

Part 3
Responsibility for Functions
Scheme of consent and delegation of functions

Table of Contents

1	INTRODUCTION AND PRINCIPLES	1
2	REVIEW.....	2
	PART ONE –ROLES AND RESPONSIBILITIES.....	3
3	ROLES AND RESPONSIBILITIES.....	3
	3.1 Police and Crime Commissioner	3
	3.2 Deputy Police and Crime Commissioner	9
	3.3 Chief Executive of the Police and Crime Commissioner.....	10
	3.4 Treasurer of the Police and Crime Commissioner	11
	3.5 Chief Constable.....	13
	3.7 Director of Finance and Resources of the Chief Constable.....	15
	3.8 Director of Legal Services.....	17
	3.9 Director of Human Resources of the Chief Constable.....	17
	3.10 Police and Crime Panel.....	19
4	BUDGET SETTING.....	20
5	POLICE AND CRIME COMMISSIONER CONSENT TO THE CHIEF CONSTABLE	23
6	APPLICATION OF FUNDS.....	23
7	ASSISTANCE TO THE POLICE AND CRIME COMMISSIONER BY THE CHIEF CONSTABLE.....	23
8	ASSISTANCE TO THE CHIEF CONSTABLE BY THE POLICE AND CRIME COMMISSIONER	24
	PART TWO – DELEGATION OF FUNCTIONS.....	25
9	DELEGATION OF FUNCTIONS	25
	PART 2A – OFFICER DELEGATION	28
10	FUNCTIONS DELEGATED FROM THE POLICE AND CRIME COMMISSIONER TO THE POLICE AND CRIME COMMISSIONER’S CHIEF EXECUTIVE	28
11	FUNCTIONS DELEGATED FROM THE POLICE AND CRIME COMMISSIONER TO THE POLICE AND CRIME COMMISSIONER’S TREASURER	32
12	FUNCTIONS DELEGATED BY THE CHIEF CONSTABLE TO THE CHIEF CONSTABLE’S DIRECTOR OF LEGAL SERVICES.....	35
13	FINANCIAL DELEGATIONS TO THE CHIEF CONSTABLE’S DIRECTOR OF HUMAN RESOURCES	35
14	FUNCTIONS DELEGATED BY THE CHIEF CONSTABLE TO THE CHIEF CONSTABLE’S DIRECTOR OF FINANCE AND RESOURCES.....	37
15	ACTING IN JOINT INTERESTS.....	39
	PART 2B	40
16	RESPONSIBILITIES OF COMMITTEES.....	40
17	OBLIGATIONS OF THE POLICE AND CRIME COMMISSIONER AND CHIEF CONSTABLE WHEN DISCHARGING FUNCTIONS RELATING TO LAND AND OTHER ASSETS	40
	Schedule 1 – Assets Schedule	43
	Schedule 2 – Contracts List.....	44

RESPONSIBILITY FOR FUNCTIONS

1. Introduction and Principles

- 1.1 This part of the scheme of governance of the Police and Crime Commissioner contains the scheme of consent and delegation of functions. It has been prepared in accordance with the requirements of the Home Office Code of Practice on Financial Management made under section 17 of the Police Reform and Social Responsibility Act 2011 and section 39A of the Police Act 1996, with the information document published in August 2013 by the Association of Police and Crime Commissioners, in association with the Association of Police and Crime Chief Executives, the Association of Chief Police Officers, the Association of Police Lawyers, and the Police and Crime Commissioners Treasurers' Society; and with the principles of decision making set out in Part 2 of the scheme of governance of the Police and Crime Commissioner.
- 1.2 The Police and Crime Commissioner must not restrict the operational independence of the Chief Constable. The Chief Constable must assist the Police and Crime Commissioner in ensuring that the Police and Crime Commissioner is not fettered in the discharge of his functions.
- 1.3 In addition to those Assets held by the Chief Constable for the use of the Chief Constable to which the Chief Constable will always have unfettered access the Chief Constable must also have unfettered access to Assets held by the Police and Crime Commissioner for the use of the Chief Constable.
- 1.4 The purposes of the scheme of consent and delegation of functions are to ensure that decisions are taken and recorded correctly.
- 1.5 The Police and Crime Commissioner and the Chief Constable and any person exercising authority delegated by them will adopt a transparent approach in the exercise of functions.
- 1.6 The statutory framework of section 36 of the Police Reform and Social Responsibility Act 2011, the Elected Local Policing Bodies (Specified Information) Order 2011, the Freedom of Information Act 2000 and the Data Protection Act 1998 set minimum standards for publication.
- 1.7 Any action taken under delegated authority must where reasonable be recorded by those holding the delegation, including recording that relevant legal, financial and other considerations and consultations have been properly considered and recorded prior to a decision being taken.

Part 3: Responsibility for Functions

1.8 Each of the officers whom the Police and Crime Commissioner and the Chief Constable are legally obliged to appoint co-operate with each other in the exercise of their functions.

1.9 This governance document is in two parts. Part 1 sets out the roles and responsibilities of the Police and Crime Commissioner, the Chief Constable and their respective deputies. It also describes the role of the statutory officers and the Police and Crime Panel. It describes the process for significant decisions, for example setting the budget. Part 2 sets out the delegated functions of key officers.

2. **Review**

2.1 The scheme of consent and delegation will be reviewed annually no later than 31 March, together with the other parts of the scheme of governance of the Police and Crime Commissioner for Devon and Cornwall.

PART ONE –ROLES AND RESPONSIBILITIES

3. Roles and Responsibilities

In recognition of the Police and Crime Commissioner's role in holding the Chief Constable to account, the Police and Crime Commissioner and the Chief Constable agree that the Police and Crime Commissioner may request that the Chief Constable report to him on any issues of concern which relate to operational matters or any other matter. This will ordinarily take place through the governance arrangements of the Joint Management Board. The Police and Crime Commissioner agrees not to use this right to interfere with the operational independence of the Chief Constable. The Police and Crime Commissioner and Chief Constable recognise that there may be circumstances when for reasons of urgency these matters cannot be raised in the joint Management Board and in those circumstances matters may need to be raised as a priority outside of this meeting structure.

3.1 Police and Crime Commissioner

3.1.1 The Police and Crime Commissioner ("PCC") has the following responsibilities set out in the Police Reform and Social Responsibility Act 2011:

3.1.1.1 To secure the maintenance of the police force for that area, and secure that the police force is efficient and effective. (Section 1(6): Police Reform and Social Responsibility Act 2011).

3.1.1.2 To hold the relevant Chief Constable to account for the exercise of the functions of the Chief Constable, and the functions of persons under the direction and control of the Chief Constable. (Section 1(7): Police Reform and Social Responsibility Act 2011).

3.1.1.3 In particular to hold the Chief Constable to account for: (a) the exercise of the duty under section 8(2) of the Police Reform and Social Responsibility Act 2011 (duty to have regard to Police and Crime Plan); (b) the exercise of the duty under section 37A(2) of the Police Act 1996 (duty to have regard to strategic policing requirement); (c) the effectiveness and efficiency of the Chief Constable's arrangements for co-operating with other persons in the exercise of the

Part 3: Responsibility for Functions

Chief Constable's functions (whether under section 22A of the Police Act 1996 or otherwise); (d) the effectiveness and efficiency of the Chief Constable's arrangements under section 34 of the Police Reform and Social Responsibility Act 2011(engagement with local people); (e) the extent to which the Chief Constable has complied with section 35 (value for money); (f) the exercise of duties relating to equality and diversity that are imposed on the Chief Constable by any enactment; (g) the exercise of duties in relation to the safeguarding of children and the promotion of child welfare that are imposed on the Chief Constable by sections 10 and 11 of the Children Act 2004. (Section 1(8) of the Police Reform and Social Responsibility Act 2011).

3.1.2 **Particular responsibilities of the Police and Crime Commissioner include:**

- 3.1.2.1 Issuing a Police and Crime Plan (Section 5 of the Police Reform and Social Responsibility Act 2011).
- 3.1.2.2 Determining police and crime objectives (Section 7 of the Police Reform and Social Responsibility Act 2011).
- 3.1.2.3 Setting a precept (Section 40 of the Local Government Finance Act 1992).
- 3.1.2.4 Setting a budget.
- 3.1.2.5 Awarding grants for crime and disorder reduction (Section 9 of the Police Reform and Social Responsibility Act 2011).
- 3.1.2.6 Approving an annual report (Section 12 of the Police Reform and Social Responsibility Act 2011).
- 3.1.2.7 Appointing the Chief Constable (Section 38 of the Police Reform and Social Responsibility Act 2011).
- 3.1.2.8 Suspending or requiring the resignation or retirement of the Chief Constable (Section 38 of the Police Reform and Social Responsibility Act 2011).
- 3.1.2.9 Appointing, suspending and dismissing the Chief Executive to the Police and Crime Commissioner

Part 3: Responsibility for Functions

(Schedule 1 to the Police Reform and Social Responsibility Act 2011).

- 3.1.2.10 Appointing, suspending and dismissing the Chief Finance Officer to the Police and Crime Commissioner (Schedule 1 to the Police Reform and Social Responsibility Act 2011).
 - 3.1.2.11 Appointing and dismissing a deputy Police and Crime Commissioner (Section 18 of the Police Reform and Social Responsibility Act 2011).
 - 3.1.2.12 Attending meetings of the Police and Crime Panel.
- 3.1.3 The Police and Crime Commissioner also has responsibility for the following functions:
- 3.1.3.1 Approval, maintenance, review and variation of any strategies which in the opinion of the Police and Crime Commissioner affect the resourcing of the Police and Crime Plan. This includes but is not limited to strategies for: estates, procurement, human resources, treasury management, equality and diversity and information and communications technology (ICT), value for money and income.
 - 3.1.3.2 Taking and implementing decisions on procurement of services, supplies and works for the Police and Crime Commissioner in accordance with procurement processes set out in standing orders of the Police and Crime Commissioner and the Chief Constable and to meet requirements of public procurement legislation. This does not apply to the procurement of services, supplies and works for the Chief Constable and the Constabulary for which the Chief Constable shall be responsible but the Police and Crime Commissioner shall have the right to be informed on an annual basis of all contract requirements identified by the Chief Constable and to have periodic updates through the governance arrangements of the Joint Management Board on all Procurement activity identified as necessary by the Chief Constable. A list of the contracts at the time the scheme was agreed is set out as Schedule 2 of the scheme of governance.

Part 3: Responsibility for Functions

- 3.1.3.3 Commissioning of services, supplies and works for the Police and Crime Commissioner in accordance with standing orders of the Police and Crime Commissioner.
- 3.1.3.4 Subject to consultation with the Joint Management Board the commissioning of and agreement to any alternative service delivery arrangements such as shared or outsourced services. The Police and Crime Commissioner will request the Chief Constable to evaluate the benefits of proposed alternative service delivery arrangements before the Police and Crime Commissioner takes decisions about them.
- 3.1.3.5 Holding the Chief Constable to account for the exercise of the functions of the Chief Constable and the functions of persons under the direction and control of the Chief Constable.
- 3.1.3.6 To ensure that any decisions by the Police and Crime Commissioner or the Chief Constable to enter into arrangements involving working with other persons shall be formalised by appropriate mechanisms.
- 3.1.3.7 Having ownership of Assets held by the Police and Crime Commissioner for the use of the Chief Constable and taking decisions on the acquisition and disposal of Assets held by the Police and Crime Commissioner for the use of the Chief Constable or acquisition or grant of any right in of property owned by the Commissioner including the lease or rental of such land or property (except for covert operational reasons). When taking a decision to acquire or dispose of Assets held by the Police and Crime Commissioner for the use of the Chief Constable the Police and Crime Commissioner shall comply with the requirements of paragraphs 17.1.4 to 17.4.
- 3.1.3.8 Having ownership of Assets held by the Police and Crime Commissioner for the use of the Police and Crime Commissioner and taking decisions on the acquisition and disposal of those assets. Schedule 1 to this part of the scheme of governance sets out details of asset ownership at the time this scheme of governance was agreed. When taking a decision to

Part 3: Responsibility for Functions

acquire or dispose of any such asset the Police and Crime Commissioner shall comply with the requirements of paragraphs 17.1.4 to 17.4.

- 3.1.3.9 Holding land for use by the Police and Crime Commissioner and Chief Constable and taking decisions on the disposal of land. When taking a decision to acquire or dispose of land the Police and Crime Commissioner shall comply with the requirements of paragraphs 17.1.4 to 17.4.
- 3.1.3.10 Allocating a budget to the Chief Constable.
- 3.1.3.11 Dealing with claims against the Police and Crime Commissioner or his staff.
- 3.1.3.12 Approval together with the Chief Constable of the joint risk register of the Police and Crime Commissioner and the Chief Constable.
- 3.1.3.13 Ensuring that adequate insurance cover is arranged for the Police and Crime Commissioner.
- 3.1.3.14 In consultation with the Chief Constable and taking account of advice from the statutory officers of the Police and Crime Commissioner and the Chief Constable, allocating income received, including income received for special police services provided under section 25 of the Police Act 1996.
- 3.1.3.15 Management of investments.
- 3.1.3.16 Management of debtors.
- 3.1.3.17 Management of loans
- 3.1.3.18 Management of reserves.
- 3.1.3.19 Management of contracts relating to assets.
- 3.1.3.20 Employment of staff that report to the Chief Executive of the Police and Crime Commissioner.
- 3.1.3.21 Increasing budget allocation to the Chief Constable to allow the Chief Constable to manage one-off emergency situations.

Part 3: Responsibility for Functions

- 3.1.3.22 The Medium Term Financial Strategy, covering the financial scenario for the following four years and annual draft revenue and capital budgets, with associated savings plans to meet the scenario.
 - 3.1.3.23 The reserves strategy, covering all reserves, and also contingencies within the budget. The use of all reserves will need to be approved by the Commissioner.
 - 3.1.3.24 In accordance with the statutory functions of the Police and Crime Commissioner to issue a Police and Crime Plan and determine the annual budget the Police and Crime Commissioner will annually approve in consultation with the Chief Constable the manner in which the total budget is divided between workforce and non staff costs. As part of this process the Chief Constable will consult with the PCC in October each year to discuss the workforce mix proposals which best enables the delivery of the Police and Crime Plan as well as the wider policing mission within the Force and the region including the Strategic Policing Requirement. Any final decision as to workforce mix will give due regard to the Police and Crime Plan but are a matter for the Chief Constable to determine within the budget granted by the Police and Crime Commissioner. Changes of a strategic nature such as a significant shift in workforce make up should be aligned to requirements in the PCC's Police and Crime Plan whilst the Chief Constable retains responsibility and operational independence for the workforce mix of police officers, police staff, PCSOs and Special Constables (ie total number of FTEs in each category).
 - 3.1.3.25 Receipt of all income e.g. precepts and grants and all other income as detailed in financial regulations.
 - 3.1.3.26 The giving of indemnities or guarantees to third parties.
- 3.1.4 The Police and Crime Commissioner has power to delegate functions (section 18 of the Police Reform and Social Responsibility Act 2011) but this is subject to restrictions.

Part 3: Responsibility for Functions

- 3.1.4.1 The Police and Crime Commissioner may not delegate the following functions to any person other than his deputy: determining police and crime objectives; attendance at a meeting of a Police and Crime Panel in compliance with a requirement by the Panel to do so; preparing an annual report to a Police and Crime Panel. (Section 18(2) of the Police Reform and Social Responsibility Act 2011).
- 3.1.4.2 The Police and Crime Commissioner may not delegate the following functions to any person: issuing a Police and Crime Plan; appointing the Chief Constable, suspending the Chief Constable, or calling upon the Chief Constable to retire or resign; calculating a budget requirement. (Section 18(3)(b) of the Police Reform and Social Responsibility Act 2011.)
- 3.1.4.3 The Police and Crime Commissioner may not appoint any of the following as his deputy: (a) a constable; (b) a police and crime commissioner; (c) the Mayor's Office for Policing and Crime; (d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime; (e) the Mayor of London; (f) the Common Council of the City of London; (g) any other person or body which maintains a police force; (h) a member of the staff of a person falling within any of paragraphs (a) to (g). (Section 18(3)(a) of the Police Reform and Social Responsibility Act 2011.)

3.2 **Deputy Police and Crime Commissioner**

- 3.2.1 Should the Police and Crime Commissioner choose to appoint a Deputy Police and Crime Commissioner, they shall be appointed by the Police and Crime Commissioner under section 18(1) of the Police Reform and Social Responsibility Act 2011.
- 3.2.2 The Deputy Police and Crime Commissioner may be authorised by the Police and Crime Commissioner to exercise any functions of the Police and Crime Commissioner except for the following: issuing a Police and Crime Plan; appointing the Chief Constable, suspending the Chief Constable, or calling upon the Chief Constable to retire or resign; calculating a budget requirement. (Section 18(3)(b) of the Police Reform and Social Responsibility Act 2011.)

Part 3: Responsibility for Functions

3.2.3 The Deputy Police and Crime Commissioner may delegate functions to other persons but this is subject to restrictions.

3.2.3.1 The Deputy Police and Crime Commissioner may not delegate the following functions: issuing a police and crime plan, determining police and crime objectives; attendance at a meeting of a Police and Crime Panel in compliance with a requirement by the Panel to do so; preparing an annual report to a Police and Crime Panel. (Section 18(5)(b) of the Police Reform and Social Responsibility Act 2011.)

3.2.3.2 The Deputy Police and Crime Commissioner may not delegate functions to the following persons: (a) a constable; (b) a police and crime commissioner; (c) the Mayor's Office for Policing and Crime; (d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime; (e) the Mayor of London; (f) the Common Council of the City of London; (g) any other person or body which maintains a police force; (h) a member of the staff of a person falling within any of paragraphs (a) to (g). (Section 18(5)(a) of the Police Reform and Social Responsibility Act 2011.)

3.3 **Chief Executive of the Police and Crime Commissioner**

3.3.1 The Chief Executive is appointed by the Police and Crime Commissioner under paragraph 6(1) of Schedule 1 to the Police Reform and Social Responsibility Act 2011 as the head of the staff of the Police and Crime Commissioner.

3.3.2 The Chief Executive is the Police and Crime Commissioner's Monitoring Officer (section 1(C) of the Local Government and Housing Act 1989) and in that role has a duty to prepare a report for the Police and Crime Commissioner if it at any time appears to the Chief Executive that any proposal, decision or omission by the Police and Crime Commissioner, by any committee, or sub-committee of the Police and Crime Commissioner, by any person holding any office or employment under the Police and Crime Commissioner or by any joint committee on which the Police and Crime Commissioner is represented constitutes, has given rise to or is likely to or would give rise to: (a) a contravention of any enactment or rule of law or any code of practice made or approved under any enactment; or any such maladministration or failure as is mentioned in Part 3 of the Local Government Act 1974.

Part 3: Responsibility for Functions

- 3.3.3 The Chief Executive has responsibility for the day to day management and running of the Police and Crime Commissioner's office.
- 3.3.4 The Chief Executive is responsible for advising the Police and Crime Commissioner upon policy and strategy.
- 3.3.5 The Chief Executive shall submit a report on governance once a year to the Joint Audit Committee.
- 3.3.6 The Police and Crime Commissioner may arrange for the discharge of any of the Police and Crime Commissioner's functions by the Chief Executive other than those functions specified at paragraphs 3.1.4.1 and 3.1.4.2 in respect of which it is prohibited.

3.4 **Treasurer of the Police and Crime Commissioner**

- 3.4.1 The Treasurer is appointed by the Police and Crime Commissioner as the Chief Finance Officer of the Police and Crime Commissioner under paragraph 6(1)(b) of Schedule 1 to the Police Reform and Social Responsibility Act 2011.
- 3.4.2 The Treasurer is responsible for the proper administration of the Police and Crime Commissioner's financial affairs.
- 3.4.3 The Treasurer has statutory duties to:
 - 3.4.3.1 Make a report and send it to the Police and Crime Commissioner, each member of the Police and Crime Panel and the external auditor if it appears to the Treasurer that the Police and Crime Commissioner, a committee of the authority, a person holding any office or employment under the Police and Crime Commissioner, or a joint committee on which the Police and Crime Commissioner is represented has made or is about to make a decision which involves or would involve the Police and Crime Commissioner incurring expenditure which is unlawful; or has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Police and Crime Commissioner; or is about to enter an item of account the entry of which is unlawful.
 - 3.4.3.2 Make a report and send it to the Police and Crime Commissioner, each member of the Police and Crime Panel and the auditor if it appears to the Treasurer

Part 3: Responsibility for Functions

that the expenditure of the Police and Crime Commissioner incurred (including expenditure he proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to the Police and Crime Commissioner to meet that expenditure.

3.4.4 The Treasurer also has responsibility for the following:

- 3.4.4.1 Ensuring that the financial affairs of the Police and Crime Commissioner are properly administered and that financial regulations are observed and kept up to date.
- 3.4.4.2 Ensuring regularity, propriety and value for money in the use of public funds.
- 3.4.4.3 Ensuring that the funding required to finance agreed programmes is available from central Government precept other contributions and recharges.
- 3.4.4.4 Advising the Police and Crime Commissioner on the robustness of the budget and adequacy of financial reserves.
- 3.4.4.5 Ensuring production of the statements of account of the Police and Crime Commissioner.
- 3.4.4.6 Ensuring receipt and scrutiny of the statements of account of the Chief Constable and ensuring production of the group accounts.
- 3.4.4.7 Liaising with the external auditor.
- 3.4.4.8 Advising the Police and Crime Commissioner on the application of value for money principles by the Police Force to support the Police and Crime Commissioner in holding the Chief Constable to account for efficient and effective financial management.
- 3.4.4.9 Advising, in consultation with the Chief Constable on the safeguarding of assets, including risk management and insurance.

3.5 Chief Constable

The Chief Constable is appointed under section 38 of the Police Reform and Social Responsibility Act 2011 and is responsible for maintaining the Queen's Peace. The Chief Constable is accountable for the exercise of police powers, and to the Police and Crime Commissioner for the delivery of efficient and effective policing, and the management of resources and expenditure by the Constabulary.

3.5.1 The Chief Constable has the following responsibilities set out in the Police Reform and Social Responsibility Act 2011:

3.5.1.1 To exercise direction and control over the Constabulary in such a way as is reasonable to assist the Police and Crime Commissioner to exercise the Police and Crime Commissioner's functions.

3.5.2 The Chief Constable also has responsibility for the following functions:

3.5.2.1 Having ownership of Assets held by the Chief Constable for the use of the Chief Constable and the Constabulary and taking decisions on the acquisition and disposal of Revenue Assets.

3.5.2.2 Monitoring of arrangements for insurance of assets used by the Police and Crime Commissioner and the Chief Constable.

3.5.2.3 Managing the budget allocated to the Chief Constable by the Police and Crime Commissioner.

3.5.2.4 Dealing with claims made against the Chief Constable or his staff.

3.5.2.5 In accordance with approval of the Joint Management Board or a decision of the Police and Crime Commissioner, subject to paragraph 3.1.3.2, procurement of services, supplies and works for the Chief Constable and the Constabulary in accordance with procurement processes set out in standing orders of the Police and Crime Commissioner and the Chief Constable and to meet requirements of public procurement legislation.

3.5.2.6 In accordance with approval of the Joint Management Board or a decision of the Police and Crime

Part 3: Responsibility for Functions

Commissioner commissioning of services, supplies and works for the Chief Constable and the Constabulary in accordance with standing orders of the Police and Crime Commissioner and the Chief Constable. A list of contracts at the time that this scheme was agreed is set out at Schedule 2 to this part of the scheme of governance.

- 3.5.2.7 Preparing and approving risk management provisions of the Constabulary and together with the Police and Crime Commissioner approving the joint risk register of the Police and Crime Commissioner and the Chief Constable.
- 3.5.2.8 Maintaining the Constabulary's corporate risk register.
- 3.5.2.9 Maintaining the Constabulary's tactical risk registers.
- 3.5.2.10 Ensuring the administration of the pension schemes for police officers and police staff.
- 3.5.2.11 Appointing officers and determining ranks but the Chief Constable must consult the Police and Crime Commissioner before appointing a person as an Assistant Chief Constable or a Deputy Chief Constable (sections 39 and 40 of the Police Reform and Social Responsibility Act 2011).
- 3.5.2.12 Dismissing and suspending police officers and discharging probationers.
- 3.5.2.13 Determining remuneration, allowances and gratuities for staff.
- 3.5.2.14 Retiring police officers and police staff on grounds of ill health or in the interests of the service.
- 3.5.2.15 Secondment of police officers and police staff.
- 3.5.2.16 Approval of police officer and police staff visits to countries outside the United Kingdom in duty time.
- 3.5.2.17 Managing service contracts relating to the service budget of the Chief Constable.
- 3.5.2.18 Providing support services to the Police and Crime Commissioner.

Part 3: Responsibility for Functions

3.5.2.19 Employment of police staff.

3.5.2.20 The Chief Constable shall on request by the Police and Crime Commissioner produce a report and send this to the Joint Management Board. The report shall provide details of the condition of the assets used by the Police and Crime Commissioner and the Chief Constable and the arrangements for insurance of them.

3.6 In recognition of the Police and Crime Commissioner's role in holding the Chief Constable to account, the Police and Crime Commissioner and the Chief Constable agree that the Police and Crime Commissioner may request that the Chief Constable report to him on any issues of concern which relate to operational matters or any other matter. This will ordinarily take place through the governance arrangement of the Joint Management Board. The Police and Crime Commissioner agrees not to use this right to interfere with the operational independence of the Chief Constable. The Police and Crime Commissioner and Chief Constable recognise that there may be circumstances when for reasons of urgency these matters cannot be raised in the Joint Management Board and in those circumstances matters may need to be raised as a priority outside of this meeting structure.

3.7 **Director of Finance and Resources of the Chief Constable**

3.7.1 The Director of Finance and Resources of the Chief Constable is appointed by the Chief Constable as the Chief Constable's Chief Finance Officer under paragraph 6(1)(b) of Schedule 1 to the Police Reform and Social Responsibility Act 2011.

3.7.2 The Director of Finance and Resources of the Chief Constable is responsible for the proper administration of the Chief Constable's financial affairs.

3.7.3 The Director of Finance and Resources of the Chief Constable has statutory duties to:

3.7.3.1 Make a report and send it to the Chief Constable, the Police and Crime Commissioner and the external auditor if it appears to the Director of Finance and Resources that the Chief Constable, a committee of the Chief Constable, a person holding any office or employment under the Chief Constable, or a joint committee on which the Chief Constable is

Part 3: Responsibility for Functions

represented has made or is about to make a decision which involves or would involve the Chief Constable incurring expenditure which is unlawful; has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the Chief Constable; or is about to enter an item of account the entry of which is unlawful.

3.7.3.2 Make a report and send it to the Chief Constable, the Police and Crime Commissioner and the external auditor if it appears to the Director of Finance and Resources that the expenditure of the Chief Constable incurred (including expenditure he proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to the Chief Constable to meet that expenditure.

3.7.4 The Director of Finance and Resources also has the following responsibilities:

3.7.4.1 Ensuring that the financial affairs of the Force are properly administered and that the Financial Regulations are observed and kept up to date.

3.7.4.2 Advising the Chief Constable on value for money in respect of all aspects of the Force's expenditure.

3.7.4.3 Advising the Chief Constable and the Police on the soundness of the budget in relation to the Constabulary.

3.7.4.4 Liaising with the external auditor.

3.7.4.5 Producing statements of accounts for the Chief Constable.

3.7.4.6 Providing information to the Treasurer of the Police and Crime Commissioner as required to enable production of group accounts.

3.7.4.7 To manage the joint financial system on behalf of the Office of the Police and Crime Commissioner and the Chief Constable in consultation with the Treasurer of the Police and Crime Commissioner, and to be responsible for the integrity of the computerised

Part 3: Responsibility for Functions

records and ensuring that all accounting records are maintained in accordance with legislation.

3.8 **Director of Legal Services**

3.8.1 The Director of Legal Services is the Police and Crime Commissioner's and Chief Constable's professional adviser on all legal matters. The provision of legal services will be the subject of a memorandum of understanding between the Police and Crime Commissioner and the Chief Constable.

3.8.2 The Police and Crime Commissioner will appoint separate legal advisers where in his opinion a conflict of interest arises. In such circumstances the presumption will be that the Director of Legal Services will continue to act for the Chief Constable.

3.8.3 The Director of Legal Services is the Chief Officer with responsibility for ensuring the Police and Crime Commissioner and Chief Constable fulfil their legal duties. In addition the Director Legal Services supports and provide advice to the Chief Executive as monitoring officer within the office of the Police and Crime Commissioner and to the Treasurer of the Police and Crime Commissioner and the Director of Finance and Resources of the Chief Constable as appropriate.

3.9 **Director of Human Resources of the Chief Constable**

3.9.1 The Director of Human Resources of the Chief Constable is responsible for human resources matters relating to police officers and other police staff, special constabulary and volunteers of the Constabulary.

3.9.2 The Director of Human Resources of the Chief Constable shall report to the Remuneration Committee once a year on compliance with the Chief Constable's human resources policies as they relate to appointments covered by that Committee.

3.9.3 The Director of Human Resources of the Chief Constable also has the following responsibilities:

3.9.3.1 Implementation of national agreements on salaries, wages and conditions of service.

3.9.3.2 Approving bonus and honoraria payments for taking on significant additional responsibilities or undertaking work of a particularly demanding or unpleasant nature.

Part 3: Responsibility for Functions

- 3.9.3.3 Negotiating and reaching agreements with recognised trade unions and staff associations on any matters that can be decided locally.
- 3.9.3.4 Granting essential or casual car user allowances.
- 3.9.3.5 Approving reimbursement of removal expenses incurred by police officers.
- 3.9.3.6 Providing advice and services to the Police and Crime Commissioner in accordance with a service level agreement.
- 3.9.3.7 Adjusting the civilian Police Staff establishment both in numbers and gradings within the overall workforce budget approved by the Police and Crime Commissioner.
- 3.9.3.8 Determining all matters relating to police pensions (including widows' pensions) with the exception of: Retirement on ill health grounds of all officers, these will be determined in consultation with the Police and Crime Commissioner.
- 3.9.3.9 Determining the following matters in relation to injury awards: decide to refer the process to the Selected Medical Practitioner (SMP), decide to retain an officer where the SMP confirms the officer is not permanently disabled and both the management and the officer agree the retention period is appropriate, decide the appropriate period review period for injury awards, decide whether there is a cogent reason why an injury award should not be reduced to the lowest band upon the pensioner reaching the age of 65.
- 3.9.3.10 Exercise employer discretions under the Local Government Pensions Scheme except in cases of the following discretions: early payment of benefits at the request of a member, flexible retirement, the establishment of shared cost AVC scheme, increase membership of an active member up to 10 years, award of additional pension up to £5000 per annum.
- 3.9.3.11 Any decisions with regard to the enhancements or applications of discretion listed above will be referred

Part 3: Responsibility for Functions

to the Treasurer in consultation with the Police and Crime Commissioner's Human Resources Adviser.

3.9.3.12 Accepting notices from police officers of an intention to retire from the service.

3.9.3.13 Receiving and accepting notices from probationer officers who express an intention to retire during their probationary period.

3.10 **Police and Crime Panel**

3.10.1 The Police and Crime Panel has been established in accordance with section 28 and Schedule 6 of the Police Reform and Social Responsibility Act 2011.

3.10.2 The statutory responsibilities of the Police and Crime Panel include:

3.10.2.1 Reviewing draft Police and Crime Plans and draft variations to Police and Crime Plans and making reports and recommendations to the Police and Crime Commissioner. (Section 28(3) Police Reform and Social Responsibility Act 2011.)

3.10.2.2 Arranging public meetings after receipt of annual reports from the Police and Crime Commissioner and asking the Police and Crime Commissioner questions at those meetings. (Section 28(4) Police Reform and Social Responsibility Act 2011.)

3.10.2.3 Reviewing annual reports from the Police and Crime Commissioner and making reports and recommendations to the Police and Crime Commissioner. (Section 28(4) Police Reform and Social Responsibility Act 2011.)

3.10.2.4 Reviewing and scrutinising decisions of the Police and Crime Commissioner in connection with the discharge of the Police and Crime Commissioner's functions and making reports and recommendations to the Police and Crime Commissioner. (Section 28(6) Police Reform and Social Responsibility Act 2011.)

3.10.2.5 Scrutinising the appointment by the Police and Crime Commissioner of: a chief executive; a chief finance officer; a deputy Police and Crime Commissioner.

Part 3: Responsibility for Functions

(Paragraphs 9-12 Schedule 1 Police Reform and Social Responsibility Act 2011.)

3.10.2.6 Scrutinising precepts proposed by the Police and Crime Commissioner and if the Police and Crime Panel regards it as appropriate vetoing the issue of a precept proposed by the Police and Crime Commissioner (Schedule 5 Police Reform and Social Responsibility Act 2011.)

3.10.3 A representative of the Police and Crime Panel may attend a meeting of the Joint Management Board to present and answer questions on any report produced by the Police and Crime Panel.

4. **Budget Setting**

4.1 The Police and Crime Commissioner is responsible for the adoption of his budget and related policies. It is the responsibility of anyone exercising delegated authority from the Police and Crime Commissioner to act in conformity with his budget and policies.

4.2 The budget of the Police and Crime Commissioner and the budget of the Chief Constable shall be set in accordance with the Financial Regulations of the Police and Crime Commissioner and the Chief Constable and the use of funds shall be disbursed and authorised in accordance with those Financial Regulations.

4.3 The Police and Crime Commissioner shall be advised by his Treasurer on budget setting. The Chief Constable shall be advised by his chief finance officer on budget setting. The Police and Crime Commissioner shall consult the Joint Management Board before taking decisions on budget setting.

4.4 The Treasurer of the Police and Crime Commissioner will ensure that a budget is prepared on an annual basis for the Police and Crime Commissioner to consider and that a capital programme is prepared for the Police and Crime Commissioner to consider. The Treasurer of the Police and Crime Commissioner will provide the Police and Crime Commissioner with regular financial reports to enable the Police and Crime Commissioner to monitor the budget. The Treasurer of the Police and Crime Commissioner will advise the Police and Crime Commissioner on prudent levels of balances and reserves, the robustness of the budget, and the evaluation of risks associated with the budget.

4.5 The Police and Crime Commissioner will comply with statutory requirements to involve the Police and Crime Panel in the budget setting process, including the issuing of precepts.

Part 3: Responsibility for Functions

- 4.6 The Police and Crime Commissioner will publish after the relevant Police and Crime Panel meeting initial proposals for the budget or policy. Before publishing any proposal for a budget or policy, the Police and Crime Commissioner will undertake such consultation as he considers appropriate. Details of the consultation process followed will be published together with the proposed budget or policy.
- 4.7 The Police and Crime Commissioner's budget or policy proposals will be referred to the Police and Crime Panel for consideration. The Police and Crime Commissioner will consider the comments of the Police and Crime Panel before deciding on his budget or policy.
- 4.8 When deciding his budget, the Police and Crime Commissioner will specify the extent to which persons acting under delegated authority may make virement within the budget and changes to policies. Any other changes to the budget and policies must be approved by the Police and Crime Commissioner.
- 4.9 The Police and Crime Commissioner will have budget heads as specified in the annual budget and other budget headings which may from time to time be appropriate.
- 4.10 The Police and Crime Commissioner will issue a precept each financial year to the billing authorities in his area. (Section 40 of the Local Government Finance Act 1992).
- 4.11 Each financial year, before issuing the precept, the Police and Crime Commissioner will notify the Police and Crime Panel by 1 February of the precept that he proposes to issue. (Paragraph 2 of Schedule 5 to the Police Reform and Social Responsibility Act 2011.)
- 4.12 The Police and Crime Panel will review the proposed precept and make a report to the Police and Crime Commissioner by 8 February. The report of the Police and Crime Panel may include recommendations. The Commissioner will consider the Panel's report, give the Panel a response and publish that response. (Paragraph 3 of Schedule 5 to the Police Reform and Social Responsibility Act 2011.)
- 4.13 The Police and Crime Panel may veto a proposed precept if at least two thirds of the members of the Police and Crime Panel vote in favour of a veto. The Police and Crime Panel must include details of its veto in its report to the Police and Crime Commissioner. (Paragraph 4 of Schedule 5 to the Police Reform and Social Responsibility Act 2011.)
- 4.14 If the Panel has not vetoed the proposed precept, the Commissioner will issue his precept after he has responded to the report of the Police and Crime Panel. The precept may be either the precept that the Police and Crime Commissioner

Part 3: Responsibility for Functions

originally proposed or a different precept which was recommended in the report of the Police and Crime Panel. (Paragraph 5 of Schedule 5 to the Police Reform and Social Responsibility Act 2011.)

- 4.15 If the Police and Crime Panel has vetoed the proposed precept, the Police and Crime Commissioner must notify the Police and Crime Panel of a revised precept by 15 February. The Police and Crime Panel will review the revised precept and make a report to the Police and Crime Commissioner by 22 February. The report may make recommendations and may indicate whether the Panel accepts or rejects the revised precept. (Paragraph 6 of Schedule 5 to the Police Reform and Social Responsibility Act 2011 and Regulations 5 and 6 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012.)
- 4.16 The Police and Crime Commissioner will have regard to the Police and Crime Panel's second report, give the Panel a response and publish that response by 1 March. The Police and Crime Commissioner will then issue his precept. The precept may be either the revised precept that the Police and Crime Commissioner proposed or another precept. (Regulations 7 and 8 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012.)
- 4.17 The Police and Crime Commissioner shall allocate to the Chief Constable an annual budget which shall be known as the transferred budget in respect of staffing and related costs further to the agreed budget and the Police and Crime Plan.
- 4.18 The Police and Crime Commissioner will set the level and components of the capital programme.
- 4.19 The Police and Crime Commissioner will determine any borrowing for the capital programme and this will form part of determining how the overall revenue and capital budget is funded.
- 4.20 The Police and Crime Commissioner will determine the Treasury Management Strategy which will be reported to and reviewed at least annually by the Joint Audit Committee.
- 4.21 By 31st December in any financial year, the Chief Constable will provide to the Police and Crime Commissioner a demonstration that operational policing is in line to deliver the cost reduction target set in the budget process and given value for money. The demonstration will be provided in a format specified by the Police and Crime Commissioner.
- 4.22 The Chief Constable will also provide to the Police and Crime Commissioner or the Police and Crime Commissioner's Treasurer at the Joint Management Board

Part 3: Responsibility for Functions

on a quarterly basis any information requested by the Police and Crime Commissioner or the Police and Crime Commissioner's Treasurer.

- 4.23 In the event that the Police and Crime Commissioner or the Police and Crime Commissioner's Treasurer consider there is a need for a Spending Adjustment to either overall capital or revenue spending the Chief Constable may be required to submit a written report to the Police and Crime Commissioner and the Joint Management Board explaining proposals for rectification through a Corrective Plan. In extreme cases further commitment against reserves or budget may be restricted if proposed to the Joint Management Board.
- 4.24 After consideration of the Corrective Plan and consultation with the Chief Constable and having taken advice from the Statutory Officers, the Police and Crime Commissioner shall specify a reasonable period of time within which the corrective plan and any additional requirements of the Police and Crime Commissioner or the Police and Crime Commissioner's Treasurer will be implemented.
- 4.25 The Chief Constable's Chief Finance Officer shall account to the Chief Constable and to the Joint Management Board an outturn report regarding the costs of the discharge of the Specified Functions following the end of the financial year.

5. **Police and Crime Commissioner Consent to the Chief Constable**

- 5.1 At the time that the scheme of governance of the Police and Crime Commissioner was adopted by the Police and Crime Commissioner consents have been given in respect of assets in the ownership of the Chief Constable as referred to in Schedule 1 and operational contracts as agreed at the meeting of the Joint Management Board on 18 December 2013. The schedule of assets will be reviewed on an annual basis following a report from the Police and Crime Commissioner's Treasurer to the Joint Management Board.

6. **Application of Funds**

- 6.1 All funds will be authorised and disbursed in accordance with the financial regulations set out at part 4 of the joint scheme of governance of the Police and Crime Commissioner and the Chief Constable.

7. **Assistance to the Police and Crime Commissioner by the Chief Constable**

- 7.1 The Chief Constable may second officers from the Force to the Police and Crime Commissioner to assist in the functions of the Police and Crime Commissioner.

Part 3: Responsibility for Functions

7.2 The Police and Crime Commissioner and the Chief Constable shall enter into service level agreements where services are to be provided by the Force to the Police and Crime Commissioner.

8. **Assistance to the Chief Constable by the Police and Crime Commissioner**

8.1 The Police and Crime Commissioner may second staff from the Police and Crime Commissioner to the Chief Constable to assist in the functions of the Chief Constable.

8.2 The Police and Crime Commissioner and the Chief Constable shall enter into service level agreements where services are to be provided by the Police and Crime Commissioner to the Chief Constable.

PART TWO – DELEGATION OF FUNCTIONS

9. Delegation of Functions

- 9.1 This scheme of delegation sets out delegation of functions of the Police and Crime Commissioner and the Chief Constable to enable the Police and Crime Commissioner and the Chief Constable to discharge their statutory functions. It sets out significant functions which are delegated. It does not affect the power of the Chief Constable and the Police and Crime Commissioner to make additional specific delegations from time to time.
- 9.2 Any person who exercises delegated authority under this scheme of delegation must bring to the attention of the Police and Crime Commissioner or the Chief Constable as applicable any matter relating to the exercise of that delegated authority where the circumstances would be likely to be regarded by the Police and Crime Commissioner as "Sensitive". "Sensitive" matters are matters in respect of which unusual or exceptional circumstances have arisen which should be deemed sensitive under the reasonable application of a risk assessment based on the PESTELO (political, economic, social, technological, environmental, legal, organisational) method; and where an issue is reasonably likely to be of interest to the Police and Crime Commissioner because of public interest, media interest, profile in the region or impact on the reputation of the Police and Crime Commissioner or the Chief Constable or the Constabulary itself or impact on key partners; and/or where an issue is of strategic or policy interest to the Police and Crime Commissioner or the Chief Constable such as outsourcing, shared services, collaboration, deviation from national trends, public-private arrangements, areas of significance in the Police and Crime Commissioner's Police and Crime Plan.
- 9.3 Any person who exercises authority under this scheme of delegation must comply with all relevant statutory and regulatory requirements and all relevant guidance. This includes but is not limited to:
- 9.3.1 Police Reform and Social Responsibility Act 2011 and subordinate legislation.
 - 9.3.2 Policing Protocol Order 2011.
 - 9.3.3 Home Office Financial Management Code of Practice.
 - 9.3.4 CIPFA Statement on the role of the Chief Finance Officer in public service organisations.
 - 9.3.5 Data Protection Act 1998.

Part 3: Responsibility for Functions

- 9.3.6 Freedom of Information Act 2000 and subordinate legislation.
 - 9.3.7 Health and safety at work legislation and codes.
 - 9.3.8 The scheme of governance of the Police and Crime Commissioner and any other policies and procedures of the Police and Crime Commissioner.
- 9.4 Any person who exercises authority under this scheme of delegation must have regard to:
- 9.4.1 The views of the people of Devon and Cornwall.
 - 9.4.2 Any report or recommendation made by the Police and Crime Panel on the annual report for the previous financial year.
 - 9.4.3 The Police and Crime Plan and any guidance issued by the Secretary of State.
- 9.5 With the exception of those matters reserved for decision by the Police and Crime Commissioner or the Chief Constable the scheme allows any person to whom a power has been consented or delegated to sub-consent/sub delegate that power further to staff so long as this is not prohibited by statute, regulation or statutory guidance nor is it specifically prohibited by the Police and Commissioner. Any such sub-consent/sub delegation does not relieve the person who has sub-consented or sub-delegated a power from due responsibility for any decision taken by a person they have authorised to act on their behalf. Where a matter is consented to the Chief Constable the Chief Constable may arrange for any of their officers or staff to undertake the consented function on their behalf via a Constabulary Scheme of Delegation. Whilst the content of any such Scheme is a matter for the Chief Constable the Commissioner expects to be consulted on the content of any such Scheme and any changes to it.
- 9.6 Giving consent/delegation to officers under this scheme does not prevent an officer from referring the matter to the Commissioner or the Chief Constable for a decision if the officer thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial or reputational implication).
- 9.7 Any action taken under delegated authority must where reasonable be recorded by those officers holding the delegation, including recording that relevant legal, financial and other considerations and consultations have been recorded and considered prior to a decision being taken.
- 9.8 The Police and Crime Commissioner is responsible for ensuring that the provisions and obligations of this scheme are properly drawn to the attention of

Part 3: Responsibility for Functions

all the Commissioner's staff. The Chief Constable is responsible for making sure that the provisions and obligations of this scheme are properly drawn to the attention of all officers and staff under his responsibility or employment.

- 9.9 Notwithstanding any specific requirements in this scheme, the Commissioner shall be consulted in relation to any projects/areas of work which may have a significant impact on the community of Devon and Cornwall. The Commissioner requires consultation at both outline business case and full business case stages including evaluation of any business case.
- 9.10 The person appointed as the Chief Executive (who will also be the Monitoring Officer) and the Chief Finance Officer have statutory powers and duties relating to their positions, and therefore do not rely on a specific delegation to carry out these powers. Similar considerations apply to the Chief Finance Officer of the Constabulary.

PART 2A – OFFICER DELEGATION

10. Functions delegated from the Police and Crime Commissioner to the Police and Crime Commissioner’s Chief Executive

10.1 In the absence of the Commissioner (defined as leave or illness), the Commissioner delegates decisions in relation to the exercise of his statutory functions to the Chief Executive to carry out in his absence.

10.2 The Police and Crime Commissioner delegates the following functions to the Chief Executive:

10.2.1 To prepare and co-ordinate the production of the Police and Crime Plan.

10.2.2 To produce an annual report.

10.2.3 Subject to the views of the Chief Constable, to publish information on behalf of the Police and Crime Commissioner as required by the Elected Local Policing Bodies (Specified Information) Order 2011.

10.2.4 To provide information to the Police and Crime Panel to enable it to carry out its functions.

10.2.5 To sign contracts and other legal documents on behalf of the Police and Crime Commissioner and to affix a common seal of the Police and Crime Commissioner in accordance with the Financial Regulations and Contract Standing Orders subject to advice where necessary from the Director of Legal Services and other specialist advisers. Where the common seal of the Police and Crime Commissioner is affixed to any document it shall be in the presence of and attested by the Chief Executive, or such other authorised officer authorised by the Chief Executive, and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for that purpose and shall be authenticated by the person who has attested the seal.

10.2.6 To consider whether in consultation with the Treasurer to provide an indemnity for the Police and Crime Commissioner or his/her deputy in accordance with the Local Authorities (Indemnities for Members & Officers) Order 2004.

10.2.7 To consider and approve if appropriate, the provision of indemnities and/or insurance for officers.

Part 3: Responsibility for Functions

- 10.2.8 To make arrangements to institute defend or participate in any legal proceedings in any case where such action is necessary to give effective decisions of the Police and Crime Commissioner or in any case in which the Chief Executive considers that such action is necessary to protect the Police and Crime Commissioner's interests.
- 10.2.9 To consider with the Police and Crime Commissioner any complaint made against the Chief Constable and where appropriate to make arrangements for appointing an officer to investigate the complaint.
- 10.2.10 To respond to consultations and proposals affecting the Police and Crime Commissioner after first taking into consideration the views of the Police and Crime Commissioner, the Treasurer and/or the Chief Constable as appropriate.
- 10.2.11 To obtain legal advice from the Director of Legal Services or other expert advice and to appoint other legal professionals whenever this is considered to be in the Police and Crime Commissioner's best interest and/or for his benefit or where a conflict of interests exists so that the Director of Legal Services is unable to act.
- 10.2.12 To ensure in consultation with the Chief Constable that appropriate arrangements are made to gather the community's views on the policing of Devon and Cornwall, crime prevention and anti-social behaviour.
- 10.2.13 Such matters that are referred for decision by the Chief Executive in the Financial Regulations and Contract Standing Orders.
- 10.2.14 To appoint and suspend and dismiss in consultation with the Police and Crime Commissioner staff of the Police and Crime Commissioner who are not under the direction and control of the Chief Constable.
- 10.2.15 To make recommendations to the Police and Crime Commissioner with regard to staff terms and conditions of service, in relation to those staff of the Police and Crime Commissioner not under the direction and control of the Chief Constable.
- 10.2.16 Having taken the appropriate legal or other expert advice to settle Employment Tribunal claims brought against the Police and Crime Commissioner subject to the approval of the Police and Crime Commissioner in any case which: involves a high profile claimant or involves a particular public interest or involves a real risk that the Police and Crime Commissioner may be exposed to serious public criticism and/or any serious weakness in the organisation policies or procedures of the office of the Police and Crime Commissioner.

Part 3: Responsibility for Functions

- 10.2.17 To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with sections 50, 50A and 50B of the Pensions Act 1995 and subsequent regulations.
- 10.2.18 To appoint and if necessary terminate the appointment of independent custody visitors in accordance with section 51 Police Reform Act 2002.
- 10.2.19 To place orders for goods, services and work within budget provision, up to the value at which the European Procurement Directives apply subject to: compliance with Financial Regulations and Contract Standing Orders and a report being submitted to the Police and Crime Commissioner for information.
- 10.2.20 To make appointments to Police Appeals Tribunals in consultation with the Police and Crime Commissioner.
- 10.2.21 To act as the Police and Crime Commissioner's Money Laundering Reporting Officer under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003.
- 10.2.22 To deal with routine matters of urgency.
- 10.2.23 To annually review and where appropriate in consultation with the Appointments and Remuneration Committee the rate of mileage allowances and expenses reimbursed to individuals nominated by the Police and Crime Commissioner under a scheme of allowances/expenses as being entitled to claim such allowances and expenses and change the rates following consultation with the Police and Crime Commissioner and the Treasurer if there has been any significant changes in the allowable rates.
- 10.2.24 To apply for planning permission on behalf of the Police and Crime Commissioner.
- 10.2.25 To consult regularly with the Police and Crime Commissioner's Treasurer and the Chief Constable's Director of Finance and Resources and the Chief Constable's Director of Legal Services to identify areas where the probity of the Police and Crime Commissioner and the Chief Constable could be better protected.
- 10.2.26 To prepare the Police and Crime Commissioner's risk management policies.
- 10.2.27 To maintain the joint risk register of the Police and Crime Commissioner and the Chief Constable.

Part 3: Responsibility for Functions

- 10.2.28 To be responsible for the budget for the Office of the Police and Crime Commissioner.
- 10.2.29 To determine any reimbursement of exceptional expenses of the Police and Crime Commissioner in accordance with regulations.
- 10.2.30 To approve ex gratia payments up to the limit set out in chapter 9 of Financial Regulations.

11. Functions delegated from the Police and Crime Commissioner to the Police and Crime Commissioner's Treasurer

11.1 To be the Police and Crime Commissioner's professional adviser on financial matters, the duties being to:

11.1.1 Provide financial advice to the Police and Crime Commissioner on all aspects of its activity including the strategic planning and policy making process.

11.1.2 Assist the Police and Crime Commissioner in seeking to obtain the best value for money.

11.1.3 Advise the Police and Crime Commissioner on financial propriety.

11.1.4 Ensure that accurate, complete and timely financial management information is provided to the Police and Crime Commissioner and the Chief Constable.

11.1.5 Give assistance in providing safe and efficient financial arrangements.

11.1.6 Advise in consultation with the Chief Executive and the Director of Finance and Resources and the Director of Legal Services on the safeguarding of assets, including risk management and insurance.

11.1.7 Arrange for the determination and issue of the precept.

11.1.8 Advise on budgetary matters including any consequent long-term implications.

11.2 To implement and monitor the Treasury Management Policy Statement.

11.3 To be responsible for the investment of the Police and Crime Commissioner's money and the borrowing of money as necessary in accordance with the Treasury Management Strategy including authority to make investment decisions with regard to the Devon and Cornwall Investment Fund. The Treasurer may arrange for the Director of Finance and Resources to undertake day to day cash management activities or he may procure these activities from an appropriate source.

11.4 In extremis, to make the following payments where prior approval by the Police and Crime Commissioner is not possible to authorise such payments, irrespective of whether or not provision has been made in the revenue budget, in relation to:

Part 3: Responsibility for Functions

11.4.1 Payments required by statute.

11.4.2 Payments ordered by a court.

11.4.3 Payments due under any agreement entered into by or on behalf of the Police and Crime Commissioner.

Any decisions taken under this provision must be reported as soon as possible to the Police and Crime Commissioner.

- 11.5 To be responsible for all banking arrangements together with the creation, closure or authorisations of any account.
- 11.6 To decide having taken appropriate advice in consultation with the Chief Executive any enhancements or applications of discretion within the Local Government Pension Scheme.
- 11.7 To manage the joint internal audit function of the Police and Crime Commissioner and to report all matters of concern arising from internal audit activity to the Police and Crime Commissioner and the Joint Audit Committee as appropriate.
- 11.8 To prepare draft financial regulations and rules relating to contracts in consultation with the Chief Constable's Director of Finance and Resources.
- 11.9 To approve contract award, contract variations and contract extensions for any contract in the name of the Police and Crime Commissioner up to the limits set out in chapter 9 of the Financial Regulations
- 11.10 To approve the waiving of standing orders and procurement regulations for any contract in the name of the Police and Crime Commissioner up to the limits set out in chapter 9 of the Financial Regulations
- 11.11 To approve the disposals of assets in the ownership of the Police and Crime Commissioner for the use of the Police and Crime Commissioner and assets in the ownership of the Police and Crime Commissioner for the use of the Chief Constable up to the limits set out in chapter 9 of the Financial Regulations.
- 11.12 To approve the write off of income due to the Police and Crime Commissioner up to the limits set out in chapter 9 of the Financial Regulations
- 11.13 To approve individual retirement or redundancy sums for staff of the Office of the Police and Crime Commissioner up to the limits set out in chapter 9 of the Financial Regulations.

Part 3: Responsibility for Functions

- 11.14 To receive notification of all requests for redundancy in order to ensure that adequate financial provision is in place providing always that the Chief Constable will have the freedom to determine which of his staff are to be made redundant

12. **Functions delegated by the Chief Constable to the Chief Constable's Director of Legal Services**

- 12.1 To provide legal advice to the Police and Crime Commissioner and the Chief Constable on their powers and ability to take decisions and actions in specific situations.
- 12.2 To institute prosecute defend or participate in legal or other proceedings on behalf of the Chief Constable and the Police and Crime Commissioner where such action is necessary to give effect to the decisions and policies of the Chief Constable and the Police and Crime Commissioner or where the Director of Legal Services considers that such action is necessary to protect the interests of the Chief Constable or the Police and Crime Commissioner.
- 12.3 To appear on behalf of the Chief Constable and the Police and Crime Commissioner in proceedings at any appropriate court, tribunal or inquiry and to take any action in connection with such proceedings.
- 12.4 Having taken instructions from the Chief Constable and the Police and Crime Commissioner in accordance with the agreed protocol to settle or compromise any legal proceedings where the Director of Legal Services considers that such action is necessary to protect the interests of the Chief Constable and/or the Police and Crime Commissioner.
- (a) The powers set out above in paragraphs 12.2 to 12.4 may be exercised on behalf of the Director of Legal Services by any qualified lawyer. Working within the Force legal services department or in circumstances where external lawyers are instructed in accordance with paragraph 10.2.11 above.

13. **Financial Delegations to the Chief Constable's Director of Human Resources**

- 13.1 To adjust the civilian Police Staff establishment both in numbers and gradings within the overall workforce budget approved by the Police and Crime Commissioner.

Part 3: Responsibility for Functions

- 13.2 To determine all matters relating to police pensions (including widows pensions) with the exception of:
 - 13.2.1 Retirement on ill health grounds of all officers, these will be determined in consultation with the Police and Crime Commissioner.

- 13.3 To determine the following matters in relation to injury awards:
 - 13.3.1 Decide to refer the process to the Selected Medical Practitioner (SMP)
 - 13.3.2 Decide to retain an officer where the SMP confirms the officer is not permanently disabled and both the management and the officer agree the retention period is appropriate.
 - 13.3.3 Decide the appropriate period review period for injury awards
 - 13.3.4 Decide whether there is a cognisant reason why an injury award should not be reduced to the lowest band upon the pensioner reaching the age of 65.

- 13.4 To exercise employer discretions under the Local Government Pensions Scheme.

- 13.5 Any decisions with regard to the enhancements or applications of discretion listed above will be referred to the Treasurer in consultation with the Police and Crime Commissioner's Human Resources Adviser.

- 13.6 To accept notices from police officers of an intention to retire from the service.

- 13.7 To receive and accept notices from probationer officers who express an intention to retire during their probationary period.

- 13.8 To notify the Police and Crime Commissioner's' Treasurer (in order to ensure that adequate financial provision is in place for proposed redundancies of the Chief Constable's staff.

14. Functions delegated by the Chief Constable to the Chief Constable's Director of Finance and Resources

Finance Matters

- 14.1 To ensure that the financial affairs of the Chief Constable are properly administered.
- 14.2 To assist the Police and Crime Commissioner in planning the Constabulary's budget.
- 14.3 To undertake the day to day management of the Constabulary's budget.
- 14.4 To approve contract award, contract variations and contract extensions for any contract in the name of the Chief Constable up to the limits set out in chapter 9 of the Financial Regulations
- 14.5 To approve the waiving of standing orders and procurement regulations for any contract in the name of the Chief Constable up to the limits set out in chapter 9 of the Financial Regulations
- 14.6 To approve the disposals of assets in the ownership of the Chief Constable for the use of the Chief Constable and assets in the ownership of the Police and Crime Commissioner for the use of the Chief Constable up to the limits set out in chapter 9 of the Financial Regulations.
- 14.7 To approve the write off of income due to the Police and Crime Commissioner up to the limits set out in chapter 9 of the Financial Regulations
- 14.8 To approve individual retirement or redundancy sums for staff of the Chief Constable up to the limits set out in chapter 9 of the Financial Regulations.
- 14.9 To approve write of stocks in the ownership of the Chief Constable up to the limits set out in chapter 9 of the Financial Regulations.
- 14.10 To approve the payment of liability claims that have been authorised according to the Chief Constable Liability Claim Policy up to the limits set out in chapter 9 of the Financial Regulations.
- 14.11 To approve ex gratia payments to staff of the Chief Constable up to the limits set out in chapter 9 of the Financial Regulations.
- 14.12 To be responsible for managing the accounts systems of the Chief Constable.
- 14.13 Undertake day to day management of the assets held by the Chief Constable.

Part 3: Responsibility for Functions

Estate Matters

- 14.14 To appoint technical consultants as and when required to progress the capital and revenue programmes.
- 14.15 To add or delete firms from the Police and Crime Commissioner's approved list of building contracts and architectural services consultants, in accordance with approved criteria.
- 14.16 To negotiate and appoint a consultant selected from the approved list of architectural services consultants in accordance with the criteria submitted where he/she considers it to be in the best interests of the Police and Crime Commissioner and where the fee (inclusive of expenses) is within budgetary provision and is estimated to be less than the value at which the European Procurement Directives apply.
- 14.17 To authorise persons to enter and survey land pursuant to Section 15 Local Government (Miscellaneous Provisions) Act 1976 and Section 324(6) Town & Country Planning Act 1990.
- 14.18 To grant licences and fees for radio installations/masts and aerials which conform to approved standards and to report such approvals retrospectively to the Police and Crime Commissioner for information.
- 14.19 To let non-surplus empty properties to be managed in-house and let at market rents after being advertised on the open market, subject to retrospective reporting to the Police and Crime Commissioner.
- 14.20 To arrange for the service of notices to quit in order to obtain possession of land for a purpose already approved by the Police and Crime Commissioner or to enable a variation to be made in the terms upon which a tenancy of land is held.
- 14.21 To acquire and/or dispose of property at its open market value as certified by a qualified valuer, the capital value of which does not exceed £100,000 and which is included in the strategy outlined for the year in the Police and Crime Plan such transactions to be reported retrospectively to the Police and Crime Commissioner.
- 14.22 To make application to the highways authority for the grant of licences for operators over, in and under streets required for the Police and Crime Commissioner's development.
- 14.23 For projects where the final business case has been approved by the joint management board and following the express approval of the Police and Crime Commissioner's Chief Executive to apply for planning permission on behalf of the Police and Crime Commissioner.

Procurement matters

- 14.24 To approve contract award, contract variations and contract extensions for any contract in the name of the Chief Constable or the Police and Crime Commissioner up to the limits set out in chapter 9 of the Financial Regulations
- 14.25 To approve the waiving of standing orders and procurement regulations for any contract in the name of the Chief Constable or the Police and Crime Commissioner up to the limits set out in chapter 9 of the Financial Regulations.

15. **Acting in joint interests**

- 15.1 Staff may give advice to the Police and Crime Commissioner and Chief Constable subject to these arrangements being formalised in a service level agreement.
- 15.2 Where a matter involves the sphere of competence of another person or profession, they should be consulted before the action is authorised.

PART 2B

16. Responsibilities of Committees

16.1 The following committees shall have responsibility for the functions specified in their terms of reference in Part 6 of this scheme of governance:

16.1.1 Joint Management Board.

16.1.2 Joint Audit Committee.

16.1.3 Remuneration Committee.

16.1.4 PCC Commissioning Board.

16.1.5 Force Management Board.

16.1.6 Chief Officers' Group.

16.1.7 Performance And Accountability Board.

17. Obligations of the Police and Crime Commissioner and Chief Constable when discharging functions relating to land and other assets

17.1 For the purposes of this Part 3 of the scheme of governance the following definitions of assets apply:

17.1.1 "Assets held by the Police and Crime Commissioner for the use of the Chief Constable" means those assets identified as assets held by the Police and Crime Commissioner for the use of the Chief Constable in Schedule 1 to Part 3 of this scheme of governance.

17.1.2 "Assets held by the Police and Crime Commissioner for the use of the Police and Crime Commissioner" means those assets identified as assets held by the Police and Crime Commissioner for the use of the Police and Crime Commissioner in Schedule 1 to Part 3 of this scheme of governance.

17.1.3 "Assets held by the Chief Constable for the use of the Chief Constable" means those assets identified as assets held by the Chief Constable for the use of the Chief Constable in Schedule 1 to Part 3 of this scheme of governance.

Part 3: Responsibility for Functions

- 17.1.4 When making any decision to acquire or dispose of assets the Police and Crime Commissioner must have regard to the right of the Chief Constable in accordance with paragraph 1.3 to have unfettered access to Assets held by the Police and Crime Commissioner for the use of the Chief Constable.
- 17.2 Subject to paragraph 17.4 before taking a decision to acquire or dispose of Assets held by the Police and Crime Commissioner for the Police and Crime Commissioner the Police and Crime Commissioner shall consult the Joint Management Board and shall notify the Chief Constable. The Police and Crime Commissioner shall have regard to the views expressed by the Joint Management Board but the final decision shall be a matter for the Police and Crime Commissioner.
- 17.3 Subject to paragraph 17.4 before taking a decision to acquire or dispose of land the Police and Crime Commissioner shall consult the Joint Management Board and shall notify the Chief Constable. The Police and Crime Commissioner shall have regard to the views expressed by the Joint Management Board and the Chief Constable but the final decision shall be a matter for the Police and Crime Commissioner.
- 17.4 In circumstances of urgency the Police and Crime Commissioner may dispose of land or Assets held by the Police and Crime Commissioner for the use of the Chief Constable and Assets held by the Police and Crime Commissioner for the use of the Police and Crime Commissioner without consulting with the Joint Management Board or the Chief Constable. In such circumstances the Police and Crime Commissioner will endeavour to provide the Chief Constable with a written report setting out the reasons for the disposal as soon as practicable. The Police and Crime Commissioner will endeavour to produce this report within 10 Working Days from the date of disposal.
- 17.5 The Chief Constable's Chief Finance Officer shall maintain a schedule of assets in the ownership of the Chief Constable. The Chief Constable's Chief Finance Officer shall submit a report to the Joint Management Board once a year on the schedule of assets in the ownership of the Chief Constable and shall invite the Joint Management Board to review the schedule of assets.
- 17.6 The Police and Crime Commissioner's Treasurer shall maintain a schedule of assets in the ownership of the Police and Crime Commissioner. The Police and Crime Commissioner's Treasurer shall submit a report to the Joint Management Board once a year on the schedule of assets in the ownership of the Police and Crime Commissioner and shall invite the Joint Management Board to review the schedule of assets.

Part 3: Responsibility for Functions

- 17.7 Schedule 1 reflects the division of ownership of assets between the Police and Crime Commissioner and the Chief Constable at the time this scheme of governance and consent was adopted. Schedule 2 reflects the details of contracts relating to assets in the ownership of the Police and Crime Commissioner or the Chief Constable at the time this scheme of governance and consent was adopted.

Schedule 1 – Assets Schedule

At the time of agreeing this scheme the attached asset ownership was agreed:



Schedule 1 - Assets
Schedule.docx

Schedule 2 – Contracts List

The attached lists those contracts relating to assets at the time that this scheme of governance and consent was adopted that are in the ownership of the Police and Crime Commissioner and the Chief Constable:



Schedule 2 -
Contracts List.xlsx