

**Revised 2010****NOTTINGHAMSHIRE POLICE  
AUTHORITY****SCHEME OF DELEGATION  
2009-2013****1. INTRODUCTION**

- 1.1 Nottinghamshire Police Authority adopted a Code of Governance in February 2005. In line with its core principles and subject to a number of powers, the Authority has drawn up this 'Scheme of Delegation' to provide a comprehensive business framework for the Authority and Force.
- 1.2 The Scheme sets out those functions and decisions for which the Authority has given the officers delegated authority to act.
- 1.3 The Scheme forms part of the Authority's Standing Orders and needs to be read alongside the Authority's Code of Corporate Governance, Standing Orders, Financial Regulations and Personnel Regulations, which provide a regulatory framework for the conduct of the business of the Authority.
- 1.4 The business of the Nottinghamshire Police Authority is carried out by Committees established in accordance with the Scheme of Delegation to those Committees and to the Chief Constable, Chief Executive and Treasurer of the Authority.
- 1.5 All delegations must be exercised with full regard to the Authority's duties to promote diversity, monitor the compliance of the Force with Human Rights Act, the legal obligations of both the Authority and the Chief Constable, the Authority's commitment to open government and all policies of the Authority.
- 1.6 The delegation framework is intended to ensure the efficient discharge of the Police Authority's business by providing for decision making to be carried out at the appropriate level (i.e. the Police Authority in fulfilling its statutory function and dealing with issues of strategic importance and the Chief Constable in carrying out matters of operational importance).
- 1.7 All decisions made by Officers under powers delegated to them by the Authority shall be properly documented and available for inspection by Members and Internal and External Audit.
- 1.8 The Chief Constable shall be responsible for ensuring that the provisions of the Corporate Governance Framework and this Scheme of Delegation of powers to Officers are properly drawn to the attention of staff under the Chief Constable's direction and control.

1.9 In the document Senior Officers means:

- For the Force Chief Constable
- For the Authority Chief Executive and Deputy Chief Executive/Treasurer

Unless the enabling provision makes specific reference to other officers of the Force.

## **2. GENERAL DELEGATIONS**

- 2.1 Nottinghamshire Police Authority, in common with most Police Authorities, operates corporate decision-making arrangements. To facilitate effective operational management and expediency in decision making, certain decisions can be delegated to 'Senior Officers' of both the Authority and Force.
- 2.2 The 'Senior Officers' are responsible for the general management of the Authority and Force including:
- Strategic Advice
  - Management of staff resources
  - The effectiveness and efficiency of service delivery
  - Budget management
  - Contract tendering and management
- 2.3 This general management responsibility is always subject to any policies agreed by the Authority or its committees. Senior Officers are responsible for ensuring that their officers and staff are aware of and comply with Authority policies.
- 2.4 This Scheme of Delegation is intended to set out all significant decisions, which are delegated to Senior Officers and which are of a statutory, financial or managerial nature. The Scheme does not define how those decisions should be taken and it does not attempt to list all of the matters which are incidental to the exercise of these responsibilities and that are part of the everyday management functions of senior officers.
- 2.5 Delegation is made by the Nottinghamshire Police Authority in accordance with its powers to delegate (to committees, sub committees and officers) under the provisions of section 101 (and section 107) of the Local Government Act 1972. In exercising delegated authority officers must abide by the above as these contain further detailed delegations.
- 2.6 The senior officers may authorise officers in other named posts under their direction and control to act on their behalf in exercising any of their delegated powers. This authorisation should be made in writing.
- 2.7 The Police Authority (and any of its committees) may require that a specific matter be referred to it for a decision and not dealt with under delegated powers as provided by s22(3) of the Police Act 1996.
- 2.8 The Police Authority expects its officers, where exercising these delegated powers, to draw its attention to issues, which are, or have potential to be, sensitive, contentious or have a significant financial implication and, whenever it is considered to do so, seek the views of, or a decision from, the Authority on the issue in question.

- 2.9 The Senior Officers should, when considering a professional or technical matter that is within the sphere of competence of another, consult with the appropriate professional officer before authorising the action.

### 3 **URGENCY POWERS**

- 3.1 There is presumption that all decisions required to be made by the Authority and not delegated to the officers will be made through the Authority's normal committee processes.
- 3.2 Where urgent matters require a decision that cannot wait for the next meeting of the Police Authority or the Committee to which power is reserved and where there is insufficient time to hold an urgent meeting, and only in such circumstances, the Chief Executive and/or Treasurer may take the necessary decision (after consultation with the Chief Constable as appropriate). However this delegation is subject to the following process being followed:
- 3.2.1 The fundamental principle is that appropriate members should be consulted:
- Where the full Authority would normally take the decision, the Chief Executive/Treasurer shall consult with the Chair and Vice Chair of the Authority.
  - Where the decision would normally be delegated to a committee, the Chief Executive/Treasurer shall consult within the Chair, Vice Chair and the Chair of that committee.
  - In other cases with the Chair of the appropriate Panel if any.
- 3.2.2 The Chief Executive/Treasurer shall use the most appropriate method of consulting with these members. This may be by way of a meeting, or by telephone, letter or email. However, unless circumstances do not allow it, the general presumption is that members will be consulted in writing and supplied with sufficient supporting information to enable them to come to an informed view.
- 3.2.3 Although every effort must be made to consult all of the above members, the minimum requirement, if the matter is of extreme urgency and not all members are available for consultation is:
- For decisions normally taken by the full Authority with the Chair or Vice Chair.
  - For decisions normally taken by a committee, the Authority Chair or Vice Chair and the Committee Chair – both must concur with the proposed decision.
- 3.2.4 The Chair and Vice Chair of the Authority or a Committee Chair can nominate another member in their place if they are going to be unavailable.

- 3.2.5 The Chief Executive/Treasurer shall also make every effort to inform all members of the relevant committee (or of the Authority where a decision would normally be taken by the full Authority) that it is proposed to take a decision, together with summarised details of the action proposed. A decision shall not be invalidated by this not having been done. If it is not practicable to communicate with members before the decision is taken, they shall be informed as soon as possible afterwards of that decision.
- 3.2.6 Urgent decisions taken under delegated authority in this way must be reported to the next meeting of the Authority for information. In doing so, the Chief Executive/Treasurer shall indicate which members were consulted before the decision was taken.

#### 4. **THE AUTHORITY**

- 4.1 Nottinghamshire Police Authority's core statutory duty is to secure the provision of an efficient and effective police service on behalf of the public of Nottinghamshire (County and City). Nottinghamshire Police Authority is part of the 'tripartite' structure with responsibility for policing, together with the Home Secretary and the Chief Constable. The Authority acts as the employer of all Nottinghamshire Police non-sworn staff.
- 4.2 To fulfil its core statutory duty Nottinghamshire Police Authority has a number of duties and responsibilities. The main ones are listed below and the Police Authority will discharge these unless delegated to a Committee.
- a) Hold the Chief Constable to account for the quality and cost of policing services.
  - b) Determine and approve the annual policing precept and police budget.
  - c) Approve the use of Police Authority reserves.
  - d) Ensure arrangements are in place within the Force for proper financial management.
  - e) Ensure that the Force has adequate arrangements for the management of risk.
  - f) Ensure that the Force acts within its power and in accordance with the law.
  - g) To appoint (and dismiss, if necessary) the Chief Constable, Deputy and Assistant Chief Constables and determine conditions of service.
  - h) To approve, publish and monitor the 3-year strategic policing plan (including annual policing plan).
  - i) To set and monitor local policing objectives and targets (taking account of any national objectives and targets set by the Home Secretary).
  - j) Ensure that the Force keeps improving, including receiving HMIC Force Inspection reports and responding to HMIC about implementing recommendations.
  - k) To call for reports from the Chief Constable on such matters as may be specified, being matters connected with the policing of the Force area.
  - l) To publish an annual policing summary/annual report on the extent to which objectives contained in the Strategic Policing Plan have been achieved and comment thereafter.
  - m) To approve any change of numbers of Chief Officers or the ratio of police officers to police staff in the Chief Officer Group.
  - n) To consider and investigate (where appropriate) complaints about the conduct of Chief Officers or (where appropriate) refer complaints to the Independent Police Complaints Commission (IPCC).
  - o) To oversee Professional Standards and complaints issues within the Force.

- p) To make arrangements to engage local people regarding the policing of their area and obtain their cooperation in preventing crime and anti-social behaviour.
- q) Work in partnership with others to reduce crime and disorder and the fear of crime.
- r) Secure collaboration between Forces in the interests of efficiency and quality of policing services delivered to the public.
- s) Monitor the Force's compliance with the Human Rights Legislation.
- t) To promote diversity within the Force and Authority and ensure relevant legislation governing diversity is complied with.
- u) Meet employers' liabilities, including health and safety requirements and ensure the Force does likewise.
- v) Publish annual accounts to demonstrate the authority's stewardship of public funds.
- w) To maintain and operate an Independent check on persons being detained in police cells.
- x) To independently ensure the safety and well being of the Force Dogs and Horses.
- y) To provide an independent process for assessing and actioning issues relating to the Standards of Members.
- z) To appoint Independent members to the Police Authority.
- aa) To determine the Members Allowances scheme.
- bb) To appoint the Chief Executive and Monitoring Officer to the Authority and a Section 151 Officer.

4.3 Whilst it is the Police Authority's role to oversee and scrutinise all Force activity it should not interfere with the day-to-day operational functions of the Force, which are the preserve of the Chief Constable.

4.4 Similarly, the Chief Constable in discharging the operational duties of the post should have regard to the statutory requirements of the Authority.

## 5 **COMMITTEES**

- 5.1 The terms of reference of the Authority's Committees are attached as **Appendix A**.
- 5.2 Within the terms of reference, Committees may as a corporate body:
- Determine their own agenda
  - Express views on behalf of the Authority to the Chief Constable, central government and other parties
  - Approve or endorse the approval of expenditure by the Force or the Chief Executive provided there is provision of the expenditure within the approved budget and all requirements of financial regulations have been met.
  - Exercise any power of the Authority to require a report from the Chief Constable under Section 22(3) of the Police Act 1996.
- 5.3 The terms of reference for the Committees will be reviewed every three years, or sooner if there are changes that significantly affect any of the terms (e.g. additional CIPFA guidance relating to audit issues as detailed within the Terms of Reference for the Performance Committee).

### **INDIVIDUAL MEMBERS**

- 5.4 The Authority has agreed descriptions of the roles of area and lead members. These are included within the Members Allowances' Scheme.

### **EAST MIDLANDS JOINT POLICE AUTHORITY COMMITTEE (EMJPAC)**

- 5.5 The Chair and Vice Chairs of the Authority have delegated responsibility, as the nominated representative, to vote on behalf of the Authority on decisions of the joint committee (EMJPAC).
- 5.6 Where there are legal or financial considerations that could affect the Police Authority these will be reported to the Police Authority prior to the decision being made by the joint committee.
- 5.7 The Police Authority together with the partner authorities will approve the Standing Orders and Heads of Terms of the joint committee and any amendments to these.

### **NORTH MIDLANDS AIR SUPPORT – MEMBERS PANEL**

- 5.8 The two nominated Member representatives have delegation to vote on behalf of the Authority on decisions of the joint Member Panel.
- 5.9 Where there are legal or financial considerations that could affect the Police Authority these will be reported to the Police Authority prior to the decision being made by the joint member panel.

## 6. **POWERS DELEGATED TO THE CHIEF EXECUTIVE**

### 6.1 **MONITORING OFFICER FUNCTION**

- 6.1.1 To act as the Monitoring Officer in accordance with Section 5 (i) of the Local Government and Housing Act 1989.
- 6.1.2 To maintain under Section 81(i) of the Local Government Act 2000 a Register of Members' personal interests including any gifts or offers of hospitality, and to maintain a Register for Members and Officers in relation to the anti-discrimination Code of Conduct.
- 6.1.3 To determine which matters shall be included as open or restricted items on the agendas for Authority and Committee meetings under the access to information provisions of *the Local Government Acts*.
- 6.1.4 To exercises any discretions open to the Authority under the Data Protection and Freedom of Information Acts and the access to information provisions of legislation.
- 6.1.5 To agree changes to scheduled Authority and Committee dates. This power will be exercised in consultation with the Chair of the Authority or relevant committee Chair, as appropriate.
- 6.1.6 To act as the Proper Officer for the following:

#### LOCAL GOVERNMENT ACT 1972

1. Section 100B - Determination of which reports or parts of reports should not be disclosed on the grounds that they include exempt information, which is likely to be considered in private.
2. Section 100C - Minuting of meetings and preparing where necessary written summary of such parts of meetings at which the public are not present.
3. Section 100D - Preparation of list of background papers for reports (as is the Treasurer and Chief Constable).
4. Section 100F - Determination of which documents should not be disclosed to members on the grounds that they include confidential or exempt information.
5. Section 229 (5)- Certification of photographic copies of documents.
6. Section 23(1)&(2) - Authentication of documents.
7. Schedule 12 paragraph 4(2)(b) – Signature of summonses to Authority meetings.
8. Schedule 12 paragraph 4(3) – Receipt of notices regarding address at which summarise to meetings are to be sent.

9. Local Government (Miscellaneous Provisions) Act 1976 Section 41(1) & (3) – Certification of resolutions and minutes etc for evidential purposes.
10. Local Government and Housing Act 1989 Section 19(i)(a)
  - receipt of notices of members' interests.
11. Local Government Act 2000 Section 81(i)
  - maintaining a register of interests of the members of the Authority.

## **6.2 LEGAL FUNCTIONS**

- 6.2.1 To initiate defend or participate in any legal proceedings on behalf of the Authority, specifically including any case where such action is necessary to give effect to decisions of the Authority or in any case where the Chief Executive considers that such action is necessary to defend the Authority's interests.
- 6.2.2 Where any document is required for any legal procedure or proceedings on behalf of the Authority, it will be signed by the Chief Executive or person nominated by the Chief Executive, unless any enactment otherwise authorises or requires, or the Authority has given requisite authority to some other person.
- 6.2.3 Keeps the Authority's seal in safe custody and affixes the seal to or sign (or authorises the affixing or signing) any document giving effect to Authority decisions or required in the exercises of a delegated power or function.
- 6.2.4 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.
- 6.2.5 To advise and represent the Authority on all legal matters and where appropriate to liaise with the Force solicitor on legal issues.
- 6.2.6 To agree any fees for copies or extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985 and the Freedom of Information Act 2000.
- 6.2.7 To appoint:
  - a) Members to sit on Police Appeal Tribunals as necessary
  - b) In cases of urgency, appoint members to committee, in consultation with the Chair of that Committee.
- 6.2.8 To exercises the powers or functions of the Authority, at the request of a member representing the Authority on a Community Safety Partnership, other partnership body or Internal Force or Joint Force/Authority Board.
- 6.2.9 The Chief Executive may arrange for another member of the Authority's secretariat to exercise these delegations when deemed necessary (e.g. through absence).

### **6.3 MANAGEMENT/HUMAN RESOURCES**

6.3.1 For staff directly employed by the Authority (who are not under the direction and control of the Chief Constable) to manage staff resources and the determination of general staffing issues, including:

1. The appointment and dismissal of staff and the determination of terms and conditions of service
2. For the appointment of senior posts, to ensure member involvement in the recruitment and determination of terms and conditions
3. The management and implementation of disciplinary, grievance and harassment policies and procedures
4. Approving a Performance Development and Review (PDR) Scheme for all Secretariat staff
5. Agreeing incremental changes to grades and pay bands
6. The extension of service for staff over normal retirement age
7. Granting leave of absence without pay beyond that provided for
8. The payment of honoraria to officers who have undertaken additional duties over an extended period in the absence of a more senior officer
9. The engagement of temporary or agency staff or consultants
10. Approving the attendance of officers at conferences / seminars
11. To manage any other matters involving Police Authority Secretariat, including staff resources and service delivery

6.3.2 To approve minor restructurings of establishment of up to three posts in relation to the Authority's Secretariat, subject to:

1. Confirmation that the proposals are unlikely to have any repercussions on or significance for other elements of the staffing structure
2. There being budget provision for the proposals
3. Consultation with the trades union

6.3.3 To manage (supported by the Treasurer) that part of the budget which is not delegated to the Chief Constable, in accordance with the Authority's Financial Regulations and Standing Orders.

6.3.4 To place orders for goods and services and to incur expenditure for which provision is included in the revenue budget.

6.3.5 To invite and accept quotations and tenders for goods and services for which provision is included in the revenue budget in accordance with Financial Regulations and Contract Standing Orders.

## 6.4 **GENERAL**

- 6.4.1 To agree the attendance of Members at conferences, seminars and other events.
- 6.4.2 To agree changes to scheduled Authority or Committee dates and Committee membership, in consultation with the Chair of the Authority or the relevant Committee Chair, as appropriate.
- 6.4.3 In connection with complaints against Chief Officers received by the Authority in accordance with the Police Reform Act 2002 to determine:
1. Whether or not the Authority is the appropriate body to consider such a complaint
  2. Whether or not to refer the complaint to the IPCC, subject in the case of a public interest referral, to consultation with the Chair of the **Human Resources & Professional Standards Committee** and, if appropriate the Chief Constable
  3. Decide whether or not to record the complaint
  4. If the Authority is the appropriate body, and in accordance with IPCC guidance whether or not the complaint relates to the direction and control of the Force and so should be referred to the Chief Constable for consideration.
- 6.4.4 To appoint and remove Custody Visitors **and Animal Welfare Lay Visitors**.
- 6.4.5 To respond to consultations affecting the Authority whenever this may prove necessary for reasons of timing of Committee meetings, in consultation with the Chair of the Authority or appropriate Committee Chair.
- 6.4.6 To make the necessary arrangements and appointments to constitute a Police Appeals Tribunal under schedule 6 of the Police Act 1996 in the event that notice is received under section 85 of the Act.
- 6.4.7 To provide Secretariat assistance to the Panel for the Selection of Independent Members in accordance with Schedule 3 of the Police Act 1996.
- 6.4.8 To approve the attendance of substitute Members at meetings of external bodies and organisations on which the Authority is represented.
- 6.4.9 To authorise payments of Members' expenses and allowances (including annual cost of living increases) 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 and to interpret the provisions of the scheme.
- 6.4.10 To ensure that Strategic arrangements are in place in the Force and Authority and to ensure that the views of the community on policing, anti-social behaviour and the prevention of crime are obtained and fed into the decision-making processes.

6.4.11 To make arrangements as necessary to appoint or ensure the availability of up to three Independent Members of the Authority's Standards Committee and make the appropriate payments in accordance with the Members' Allowances Scheme when attendance is reasonably justified.

6.4.12 To make arrangements, in consultation with the Chair of Standards Committee, where appropriate to appoint additional members (including Independent Lay Members) to the Standards Committee to ensure the work of this Committee can be achieved independently.

6.4.13 To make arrangements where appropriate to appoint an Independent Investigator in relation to Standards Committee complaints and where the Assessment sub-committee have decided that this is the appropriate course of action.

## **7. POWERS DELEGATED TO THE TREASURER**

- 7.1 The Treasurer is the officer responsible for the functions set out in section 112 and 114 of the Local Government Finance Act 1988, Section 151 of the Local Government and Housing Act 1989 and the Accounts and Audit Regulations 2003. The responsibilities are:
- a) To provide professional financial advice to the Authority including advice on arrangements for financial delegation.
  - b) To produce and maintain the Authority's Financial Regulations.
  - c) To advise the Authority on the content and implications of the budget and medium term financial plan.
  - d) To advise on the Authority's level of reserves and to develop the Annual Strategy for the use of those reserves.
  - e) To assist the Authority in seeking to obtain value for money.
  - f) To ensure that accurate, complete and timely financial management information is provided to the Authority.
  - g) To advise the Authority on financial propriety.
  - h) To advise on the Police Use of Resources Evaluation.
  - i) To provide, under delegation from the Authority, an adequate and effective internal audit service and assistance in securing safe and efficient financial arrangements.
  - j) To develop a good working relationship with the Authority's appointed External Auditors.
  - k) To secure the preparation and publication of statutory and other accounts. Including the Annual Governance Statement.
  - l) To produce the Authority's Annual Treasury Management Policy and Annual Investment Strategy.
  - m) To secure appropriate banking arrangements and treasury management (including loans and investments).
  - n) To advise on risk management and insurance.
  - o) To work with the Chief Executive to ensure effective corporate management of the Authority's resources.
- 7.2 To determine whether to write off debts considered irrecoverable, including in cases where write-off action results from theft or fraud, in accordance with the limits set within the Authority's Financial Regulations.
- 7.3 In the absence of the Chief Executive, if denoted as Deputy Chief Executive, to act for the Chief Executive with regard to the provisions set out in section 6 hereof. With the exception of the Monitoring Officer responsibilities.
- 7.4 To authorise payments of Members' expenses and allowances (including annual cost of living increases) 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 allowances. The Chief Executive may also exercise this delegated power.

## **8. POWERS DELEGATED TO THE CHIEF CONSTABLE**

### **8.1 FINANCIAL MANAGEMENT**

8.1.1 The statutory responsibilities of a 'Chief Financial Officer' are set out in Sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations. The Home Office Financial Management Code of Practice recommends that wherever possible, the financial management of the Force takes place within that Force.

8.1.2 The Chief Constable (and Treasurer) will arrange for the financial and management of the service in accordance with the details and delegations set out in the Financial Regulations.

8.1.3 The Chief Constable shall undertake the day-to-day financial management of Nottinghamshire Police, including responsibility for Force expenditure provided that such responsibility is exercised in accordance with the law and with the Authority's Financial Regulations, Contract Standing Orders and any statutory guidance notes and codes of practice.

8.1.4 The Chief Constable should also have regard to the Authority's approved Corporate Governance Framework and submit, as a standing item, revenue and capital budget monitoring reports to the Authority's **Finance & Business Committee**.

8.1.5 The Chief Constable together with the Treasurer shall appoint an **Assistant Chief Officer (ACO) Resources**, with a current and relevant professional qualification to take responsibility for the finance function and for ensuring robust financial policies and procedures are in place.

8.1.6 The **ACO Resources** shall:

- a) Provide the strategic financial perspective on the main management board of Nottinghamshire Police.
- b) Provide financial expertise advice and information directly to the Chief Constable to enable the Chief Constable in fulfilling the delegated responsibilities from the Authority for the financial management of Nottinghamshire Police.
- c) Provide professional leadership of the finance function within Nottinghamshire Police, ensuring that high standards of financial management are maintained; that financial systems and procedures promote the effective conduct of business; and that financial considerations are fully taken into account in all policy decisions.

- d) Work closely with the Treasurer of the Nottinghamshire Police Authority to make proposals for the Financial Regulations and the delegated limits within which Nottinghamshire Police will operate. To ensure that managers at all levels are aware of their responsibilities in relation to these Financial Regulations and that they adhere to them.
- e) Support the Treasurer to the Nottinghamshire Police Authority in fulfilling statutory responsibilities for the financial affairs of Nottinghamshire Police by ensuring probity, legality and appropriate standards in all financial dealings.
- f) Act as the main point of contact with the Treasurer in providing, receiving and interpreting information on the financial affairs of Nottinghamshire Police.
- g) Ensure effective control of financial planning, budgeting and monitoring within a devolved budget framework in respect of all Nottinghamshire Police income and expenditure. Nominated budget holders within the Force will have responsibility for that part of the budget allocated to them.
- h) Ensure that the Authority's intellectual property rights are not compromised by commercial agreements, and shall report any significant issues in this respect to the Chief Executive.
- i) Take the lead in developing, refining and implementing the medium term financial strategy in Nottinghamshire Police.
- j) Be authorised by the Treasurer to operate bank accounts on behalf of the Authority.
- k) Provide the Chief Constable with expertise, advice and information to enable the fulfilling of the delegated responsibility in respect of procurement, transport, property matters, information technology, communications and other support services.

8.1.7 The Chief Constable shall consult the Chief Executive / Treasurer, who will determine whether the Authority's approval should be sought, for all expenditure proposals of an exceptional nature because of particular difficulty, potential public interest or sensitivity unless the Chief Constable considers it operationally necessary not to disclose in which case disclosure shall be as soon as soon practicable thereafter. This will be undertaken in line with the agreed Protocol.

8.1.8 The Chief Constable may commit expenditure or vire between budget headings within the overall approved budget to meet the policies and objectives agreed with the Authority and reflected in the three-year strategic policing plan. Such virements must be in accordance with the limits set out in the financial regulations of the Police Authority. These will be reported to the Authority through the budget monitoring mechanism. To assist in the process the Chief Constable will provide the Police Authority with the budget book at the commencement of the financial year.

8.1.9 The Chief Constable may write off debts considered to be irrecoverable up to an individual maximum amount as specified within the Authority's Financial Regulations.

8.1.10 To accept income, offers of sponsorship and gifts on behalf of the Police Authority provided that decisions taken in this regard are in accordance with the law, comply with any guidance or policy, which the Authority may from time to time determine and meet the requirements set out in the Financial Regulations.

## **8.2 TENDERING AND CONTRACTS**

8.2.1 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 and provided that the Authority is satisfied that the Chief Constable has in place adequate systems, procedures and expertise to discharge these responsibilities. A business case must be prepared before any procurement action is started, and all action must accord with the contract standing orders. The delegations set out in this section may be exercised by the Chief Constable or an authorised representative.

8.2.2 The Chief Constable shall have delegated authority:

8.2.2.1 To invite and accept tenders in accordance with the terms and conditions of the Police Authority's Contract Standing Orders, provided that a business case and a properly calculated written estimate of cost have been prepared prior to invitation and there is provision in approved estimates for the subject of tender action. The approval of the **Finance & Business Committee** or full Police Authority must be sought where:

- (a) The written estimate exceeds £250,000
- (b) It raises questions of principle or financial policy
- (c) It possesses unusual features or involves particular difficulty
- (d) It might arouse particular public interest or publicity
- (e) It concerns a matter of particular importance or sensitivity; or
- (f) It concerns proposals for outsourcing contracts or is connected with a public/private partnership or a private finance initiative.

8.2.2.2 To open tenders, subject to the tendering arrangements of the Contract Standing Orders. In exceptional circumstances the Chief Constable or authorised representative may accept a late tender, notifying the Chief Executive and Treasurer in every case.

8.2.3 If any contract is not awarded to the lowest bidder, the Chief Executive shall be informed and will arrange for this to be reported to the **Finance & Business Committee**.

- 8.2.4 To sign contracts on behalf of the Authority, irrespective of value, once they have been properly approved, except for those, which are required to be executed under the Common Seal of the Authority. In these cases the Chief Executive is authorised to affix the Seal.
- 8.2.5 To declare goods surplus to requirements or obsolete and arrange for disposal in accordance with the financial regulations delegated limits.

### **8.3 LAND AND PROPERTY MATTERS**

- 8.3.1 The Chief Constable or authorised representative may purchase or dispose of land or property on behalf of the Authority, in accordance with Financial Regulations, the Estates Strategy or approved business case agreed by the Authority or the **Finance & Business Committee** and / or by specific Authority decision. The Authority or the Performance Committee must approve transactions of a value in excess of £250,000. Naturally the disposal method should 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.
- 8.3.2 To be responsible for the development of plans for the police estate. To manage the police estate, including maintenance of property and for this purpose to incur expenditure within the Authority's approved budget.
- 8.3.3 To take all appropriate steps to ensure that the Authority's approved capital programme is implemented, subject to the Police Authority being periodically informed of progress.
- 8.3.4 To authorise the use of police property by outside bodies or staff associations, provided that such use is temporary and no tenancy or other legal interest is created.
- 8.3.5 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.

### **8.4 MANAGEMENT / HUMAN RESOURCES**

- 8.4.1 To be responsible for the direction and control of persons employed by the Authority (police staff) to assist the Police Force, in accordance with section 15(2) and (4) of the Police Act 1996.
- 8.4.2 To adjust the police staff and police officer establishment in numbers, locations, ranks and gradings within the overall workforce budget approved by the Authority and to make best use of workforce modernisation principles. This does not apply to Chief Officer posts, both uniformed and police staff, which will be referred to the Authority.

- 8.4.3 To authorise, in accordance with Police Staff Council conditions of service, the suspensions 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 a dismissal lodged by a member of police staff will remain to be considered by the **Human Resources & Professional Standards Committee.**
- 8.4.4 To approve the retirement, in the interests of the efficiency of the service, of police staff employees subject to the Local Government Pension Scheme (LGPS) with or without enhancement of service subject to reports to the Police Authority as appropriate about the actions taken in pursuance of this delegation.
- 8.4.5 To determine matters relating to police pensions (including widows' pensions) under 1987 police pension regulations except for i) retirement on the grounds of ill health of ACPO officers, ii) decisions under regulations which deal with the forfeiture of pensions upon the commission of certain criminal offences and iii) Injury Awards which should be referred to the Human Resources & Professional Standards Committee.**
- 8.4.6 To determine ex-gratia payments to members of the public in respect of claims for loss or damage to property arising from police officers forcing entry in the course of their duties in accordance with the Financial Regulations.
- 8.4.7 To approve payments under any Authority approved bonus, productivity or performance related payment schemes and honoraria payments in recognition of additional duties and responsibilities or similar special payment schemes. For the avoidance of doubt, payments in relation to the ACPO PDR / Bonus Scheme shall be reserved to the Authority.

**Nottinghamshire Police Authority**  
**Approved 25<sup>th</sup> August 2010**  
**Review date: June 2013**