

STANDING ORDERS RELATING TO THE POWER OF OFFICERS

1. INTRODUCTION

- 1.1 The statutory and other functions of the Police Authority are detailed in Part II, Standing Orders Relating to the Terms of Reference of Committees and Panels. The functions contained in Part II form the Authority's Reserved Powers as advocated by the Audit Commission in their report 'Cheques and Balances'.
- 1.2 This section refers to the delegation by the Police Authority to the Chief Constable and the Chief Executive (or other such officers as may be authorised by them to act on their behalf).
- 1.3 The Chief Constable is responsible for the direction and control of the Force under Section 10 of the Police Act 1996 and in discharging his functions shall have regard to the local policing plan issued by the Authority.
- 1.4 These Standing Orders identify those functions that have been specifically delegated to the Chief Constable and the Chief Executive and do not attempt to identify all those statutory functions which are contained in specific legislation and regulations.
- 1.5. The Treasurer is, under Sections 112, 113 and 114 of the Local Government Act 1988, the statutory officer responsible to the Authority for ensuring that sound financial management operates within the Authority and the Constabulary. The Treasurer's specific responsibilities are detailed in Part IV, Financial Regulations.

2. SPECIFIC DELEGATIONS TO THE CHIEF CONSTABLE

- 2.1 To manage and maintain the Authority's estate and to authorise land and property transactions and to agree the terms of such transactions in accordance with approved strategies and within the agreed budget, subject to consultation with the Chief Executive and the Treasurer.
- 2.2 To dispose of all surplus police houses, including rural beat houses, at the market value, and to dispose of any surplus operational police premises up to a maximum market value of £250,000.
- 2.3 To determine and implement for all Police Officers below the rank of Assistant Chief Constable all matters of discretion conferred upon the Authority or the Chief Officer by Statute, the Police Regulations or the

Police Pensions Regulations (with the exception of consent to medical retirement) currently in force.

- 2.4 To determine and implement for all police staff under the direction and control of the Chief Constable for the purposes of the Police Act 1996 all discretionary matters in relation to individual employees given to the Authority by Statute, Regulations, nationally agreed Conditions of Service or the Local Government Superannuation Scheme.

(In exercising discretion in accordance with 2.3 and 2.4 above, the Chief Constable shall consider whether his decisions could result in significant expenditure for the Authority or significant changes in Conditions of Service. In such circumstances he shall consult the Chief Executive and the Treasurer.)

- 2.5 The Chief Constable, in consultation with the Chief Executive, is authorised to approve all redundancies in accordance with the Authority's redundancy procedure and within the financial parameters set by the Authority.
- 2.6 To manage the Gifts, Loans and Sponsorship Policy approved by the Authority.
- 2.7 To manage the Charging Policy approved by the Authority in accordance with Section 25 of the Police Act 1996.
- 2.8 To make payments on behalf of the Authority, from the Police Property Act Fund for charitable purposes.
- 2.9 To authorise all police officer secondments up to and including the rank of Chief Superintendent to Central Services (as defined in Sections 57 and 97 of the Police Act 1996), subject to the relevant statistics being presented to the Staff Committee.
- 2.10 To authorise all police officer secondments up to and including the rank of Chief Superintendent to international organisations or institutions or overseas police forces (as defined in Section 26 and 97 of the Police Act), subject to the relevant statistics being presented to the Staff Committee.
- 2.11 To make all necessary decisions in respect of requests for financial assistance in legal proceedings from officers of the federated ranks, with the exception of applications where the estimated costs of providing that assistance may exceed £100,000, which will be determined by the Staff Committee.

The delegation will be exercised as follows:-

Requests for financial assistance will be determined by the Deputy Chief Constable, with advice from the Force Solicitor. The Deputy Chief Constable will provide an annual report to the Staff Committee, at

its first meeting following the end of the financial year, in respect of any requests for such assistance.

- 2.11 To manage health and safety activity and be accountable to the Authority through the work of the Health and Safety Unit in discharging the Authority's statutory duty for health and safety matters.

3. SPECIFIC DELEGATIONS TO THE CHIEF EXECUTIVE

- 3.1 To act as 'Proper Officer' to deal with various administrative matters involving the Authority.
- 3.2 To act as 'Monitoring Officer' under Section 5(1) of the Local Government and Housing Act 1989.
- 3.3 In relation to complaints against a chief officer:-
- (i) to determine whether a complaint should be referred to the IPCC in accordance with the definition of mandatory and voluntary referrals set out in the appropriate guidance;
 - (ii) to determine whether or not to record a complaint as conduct or a direction and control matter – if it is decided not to record a complaint the support of the Chairman must be obtained;
 - (iii) to appoint an investigating officer to investigate a recordable complaint in accordance with the appropriate regulations;
 - (iv) to determine whether a recorded complaint is suitable for local resolution and if so to appoint a person to locally resolve the complaint;
 - (v) to determine, in accordance with the appropriate regulations, whether IPCC agreement should be sought for a dispensation of the complaint;
 - (vi) where an investigation has been undertaken, to ensure a suitable report is presented to the Authority to enable a decision to be made on the action to be taken.
- 3.4 In relation to a grievance against the Chief Constable, to take the appropriate action to resolve the grievance, applying as appropriate the Constabulary's Fairness at Work Procedure, and reporting the outcome to the Chairman of the Authority
- 3.5 To authorise the institution, defence, withdrawal or settlement of any claims or legal proceedings on behalf of the Authority, in consultation with the Treasurer where there are significant financial implications.

In those cases where financial implications are less than £100,000 this

delegation to be exercised as follows:-

- (i) The Force Solicitor to take all action in relation to the delegation where the financial implications are not anticipated to exceed £25,000. Matters which are considered by the Force Solicitor to be of a sensitive nature should be referred to a Chief Officer prior to approval.
 - (ii) The Force Solicitor will seek agreement from the appropriate Chief Officer to take all action in relation to the delegation where the financial implications are not anticipated to exceed £50,000, but exceed £25,000.
 - (iii) The Force Solicitor will seek agreement from the Chief Constable to take all action in relation to the delegation where the financial implications are anticipated to exceed £50,000, but less than £100,000.
- 3.6 In relation to Police Authority land and property, to serve notices to quit and notices to terminate its use or occupation, and to institute court proceedings to recover arrears of rent and other payments or to recover possession from occupiers and users.
- 3.7 To appoint and dismiss staff directly employed by the Authority; to make recommendations to Staff Committee relating to their terms and conditions of service and to make all discretionary decisions under the Local Government Superannuation Scheme in respect of those staff.
- 3.8 To approve the attendance of Members at conferences and meetings, and the consequent payment of travelling and subsistence expenses.
- 3.9 To approve the attendance of substitute Members at bodies and organisations on which the Authority is represented.
- 3.10 To fix fees for copies of documents and extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985.
- 3.11 To fix the fees for copies of documents and extracts of documents requested by the public under the provisions of the Freedom of Information Act 2000, and to review this figure on an annual basis in line with inflation.
- 3.12 To undertake all administrative responsibilities in respect of Police Appeal Tribunals, including the appointment of members of the Tribunals.
- 3.13 To arrange for the provision of professional services (including obtaining independent legal advice) as required by the Police Authority
- 3.14 To appoint or reappoint Custody Visitors and terminate appointments if considered necessary.

- 3.15 To approve the attendance of Custody Visitors at national or regional conferences on Custody Visiting.
- 3.16 To approve the Authority's Equality Impact Assessments after consultation with the Chairman of Engagement Committee.
- 3.17 To review the Members scheme of allowances annually on 1 April in accordance with the police staff pay award in the preceding year.
- 3.18 To keep the common seal of the Authority. The seal shall be attested by the Chief Executive or any other person authorised in writing by him. An entry of every sealing should be made and consecutively numbered in a book, and kept by the person who attested the seal. Where any document will be a necessary step in legal proceedings or process it must be signed by Chief Executive or his authorised signatory.
- 3.19 To authorise in writing a named officer or officers to exercise any or all of the powers authorised to be exercised by the Chief Executive except for this power.