



## **CUMBRIA POLICE AUTHORITY**

### **TERMS OF REFERENCE**

#### **1. THE POLICE AUTHORITY**

The Police Authority will exercise all its powers and duties as prescribed by law.

- To appoint a Chair and Vice-Chair
- To agree the annual budget and set the Council Tax precept
- To agree the Treasury Management Strategy, Borrowing Limits and Prudential Indicators
- To confirm the appointment of Independent Members
- To agree the structure of Committees and Working Group
- To agree Terms of Reference delegating some of its powers and duties to certain Committees and Working Groups and to decide on their composition and membership
- To appoint the Chairs of the Authority's Committees and Working Groups (with the exception of the Standards Committee).
- To adopt a Scheme of Delegation
- To appoint Members to serve on outside bodies and Constabulary boards and working groups and to act as Lead Members
- To adopt an Allowances Scheme
- To approve any proposal to change the name or boundaries of the Police Authority

NOT PROTECTIVELY MARKED.

- To approve the Police Authority's Race Equality, Disability and Gender Equality Schemes
- To receive quarterly reports from the Chief Constable with regard to the policing of the area
- To receive reports from the Chief Constable on any matter relating to the policing of the area
- To approve all the Authority's strategies, unless approval has been delegated to one of the Authority's Committees
- To deal with any matter within the purview of the Police Authority not specifically delegated to any other Committee or Officer.
- To retain and exercise the responsibility for monitoring and reviewing the strategic risks for those of the Authority's functions and activities which are not delegated to any other Committee or Working Group.

## 2. COMMITTEES.

**Note:** Committees exercise Police Authority functions delegated to them by the full Police Authority. For most of their business they are open to the public and their papers are publicly available.

### **Governance Committee**

#### Introduction

The purpose of the Committee is to provide independent assurance of the adequacy of the Risk Management Framework and the associated control environments, scrutiny of the Authority's financial and non- financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

#### Terms of Reference

#### Audit and Inspection

- To approve (but not direct) internal audit's strategy, plan and performance.
- To review the system of Internal Audit at least once annually as required by the Accounts and Audit Regulations 2003.
- To monitor compliance with the requirements of the Accounts and Audit Regulations 2003 and any successor regulations.
- To ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit and inspection processes are actively promoted.
- To consider any reports or management letters from the District Auditor, Internal Auditor, HMIC, Chief Constable or Treasurer on external and internal audit or inspections respectively.
- To monitor implementation of the recommendations made by External Auditors, Internal Auditors or HMIC in any reports considered by the Committee.

#### Risk Management

- To be satisfied and (where so) to approve that the Authority's assurance statements, including the Annual Statement on Internal Controls, properly reflect the risk environment and any actions required to improve it.
- To consider the effectiveness of the Authority's Risk Management Arrangements, the control environment and associated anti fraud and anti corruption arrangements.

- To seek assurances that action is being taken on risk related issues identified by auditors, inspectors, and the Strategic Risk Working Group.
- To review and (where satisfied) approve the Authority's Risk Management Strategy and Statement.
- To periodically review and make recommendations to the Authority on revisions to the Scheme of Delegation, Standing Orders, Financial Regulations and Financial Rules.
- To receive the minutes of the Strategic Risk Working Group.

#### Financial Statements and Budget Performance

- To review and (where satisfied) approve the Authority's Annual Statement of Accounts, the external auditor's opinion and reports to members, and to monitor management action in response to the issues raised by external audit and inspection.
- To approve the annual determinations for capital purposes for the preceding financial year, as required by S. IV of the Local Government and Housing 1989, subject to the amounts not exceeding the basis on which the revised budget for that year was approved after adjusting for changes in associated expenditure and outstanding commitments, otherwise to recommend same for approval by the Authority.
- To approve the amounts to be transferred to or from the Authority's Reserves and Provisions when approving the Statement of Accounts for the previous financial year, subject to the amounts not exceeding the basis on which the revised budget for that year was approved after adjusting for changes in associated expenditure and outstanding commitments, otherwise to recommend same for approval by the Authority.
- To consider the conduct and performance of the Authority's financial and procurement arrangement, policies, strategies and processes and monitor performance against annual targets and the annual revenue and capital budgets approved by the Authority.
- To monitor and review those strategic risks falling within the purview of the Committee.
- To receive Members Report Back forms on activity and issues arising from member attendance at partnership meetings relevant to the committee.

#### Joint Code of Corporate Governance

- To review the effectiveness of the Joint Code of Corporate Governance including consideration of the report of the Authority's internal auditors thereon.

NOT PROTECTIVELY MARKED.

- To approve the Annual Governance Statement as required by the Accounts and Audit Regulations 2003.
- To make any recommendations in respect of the Code to the Authority as seem appropriate to the Committee following completion of the annual review.

## **Policing Plan and Performance Committee**

### Introduction

The purpose of the Committee is to oversee the planning process and to monitor police performance

### Terms of Reference

- To consider quarterly and other performance monitoring reports prepared by the Chief Constable.
- To oversee the preparation and recommend for approval by the full Police Authority the Local Policing Plan, and the Efficiency Plan, or their successor Plans.
- The subsequent monitoring of the above plans
- To monitor performance in relation to partnership working.
- To monitor the change management process
- To monitor and review those strategic risks falling within the purview of the Committee.
- To receive the minutes of the Estates Working Group.
- To receive the minutes of the Change Management Working Group.
- To receive Members Report Back forms on activity and issues arising from member attendance at partnership meetings relevant to the committee.

## **Standards Committee**

### Introduction

The purpose of the Committee is to promote and maintain high standards by the Members of the Police Authority.

### Terms of Reference

- To appoint a Chair of the Committee from amongst the External Independent Members
- Promoting and maintaining high standards of conduct by Members
- Assisting Members to observe the Members' Code of Conduct
- Advising the Authority on the adoption of, or revision to, the Members' Code of Conduct.
- Advising, training or arranging to train Members on matters relating to the Members' Code of Conduct
- Monitoring the operation and effectiveness of the Members' Code of Conduct
- Monitoring the operation and effectiveness of the Authority's Member/Officer Protocol.
- Granting dispensation to Members from requirements relating to interest set out in the Members' Code of Conduct
- Dealing with any reports from a Case Tribunal or Interim Case Tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.
- Overview of Ombudsman investigations.
- Develop all necessary criteria, processes and procedures in order to discharge the Committee's statutory duties.
- Assess and review complaints about Members (respectively delegated to the Assessment and Review Sub-Committees)
- Conducts determination hearings, including determining suitable action when it is found that there has been a breach of the Members' Code of Conduct.
- Provide information to the Standards Board for England as required.

- To monitor and review those strategic risks falling within the purview of the Committee.
- To receive Members Report Back forms on activity and issues arising from member attendance at partnership meetings relevant to the committee.

### **Assessment Sub-Committee**

“In accordance with appropriate regulations and the Authority’s local assessment criteria and procedures to undertake the initial assessment of complaints that a Member of the Police Authority may have breached the Code of Conduct, including taking decisions in relation to whether to refer the matter to the Monitoring Officer or the Standards Board for England, or whether no action should be taken or any other alternative option which may be or become available to the Sub-Committee”.

### **Review Sub-Committee**

1. In accordance with appropriate regulations and the Authority’s local assessment criteria and procedures, to consider any requests which are received from complaints to review a decision of the Assessment Sub-Committee to take no further action in relation to a complaint that a Member of the Police Authority may have breached the Code of Conduct, including taking decisions on such matters as whether to refer it to the Monitoring Officer or the Standards Board for England or whether no action should be taken; and
2. Where as part of a request for a review, further information is made available in support of a complaint which changes its nature or gives rise to potential new complaint, the Sub-Committee will consider if it would be appropriate to refer the matter to an Assessment Sub-Committee for consideration as a new complaint.

## **Communities, Equality and Diversity Committee**

### Introduction

The Committee oversees the Police Authority's responsibilities with regard to equality, diversity, disability and community engagement on policing issues.

### Terms of Reference

- To develop, in conjunction with the Constabulary a comprehensive Communication and Consultation Strategy, including an action plan
- To oversee the development of the Communication and Consultation Strategy for approval by the Police Authority and subsequently to monitor and review the Strategy and the supporting Action Plan
- To coordinate the Police Authority's role within the above Strategy
- To develop the Police Authority's Race Equality, Disability and Gender Equality Schemes before submission to the full Police Authority for approval.
- To monitor progress on the Police Authority and Constabulary Race Equality, Disability and Gender Equality Schemes and to promote the achievement of race, gender and disability equality in a policing context.
- To monitor progress on black and minority ethnic recruitment by the Constabulary.
- To oversee and co-ordinate the training of Police Authority Members and staff in equality and diversity matters.
- To oversee and promote work in relation to the impact of policing on minority groups, sexual preference and disability etc.
- To oversee the operation of the Police Community Liaison Forums or other similar responses to the Authority's duty to consult on policing issues, including Police Authority representation at such meetings.
- To positively encourage and develop all aspects of partnership working.
- To oversee the Authority's arrangements for partnership working.
- To monitor and review those strategic risks falling within the purview of the Committee.
- To receive Members Report Back forms on activity and issues arising from member attendance at partnership meetings relevant to the committee.

## **Professional Standards Committee**

### Introduction

The Committee carries out the Police Authority's functions in relation to complaints against police officers and police staff.

### Terms of Reference

- To discharge the responsibilities of the Authority in relation to complaints imposed by Section 77 of the Police Act 1996
- To hear and determine appeals by police officers against refusals by the Chief Constable for permission to have a business interest as defined in the Police Regulations 1995.
- To act on behalf of the Authority in relation to public complaints against the Chief Constable, Deputy Chief Constable and Assistant Chief Constable
- To consider reports by the Chief Constable about police officers under suspension.
- To act on behalf of the Authority, as "Appropriate Authority", to impose sanctions on senior (ACPO) officers following receipt of any Tribunal report, on its findings and any recommendation as to sanctions, following a recorded complaint under the complaints system introduced by the Police Reform Act 2002 and set out in the Police (Conduct) Regulation 2004 and the Police (Complaints and Misconduct) Regulations 2004.
- To exercise oversight of the Independent Custody Visiting Scheme.
- To hear and determine appeals by Independent Custody Visitors and Independent Members of Police Misconduct Panels from decisions of the Personnel Committee.
- To monitor and review those strategic risks falling within the purview of the Committee.
- To receive Members Report Back forms on activity and issues arising from member attendance at partnership meetings relevant to the committee.

## **Personnel Committee**

### **Introduction**

The Committee acts on behalf of the Police Authority with regard to personnel matters.

### **Terms of Reference**

- To exercise the powers and duties of the Authority relating to appointment, dismissal and contractual issues in respect of the Chief Constable, Deputy Chief Constable, Assistant Chief Constable, Clerk/Chief Executive, Treasurer and the Monitoring Officer.
- To consider reports from the Chief Constable on any grievances and employment tribunal cases against the constabulary.
- To recommend for approval by the Police Authority a Human Resources Strategy and a costed Human Resources Plan.
- To meet from time to time with representatives of police officers and support staff.
- To receive reports from the Chief Constable on:
  - Sickness management including medical retirements
  - Police Officer Special Constabulary and support staff strength
  - Equal opportunities issues in a personnel context.
- To support the convening of Police Appeals Tribunals under Section 85 of the Police Act 1996.
- To convene as the Authority's Remuneration Panel under the Performance Development Review (PDR) Scheme and in connection with bonus payments to chief officers.
- To oversee the recruitment, retention and dismissal of Independent Custody Visitors and Independent Members of Police Misconduct Panels.
- To deal with and determine any Police Authority staffing matters not delegated to the Clerk/Chief Executive, within the parameters of the approved budget.
- To monitor and review those strategic risks falling within the purview of the Committee.
- To monitor and review the Authority's responsibility for Health and Safety at Work.
- To receive Members Report Back forms on activity and issues arising from member attendance at partnership meetings relevant to the committee.

### **3. WORKING GROUPS**

**Note:** Working Groups do not have delegated powers to make decisions on behalf of the Police Authority. They can make recommendations to the Police Authority for decision. These are private meetings and their papers are not made available to the public.

#### **Estates Working Group**

##### Terms of Reference

- To oversee the phased approach to accommodation and property developments approved by the Authority.
- To develop and recommend to the Authority, an Asset Management Strategy for the Authority's estate.
- Minutes of the Working Group to be reported to the Policing Plan and Performance Committee.
- To monitor and review those strategic risks falling within the purview of the Working Group.
- To receive Members Report Back forms on activity and issues arising from member attendance at partnership meetings relevant to the working group.

#### **Strategic Risk Working Group**

##### Terms of Reference

- To develop, for approval by the Governance Committee, a Risk Management Strategy and Statement and Strategic Risk Register for the Police Authority.
- To monitor the implementation of the risk management action plans of both the Authority and Constabulary.
- To review the strategic risks and the continued operation of the control mechanisms identified in the Authority's Risk Register in accordance with the risk based review intervals adopted by the Governance Committee on 23 May 2007.
- To recommend to the Governance Committee any changes in the strategic risks, or the base and mitigated risk scores recorded in the Authority's Risk Register and any changes in the control mechanisms which the Working Group believe are required to mitigate such risks.

- The Minutes of the Working Group to be reported to the Governance Committee.
- To receive Members Report Back forms on activity and issues arising from member attendance at partnership meetings relevant to the working group.

### **Change Management Working Group**

#### **Terms of Reference**

- To monitor, on behalf of the Police Authority, those capital projects or other programmes managed by the Constabulary's Programme Management Unit or its successor units, or such other Boards or Units which may manage strategic change programmes undertaken or directed by the Chief Constable
- To provide minutes of the Working Group's activities to the **full Police Authority meeting**.
- To monitor continuously on behalf of the Police Authority any strategic and/or organisational reviews undertaken by the Chief Constable including, by way of example, reviews:
  - (i) Of any capital project; or
  - (ii) Of any such review or process designed to ensure future budgets remain sustainable within criteria set by the Authority's Medium Term Financial Plan under its Budget approval, as updated from time to time during the ensuing year.
- To make and refer such recommendations as the Working Group deem appropriate to the Authority itself or else for the consideration of any committee of the Authority appearing to the working group to have a direct interest in the outcome of any review covered by these terms of reference.
- To monitor and report to the relevant committee (or directly to Authority, as appropriate) on the forward strategic budget implications of actions and outcomes derived from any strategic review as above.
- To monitor and review those strategic risks falling within the purview of the Working Group.
- To receive Members Report Back forms on activity and issues arising from member attendance at partnership meetings relevant to the working group.

## **Protective Services Panel**

### Introduction

The purpose of the Working Group is to –

a) Scrutinise and if necessary challenge police performance in the seven areas of Protective Services, as follows:-

1. Major crime
2. Serious, organised and cross-border crime
3. Counter-terrorism and extremism
4. Civil contingencies
5. Critical incidents
6. Public order
7. Strategic roads policing.

b) Maintain trust and community confidence in policing;

c) Assess the community impact from high-risk policing activity

d) Reduce the effect of such impact or community disruption

### Terms of Reference

- To assist the Constabulary to set agreed targets in relation to relevant specialist protective services/ serious crime management areas for inclusion in the Local Policing Plan (or any successor plan) approved by the full Police Authority.
- The subsequent monitoring of the targets included in the above plan.
- To consider quarterly performance monitoring reports by the Chief Constable.
- To assess the community impact from high-risk policing activity to reduce the effect/ community disruption of such impact to maintain trust and community confidence in policing.
- To monitor and review those strategic risks falling within the purview of the Committee.
- To report the work of the Working Group to the full Police Authority meeting.
- To make recommendations on matters within its remit via Policing Plan & Performance Committee to the full Police Authority.

#### **4. POLICE AREA COMMUNITY LIAISON FORUMS**

##### **Introduction**

The Forums are constituted to enable the Police Authority to meet its obligations under Section 96 of the Police Act 1996, which states that –

“Arrangements shall be made for each police area for obtaining –

- (a) the views of people in that area about matters concerning the policing of the area, and
- (b) their co-operation with the police in preventing crime in that area”.

##### **Detail**

- (i) The Police Authority has constituted a Forum in respect of each of the County’s six District Council areas. Whilst the bodies will formally be entitled “Police Area Community Liaison Forums”, this title should not preclude the use of appropriate terminology to meet local requirements. The aims of the forums are:-

- To identify public priorities to influence Annual Policing Plans
- To identify public priorities for immediate action and/or Area Plans
- To provide the public with information on policing
- To obtain information from the public
- To provide a vehicle for reporting to the public the work of the Police Authority’s Independent Custody Visiting Scheme.

The Forums have a key role in helping to identify local policing objectives, which form an integral part of Annual Policing Plans. They are also a key element of the “partnership” approach and provide a link between the Police and the public, which is invaluable in strengthening a mutual understanding of issues of local concern. It must however, be emphasized that investigations or proceedings and individual complaints against Police Officers are not within the Forums’ Terms of Reference.

The Forums are constituted to enable the Police Authority to meet its obligations under Section 96. Procedure and representation at the forum is in the final event at the Authority’s discretion, but wherever possible membership of the Forum should be at local discretion and be designed to ensure as wide a range of views as possible are available. No more than two representatives should, however, be appointed from a single organisation although substitutes will be allowed for those representatives who are unable to attend meetings. The Membership should include two Members appointed by the Police Authority plus three Police representatives from the command area concerned.

The type of organisation from which the Forums may wish to seek Members include:-

Cumbria County Council, Local District Councils, Officers from statutory bodies such as the Education Service, Social Services, Probation Service, Housing Service and Health Authority, BME groups, Disability and Gender specific groups and other voluntary organisations specifically those involving young people.

- (ii) Forums should meet on at least four occasions each year and a Chairperson and Vice-Chairperson, who shall be a Member of the Cumbria Police Authority, shall be nominated annually at one of the Authority's regular meetings. At least seven days public notice of all Meetings should be given and Meetings may also be called at the request, in writing, of four Members. Secretaries appointed by the Clerk/Chief Executive to the Police Authority will support the Forums.
- (iii) None of these requirements are binding on the Authority and it reserves the right at any time to change these arrangements to meet current exigencies or circumstances.