

Cambridgeshire Police Authority

Scheme of Delegation

Approved - April 2007
First Revision - April 2010



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CAMBRIDGESHIRE POLICE AUTHORITY

SCHEME OF DELEGATION

Introduction

Local Police Authorities, together with Chief Officers and the Home Secretary, make up the tripartite relationship responsible for the governance of policing in England and Wales.

- The Home Secretary produces an annual policing plan and sets national priorities for policing.
- Cambridgeshire Police Authority provides independent local oversight of police and holds the Chief Constable to account for policing services delivered.
- The Chief Constable is responsible for direction and control of the police force.

Subject to a number of powers which are currently reserved to itself, the business of the Cambridgeshire Police Authority is carried out by Committees and Panels and in accordance with the Scheme of Delegation to the Chief Constable, Chief Executive and Treasurer of the Authority.

Powers are given to the Chief Constable by statute or by virtue of Orders, Rules or Regulations made under Acts of Parliament. Other powers are given to the Police Authority by similar legislation.

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

- Committee Terms of Reference (included in this document)
- Standing Orders for the Regulation of Police Authority Business
- Police Authority Financial Regulations and delegated limits
- Contract Standing Orders
- Members' Code of Conduct

And in accordance with:

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

Financial Regulations and Contract Standing Orders have been drawn up to comply with the Code of Practice on Financial Management which has been produced by the Home Secretary and issued under Section 39 of the Police Act 1996. The Code recommends that "*unless there are good reasons to the contrary, Police Authorities should delegate financial management to the Chief Constable so that, as far as possible, the financial management of a force takes place within that force*". This principle has been followed in drafting this Scheme and the Financial Regulations.

The Authority believes that its Scheme of Delegation provides a framework, which ensures the efficient discharge of its business by allowing for decision making at the appropriate level. This in turn enables Members of the Authority to concentrate on carrying out their statutory functions and to deal with issues of strategic importance.

The Authority's Standing Orders, Financial Regulations and Contract Standing Orders also specify powers attributable to the Chief Constable, Chief Executive and Treasurer either individually or jointly. The Scheme of Delegation seeks to identify and clarify those powers which may be exercised by the Authority but which, for the benefit of good business practice, the Authority wishes to delegate to the Chief Constable, Chief Executive or Treasurer. It also sets out any constraints on the above powers, including requirements to report back to or advise the Authority. In addition, the extent to which powers delegated to the Chief Constable, Chief Executive and Treasurer may, at their discretion, be further delegated are included.

The Scheme of Delegation does not include any powers vested in the Chief Constable through Acts of Parliament in relation to criminal or non-operational matters.

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

The Scheme of Delegation does not attempt to identify all those statutory functions which are contained in specific legislation and regulations.

1. GENERAL PRINCIPLES OF DELEGATION

- 1.1 The powers delegated to the Chief Constable, Chief Executive and Treasurer shall be exercised in accordance with:
- Legislation
 - Standing Orders for the Regulation of Business
 - Financial Regulations;
 - Contract Standing Orders;
 - Policies, principles, procedures, precedents, plans, strategies and budgets of the Authority as current from time to time.
- 1.2 The Authority (and any Committee with power to do so) may require that a specific matter be referred to it for a decision and not dealt with under Delegated Powers.
- 1.3 The delegation of powers to officers under this Scheme does not prevent an officer from referring the matter to the Authority or a Committee for decision if the officer wishes or considers it appropriate. In particular, the Authority expects its officers to draw its attention to sensitive or controversial issues or any matter which may have a significant financial implication.
- 1.4 The Chief Constable, Chief Executive or Treasurer should, when considering a professional or technical matter that is within the sphere of competence of another of these officers, consult with the appropriate professional officer before authorising the action.
- 1.5 In order to avoid any doubt, the following areas of responsibility are reserved to the Authority and thereby are specifically excluded from Delegated Powers:
- The control of any budget sum specified by the Authority as being for the Authority's own use, e.g. for running the Authority itself.
 - The use of the Authority's reserves.
- 1.6 Any reference in this Scheme to any Statutory Instrument or any Section or Regulation thereof shall also be to the same as at any time amended or where such an Act, Instrument, Section or Regulation has been replaced, consolidated or re-enacted, with or without amendment, such reference shall be to the provisions of the replacing, consolidating or re-enacting Statute or Instrument.
- 1.7 All decisions made by officers under powers delegated to them by the Authority shall be properly documented and available for inspection by any Member of the Authority.
- 1.8 References in this document to the Chief Constable, Chief Executive and Treasurer shall include such other officers as may be authorised by them to act on their behalf.

1.9 The Chief Constable shall be responsible for ensuring the provisions and obligations of the Scheme of Delegated Powers are properly drawn to the attention of members of staff under his/her direction and control.

2. POLICE AUTHORITY FUNCTIONS

2.1 The three key functions of the Police Authority are:

- a) To secure an efficient and effective police service (Section 6, Police Act 1996),
- b) To secure best value i.e. continuous improvement in the way functions are exercised having regard to economy, efficiency and effectiveness (Section 3, Local Government Act 1999), and
- c) To make arrangements for obtaining:
 - The views of local people about the policing of their area; and
 - the co-operation of local people in preventing crime (Section 96, Police Act 1996).

2.2 Police Authorities have a wide range of statutory duties which underpin these functions. These are set out in Appendix A. They also have a range of procedural and administrative responsibilities. The main ones are set out below.

2.3 To appoint the Chairman and Vice Chairman of the Authority;

2.4 To appoint (or dismiss) the Chief Executive to the Authority, and the Treasurer.

2.5 To appoint and dismiss the Chief Constable subject to the approval of the Home Secretary.

2.6 To adopt and change Standing Orders, Financial Regulations and Contract Standing Orders.

2.7 To approve or adopt the Annual Report;

2.8 To approve the annual Statement of Accounts

2.9 To agree and/or amend the terms of reference for committees/panels, deciding on their composition and making appointments to them;

2.10 To appoint representatives to outside or other bodies unless the appointment is a function of the Chief Constable or has been delegated by the Authority;

2.11 To adopt an Allowances Scheme;

2.12 To adopt the Member Code of Conduct.

3. DELEGATIONS TO COMMITTEES

- 3.1 The terms of reference of each committee (delegations) are set out below. In addition a number of Panels and Standing Groups assist the Authority and its committees in dealing with their responsibilities. The terms of reference of all Panels and Standing Groups are attached at Appendices B to F.

FINANCE AND RESOURCES COMMITTEE

Constitution

8 named Members of the Police Authority.

Purpose

The Finance and Resource Committee sets the Authority and Constabulary's overall priorities and strategy and ensures spending is in line with these. It does this by:

- Approving the Policing Plan which sets the 3 year strategy and priorities for the Constabulary and the Authority.
- Considering and approving the Authority's Medium Term Financial Plan (Capital and Revenue) ensuring this is in line with the Policing Plan and drives efficiency.
- Monitoring revenue and capital spending and approving in year revisions to the revenue budget (including virement) and the Capital Programme.

Terms of Reference

A. Plans

- 1 To approve the Cambridgeshire Policing Plan including the determination of the local priorities and targets having regard to the views of the people in the Authority's area.

B. Revenue and Capital Budgeting and Spending

1. To consider all matters relating to workforce planning and training, including the police officer establishment.
2. To consider and approve the Authority's Medium Term Financial Plan (including the Capital Strategy and the Asset Management Plan).
3. To consider the draft revenue and capital estimates for the ensuing year and to recommend the Budget and Council Tax level to the full Authority.
4. To consider and recommend capital scheme business cases and financial appraisals.
5. To consider revenue and capital monitoring reports and approve in year revisions (including virement) to the revenue budget and the Capital Programme.
6. To consider and approve the creation and use of Earmarked Reserves, within any parameters which may have been set by the Authority.
7. To approve Fees and Charges (annually) to be levied by Cambridgeshire Police for the provision of policing and other services.
8. To oversee the Authority's Treasury Management arrangements and approve the Treasury Management Strategy.

C. Land and Property matters

1. To consider and approve disposals of Authority assets, unless such disposal is significant or potentially controversial.
2. To consider and approve leases (rentals) of land or property, as lessee or lessor, where there are no capital implications, where the costs do not exceed £250,000 per annum and where the period is less than 10 years.

D. Efficiency

1. To approve the Value for Money (VFM) Statement/Strategy and approve and monitor the implementation of the Efficiency Plan.

E. Other Matters

1. To consider and approve a policy for the receipt of sponsorship income.
2. To approve loans (other than the routine lending of cash within the agreed Treasury Management Policy).
3. To approve the write-off of income, stocks or stores, in accordance with Financial Regulations.
4. To receive an annual report on liability claims including an assessment of the adequacy of insurance cover.

PEOPLE AND PROFESSIONAL STANDARDS COMMITTEE

Constitution

8 named Members of the Police Authority.

Purpose

The focus of the **People and Professional Standards Committee** is to satisfy the Police Authority's duties as they relate to professional standards and monitor how the Constabulary maximises the effectiveness of its staff.

Terms of Reference

A. Human Resources

1. To maintain an overview of and monitor policies, practices and performance of the Constabulary in relation to:
 - Recruitment and Retention
 - Development and Training
 - Health, Safety and Welfare (inc. Occupational Health)
 - Diversity

of Police Officers and support staff under the direction and control of the Chief Constable.

2. To determine any matter relating to the functions of the Authority as the responsible 'person' under Health and Safety legislation.
3. To consider appeal against dismissal lodged by a member of the Police Staff.

B. Professional Standards and the Constabulary

1. To satisfy the Police Authority's statutory duties and enhance public confidence in relation to the complaints and discipline process and professional standards within the Constabulary.

This will involve the oversight of all matters (complaints and discipline) relating to professional standards of all ranks of officer (including Specials) and police staff (including any directly appointed members of staff of the Police Authority), and will include, where appropriate, the appeals processes associated with pensions regulations, and any other quasi-judicial decision (e.g. pension forfeiture).

2. In relation to officers of Superintending rank and below, to monitor the working of the complaints and disciplinary procedures, including the "local resolution" procedures.
3. To carry out the Authority's responsibilities under Section 77 of the Police Act 1996, to keep itself informed as to the manner in which complaints from Members of the public against Members of the Constabulary are dealt with by the Chief Constable to include as appropriate the inspection of individual files when completed.
4. To monitor how complaints about the direction and control of the Constabulary are dealt with.

C. Professional Standards and Chief Officers

1. To record complaints against chief officers.
2. To consider such complaints and either:
 - determine them and subsequently report to the Police Authority for information that no formal disciplinary investigation be instituted, where it appears that the conduct complained of, even if proved, would not justify a criminal or disciplinary charge, and for the matter to be dealt with informally;or, in any other case,
 - appoint an officer from the Cambridgeshire Constabulary, from another Constabulary, or another organisation or seek nomination from the Independent Police Complaint Commission (IPCC), to investigate the complaint, and subsequently,
 - receive the investigating officer's report, and,
 - make recommendations to the Police Authority on whether disciplinary proceedings are required where it is appears that the chief officer may have committed a disciplinary offence.
3. To refer the case to the Independent Police Complaint Commission (IPCC) where serious misconduct is alleged.

D. Other

1. To consider any Ombudsman or other complaint organisation report, specific or general, which touches on the Authority or Constabulary, as directed by the Chairman of the Authority, or Committee or the Chief Executive, or Treasurer.

AUDIT AND GOVERNANCE COMMITTEE

Constitution

8 named members of the Police Authority.

Purpose

The Audit and Governance Committee has oversight of all audit, governance, and risk management arrangements. The Committee approves the Authority's Statement of Accounts and considers the audit reports thereon.

Terms of Reference

A. Audit and Accounts

1. To approve and monitor the annual audit plans for both internal and external audit and make recommendations to the Authority as appropriate on audit activities.
2. To consider and approve the Authority's Statement of Accounts.
3. To receive reports from the external auditor on the statement of accounts (reports addressed to 'those charged with governance').
4. To receive, consider and make recommendations to the Authority as appropriate on the Audit Management Letter.

B. Governance

1. To ensure compliance with the Police Authority's Code of Corporate Governance, to approve and report its assessment on compliance to the full Police Authority.
2. To receive the Annual Report of the Head of Internal Audit and approve the Annual Governance Statement and the System of Internal Audit.

C. Risk Management

1. To maintain an overview of and monitor the corporate risk management activities of the Constabulary and Authority.

SCRUTINY COMMITTEE

Constitution

8 named members of the Police Authority.

Purpose

The Scrutiny Committee monitors on behalf of, and with, the public, the Constabulary's progress with implementation of the Policing Plan and other relevant National and Local Plans.

Terms of Reference

A. Regard to the views of the People

1. To oversee the statutory duties of the Police Authority to have regard to the views of the people in the Authority's area about policing in that area.
2. To oversee the production of the Local Policing Summary / Annual Report.
3. To consider any issues regarding public consultation and public engagement, as may arise from time to time.

B. Performance Monitoring

1. To monitor the performance of the Constabulary against the targets as set out in the Cambridgeshire Policing Plan in all its aspects, within the requirements of the relevant performance framework, or other criteria as the Panel may consider appropriate.
2. To monitor the quality of service provision by the Constabulary and Authority generally, including feedback from the public, complaints and expressions of appreciation and dissatisfaction relating to such service.
3. To consider any other HMIC/Audit Commission and other relevant reports on the performance of the Constabulary and to hold the Chief Constable to account in relation to any such assessments.
4. To review and scrutinise the performance of other relevant public bodies in the area, linking to their scrutiny arrangements and inviting reports from them as necessary.
5. To approve and monitor the Authority's Equality Schemes (incorporating Human Rights) and to receive regular reports on progress against the Constabulary's Equality Schemes.
6. To oversee and monitor the work of the Performance Panel, and receive any issues referred from it.
7. To initiate and oversee value for money investigations of the Authority's functions.

C. Standards of Custody Provision

1. To oversee the Independent Custody Visiting Scheme through the Independent Custody Visiting Panel.

2. To ensure custody provision complies with the requirements of Health and Safety and other relevant legislation and in particular with the NPIA's (Home Office) Guide to Safer Detention in all its aspects including the condition of the custody estate.

ETHICAL STANDARDS COMMITTEE

Constitution

2 named Members of the Police Authority and 1 Lay Independent Member – to include an option to recruit a further 1 Lay Independent Member if necessary.

The Committee shall exercise the delegated powers as set out in the Terms of Reference below:

Terms of Reference

1. Promote and maintain high standards of conduct by Members of the Authority.
2. Assist Members to observe the Members' Code of Conduct.
3. Advise the Authority on the adoption or revision of the Members' Code of Conduct.
4. Monitor the operation of the Members' Code of Conduct.
5. Advise, train or arrange to train Members on matters relating to the Members' Code of Conduct.
6. Grant dispensations to Members from requirements relating to interests set
7. Deal 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.

4. DELEGATIONS TO THE CHIEF CONSTABLE

Financial

- 4.1 To administer and monitor the approved budget, save for any part which is retained by the Authority for its own purposes. In exercising this power, the Chief Constable shall have regard to the relevant Codes of Practice, the local Policing Plan and also submit a periodic budget monitoring report to the Authority.
- 4.2 To be responsible for the provision of payroll, pensions, and general financial administration within the Force, subject to the role of the Treasurer as Section 151 Officer (Local Government Act 1972).
- 4.3 To take all appropriate steps to ensure that the Authority's approved capital programme is implemented, subject to the Authority being periodically informed of progress.
- 4.4 To accept offers of sponsorship and gifts on behalf of the Authority provided that decisions taken are in accordance with any guidance or policy which the Police Authority may from time to time determine or under Section 93 Police Act 1996.
- 4.5 To authorise the institution, defence, withdrawal or settlement of any claims or legal proceedings on behalf of the Authority in consultation with the Principal Legal Adviser (and the Treasurer where there are significant financial implications). Any decisions taken under this provision must be reported to the next scheduled meeting of the Authority.

Contractual Matters

- 4.6 The Authority remains the legal contracting party for Contracts; however responsibility for the day to day management and control of contracts is delegated to the Chief Constable, in accordance with the Authority's Contract Standing Orders.
- 4.7 To be responsible for the letting of contracts for the procurement of goods, services and works as a consequence of the operations of the organisation and the authorisation of officers to let such contracts, except where the Police Authority has decided that it must be advised of particular contracts in advance of agreement because of their size or sensitivity.
- 4.8 To be responsible for the day to day administration, supervision and effective monitoring of all building, civil engineering, information technology and consultancy contracts entered into by the Authority.
- 4.9 The Police Authority requires (through Contract Standing Orders), that any contract not awarded to the lowest bidder is justified in writing, prior to it being approved by the Chief Constable.

Property and Estates

- 4.10 To be responsible for the management of the police estate, including maintenance of property, and for this purpose to incur expenditure within the Authority's approved maintenance budget.
- 4.11 To authorise the use of, and charges for, police property by outside bodies or Staff Associations, provided that such use is temporary and no tenancy or other legal interest is created.
- 4.12 The Chief Constable shall establish and maintain a register of all property and major assets owned by or leased to the Authority, in accordance with Financial Regulations.
- 4.13 The Chief Constable shall make such arrangements, as he/she deems necessary to ensure the safe custody of all documents of title to land owned or leased by the Authority.
- 4.14 Land and buildings may only be acquired as part of a capital scheme which has been approved by the Authority and where the necessary financial provision has been included in the approved Capital Programme.
- 4.15 The Chief Constable shall declare land, premises and other assets surplus to requirements and, subject to the approval of the Finance and Resources Committee, arrange for disposal.
- 4.16 The sale of land and buildings may take place by public auction, public tender or private treaty. The disposal method to be one which, in the view of the Chief Constable, having received appropriate advice from a qualified Valuer, maximises value for money to the Authority.
- 4.17 The Chief Constable shall notify the Treasurer of all forthcoming proposed property leases or renewals before any agreement is made and these shall be included in the proposed capital programme where the lease constitutes a capital liability.
- 4.18 Any property transaction that does not fall under the strategy outlined for the year in the policing plan shall be subject to the prior approval of the Authority.
- 4.19 The Chief Constable shall advise the Chief Executive and Treasurer of any contractual difficulties with regard to the acquisition or disposal of property that are potentially likely to cost the Authority a significant sum or where the matter could be of a high profile nature for the Authority.
- 4.20 To apply for planning permission for the development of property or land.
- 4.21 To submit proposals for and make objections to the rating valuation lists.
- 4.22 To settle rent reviews (including third party determinations) dilapidation claims and compensation payments at the termination of leases and lettings in accordance with advice received from a qualified Valuer.

Personnel Matters

- 4.23 To be responsible for the direction and control of persons employed by the Authority to assist the Constabulary, in accordance with Section 15 (2) of the Police Act 1996.
- 4.24 Subject to Government Directives, manage the police staff and police officer establishment in terms of numbers, locations, ranks and grading within the overall workforce budget approved by the Authority, except those posts at Chief Officer grade (uniformed) which will be referred to the Authority.
- 4.25 To appoint all Constabulary staff, excluding uniformed posts at Chief Police Officer level, which will only be made by the Authority.
- 4.26 To authorise, in accordance with Police Staff Conditions of Service, the suspension of staff and/or the termination of their employment with the exception of staff whose appointment is made by the Authority. Nevertheless any appeal against dismissal lodged by a member of the Police Staff will remain to be considered by the Authority People and Professional Standards Committee.
- 4.27 To approve the retirement, in the interests of the efficiency of the service, of employees subject to the Local Government Pension Scheme with or without enhancement of service. Any additional costs to be met from within the existing revenue budget.
- 4.28 To approve the appointment or secondment of police officers for central services or overseas duty.
- 4.29 In accordance with terms of any approval given by the Home Secretary, to grant leave with pay and the payment of appropriate fees and charges in respect of police officers selected to take degree courses at University.
- 4.30 To implement national agreements on salaries, wages and conditions on the clear understanding that any issues which are sensitive or have major financial implications shall come before the Authority for decision. For the avoidance of any doubt, all awards relating to Chief Officers (Uniformed) shall only be authorised after prior consideration by the Chief Executive and Treasurer.
- 4.31 To approve payments under any Authority approved bonus, productivity of performance related payment schemes and honoraria payments in recognition of additional duties and responsibilities or similar special payments. For the avoidance of doubt, payments in relation to the ACPO (Uniformed) PDR/Bonus Scheme shall be reserved to the Authority.
- 4.32 Notwithstanding the provisions of 4.30 above, to undertake negotiations and reach agreements with recognised Trade Unions and Staff Associations on

any matters suitable for local determination. All agreements reached will be reported back to the Authority.

- 4.33 To grant regular or standard car user allowances.
- 4.34 To make awards under any Authority approved staff suggestion scheme.
- 4.35 Subject to consultation with the Chief Executive, to issue certificates sought by staff seeking exemption from political restriction under the Local Government and Housing Act 1989, in those cases where it is considered that the duties of the post do not fall within Sub-section 3 of Section 2 of the Act.
- 4.36 To approve the retirement of police officers and police staff on the grounds of ill health and the payment of ordinary and ill health pensions and gratuities as appropriate, with due regard to the advice of the Force Medical Examiner or selected medical practitioner. This power to be restricted to officers up to and including the rank of Chief Superintendent. In exercising this power, details of all ill health retirements approved are to be reported to the Authority. The retirement of the Chief Constable, Deputy Chief Constable, Assistant Chief Constable are to remain for consideration and approval by the Authority.
- 4.37 In accordance with Home Office advice and after consultation with the Chief Executive (who will take legal advice if necessary) to provide financial assistance to police officers in legal proceedings taken against them and progressed by them, if they act in good faith and exercise reasonable judgement in exercising their police duties. Where considered appropriate, the same principle to be applied to members of the Special Constabulary and Police Staff.
- 4.38 To exercise the powers and duties of the Police Authority under the Health and Safety at Work Act 1974.

Other matters

- 4.39 To acquire the vehicles, plant, equipment and services required by the Authority and to make arrangements for their use, disposal and replacement as appropriate.
- 4.40 To exercise the powers and duties of the Police (Property) Regulations 1997 and in so doing:
- Authorise, where appropriate, requests for the donation of unclaimed found property to charitable causes, and
 - Approve the retention of such property where it can be put to good use for police purposes.

5. DELEGATIONS TO THE CHIEF EXECUTIVE

- 5.1 To act as “Monitoring Officer” under Section 5(1) of the Local Government and Housing Act 1989.
- 5.2 To act as “Money Laundering Reporting Officer” under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.
- 5.3 To act as “Proper Officer” to deal with various administrative matters involving the Authority (see 6.2).
- 5.4 In conjunction with the Treasurer to manage the budget retained by the Authority for its own purposes and in particular:
 - To place orders for goods and services and to incur expenditure for which provision has been made in the revenue budget;
 - To invite and accept quotations and tenders for goods and services for which provision is included in the revenue budget.
- 5.5 To affix the Common Seal of the Authority and to sign on behalf of the Authority any document to give effect to any decisions made by the Authority or to execute as a deed any appropriate documents or to sign any relevant contracts on behalf of the Authority.
- 5.6 To sign on behalf of the Authority any indemnity required to enable the Authority to exercise any of its functions, provided that where the giving of an indemnity could have significant financial implications, such indemnity shall only be signed with the approval of the Treasurer.
- 5.7 As required by Pension Regulations, and in consultation with the Chief Constable and Treasurer, ensure that an Internal Dispute Resolution Process is in place for any pension appeal lodged by a police officer or member of police staff.
- 5.8 To appoint and dismiss staff employed by the Authority who are not under the control and direction of the Chief Constable; to make recommendations to the Authority relating to their Terms and Conditions of Service and to make all discretionary decisions under the Local Government Pension Scheme in respect of those staff, in consultation with the Treasurer.
- 5.9 To consider, in conjunction with the Chairman of the People and Professional Standards Committee, any complaint made against a Chief Police Officer and where deemed appropriate to make arrangements for the appointment of an Investigating Officer to investigate the complaint.
- 5.10 To respond to consultations on proposals affecting the Authority whenever this may prove necessary in advance of Authority meetings having first taken the views of the Chairman, Chief Constable or Treasurer as appropriate. Actions taken under this provision are to be the subject of a report to the next appropriate meeting of the Authority.

- 5.11 To appoint a Member to any Authority Committee or Panel for the duration of a meeting as a substitute in place of a Member of the Committee or Panel who will be absent from that meeting.
- 5.12 To approve the attendance of substitute Members at meetings of external bodies and organisations on which the Authority is represented.
- 5.13 To approve the attendance of Members at conferences, seminars and training courses and the consequent payment of attendance allowance, travelling and subsistence expenses.
- 5.14 To authorise payments of Members' expenses and allowances in accordance with the Authority's approved scheme and to vary such allowances from time to time in accordance with the provisions of the Scheme or after any independent review of such a Scheme.
- 5.15 In consultation with the Chairman of the Custody Visitors Panel:
- To appoint custody visitors following satisfactory interview, training and police checks;
 - To remove custody visitors not making the minimum number of visits required or when failing to comply with the Authority's guidelines and procedures;
 - To approve the attendance of custody visitors at national or regional conferences on custody visiting and the consequent payment of travelling and subsistence expenses.
 - To vary the payment of travelling allowances to custody visitors in accordance with the revisions that may be made to those applied to the Police Authority Members.
- 5.16 To seek Counsel's opinion or other expert advice and to retain Counsel whenever this is considered to be in the interest and to the benefit of the Authority.
- 5.17 To ensure, in consultation with the Chief Constable, appropriate arrangements are made to obtain the views of the community on the policing of Cambridgeshire and the policing priorities.
- 5.18 To ensure an annual local policing summary for each household is produced as soon as possible after the end of each financial year.

6. DELEGATIONS TO THE TREASURER

- 6.1 To be responsible for the administration of the Authority's financial affairs as set out in Section 112 & 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 1996 and 2003. Taken together these mean that the Treasurer is responsible for:
- Ensuring that the financial affairs of the Authority and of the Force are properly administered and that the Financial Regulations are observed and kept up to date
 - Reporting to the Authority and to the external auditor any unlawful or potentially unlawful expenditure by Members or Officers of the Authority or the Force
 - Reporting to the Authority and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure
 - Producing a statement of accounts, and
 - Maintaining an adequate and effective internal audit function.
- 6.2 To act as "Proper Officer" in accordance with Section 151 of the Local Government Act 1972 to deal with various financial matters involving the Authority (see 5.3).
- 6.3 To be the Authority's professional advisor on financial matters, the duties being to:
- Provide financial advice to the Authority on all aspects of its activity including the strategic planning and policy making process
 - Assist the Authority in seeking to obtain the best value for money.
 - Advise the Authority on financial propriety
 - Secure the preparation of statutory and other accounts
 - Advise, in consultation with the Chief Executive and the Chief Constable, on the safeguarding of assets, including risk management and insurance
 - Arrange for the determination and issue of the precept, and
 - Advise on budgetary matters including any consequent long term implications.
- 6.4 To be responsible for the investment of the Authority's money and borrowing of money as necessary in accordance with the Treasury Management Strategy (which forms part of the Police Authority Annual Budget Report) approved by the Authority. The Treasurer may arrange for the Chief Constable to undertake or procure this activity in a manner acceptable to the Treasurer.
- 6.5 To authorise payments without prior approval, irrespective of whether or not provision has been made in the revenue budget, in relation to:
- Payments required by statute;
 - Payments ordered by a court;
 - Payments due under any agreement entered into by or on behalf of the Authority.

Any decisions taken under this provision must be reported to the next scheduled meeting of the Authority.

- 6.6 To be responsible for all banking arrangements together with the creation, closure or authorisations of any account.
- 6.7 To authenticate cheques bearing lithograph signatures where such authentication is required under the Authority's banking arrangements.
- 6.8 To decide any cases of uncertainty in relation to a Member's expenses and allowances.

7. MATTERS OF URGENCY

- 7.1 Where any matter arises which would normally be referred to the Authority for a decision but which cannot await the next scheduled meeting and where the Chairman considers it inappropriate to convene an extraordinary meeting, the matter may be decided by the appropriate Chief Officer in consultation with the Chairman and, where they deem it necessary, the other Chief Officers.
- 7.2 Where any matter arises which would normally be referred to a Committee for a decision but which cannot await the next scheduled meeting or where the Chairman concludes it inappropriate to convene an extraordinary Committee meeting, the matter may be decided by the appropriate Chief Officer in consultation with the Chairman of the Committee and, where they deem it necessary, the other Chief Officers.
- 7.3 The appropriate Chief Officers authorised to determine urgent matters are:
 - Chief Constable - operational and financial issues affecting the Force
 - Treasurer - financial and related issues affecting the Authority
 - Chief Executive - all issues other than operational matters.
- 7.4 Urgent decisions taken under the above provisions must be notified to all Members of the Authority or Committee as appropriate as soon as practicable and a report on the matter included in the next agenda.

STATUTORY DUTIES OF THE POLICE AUTHORITY

The following references are mostly to the specific duties of Police Authorities. It excludes, for example, the generic responsibilities of employers.

1. To determine the local priorities for policing – after consulting local people and the Chief Constable. (Section 7, Police Act 1996).
2. To publish an annual policing plan including Ministerial Priorities, local policing objectives and any performance targets set by the Authority and including the best value performance plan. (Section 8, Police Act 1996 & Section 6, LGA 1999 and associated regulations).
3. To publish a three-year strategy plan setting out the Authority's medium and long term strategies for the policing of the area for that period (section 6A Police Act 1996).
4. To report back to the community at the end of the year on the extent to which the policing / best value performance plan has been met. (Section 9, Police Act 1996).
5. To appoint and dismiss the Chief Constable subject to the approval of the Secretary of State (Section 11, Police Act 1996).
6. To appoint and dismiss Assistant Chief Constables and be consulted on the designation of a Deputy Chief Constable (Section 12, Police Act 1996 and Police Regulations).
7. To hold the Police Fund and maintain accounts (Section 14, Police Act 1996).
8. To agree the police budget and set the precept (Section 19, Police Act 1996 and Section 40, Local Government Finance Act 1992).
9. To nominate one or more members of the Authority to answer questions on the discharge of the Authority's functions at a meeting of a relevant council when given reasonable notice of this by the council (Section 20, Police Act 1996).
10. To collaborate with other police authorities to provide jointly equipment, premises, or other material or facilities, where appropriate (Section 23, Police Act 1996).
11. To decide the charges for the provision of special police services (Section 25, Police Act 1996).
12. To provide advice and assistance to an international organisation, institution or a police body outside the UK (includes secondment of police officers), subject to the consent of the Home Secretary (Section 26, Police Act 1996). The Authority can charge for such advice / assistance.
13. To comply with any direction given by the Secretary of State on performance targets for Ministerial Priorities (Section 38, Police Act 1996).
14. To comply with any Codes of Practice issued by the Secretary of State relating to the discharge of police authority functions (section 39, Police Act 1996).

15. To comply with any direction made by the Secretary of State following an adverse report by HMIC i.e., that the force is not, or will cease to be, effective or efficient (Section 40, Police Act 1996).
16. To comply with any direction made by the Secretary of State as to the budget requirement (Section 41, Police Act 1996).
17. To comment on any HMIC report on the force and any comments made by the chief officer about the report and to publish those comments (Section 55, Police Act 1996).
18. To investigate complaints about the conduct of ACPO officers (Section 68, Police Act 1996) or where appropriate refer complaints to the Police Complaints Authority (Section 70, Police Act 1996).
19. To keep itself informed of the workings of the complaints and discipline procedures (Section 77, Police Act 1996).
20. To have regard to any guidance issued by the Home Secretary on complaints or disciplinary matters (Sections 83 & 87, Police Act 1996).
21. To pay out of the Police Fund, in such cases and to such extent as it thinks appropriate, any damages or costs awarded against the police in respect of torts or in relation to the settlement of a claim (Section 88, Police Act 1996).
22. To receive grants from any local council which falls wholly or partly within the authority area either unconditionally or, subject to conditions agreed with the chief officer of police (Section 92, Police Act 1996).
23. To approve the acceptance of gifts of money or gifts and loans of other property, including commercial sponsorship of any activity of the Authority or Force on such terms as appear to it to be appropriate (Section 93, Police Act 1996).
24. To secure best value, by ensuring effectiveness, efficiency and economy in the delivery of services. (The requirement to undertake Best Value Reviews and produce Best Value Performance Plans is removed) (Section 4, Police and Justice Act 2006).
25. To co-operate with the 'responsible authorities' in formulating and implementing crime and disorder audits and strategies for each district / unitary in its area (Section 5, Crime & Disorder Act 1998).
26. To exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (Section 17, Crime & Disorder Act 1998).
27. To comply with the requirements of the Freedom of Information Act 2000.
28. To have due regard for the need to:
 - Eliminate unlawful racial discrimination
 - Promote equality of opportunity, and
 - Promote good relations with persons of different racial groups (Section 2, Race Relations (Amendment) Act 2000)
29. To have due regard for the need to:
 - Eliminate disability discrimination and harassment of disabled persons

- Promote equality of opportunity and positive attitudes towards disabled persons, and
 - Encourage participation by disabled persons in public life.
(Disability Discrimination Acts 1995 and 2005)
30. To monitor the performance of the police force in complying with the duties imposed by the Human Rights Act 1998 in accordance with The Police and Justice Act 2006 (and subsequent statutory instrument 2008 No. 82).
31. To maintain an effective Independent Custody Visitors scheme.

CUSTODY VISITORS PANEL

Constitution

5 named Members of the Police Authority.

Purpose

To oversee the maintenance and operation of an efficient and effective scheme for the independent inspection of custody facilities and the welfare of detained persons.

Terms of Reference

1. To appoint Panels of Custody Visitors whose role it is to visit designated Police Stations and check on the condition and treatment of detainees, including the re-appointment of Panels on a regular three year basis and the appointment of individual Custody Visitors to vacancies from time to time;
2. To approve arrangements for Custody Visitors' training days;
3. To monitor the Custody Visiting Scheme by:
 - At each meeting inspecting reports of Custody Visitors arising from their visits to Police Stations;
 - Considering specific issues brought to the attention of the Authority by the Custody Visitors Panels or the Chief Executive to the Police Authority;
 - Approving an annual report on the Custody Visiting Scheme.

WAY FORWARD PANEL

Constitution

Open to all Members of the Police Authority.

Terms of Reference

1. To provide an informal forum for the Chairman and Chairmen of Panels & Committees to discuss emerging strategic issues which may affect the Authority's work and to determine the "Way Forward".
2. Chairmanship will be by the Chairman of the Authority.
3. Not to have any decision making powers but to ensure, through the support of the Chief Executive, that issues raised are progressed through the appropriate formal channel of a relevant committee, so bringing such matters into the public domain, or through the appropriate Panel.
4. To provide a Forum to agree issues which would benefit from informal discussion with the Chief Constable and his/her ACPO colleagues, so as to shape thinking and define expectations on the part of the Authority and the ACPO Team.
5. To allow attendance of any Authority member at Panel meetings to encourage informed debate and aid communication.
6. In the light of Term of Reference (3) above, not to produce minutes.
7. The Panel will be convened and meet on approximately a monthly basis with a minimum of 9 meetings in any one year.

Quorum

Authority quora for Committees and Panels are defined in the Member's Handbook, but it is noted that the absence of decision making powers by the Way Forward Panel preclude the need for a quorum to be defined.

ESTABLISHMENT PANEL

Constitution

8 Members. To be chaired by the Chairman of the Police Authority.

Terms of Reference

1. To be responsible for making recommendations to the full Authority for the setting and monitoring of the Police Authority Operating Budget, including the setting of the staffing establishment.
2. To be responsible for making recommendations to the full Authority for agreeing the pay and conditions of service for the staff of the Authority.
3. To make arrangements for the regular review of the Members' Allowances Scheme by an independent panel at no less than four yearly intervals, or more frequently as appropriate and to make recommendations to the full Authority as to the scope and level of allowances and expenses and other support to be provided to Members including Lay Members and/or volunteers directly linked to the work of the Authority.
4. Any other matters referred to it by the Authority.

PERFORMANCE PANEL

Constitution

A Panel of eight Members, the same as the Scrutiny and Audit Committee and sharing the same Chair.

Terms of Reference

To assess the performance of the Constabulary in all its aspects within the framework of the PPAF domains or other criteria as the Panel may consider appropriate and to provide highlight reports to the Scrutiny Committee.

APPOINTMENTS STANDING GROUP

Constitution

A Panel made up of any Members of the Authority who have been trained in Police Appointment procedures.

Terms of Reference

To provide a standing group of trained Members from whom individuals may be selected to form specific Appointment Panels for the selection and appointment of ACPO Officers, Lay and Independent Members.

In selecting Members from the Panel for these purposes, due regard should be given to achieving a diverse balance of politics and gender, and type, as far as may be possible.

APPEALS STANDING GROUP

Constitution

A Panel made up of any Members of the Authority who have been trained in Police Appeal Tribunal procedures.

Terms of Reference

To provide a standing group of trained Members from whom individuals may be selected to sit on Police Appeal Tribunals or on other Appeal Panels as required

EASTERN REGION JOINT STATUTORY COMMITTEE (JSC)

Some aspects of policing are more effectively and efficiently delivered across a number of Constabularies. The JSC provides a mechanism to:

1. Develop and maintain a shared vision for collaboration
2. Consider opportunities for collaboration and make recommendations as appropriate to Authorities.
3. Discharge the governance responsibilities of participating Police Authorities relating to specified functions and subject to such terms as determined by those Authorities.
4. Make arrangements for the effective scrutiny and monitoring of the specified functions.