of any claim over a value of £25,000 including costs made against and in the name of the Police Authority</p>	<p>Chief Constable (subject to half yearly report to Governance Committee on claims settled and outstanding)</p> <p><i>Chief Executive (subject to reporting to Governance Committee on claims settled and outstanding)</i></p> <p><i>Reserved to the full Police Authority</i></p>	<p>Director of Legal Services is authorised to conduct and settle claims made against and in the name of the Chief Constable.</p> <p>Where claim is made against and in the name of the Police Authority, Director of Legal Services may be authorised by Chief Executive on a case by case basis to conduct defence of claims against the Authority.</p>		<p>Subject to the Insurer's subrogated rights, rules of professional conduct and Financial Regulations.</p> <p>The Authority reserves the right through its Chief Executive to instruct legal advisers and representatives in independent practice in its own representation and defence.</p>
7.2	To accept responsibility in connection with any claim for damages against any individual Police Officer or Special Constable and the settlement of such claims out of the police fund under Section 88 (4) of the Police Act 1996.	Chief Constable	Director of Legal Services is authorised to accept responsibility on behalf of the defendant save where damages and costs combined exceed £25,000 in which case in consultation with the Chair of the Authority as advised by the Chief Executive recorded in writing		Subject to the Insurer's subrogated rights, rules of professional conduct and Financial Regulations.
7.3	<p>To approve settlements of minor civil claims*, arising out of damage to or loss of property as a result of Police Officers performing their duties.</p> <p>(* i.e. up to a combined value for costs and damages of £5,000)</p>	Chief Constable	Area Commanders are authorised to settle minor civil claims in these circumstances up to a value of £2,000; thereafter up to £5,000 on the authority of the Deputy Chief Constable.		

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
7.4	<p>To authorise ex-gratia compensation payments in respect of:</p> <ul style="list-style-type: none"> <li>❑ Police Officers or members of extended police family for damage or loss of property or for personal injury in the execution of duty.</li> <li>❑ Members of the Public for damage or loss to property or for personal injury or costs incurred as a result of police action where such a payment is likely to facilitate or is conducive or incidental to the discharge of any of the functions of the Constabulary</li> <li>❑ Other cases for loss, damage or alleged theft of possessions whilst in the possession of the Constabulary</li> </ul>	<p>Chief Constable</p> <p>to a limit of £5,000 and subject to advice from Chief Executive as necessary and to maintaining a register of all such payments</p> <p><i>ditto</i></p> <p><i>ditto</i></p>	<p>In respect of awards to a limit of £2k, the -Director of Finance and Resources authorised to consider and approve each requests and decide if it warrants payment. The Director will report annually to the Chief Constable on awards made.</p> <p>In the event that the applicant is not satisfied with a decision made, an appeal can be made to the Deputy Chief Constable, who is authorised to make a final decision.</p>		<p>Police Staff Terms &amp; Conditions Handbook, page 16, point 12.</p> <p>Compliance with Section D7 of Financial Regulations</p>
7.5	To approve settlement figures for insurance claims on motor vehicles recommended by the Constabulary's insurers.	Chief Constable	Fleet Manager (who will consult with Director of Legal Services in cases of uncertainty).		Subject to the Insurer's subrogated rights
7.6	<i>To authorise a Police Officer or member of Police Staff without professional rights of audience to appear on behalf of the Authority in Magistrates Courts, County Courts and other Tribunals.</i>	<i>By individual resolution of the Police Authority</i>	<i>Chief Constable to prior approve individual subject of request</i>		
7.7	<i>To approve financial assistance, in appropriate cases, to Police Officers involved in civil and criminal proceedings.</i>	<i>By individual resolution of the Police Authority</i>	<i>Chief Constable to advise Authority</i>		<i>Home Office Circular HO/43/2001 refers</i>

## Cumbria Police Authority Scheme of Delegation

<b>Ref.</b>	<b>Nature of Authority</b>	<b>Police Authority Delegation to</b>	<b>Functional Allocation within Constabulary</b>	<b>Treasurer to the Police Authority</b>	<b>Comments</b>
7.8	<p>To instruct and retain Counsel on behalf of the Constabulary</p> <p>To instruct and retain Counsel on behalf of the Police Authority.</p>	<p>Chief Constable</p> <p><i>Chief Executive</i></p>	<p>Where any claim is made against and in the name of the Constabulary, Director of Legal Services on behalf of Chief Constable (subject to proportionate costs being incurred). Where Director considers costs disproportionate, matter to be considered by the Deputy Chief Constable</p> <p>Where any claim is made against and in the name of or by the Police Authority, Director of Legal Services is to be authorised by the Chief Executive on a case-by-case basis to issue and/or conduct claims by/against the Authority, which includes the instruction of Counsel*</p>		<p>*Chief Executive may also instruct Counsel direct in own right as the Authority reserves the right through its Chief Executive to instruct legal advisers and representatives in independent practice in its own representation.</p>

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
------	---------------------	--------------------------------	---	-----------------------------------	----------

### 8. Police Property Act

8.1	To distribute the proceeds out of the Police Property Act Fund.	Chief Constable subject to agreed guidelines for distribution.	Chief Constable authorised.		Annual report to Police Authority detailing grants awarded within limit and for approval by authority for those which exceed limit.
-----	---	--	-----------------------------	--	---

### 9. Policing Plan

9.1	Before the beginning of each financial year, the Police Authority is responsible for producing a single three-year rolling Policing Plan, which sets out policing objectives for the year, and proposed arrangements for the three year period.	The Police Authority will either: (i) approve the draft Policing Plan prepared by the Chief Constable, then further authorise the Chief Constable to publish; or  (ii) consult with the Chief Constable before issuing a policing plan which differs from the draft submitted by them.	The Chief Constable is responsible for the drafting and realisation of the Policing Plan subject to its approval by the Police Authority.		<b>s.6ZB(1) Police &amp; Justice Act 2006</b> Statutory requirement of the Authority to produce a three-year rolling Policing Plan. (w.e.f. April 2008) <b>S6ZB(4) Police &amp; Justice Act 2006</b> The Authority shall consult the relevant chief officer of police before issuing a policing plan which differs from the draft submitted by them.
-----	---	---	---	--	---

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
<b>10. Local Policing Summaries</b>					
10.1	Annual Local Policing Summaries (s.157 Serious Organised Crime & Police Act 2005)	<p>A draft policing summary will be prepared jointly by the Chief Constable and Chief Executive. The Authority will then further authorise the Chief Constable:</p> <p>a) to publish in such a manner as appears to the authority to be appropriate</p> <p>b) to arrange for a copy of every such summary to be sent, by whatever means appears to the authority to be appropriate, to each person liable to pay any tax, precept or levy to or in respect of the authority.</p>	The Chief Constable is responsible for the drafting and realisation of the Local Policing Summaries in consultation with the Chief Executive for approval by the Police Authority.		<b>s.157 Serious Organised Crime &amp; Police Act 2005</b> Authority to publish annual "local policing summary" to Home Secretary's minimum information requirements

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
<b>11. Complaints</b>					
11.1	<p>To deal with complaints from the general public against-</p> <ul style="list-style-type: none"> <li>❑ Police Officer below Assistant Chief Constable. {Part 2 and Schedule 3 Police Reform Act 2002}</li> <li>❑ Assistant Chief Constable, Deputy Chief Constable and Chief Constable. {Part 2 and Schedule 3 Police Reform Act 2002}</li> </ul>	<p><i>Through People &amp; Performance Committee to monitor the complaints process.</i></p> <p><i>Chief Executive</i></p> <p><i>(Subject to ratification by 2 x members People &amp; Performance Committee before next meeting)</i></p>	<p>By regulation and allocation, it is the responsibility of the Deputy Chief Constable to deal with these complaints.</p> <p><i>Initial decision whether to record w/in 10 days &amp; make preliminary enquiries on complaints against any ACPO grade officer delegated to Chief Executive. May also require IPCC involvement or an external investigator (IO)</i></p>		<p><i>Re ACPO grades, Police (Conduct) Regulations 2008 (see 'CPA Guidance on Handling Complaints against Senior Officers') may make Police Authority the "appropriate authority"</i></p>
<b>12. Lost Damaged, Obsolete and Surplus Items of Furniture, Equipment, Stocks and Stores.</b>					
12.1	<p>To write off furniture and equipment used by the Constabulary and found to be deficient, damaged or obsolete</p> <ul style="list-style-type: none"> <li>(i) to a limit of £2,000.</li> <li>(ii) in excess of £2,000 to a limit of £5,000</li> <li>(iii) in excess of £5,000</li> </ul>	<p>Chief Constable</p> <p><i>The Treasurer</i></p> <p><i>Governance Committee</i></p>	<p>Director of Finance and Resources .</p> <p>Director of Finance and Resources to prepare report for Committee.</p>	<p>Advise and assist the Chief Constable where appropriate.</p> <p>Advise Committee</p>	

## Cumbria Police Authority Scheme of Delegation

Ref.	Nature of Authority	Police Authority Delegation to	Functional Allocation within Constabulary	Treasurer to the Police Authority	Comments
12.2	To write off Stocks and Stores found to be deficient, damaged or obsolete (i) to a limit of 5% of annual turnover  (ii) in excess of 5% to a limit of 10% of annual Turnover  (iii) in excess of 10% of annual turnover	Chief Constable  <i>The Treasurer</i>  <i>Governance Committee</i>	Director of Finance and Resources.  Director of Finance and Resources to seek formal approval.  Director of Finance and Resources to prepare report for Committee.	Advise and assist the Chief Constable where appropriate.   Advise Committee	Section C5, Cumbria Police Authority Financial Regulations.
<b>13. Property &amp; Capital Assets</b>					
13.1	To agree wayleaves or licences given for entry and works or the positioning of equipment on, or agreements to indemnify persons entering, Authority premises; for the purpose of works, meetings, training and other approved duties	Chief Constable	Director of Finance & Resources /Estates & Facilities Manager		Director of Legal services to produce a Standard Form of Licence for Work
13.2	To agree wayleaves, licences or leases to be entered into by the Authority in respect of the occupation of or obtaining access to land and premises belonging to third parties.  <input type="checkbox"/> Exceeding £2,000 pa value  <input type="checkbox"/> Not exceeding £2,000 pa value	<i>Reserved to Authority</i>  The Chief Constable	The Director of Legal Services		
13.3	To make applications for planning permission in the name of the Authority for property comprised in the Police Authority estate  <input type="checkbox"/> Exceeding £100,000 value  <input type="checkbox"/> Not exceeding £100,000 value	<i>Reserved to Authority</i>  The Chief Constable	The Director of Finance & Resources		Planning applications relating to major capital schemes ( value higher than £100,000) first to be authorised by the Authority

## **Cumbria Police Authority Scheme of Delegation**

<b>Ref.</b>	<b>Nature of Authority</b>	<b>Police Authority Delegation to</b>	<b>Functional Allocation within Constabulary</b>	<b>Treasurer to the Police Authority</b>	<b>Comments</b>
-------------	----------------------------	---------------------------------------	--	--	-----------------

### **14. Member Training and Attendances at Relevant Seminars**

14.1	To approve arrangements for the attendance of members at seminars and training events organized by Government Departments, other Police Authorities, Local Government Associations or other Professional Bodies or Associations relevant to the Police Service.	<i>Chief Executive</i>			
------	---	------------------------	--	--	--