



TITLE: **SCHEME OF GOVERNANCE:** Ref. PCC/D/2012/01

EXECUTIVE SUMMARY

The Police Reform and Social Responsibility Act 2011 (the 2011 Act) established the office of Police and Crime commissioner for the West Mercia Police area.

The 2011 Act provides a framework of responsibilities to be discharged by the Police and Crime Commissioner for West Mercia (the West Mercia Commissioner).

In order that these responsibilities are discharged in a transparent and efficient manner this Scheme of Governance sets out the framework within which those duties shall be discharged.

Where any conflict arises between the requirements of this Scheme of Governance and any statutory provision or direction or guidance having force of law or any lawful Order or direction of the Secretary of State or a Court of Law then such lawful requirement, provision, direction, guidance or Order shall prevail.

RECOMMENDATION

1. To approve the attached Scheme of Governance.

APPROVAL OF

West Mercia Commissioner

I hereby approve the above recommendation.

Signed

Date 22 - 11 - 2012.

PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE

SUPPORTING REPORT

1. INTRODUCTION

This Scheme provides a framework for the exercise of the West Mercia Commissioner's responsibilities.

2. ISSUES FOR CONSIDERATION

2.1 The 2011 Act provides a framework of responsibilities to be discharged by the Police and Crime Commissioner for West Mercia (the West Mercia Commissioner).

2.2 In order that these responsibilities are discharged in a transparent and efficient manner this Scheme of Governance sets out the framework within which those duties shall be discharged.

2.3 Where any conflict arises between the requirements of this Scheme of Governance and any statutory provision or direction or guidance having force of law or any lawful Order or direction of the Secretary of State or a Court of Law then such lawful requirement, provision, direction, guidance or Order shall prevail.

3. FINANCIAL COMMENTS

There are no direct financial implications arising from the Scheme of Governance but it has a role to play in terms of good financial administration and governance.

4. LEGAL CONSIDERATIONS

The West Mercia Commissioner has power to make this decision.

5. SCHEME OF GOVERNANCE

This is attached as Appendix 1.

6. OTHER SUPPORTING DOCUMENTS

There is no Part 2 report

PUBLIC ACCESS TO INFORMATION

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website. Any facts and advice that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form.

OFFICER APPROVAL

Chief Executive Officer

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature *Sandra Briley* Date *22. Nov. 2012*



Governance Scheme and Decision Making Process

22 November 2012

Interim Scheme of Corporate Governance

1 Introduction

This interim scheme of governance sets out some overarching principles for the Police and Crime Commissioner (PCC) and the Chief Constable to follow in the delivery of their respective statutory roles.

In preparing this interim scheme it is fully understood that the interaction of the PCC and the Chief Constable will evolve over a period of time and this scheme will need to be reviewed periodically. This scheme is not intended to be fit for purpose following the Stage 2 transfer when a total rewrite of the scheme will be necessary.

2 Legislative Background

This scheme is intended to encapsulate the legislative requirements placed upon the PCC and the Chief Constable under the Police Act 1996 and the Police Reform and Social responsibility Act 2011. The scheme needs to also be read in conjunction with, all other requirements on the PCC and the Chief Constable, and specifically the provisions of:

- a) the Policing Protocol
- b) Financial Management Code of Practice
- c) the Strategic Policing Requirement

3 Key Roles of the PCC

The role of the police and Crime Commissioner is set out in the main roles of the Police Reform and Social responsibility Act 2011. The main duties are:

- provide an efficient and effective police service for the area;
- set the budget, and the precept (charges to be paid by the council tax payers in the district/borough councils) and allocate funds and assets to the Chief Constable;
- appoint and, if necessary dismiss the Chief Constable;
- hold the Chief Constable, and those under his/her direction and control to account on behalf of the people of West Mercia, ensuring they have regard to the Police and Crime Plan and the Strategic Policing Requirement;
- set the strategic direction and objectives of the West Mercia Police service through the Police and Crime Plan, monitoring the performance of the force against the agreed priorities;
- scrutinise, support and challenge overall performance of the force;
- make crime and disorder reduction grants;
- produce an annual report;
- have regard to statutory responsibilities i.e. Freedom of Information Act 2000, and all human rights and equality laws;
- maintain an effective 'independent custody visiting scheme' for monitoring facilities for people being held in custody;
- provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action.

4 General Framework of Governance

4.1 The Police and Crime Commissioner will as soon as practicable publish a **Police and Crime Plan** setting out the aims and objectives to guide the provision of Policing Services in West Mercia. The Plan may also contain the Commissioner's aims and intentions for other aspects of the Commissioner's statutory responsibilities. The Plan will be kept under review.

4.2 The Commissioner must present his Plan or any revision of the Plan to the Police and Crime Panel and must have regard to any report or recommendations made by the Panel.

4.3 Each year the Police and Crime Commissioner will publish an Annual Report identifying the extent to which the objectives of the Police and Crime Plan are being achieved. The Annual Report will be presented to and scrutinised by the Police and Crime Panel.

4.4 The Commissioner will publish a proposed Precept by the 1 February in each year and following review by the Police and Crime Panel shall issue the precept by the prescribed date of 1 March.

4.5 The Commissioner may publish a scheme of delegation. When taking any decision as Commissioner a formal recording process will be followed.

4.6 The Commissioner will ensure that records are kept and published to the **Police and Crime Panel** of any decisions taken by him. The Commissioner shall adopt and keep under review a scheme of delegates and consent affording others to who functions are assigned, authority to take actions or decisions on behalf of the Commissioner subject to periodic reports of any such actions or any decisions taken.

4.7 The commissioner may require any action or decision otherwise authorised by the scheme of delegates and consent to be authorised by him. All decisions of significant public interest will be **published on the website** of the Police and Crime Commissioner notwithstanding that they may also be reported to the Police and Crime Panel.

4.8 **The record of decisions** shall be supported by written documents, so as to record the decision taken and the justification or reason for the decision. The record shall normally include an indication of any relevant considerations taken into account including considerations as to legality, proberty, finance, and equality. All decisions taken by the Police and Crime Commissioner shall only take effect when a completed written record has been lodged with the Office of the Police and Crime Commissioner duly signed or authorised by the Police and Crime Commissioner or Deputy PCC.

4.9 In some cases the Chief Constable or other Senior Officer exercising powers under the scheme of delegation and consent or otherwise authorised by general operation of law may **consult** the Police and Crime Commissioner.

4.10 In such cases a record shall be kept of the action or decision upon which the Police and Crime Commissioner was consulted and the views expressed by the Police and Crime Commissioner and the final action or decision taken. Such record shall be lodged with the Office of the Police and Crime Commissioner but shall only be published when in the opinion of the Police and Crime Commissioner the matter is of public importance. Such recorded 'consultation' shall be known as '**formal consultation**'.

4.11 As a matter of broad principle it is intended that whenever possible any decision or action of the Chief Constable which is likely to be politically sensitive or public facing will be

the subject of prior consultation with the Police and Crime Commissioner who **shall at all times respect the operational independence of the Chief Constable**. This principle shall not extend to the details of police operations in the pursuit or investigation of crime; and information relating to such matters shall only be communicated at the Chief Constable's absolute discretion. Reciprocally the Police and Crime Commissioner in exercising any power or discretion shall endeavour to consult the Chief Constable whenever the matter may have an impact on the provision of policing or any operational matter and shall always do so where this is a statutory requirement.

4.12 The Commissioner will establish and maintain an **Audit Committee** and the operation of the Force shall be subject to internal and external Audit.

4.13 In exercising his/her powers the Commissioner shall have regard to;

The Nolan Principles

The Statutory Protocol

General legal requirements and principles

The views of the public

Specific requirements of the Police Reform and Social Responsibilities Act 2011

4.14 The following additional documents which have been adopted by the Commissioner (or are in development) form part of the Governance Scheme:-

Scheme of Allowances and Expenses

Standards of Conduct

Complaint processes and oversight and whistleblowing

The Financial Management Code of Financial Practice

Freedom of Information Publication Scheme

5 Exercise of Functions

The functions which may be exercised by persons other than the PCC are those set out in the Scheme of Delegation and Financial and Contract Regulation (the Scheme of Delegation). The Scheme of Delegation may from time to time be revised or varied by the PCC. The Scheme of Delegation shall be published on the PCC website and any revisions or variations will be incorporated in the Scheme and published as soon as practicable.

The following summary of functions and delegations provided to the Statutory Officers provides an indication of the range of functions covered by the Scheme of Delegation but in the event of any conflict between the Scheme of Delegation and the following summary, the former shall prevail.

6 Summary

6.1 Functions of the Chief Executive

The detail of the functions delegated to the Chief Executive is set out in the Scheme of Delegation. A summary of the key functions are as follows:

- to act as head of paid service;
- to act as 'monitoring officer' under section 5(1) of the Local Government and Housing Act 1989;
- production of the police and crime plan;
- produce an annual report;

- provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions;
- to sign contracts on behalf of the Commissioner (and Deputy Commissioner if appointed) in accordance with Financial Regulations;
- to agree the arrangements for management of the PCC's budget;
- to make recommendations to the Commissioner with regard to staff terms and conditions of service, in consultation with the Treasurer and to appoint and dismiss staff;
- to undertake the management of staffing resources in line with agreed policies and procedures.

6.2 Functions of the PCC's Chief Finance Officer

The statutory responsibilities of the Chief Finance Officer of the PCC are set out in paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011, and section 114 of the Local Government Finance Act 1988. The qualifications for the Chief Finance Officer are set out in section 113 of the Local Government Finance Act 1988. The Accounts and Audit (England) Regulations 2011 impose further responsibilities in England.

The Chief Finance Officer of the PCC has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the PCC on expenditure and preparing each year, in accordance with proper practices in relation to accounts, a statement of the PCC's accounts, including group accounts.

The detail of the functions designated to the Chief Executive is set out in the Scheme of Consent which is a stand alone document. A summary of the key functions are as follows:

- ensuring that the financial affairs of the PCC are properly administered and that financial regulations are observed and kept up to date;
- ensuring regularity, propriety and Value for Money (VfM) in the use of public funds;
- ensuring that the funding required to finance agreed programmes is available from Central Government and Welsh Government funding, precept, other contributions and recharges;
- reporting to the PCC, the Police and Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the PCC or officers of the PCC;
- reporting to the PCC, the Police and Crime Panel and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure;
- advising the PCC on the robustness of the budget and adequacy of financial reserves;
- ensuring production of the statements of accounts of the PCC;
- ensuring receipt and scrutiny of the statements of accounts of the Chief Constable and ensuring production of the group accounts;
- liaising with the external auditors;
- advising the PCC on the application of value for money principles by the police force to support the PCC in holding the Chief Constable to account for efficient and effective financial management;
- advising, in consultation with the Chief Executive, on the safeguarding of assets, including risk management and insurance;
- to act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003:

- sign cheques of behalf of the Commissioner or Deputy Commissioner, if appointed.

7 Urgent matters

If any matter which would normally be referred to the Commissioner (or Deputy Commissioner, if appointed) for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer.

The appropriate chief officers authorised to decide urgent matters are:

- the Chief Executive (all issues other than operational matters);
- the Treasurer (financial and related issues)

Urgent decisions taken must be reported to the Commissioner as soon as practically possible.

8 Financial and Contract Regulations

This Scheme of Governance should be read in conjunction with the Scheme of Delegation and Financial and Contract Regulations.

9 Decision Making and Recording process

9.1 The Police and Crime Commissioner will exercise a number of functions under the Police Reform and Social Responsibility Act 2011. The key functions include:

1. Issuing a police and Crime Plan which sets the strategic direction for police and criminal agencies in West Mercia
2. Set the annual precept
3. Allocate crime and disorder reduction grants
4. Appoint (and dismiss) the Chief Constable
5. Appoint a Chief Executive Officer
6. Appoint a Chief Financial Officer (Treasurer)
7. Establish an Audit Committee
8. Publish an annual report
9. Undertake consultation with key stakeholders
10. Hold the Chief Constable to account
11. Exercise their powers so as to arrange an efficient and effective criminal justice service for West Mercia
12. Manage complaints against the Chief Constable

In discharging the functions of the Police and Crime Commissioner a number of key decisions will have to be made. The PCC is also the holder of all public funds including the Police Fund. In particular, the PCC may determine how resources are deployed with a view to the discharge of their functions.

To ensure an effective and efficient delivery of the police and crime service a number of responsibilities and associated decision making including the expenditure of budgeted resources are delegated to various individuals or post holders. The framework setting out the delegation of responsibilities and decision making is contained in the Scheme of Delegation.

This document sets out the decision making process for those decisions which have not been delegated or notwithstanding powers of delegation or consent are discharged by the Commissioner.

9.2 Accountability

The Police and Crime Commission as an elected individual aims to be transparent in carrying out their role. This includes transparency of decision making.

In formulating policy and strategy, appropriate consultation with key stakeholders should be undertaken where appropriate. There are a number of issues on which the Police and Crime Commissioner has a statutory duty to consult. For example they must consult the business community on precept proposals and they must consult with victims of crime on the police and crime plan. Consultation will increase the accountability of the Police and Crime Commissioner.

9.3 Engagement of the Police and Crime Panel

There are also a number of issues where the Police and Crime Commissioner must refer the matter to the Police and Crime Panel before a final decision takes effect. These issues are:

a) Precept setting.

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 governs the process and timescale for the setting of the precept. The Police and Crime Panel have the power to veto the precept proposal on the first occasion.

b) Chief Constable appointment

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 details the process under which for the Police and Crime Panel may veto a Police and Crime Commissioner's proposed appointment of Chief Constable.

c) Confirmation of senior appointments

The Police and Crime Commissioner must appoint a Chief Executive and a Chief Finance officer. They may also appointment a Deputy Police and Crime Commissioner. Existing postholders appointed by the former Police Authorities transfer automatically but new appointments must be shared with the Police and Crime Panel for confirmation.

d) Police and Crime Plan

Before issuing the Police and Crime Plan the Police and Crime Commissioner must share a draft of the Plan with the Police and Crime Panel and have regard to any report or recommendations the Panel may make.

9.4 Decision Records

All requests to the Police and Crime Commissioner for decisions should be made using the template for the time being approved by the Chief Executive. The form shall reflect that set out at Appendix 1.

No decision will be made unless accompanied by the appropriate decision application form. A decision shall only take effect when the decision form signed by the Commissioner (or where appropriate his Deputy) and is lodged with and recorded by the Chief executive

9.5 Publication of decisions

With the exception of confidential or exempt decisions within the meaning of the Local Government Act 1972, a copy of all the decision making applications together with a record of the decision made will be notified to the Police and Crime Panel and any significant Decisions will be published on the Police and Crime Commissioner's website.

**POLICE AND CRIME COMMISSIONER FOR WEST
MERCIA**



RECORD OF DECISION

1. Title and Reference
2. Executive Summary
3. Recommendation
APPROVAL of [insert]
Signature: Date:

Note: this decision approval shall be accompanied by a Part 1 report containing non-confidential facts and advice. The report may contain information relating to:

Any key facts or consultation taken into account in reaching the decision

Any financial implications

Any equality or diversity implications

Any legal or protocol implications including any specific PCC related statutory duties including:

Having regard to:

The views of people in the police area

Any financial code of practice

The Policing Protocol

The Police and Crime Plan

The decision approval may be accompanied by a Part 2 report containing any confidential or exempt material which shall not be disclosable save only as required by law.



RECORD OF DECISION

TITLE: **DELEGATION OF FUNCTIONS:** Ref. PCC/D/2012/02

EXECUTIVE SUMMARY

The Police Reform and Social Responsibility Act 2011 (the 2011 Act) established the office of Police and Crime commissioner for the West Mercia Police area.

By virtue of s.18 of the 2011 Act the Police and Crime Commissioner for West Mercia (the West Mercia Commissioner) may delegate certain functions to other persons subject to a number of exclusions set out in that section.

This decision requests the approval of the West Mercia Commissioner to delegate to specified persons or post holders certain functions which may be delegated subject to conditions and limitations set out in a Scheme of Delegation and Financial and Contract Regulation.

This decision request is accompanied by a supporting Part 1 report, a legal opinion issued by the Home Office and a Scheme of Delegation and Financial and Contract Regulation. This decision request is not accompanied by a Part 2 report.

RECOMMENDATION

1. To approve the attached Scheme of Delegation and Financial and Contract Regulation.

APPROVAL OF

West Mercia Commissioner

I hereby approve the above recommendation.



Signed

Date 22-11-2012

PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE

SUPPORTING REPORT

1. INTRODUCTION

The West Mercia Commissioner may delegate functions to persons specified in s.18 of the 2011 Act. The interpretation of s.18 has been supplemented by a legal opinion issued by the Home Office, copy attached.

2. ISSUES FOR CONSIDERATION

2.1 The attached Scheme of Delegation and Financial and Contract Regulation sets out the delegation to the Chief Executive Officer, the Chief Financial Officer and other specified members of staff of the West Mercia Commissioner and such other persons as are specified in the Scheme of Delegation and Financial and Contract Regulation.

2.2 The delegations will support the smooth operation of the West Mercia Commissioner's office and the operation of the West Mercia Police.

2.3 The delegations are subject to financial and other limitations and the exercise of any delegated power or function by virtue of the Scheme of Delegation and Financial and Contract Regulation shall be reported to the Commissioner's Chief Executive in a manner approved by the West Mercia Commissioner.

2.4 Matters which are not delegated must be presented to the West Mercia Commissioner for decision.

2.5 The West Mercia Police Service have been consulted on the Scheme of Delegation and Financial and Contract Regulation.

2.6 It is considered a Scheme of Delegation and Financial and Contract Regulation should be approved to ensure legality of action in the day to day operation of the Service and the provision of clarity as to who exercises delegated functions under the 2011 Act.

3. FINANCIAL COMMENTS

There are no direct financial implications arising from the Scheme of Delegation and Financial and Contract Regulation but it has a role to play in terms of good financial administration and governance.

4. LEGAL CONSIDERATIONS

The West Mercia Commissioner has power to make this decision. A legal opinion issued by the Home Office is relied upon in the interpretation of s.18 of the 2011 Act. A copy of the opinion is attached to this report as Appendix 1.

5. SCHEME OF DELEGATION AND FINANCIAL AND CONTRACT REGULATION

This is attached as Appendix 2.

PUBLIC ACCESS TO INFORMATION

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OFFICER APPROVAL

Chief Executive Officer

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

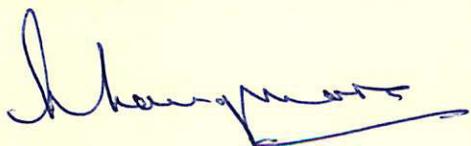
Signature

David Sibley

Date *22 Nov 2012*



RECORD OF DECISION

TITLE:	APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER:
	Ref. PCC/D/2012/03
EXECUTIVE SUMMARY	
<p>The Police Reform and Social Responsibility Act 2011 (the 2011 Act) established the office of Police and Crime commissioner for the West Mercia Police area.</p> <p>By virtue of s.18 of the 2011 Act the Police and Crime Commissioner for West Mercia (the West Mercia Commissioner) may appoint a person to be the Deputy Police and Crime Commissioner for the West Mercia area and to arrange for them to exercise any of the functions of the West Mercia Commissioner other than those functions prohibited by s.18 (7) (a), (e) or (f).</p> <p>It is proposed that the West Mercia Commissioner appoints Barrie Sheldon of Telford as Deputy Police and Crime Commissioner for the West Mercia area (the Deputy Police and Crime Commissioner) for the period and subject to the terms and conditions referred to in the accompanying Part 1 report.</p> <p>It is further proposed that the Deputy Police and Crime Commissioner has the delegations referred to in the accompanying Part 1 report.</p> <p>This decision request is accompanied by a supporting Part 1 report.</p>	
PROPOSAL	
<ol style="list-style-type: none">1. To approve the appointment of Barrie Sheldon as Deputy Police and Crime Commissioner for the West Mercia area subject to certification that the confirmation process prescribed by the 2011 Act has been complied with.2. To delegate the powers and functions referred to in the accompanying Part 1 report.	
APPROVAL OF	
West Mercia Commissioner	
I hereby approve the above proposal.	
Signed	
Date	28-11-2012

PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE

SUPPORTING REPORT

1. INTRODUCTION

The West Mercia Commissioner may appoint a Deputy Police and Crime Commissioner and may delegate certain functions to them in accordance with s.18 of the 2011 Act.

2. ISSUES FOR CONSIDERATION

- 2.1 Under s.18 of the 2011 Act the West Mercia Commissioner may appoint a Deputy Police and Crime Commissioner for the West Mercia area (the Deputy) and may arrange for such person the exercise of any functions of the West Mercia Commissioner save those matters excepted by law; namely those matters contained in s.18 (7) (a) (e) or (f).
- 2.2 It is proposed that Mr Barrie Sheldon of Telford be appointed as Deputy Police and Crime Commissioner for the West Mercia area in accordance with the conditions and limitations and on the terms of employment as hereinafter described.
- 2.3 Under s.18 of the 2011 Act certain persons may not be appointed as a Deputy and the said Barrie Sheldon has declared that to his best knowledge and belief he is not disqualified from office and a copy of his declaration is attached as Appendix 'A'.
- 2.4 The appointment shall terminate immediately on the giving of notice by the West Mercia Commissioner or upon William Longmore, West Mercia Commissioner ceasing to hold office subject to the payment of three months pay or otherwise by operation of law.
- 2.5 The Deputy Police and Crime Commissioner shall have power to make arrangements or authorise any person to exercise any functions delegated to him subject to the limitations of s.18, which precludes certain persons from exercising such functions and further precludes certain functions being delegated by the Deputy Police and Crime Commissioner subject also to 2.7 below.
- 2.6 When exercising any delegation or delegated function the Deputy Police and Crime Commissioner shall comply with the Scheme of Governance for the time being approved by the West Mercia Commissioner which requires the issue of a Record of Decision in appropriate cases.
- 2.7 When the West Mercia Commissioner exercises a function as Commissioner by way of issuing a decision record, the Deputy Police and Crime Commissioner may not exercise that function in a manner contrary to that issued Decision Record except with the express consent of the West Mercia Commissioner and shall issue a further Decision Report recording such variation and the approval of the West Mercia Commissioner thereto.

2.8 The West Mercia Commissioner may reserve any matter to his personal exercise or decision at any time.

2.9 The Deputy Police and Crime Commissioner is a member of staff of the West Mercia Commissioner by virtue of s.18 and shall be subject to terms and conditions of employment. The terms and conditions may be varied from time to time but the principal terms are set out in a summary of terms and conditions a copy of which is attached to this decision record as Appendix B.

2.10 The appointment cannot take effect until the confirmation process set out in Schedule 1 to the 2011 Act has been complied with and the West Mercia Commissioner appends to this Decision Record a certification to that effect.

2.11 The Deputy Police and Crime Commissioner shall be entitled to claim expenses within the limits prescribed by the Secretary of State (summary attached marked Appendix C).

3. FINANCIAL COMMENTS

Provision has been made within the 2012/13 budget for this appointment.

4. LEGAL CONSIDERATIONS

The West Mercia Commissioner has power to make this decision by virtue of but subject to the limitations of s.18 and Schedule 1 of the 2011 Act.

PUBLIC ACCESS TO INFORMATION

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website.

OFFICER APPROVAL

Chief Executive Officer

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature

Sandra Brinkley

Date *28 November 2012*



RECORD OF DECISION

TITLE:	POLICY DOCUMENTS:	Ref. PCC/D/2012/04
EXECUTIVE SUMMARY		
<p>Under the Scheme of Governance adopted by the West Mercia Commissioner (ref: PCC/D/2012/01) the Commissioner undertook to adopt and publish a number of policy documents</p> <p>The following policy documents are requested to be adopted, namely: -</p> <ul style="list-style-type: none">Anti-fraud and corruptionWhistleblowingEquality ObjectivesInformation SharingCode of Conduct for PCC and Deputy PCCScheme of Allowances and Expenses <p>This decision request is accompanied by a supporting Part 1 report. There is no Part 2 report.</p>		
RECOMMENDATION OR PROPOSAL		
<p>1. To adopt the policy statements appended to the supporting Part 1 report</p>		
APPROVAL OF		
West Mercia Commissioner		
<p>I hereby approve the above recommendation/proposal.</p>		
Signed		Date 21 December 2012 8th January 2013.

PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE

SUPPORTING PART 1 REPORT

The accompanying policy statements are proposed for adoption. The policy statements are as follows:-

Anti-fraud and corruption
Whistleblowing
Equality Objectives
Information Sharing
Code of Conduct for PCC and Deputy PCC
Scheme of Allowances and Expenses

These statements are to be read in conjunction with the Scheme of Governance.

The policy statements are subject to my provisions of statute or any legal direction or precedent and where any conflict arises between them and the provisions of statute or any other lawful requirement they shall be interpreted accordingly.

Compliance with the policy statements is intended to improve the proper governance of the exercise of the West Mercia Commissioner's responsibilities.

FINANCIAL COMMENTS

There are no direct financial implications.

LEGAL CONSIDERATION

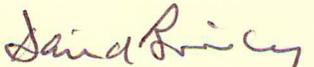
The policy statements are understood to be compliant with legal requirements but will in any event be subject thereto.

PUBLIC ACCESS TO INFORMATION

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website.

OFFICER APPROVAL

Chief Executive Officer

Signature  Date 21 December 2012

**POLICE AND CRIME COMMISSIONER FOR
WEST MERCIA**



RECORD OF DECISION

TITLE: COVERT SURVEILLANCE ARRANGEMENTS Ref: PCC/D/2012/05

EXECUTIVE SUMMARY

This decision is to authorise the entering into of arrangements whereby the Chief Constables of West Mercia and Warwickshire or their properly authorised officers, may authorise covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000 to take place in either Force area.

The Police Act 1996 provides for police forces and policing bodies to enter collaboration agreements which can include provision about the discharge of functions of the police force, support of the policing body for another policing body or support by a policing body for the police force which another policing body is responsible for maintaining.

On 13 March 2012 the Chief Constables of Warwickshire and West Mercia Police and their respective Police Authorities entered into a Strategic Alliance Collaboration Agreement in which they agreed to establish a single Protective Services Directorate providing joint protective services to the communities of Warwickshire and West Mercia. As a result of this arrangement there is now a need for the two policing bodies and their respective police forces to enter into a further collaboration agreement to provide a joint service in respect of authorisations for the carrying out of covert surveillance under the Regulation of Investigatory Powers Act 2000 and associated legislation.

In order to comply with the Police Act 1996 both the Chief Constable and the policing body for each force must be parties to the collaboration agreement.

The approval of the Police and Crime Commissioner for West Mercia is sought to these arrangements including the execution of a Collaboration Agreement to give effect to these arrangements.

This decision request is accompanied by a supporting Part 1 report, and the proposed Collaboration Agreement at Appendix 1. There is no Part 2 report.

RECOMMENDATION

1. To approve arrangements as outlined in the attached Part 1 Report.

APPROVAL OF

West Mercia Commissioner

I hereby approve the above recommendation.

Signed



Date

21-12-2012.

**POLICE AND CRIME COMMISSIONER FOR
WEST MERCIA**



RECORD OF DECISION

TITLE: POLICE AND CRIME PLAN TO 31 MARCH 2017 Ref: PCC/D/2013/06

EXECUTIVE SUMMARY

To confirm the publication of a draft Police and Crime Plan for the purpose of public consultation with an initial public consultation period to 28 January 2013 and submission to the Police and Crime Panel at their meeting convened for the purpose of consideration of the plan (currently to be held on 5 February 2013).

Following public and specialist consultation and consultation with the Police and Crime Panel the West Mercia Commissioner may amend or revise the draft Plan to take into account representations received together with the views of the Chief Constable as required by the Police Reform & Social Responsibility Act 2011.

The final Plan, covering the period to 31 March 2017, must be published by 31 March 2013.

RECOMMENDATION

1. To confirm publication of a Draft Police and Crime Plan for the period up to 31 March 2017.

APPROVAL OF

West Mercia Commissioner

I hereby approve the above recommendation.

Signed

Date 31 January 2013

PART 1 – NON-CONFIDENTIAL OR EXEMPT FACTS AND ADVICE

SUPPORTING PART 1 REPORT

1. INTRODUCTION

- 1.1 By virtue of s.5 Police Reform and Social Responsibility Act 2011 (the 2011 Act) the West Mercia Commissioner is required to consult upon and publish a Police and Crime Plan setting out the information required by s.7 of the 2011 Act for the period up to the end of the financial year in which the next Police and Crime Commissioner elections are to be held.
- 1.2 The West Mercia Commissioner has prepared a draft Police and Crime Plan which was published for the purposes of consultation on 8th January 2013 and forwarded to the office of the Police and Crime Panel for West Mercia.
- 1.3 The Plan was publicised through inclusion on the Commissioner's website, by web broadcasts, by press releases and radio interviews.
- 1.4 The public and specialist consultees, including a number of victims and witnesses of crime, have been invited to comment upon the draft Plan by 28 January 2013.
- 1.5 1300 individual requests for comments were sent by post to a range of consultees, this included 48 requests to bodies or individuals to reflect specific business interests.
- 1.6 The Commissioner is invited to confirm that the draft Police and Crime Plan (attachment 1) be presented to the Police and Crime Panel at their scheduled meeting for that purpose (5 February 2013).

2. FINANCIAL COMMENTS

- 2.1 The proposed budget for the financial year 2013-2014 and the proposed precept for the same period will be published by the West Mercia Police Commissioner on 1 February 2013. To support the proposed budget and precept a decision record will be published separately.

3. LEGAL CONSIDERATIONS

The publication of a Police and Crime Plan and the consultation requirements are a statutory responsibility required by the Police Reform & Social Responsibility Act 2011.

PUBLIC ACCESS TO INFORMATION

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website. Any facts and advice that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. (A Part 2 form is not required in this case).

OFFICER APPROVAL

Chief Executive Officer

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature



Date 31 January 2013



RECORD OF DECISION

TITLE: PROPOSED PRECEPT FOR 1 APRIL 2013 TO 31 MARCH 2014

Ref: PCC/D/2013/07

EXECUTIVE SUMMARY

To consider the setting of a proposed precept for the financial year 1 April 2013 to 31 March 2014.

The Commissioner is required to present a proposed precept to the Police & Crime Panel by no later than 1 February 2013. The Commissioner is required to act in conformity with the Police & Crime Panels (Precept and Chief Constable Appointments) Regulations 2012.

The Commissioner must have regard to representations received from business interest consultees and the report of the Police and Crime Panel.

The final precept must be determined by 1 March 2013.

This decision report is accompanied by a Part 1 report. There is no Part 2 report.

PROPOSAL

1. The Commissioner is recommended to set a zero increase in proposed precept for 2013/14 to be presented to the Police and Crime Panel.

APPROVAL OF

West Mercia Commissioner

I hereby approve the above proposal.

Signed

Date 31 January 2013

PART 1 – NON-CONFIDENTIAL OR EXEMPT FACTS AND ADVICE

SUPPORTING PART 1 REPORT

1. INTRODUCTION

- 1.1 The Commissioner is required to present a proposed precept to the Police & Crime Panel by no later than 1 February 2013. The Commissioner is required to act in conformity with the Police & Crime Panels (Precept and Chief Constable Appointments) Regulations 2012.
- 1.2 The Commissioner must have regard to views expressed by relevant ratepayers representatives and the report of the Police and Crime Panel.
- 1.3 The final precept must be determined by 1 March 2013.

2. BACKGROUND

- 2.1 To assist the West Mercia Commissioner determine a proposed precept level, the Commissioner's Chief Financial Officer has prepared the accompanying Budget report (attachment 1).
- 2.2 In setting the proposed precept the Commissioner has had regard to public responses and those of ratepayer representatives. These have been summarised (attachments 2 and 3). In addition the Commissioner has been informed of the outcome of Press surveys all of which show a significant response in favour of a zero precept.

3. FINANCIAL COMMENTS

- 3.1 The setting of a proposed precept is a necessary stage in finalising the precept for 2013/14 required to support the Commissioner's budget for the period 1 April 2013 - 31 March 2014.

4. LEGAL CONSIDERATIONS

The process and timetable is governed by statutory requirements and the proposed action is in compliance with those requirements.

PUBLIC ACCESS TO INFORMATION

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OFFICER APPROVAL

Chief Executive Officer

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature

Sania Bivley

Date 31 January 2013



RECORD OF DECISION

TITLE: SETTING THE 2013/14 PRECEPT Ref: PCC/D/2013/08

EXECUTIVE SUMMARY

To consider setting a precept for the financial year 1 April 2013 to 31 March 2014.

The West Mercia Commissioner must set an annual precept in compliance with the Police Reform and Social Responsibility Act 2011 and the Police and Crime Panel (Precept and Chief Constable Appointments) Regulations 2013 made thereunder.

The Commissioner has proposed a zero increase in the precept to be set for 2013/14 which has been considered by the West Mercia Police and Crime Panel and supported by them.

The Commissioner has had regard to an updated Budget Report (attached marked 'A').

This decision record is accompanied by a Part 1 report. There is no Part 2 report.

RECOMMENDATION

1. The Commissioner is recommended to set a zero precept increase for the 2013/14 precept.
2. The Commissioner is recommended to approve:
 - a) A Net Revenue Budget after savings of £207.299
 - b) £3.556m of budget reserve is used within year to manage reductions
 - c) A PCC reserve of £3.3m is created to support; Community Safety Fund, PCSOs and increase in Special Constables
 - d) A net budget requirement of £202.943 m
 - e) A Council Tax for a Band D property at £178.72
 - f) The Chief Executive be authorised to issue precept notices on West Mercia billing authorities as follows: A Council Tax for a Band D property calculated as follows:

	£m
Budget Requirement	202.943
Less Formula Grant	75.664

Less Revenue Support Grant	47.449
Less Council Tax Support Grant	9.171
Sub Total	70.659
Less: Collection Fund Surplus	<u>0.100</u>
Amount to be raised by Council Tax	70.559

Divided by Aggregate Council Tax Base 394,800.78

Basic Amount of Council Tax at Band D £178.72

- g) The consequential Council Tax for each property band will be as follows:

Band A (6/9 th)	£119.146667
Band B (7/9 th)	£139.004444
Band C (8/9 th)	£158.862222
Band D	£178.720000
Band E (11/9 th)	£218.435556
Band F (13/9 th)	£258.151111
Band G (15/9 th)	£297.866667
Band H (18/9 th)	£357.440000

- h) That the Chief Executive to the Office of the Police and Crime Commissioner for West Mercia be authorised to issue Precepts Notices on the West Mercia billing authorities as follows:

	£
Bromsgrove District Council	6,037,967.62
Herefordshire Council	11,484,579.37
Malvern Hills District Council	4,973,448.75
Redditch Borough Council	4,251,323.44
Shropshire Council	17,743,259.04

Telford and Wrekin Council	7,723,688.62
Worcester City Council	5,179,663.04
Wychavon District Council	7,781,997.81
Wye Forest District Council	5,382,867.68
TOTAL	70,558,795.36

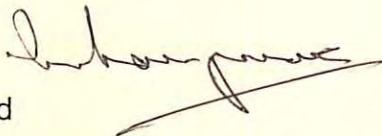
- i) The reserve strategy set out in Table 4 of the Budget Report
- j) The outline capital programme in Table 5 of the Budget Report
- k) All Officers be instructed to exercise tight budgetary control. No over-spending of the aggregate 2013/14 budget will be authorised and caution will be exercised in entering into expenditure which creates additional commitments in future years. The PCC will be kept fully informed of the financial position throughout the year.
- l) The prudential indicators at appendix C of the Budget Report
- m) In approving the budget, the PCC notes the Treasurer's comments in section 14 of the Budget Report (copy attached marked 'A') in respect of the robustness of the budget and the adequacy of reserves.

APPROVAL OF

West Mercia Commissioner

I hereby approve the above proposal.

Signed



Date 15th Feb 2013.

PART 1 – NON-CONFIDENTIAL OR EXEMPT FACTS AND ADVICE

SUPPORTING PART 1 REPORT

1. INTRODUCTION

- 1.1 The Commissioner is required to set a precept for the West Mercia Police and Crime Commissioner to be levied in 2013/14.

2. BACKGROUND

- 2.1 By virtue of the Police Reform and Social Responsibility Act 2011 and the Police and Crime Panel (Precept and Chief Constable Appointments) Regulations 2013 the Commissioner is obliged to issue a Police and Crime Precept for the year commencing 1 April 2013.
- 2.2 The Commissioner recommended a zero increase in precept to the Police and Crime Panel (Decision Record ref. PCC/D/2013/07).
- 2.3 On the 5 February 2013 the Police and Crime Panel met to consider the Commissioner's proposed precept.
- 2.4 On 8 February 2013 the Police and Crime Panel formally published their report upon the Commissioner's proposed precept (attached marked 'B').
- 2.5 On 15 February 2013 the Commissioner issued a response as required by Schedule 5 to the 2011 Act (attached marked 'C')

3. FINANCIAL COMMENTS

- 3.1 On the 4 February 2013 the Police Grant Settlement 2013/14 was announced identifying the following revenue allocations:

	£m
Home Office Core	73.7
Community Safety Funding	1.0
DCCG	47.4

*not inclusive of Council Tax freeze grant.

- 3.2 The Chief Finance Officer has prepared an updated Budget Report (copy attached marked 'A') which does not materially vary the recommendation contained in his earlier report (attached to Decision Record ref: PCC/D/2013/07).

4. LEGAL CONSIDERATIONS

The recommendation and the supporting information complies with the statutory requirements attached to the Police and Crime Commissioner in respect of his precept setting responsibilities.

PUBLIC ACCESS TO INFORMATION

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OFFICER APPROVAL

Chief Executive Officer

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature

Sandra Sively

Date

15. February 2013

WEST MERCIA BUDGET 2013/14**MEDIUM TERM FINANCIAL PLAN 2013/14 TO 2017/18****Report of the Treasurer, Director of Finance, Chief Executive and****Chief Constable****1. Recommendation**

The Commissioner is recommended to approve:

- a) A Net Revenue Budget after savings of £207.299
- b) £3.556m of budget reserve is used within year to manage reductions
- c) A PCC reserve of £3.3m is created to support; Community Safety Fund, PCSOs and increase in Special Constables
- d) A net budget requirement of £202.943 m
- e) A Council Tax for a Band D property at £178.72
- f) The Chief Executive be authorised to issue precept notices on West Mercia billing authorities as follows: A Council Tax for a Band D property calculated as follows:

	£m
Budget Requirement	202.943
Less Formula Grant	75.664
Less Revenue Support Grant	47.449
Less Council Tax Support Grant	9.171
Sub Total	70.659
Less: Collection Fund Surplus	<u>0.100</u>
Amount to be raised by Council Tax	70.559
Divided by Aggregate Council Tax Base	394,800.78
Basic Amount of Council Tax at Band D	£178.72

- g) The consequential Council Tax for each property band will be as follows:

Band A (6/9 th)	£119.146667
Band B (7/9 th)	£139.004444
Band C (8/9 th)	£158.862222
Band D	£178.720000
Band E (11/9 th)	£218.435556
Band F (13/9 th)	£258.151111
Band G (15/9 th)	£297.866667
Band H (18/9 th)	£357.440000

- h) That the Chief Executive to the Office of the Police and Crime Commissioner for West Mercia be authorised to issue Precepts Notices on the West Mercia billing authorities as follows:

	£
Bromsgrove District Council	6,037,967.62
Herefordshire Council	11,484,579.37
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Shropshire Council	17,743,259.04
Telford and Wrekin Council	7,723,688.62
Worcester City Council	5,179,663.04
Wychavon District Council	7,781,997.81
Wye Forest District Council	5,382,867.68
TOTAL	70,558,795.36

- i) The reserve strategy set out in Table 4
 j) The outline capital programme in Table 5

- k) All Officers be instructed to exercise tight budgetary control. No over-spending of the aggregate 2013/14 budget will be authorised and caution will be exercised in entering into expenditure which creates additional commitments in future years. The PCC will be kept fully informed of the financial position throughout the year.
- l) The prudential indicators at appendix C
- m) In approving the budget, the PCC notes the Treasurer's comments in section 14 in respect of the robustness of the budget and the adequacy of reserves.

2. Purpose of the Report

The purpose of this report is to set out the proposed budget and precept proposals for decision by the Police and Crime Commissioner. It is the first budget report to the Police and Crime Commissioner (PCC) for West Mercia and will deliver one of the key responsibilities of the PCC under the Police Reform and Social Responsibility Act 2011. It is also the first budget that fully reflects the major changes arising from the collaborative alliance with Warwickshire PCC.

The report sets out the:

- Net budget requirement for 2013/14
- Proposed precept for 2013/14
- Proposed medium term financial plan
- Outline capital programme

3. Background

Setting the budget for the next financial year is one of the most important decisions that the Commissioner will make. It is important therefore to set out the issues that influence and contribute to the build of the budget for 2013/14 and the medium term financial plan, having taken into consideration the plans of the Commissioner.

In determining his budget proposals the Commissioner has to have regard to:

- National targets and objectives including the strategic policing requirement
- The emerging priorities within the police and crime plan
- The outcome of public consultation

- The plans and policies of other partner agencies relating to community safety and crime reduction
- The policy of the Government on public spending and the funding framework that arises from this
- The medium term financial obligations
- Prudent use of the budget reserve
- The constant drive for continuous improvement and value for money
- The commitment to support the strategic alliance with Warwickshire PCC and the delivery of existing savings plans

4. 2013/14 Financial Settlement

The financial strategy has been reviewed in the light of the provisional financial settlement for 2013/14. The Home Office decision to announce a settlement for one year only makes it very difficult to plan over the medium term with any degree of certainty. Therefore, the careful and cautious management of reserves will continue, of necessity, to be a key feature of the medium term financial planning.

The provisional settlement, announced on the 19th December 2012, was as follows:

Main Police Grant Funding

Table 1

2012/13 £m		2013/14 £m	% Change
73.896	Police grant (including neighbourhood policing grant)	73.688	-0.28%
1.980	11/12 Council tax freeze grant	1.976	0
75.876	Sub-total Formula Grant	75.664	-0.28%
49.144	Revenue Support Grant	47.449	-3.45%
125.020	Total	123.113	-1.52%

The key points to note are:

- The neighbourhood policing grant supporting 75% of the cost of PCSOs is no longer ring-fenced and has been amalgamated into the Police grant.
- Formula grant damping is received as part of the grant settlement. It is applied when there are changes to the formula that determine the distribution of funds between police bodies. Its aim is to prevent significant year on year fluctuations in grant support. Damping is contentious as it is funded from the overall national pot of Police funding. The existing damping arrangements will

continue to apply in 2013/14. West Mercia benefits from this mechanism to the value of £11m. The recent consultation on the damping arrangements will feed into the full review of police funding which will take effect from financial year 2015/16. This adds further uncertainties over medium term planning and is a considerable risk to future funding levels in West Mercia.

- The recent reductions in Home office funding announced in the autumn settlement have not been passed on to the Commissioner in 2013/14. We do not know how the departmental budget reductions (2%) for the Home office will be managed in 2014/15. This again constitutes a financial planning risk.
- The Government had previously indicated that any benefits accruing from the pay restraint would benefit the Government not the employer. However, this has not happened, and the benefit of the pay restraint has been left with PCCs. The financial models have been adjusted to reflect this.

Community Safety Funding

A Community Safety Grant will be paid to Commissioners in 2013/14. For West Mercia, this will amount to £990,000.

This is a new grant, but, in effect, it replaces a multiplicity of funding streams which have, in the past, been used to channel grant funding to voluntary and statutory agencies in West Mercia. No details of the funding provided in 2012/13 to agencies has been provided by the Home Office to Commissioners, and, consequently, it is difficult to assess the adequacy of the grant.

In future years, the Community Safety Grant will be subsumed within Formula Grant.

5. Council Tax Considerations

The net budget for West Mercia has previously been funded through a combination of formula grant and Council Tax income. Total Council Tax income, levied as a precept by precepting councils across West Mercia, is dependent upon:

- the amount at which the precept is set
- the number of properties charged (the tax base*)
- A share of any surplus or deficit on the collection fund

** The Council Tax base takes account of any expected collection levels and discounts. Local precepting bodies are considering a number of technical changes to the system, in order to mitigate against a reduction in funding to support localisation of Council Tax support, these have altered the tax base.*

Council Tax Support Grant

A new grant will be paid in 2013/14 called the Council Tax support grant. This grant has been confirmed at £9.17m for West Mercia. The grant will go some way to mitigating the loss in Council Tax revenues arising from the Localised Support for Council Tax scheme, estimated at £10.19m. This represents a net loss in Council Tax income of around £1m.

Council Tax Limits

The criteria for assessing whether Council Tax increases are excessive have been set out by the Government. For the West Mercia PCC, the maximum Council Tax percentage increase that could be set without triggering a referendum is 2%. The Medium Term Financial Plan approved by the former Police Authority assumed Council Tax increases of 2% per annum.

Freeze grant

The Commissioner has an offer to take a Council Tax Freeze Grant. The grant is worth the equivalent of a 1% increase in Council Tax (£0.8m) and is subject to a freeze in Council Tax for one year. The grant would be paid for two years. The Commissioner would have £0.8m less than expected as a result of the “planned” 2% rise in Council Tax. A further impact would be that over time there would be a greater dependence on Government funds and a diminished Council Tax base. However, the somewhat better than expected settlement, driven by the Home Office decision not to reduce grant to take account of the pay restraint, mitigates the impact of this to a considerable extent.

The Commissioner has consulted on his options for Council Tax precept; freeze grant, 1% increase, 2% increase.

- A 0% precept attracting additional Central Government grant of £0.8m in each of years 2013/14 and 2014/15
- A 1% precept increasing the available resource by £0.8m in 2013/14 and in every year thereafter
- A 2% precept increasing the available resources by £1.6m in 2013/14 and in every year thereafter

The actual impacts on the Council Tax levels are as:

- 0% leaves a Band D Council Tax at £178.72 (last year's level)
- 1% raises a Band D Council Tax to £180.51
- 2% raises a Band D Council Tax to £182.29

The considerable majority of respondents to our consultations favoured no increase (over 75% of respondents).

6. Financial Performance in the Current Year

In setting the net budget for 2012/13 of £202.9m it was expected that £3.23m of reserves would be required, however, the early delivery of savings has enabled the reserves to be maintained and increased by £5.77m. The forecast favourable outturn in 2012/13 of £9m is as a result of early delivery of police pay savings of £2.5m, staff savings of £2.7m, one off capital financing savings of £2m, additional income of £2m and some net other costs of -£0.2m. A revised reserve strategy has been proposed. The Medium Term Financial Plan (MTFP) will still require a Budget Reserve in order to manage the reduction in income over the life of the plan.

7. Revenue Budget 2013/14

Service assumptions in 2013/14 budget build

In developing the budget for 2013/14 the following service assumptions have been made:

Alliance

The policing model for West Mercia is as set out in the blueprint for the Alliance. It is expected to be implemented during 2013/14 and will require recruitment to support natural turnover and change.

Police staff budgets have been built upon the profile of delivery of the Alliance changes in 2013/14. All new structures will be in place by 2015/16.

Strategic Policing requirement (SPR)

The SPR was issued by the Home secretary on 12 July 2012. It is intended to balance local and national priorities supporting Chief Constables and Police and Crime Commissioners to plan effectively for policing challenges that go beyond their boundary. The budget proposals will enable West Mercia to meet their obligations within the SPR.

Commissioner's priorities

The Commissioner is in the process of consulting on his draft Police and Crime Plan, which will be published by the end of March 2013, and the budget has been prepared taking account of the priorities expressed within it. The Commissioner has also been cognisant of the medium term financial plan produced by the former Police Authority, and, taking account of both this plan and his priorities, there are three key

variations to the previous Police Authority plan which have been incorporated into this budget recommendation and a new medium term financial plan.

- A council tax freeze in 2013/14
- An increase in the number of PCSOs above the level assumed in the Strategic Alliance blueprint. The blueprint assumed that PCSO numbers in West Mercia would fall to 184. This budget assumes that PCSOs will be held at a minimum of 233 until the end of 2014/15, and a minimum of 200 until the end of the administration. This will be reviewed during 2014/15 with a view to maintain the higher number through the life of the administration, if available resources allow this. The picture on future grant funding will be clearer at this stage.
- The Government Grant for Community Safety will be topped up to provide a Community Safety Fund of £2m in 2013/14, from resources held for community safety within the former Police Authority budget, from savings within the Commissioner’s own budget, and from reserves.

8. Revenue Budget Changes since 2012/13

The following table analyses the changes to the base budget between 2012/13 and 2013/14. Appendix A indicates a summary of the gross expenditure.

Table 2

	£m	£m
Budget for 2012/13		202.899
Adjustment re transfer of grant to formula funding		7.704
		<hr/> 210.603
Review of pay-related budgets		5.861
Review of non pay budgets		0.348
Additional cost requirements		1.788
Savings Plan		(11.301)
Net Revenue Budget		<hr/> 207.299 <hr/>

Funding:

Formula grant	75.664
Revenue Support Grant	47.449
Council tax support grant	9.171
Council tax yield	70.659
Net Budget Requirement	202.943
Council tax freeze grant 2013/14	0.799
Use of Budget Reserve	3.557
Total Income	207.299

9. Savings plan 2013/14

The savings identified reflect the detailed plans arising from the development of the alliance model with Warwickshire. The new policing model will come into effect by October 2013 and during the year staff restructures will be taking place.

The estimated pay related savings total £9.34m. There are target savings for non pay budgets totalling £1.96m which include £0.54m on the estates budgets.

10. Medium Term Financial Plan 2013/14 - 2017/18

The MTFP was agreed in February 2012 and has been updated and refreshed during the year. A necessary change, as a result of forward planning for the strategic alliance, has been to align budgeting practices and assumptions that sit within the plan. This enables a consistent approach to strategic joint planning of the finances across the alliance.

The MTFP has been extended to include years 2016/17 and 2017/18.

The key assumptions within the plan are as follows:

Funding

- The precept will increase broadly in line with inflation from 2014/15
- Council Tax base will grow by 0.5% annually

- Formula grant will reduce by 2.9% in 2014/15, a further 1% in 2015/16 and a further 1.5% in 2016/17 and 2017/18. Government figures indicate that the reduction in later years could be as high as 4% within the Home Office, our working assumption is that this would not be fully passed onto policing
- Review of grant system maintains the levels of support as shown in the plan
- The Council Tax support grant position remains stable
- There is no assumption of further freeze grants
- There will be no tightening of precept limits

Costs

- Pay increases remain low at 1%.
- There is no vacancy factor included in the plans as all staffing changes are being managed through the strategic alliance blueprint delivery process.

The revised MTFP is as follows:

Table 3

	2013/14	2014/15	2015/16	2016/17	2017/18
	£m	£m	£m	£m	£m
West Mercia base budget before savings	218.600	221.879	225.207	228.585	232.014
Projected savings	(11.301)	(17.584)	(20.951)	(28.311)	(31.305)
Projected net expenditure after savings	207.299	204.295	204.256	200.274	200.709
Funded by:					
Formula grant and RSG	123.113	119.224	116.072	114.331	112.616
Council tax Support grant	9.171	9.171	9.171	9.171	9.171
Council tax	70.659	72.644	74.683	76.772	78.922
Net Budget Requirement	202.943	201.039	199.926	200.274	200.709
Council tax Freeze grant (13/14)	0.799	0.799	0	0	0
Gap to be funded from	3.557	2.457	4.330	0	0

Budget Reserve

Cumulative alliance savings of £20.9m will be delivered by 1/4/2016. The MTFP indicates that a potential funding gap of £10.354m will emerge in the final two years. The draw on the budget reserve assumes at this stage that plans will be produced to ensure delivery within the financial year, however, there is flexibility to manage this reduction over a longer period by utilising the budget reserve.

There are many uncertainties over the medium term planning horizon:

- Grant funding review process and damping arrangements
- Actual impact of localisation of Council Tax support
- Continuation of low pay increases - an increase of 1% on payroll costs will cost £1.7m per annum

These factors have been taken in to account within the proposed reserves strategy.

11. Strategic Use of Reserves

The following table indicates the opening reserve position in 2012/13, the expected opening balances at 1/4/2013 and the strategy for use of these reserves over the medium term.

The proposals include the use of reserves to support the Commissioner's pledges to retain PCSO numbers at 50 above the new policing model until 1/4/2015, support Community Safety and increase recruitment of Special Constables.

In considering the MTFP, the Commissioner needs to consider the level of reserves for which the budget provides. This will, in part, be governed by known or likely commitments, and, in part, by his appetite for risk.

In setting the level of reserves we would suggest that the following issues should be taken into account:

- The possibility of savings targets not being met. We would suggest no provision in reserves for this, but, if this approach is taken, the Commissioner is recognising that any failure to deliver savings through the Strategic Alliance will have to be compensated for, potentially, by service reductions.
- Possible delays in the delivery of savings. In previous years the Force has missed its in-year savings target, but has covered the shortfall from in-year under-spends. While no presumption of in year under-spending should be made, the record of the Force is of consistent delivery of under-spending.

This is typical of organisations with strong budget management arrangements. Delays in the delivery of savings are very likely to occur, particularly in relation to the Strategic Alliance, and a prudent provision would be for a delay in delivering £2m of savings in each year of the plan, but with half of this covered by in year under-spending. This would impact on reserves over a 5 year plan to the tune of £5m.

- The need to provide cover for “extraordinary” events or investigations, recognising that these would be likely to attract Special Police Grant. A prudent provision would be for two to three such events over a five year period, which would require a provision of at least £4m.
- The level of self-insurance we provide to minimise our insurance premiums. Currently this requires a provision of just under £0.75m. This reflects likely commitments.
- Any additional delivery costs of the Strategic Alliance. These may be capital (e.g. IT costs), but capital costs have a revenue impact. Until the capital costs are determined, the revenue consequences cannot be. An alternative, and one with no marginal cost, would be to absorb any revenue impact by cash-limiting the capital programme and deferring schemes to accommodate any Strategic Alliance spending requirements.
- The risk on inflation, especially on pay and utility costs. A year ago, the risk around pay looked significant. However, the continuing depressed state of the economy makes it unlikely that pay costs are likely to pick up materially beyond the level provided for within the life of the plan. Utility costs remain a risk, but, given the Government’s recent decisions on the permissibility of fracking as a means of gas extraction, means that the medium to long term risk has probably reduced considerably, to a level where no specific provision is likely to be required.
- Council Tax benefit is being localised, with a requirement for councils to save 10% of the cost. The Police and Crime Commissioner would be required to bear a share of any consequential loss of Council Tax income from the change in benefits. It is very possible that such a loss will incur. This is impossible to estimate accurately at this stage, because Council Tax collection rates are likely to be very dependent on the state of the local economy, but a provision of £1m would be prudent, with this reviewed in future years.
- There should be a general contingency provision for unknowns. Assessing a prudent level for this is impossible, but would be unlikely to be less than 1% of net revenue expenditure, around £2m.

The aggregate cost of those elements which it is feasible to estimate is £12.75m. The additional impact of some of those which cannot be estimated, such as higher pay increases, could prove to be significant. The Police and Crime Commissioner does not necessarily have to provide money in reserves for each of these elements individually, unless they are certain to occur, as one contingency can provide for several possible events, provided that all of the events are unlikely to occur together. However, it does need to give realistic consideration to the likelihood of their occurring during the period covered by the plan, and it does need to provide explicitly for those which are certain to occur.

Given the relatively low aggregate sum involved, it is recommended that a minimum level of £12.75m is provided in reserves.

Table 4

Reserve	Balance £m 1/4/2012	Changes	Balance £m 1/4/2013	Balance £m 1/4/2014	Balance £m 1/4/2015	Balance £m 1/4/2016	Balance £m 1/4/2017
Budget reserve (was Sustaining service delivery reserve)	22.000	£.270m transfer into budget reserve 13/14	22.270	18.713	16.256	11.926	11.926
Contingency	6.162		8.851	8.851	8.851	8.851	8.851
Invest to save	3.082	Support innovation and change programme. £.5m Transfer PCC reserve.	2.582	2.500	1.500	0.500	0
Between year flexibility	0.989	Projects approved from one off 12/13 savings	2.200	0	0	0	0
Insurance	0.750		0.750	0.750	0.750	0.750	0.750
Equipment	0.850		0.850	0.525	0.400	0	0
Road safety	1.226		0.900	0.600	0.300	0.300	0.300
Revenue grants	0.040		0	0	0	0	0
Capital programme	2.689	Transfer to contingency	0	0	0	0	0
PCC Reserve-		Created from 12/13 and £0.5m	3.200	2.100	1.000	0	0

(PCSO, Community Safety, Specials)		from Invest to save					
Estates one off cost of change		Created from 12/13	1.000	0.500	0	0	0
Total	37.788		42.703	34.539	29.057	22.327	21.827

12. Capital programme

Capital investment is planned as follows. The 2013/14 programme includes £8.55m carried forward from 2012/13. This is mainly due to the completion of Bromsgrove police station. Further breakdown provided in Appendix B.

Table 5

Expenditure	2013/14 £m	2014/15 £m	2015/16 £m	2016/17 £m	Total £m
Information technology Strategy programme	6.259	6.010	3.094	2.151	17.514
Information technology replacement programme	2.297	0.990	2.030	1.557	6.874
Estates strategy	8.659	5.044	3.661	0.976	18.340
Fleet	2.354	1.600	1.462	1.500	6.916
Total	19.569	13.644	10.247	6.184	49.644

The planned funding for these investments is:

Table 6

Funding	2013/14 £m	2014/15 £m	2015/16 £m	2016/17 £m	Total £m
Capital receipts	1.540	3.465	3.420	0	8.425
Home Office grant	1.686	1.686	1.686	1.686	6.744
Specific Home Office grants	0.249	0	0	0	0.249
Borrowing	16.094	8.493	5.141	4.498	34.226
Total	19.569	13.644	10.247	6.184	49.644

This has been included in the Medium Term Plan.

The progress of the capital programme will be reported to the Commissioner.

The Prudential Code for Capital Finance requires the Police and Crime Commissioner to approve a three-year capital programme.

The investment proposals as summarised above are considered to be affordable in terms of the Prudential Code for Capital Finance. Specific Prudential Indicators are provided in Appendix C.

13. Prudential Code for Capital Finance in Local Authorities and Statement of Minimum Revenue Provision

The key objectives of the Prudential Code are to ensure, within a clear framework, that the capital investment plans of Commissioners are affordable, prudent and sustainable or, in exceptional cases, to demonstrate that there is a danger of not ensuring this, so that the Commissioner concerned can take timely remedial action. A further key objective is to ensure that treasury management decisions are taken in accordance with good professional practice and in a manner that supports prudence, affordability and sustainability. The Prudential Code also has the objectives of being consistent with and supporting local strategic planning, local asset management planning and proper option appraisal.

To demonstrate that Commissioners have fulfilled these objectives, the Prudential Code sets out the indicators that must be used, and the factors that must be taken into account. The Code does not include suggested indicative limits or ratios. These will be for the Commissioner to set, subject only to Government reserve powers under section 4 of the Local Government Act 2003.

The prudential indicators required by the Code are designed to support and record local decision making. They are not designed to be comparative performance indicators and the use of them in this way would be likely to be misleading and counter productive. In particular, organisations had widely different debt positions at the start of the Prudential system and the differences are likely to increase over time as the result of the exercise of local choices. The system is specifically designed to support such local decision making in a manner that is publicly accountable.

In setting or revising their prudential indicators, the Commissioner is required to have regard to the following matters:

- Affordability, eg, implications for Council Tax
- Prudence and sustainability, e.g. implications for external borrowing
- Value for money, e.g. option appraisal
- Stewardship of assets, e.g. asset management planning
- Service objectives, e.g. strategic planning for the Commissioner
- Practicality, e.g. achievability of the forward plan.

Where capital assets are financed from borrowings, it is necessary to make a Minimum Revenue Provision (MRP) in the revenue account in order to provide for the repayment of the borrowing.

14. Robustness of the Budget

Section 25 of the Local Government Act 2003 requires the Treasurer to report on:

- The robustness of the revenue estimates made for the purposes of the budget calculations
- The adequacy of the proposed financial reserves

Set out below is the statement by the Treasurer regarding the robustness of the budget and the adequacy of the reserves.

“The 2003 Local Government Act places specific responsibilities on me, as the statutory Chief Financial Officer, to report on the robustness of the budget and the adequacy of the proposed financial reserves which the Police and Crime Commissioner holds when the Commissioner is considering the budget requirement. The Commissioner is required to have regard to this report when it sets the budget.

There are a range of other safeguards that I must also consider to prevent the Commissioner from over committing financially, including:

- *the balanced budget requirement (England, Scotland and Wales) (sections 32, 43 and 93 of the Local Government Finance Act 1992);*
- *the legislative requirement for each local authority to make arrangements for the proper administration of their financial affairs (section 151 of the Local Government Act 1972), the implications of which have been clarified in case law and published professional guidance, particularly on the role of the Chief Financial Officer.*

Given the continuing uncertainties of the economic environment and the scale of the expenditure reductions required, there are significant risks facing the Commissioner in delivering a balanced budget. These are set out in detail in section 11 on the

strategic use of reserves, which assesses the potential of these risks to impact on reserves.

In addition, whilst not a risk to the 2013/14 budget, this budget is merely the first year of the Commissioner's five year medium term financial plan. The Chancellor of the Exchequer's autumn Statement indicated that the Coalition Government's deficit reduction strategy was not on target, and raised the prospect of further reductions in Government funding allocations, beyond those already announced and through into 2017/18. In addition, there will be a comprehensive review of the funding formula over the next few months, which could also lead to changes in future years' allocations. The medium term financial plan could be materially affected by changes in grant allocations, either up or down. At this stage it is prudent to assume that there will continue to be a need to aggressively drive savings throughout the Police Service over the whole life of the plan, in order for the financial position to remain sustainable.

The budget information used in preparing this budget resolution has undergone extensive scrutiny by:

- Chief Officers and their staff*
- Staff within the Finance directorate and particularly the Director of Finance*
- The Treasurer and the Commissioner's staff*
- The Commissioner and his Deputy.*

The level of one-off resources being used to fund this budget exceeds the level of one-off budget allocations and, consequently, there is a need, identified in the medium term financial plan, to identify further savings to meet those revenue funding pressures which will be ongoing. Notwithstanding this, and taking account of the availability of reserves to the Commissioner, in overall terms I am of the view that this revenue budget and the medium term financial plan have been prepared on realistic assumptions, with a progressively reducing call on reserves over a five year period. As a consequence, I am of the view that the proposal for 2013/14 represents a robust, albeit challenging, budget. I am also of the view, that reserves are adequate. They will remain so over the life of the medium term financial plan provided that there is a continuing focus on the delivery of not only the current year's savings plans but also the work that is progressing to ensure the savings requirements in future years are identified and delivered in a timely way.

West Mercia Police and Crime Panel

Mr Bill Longmore
West Mercia Police and Crime Commissioner
PO Box 487
Shrewsbury
SY2 6WB

8 February 2013

Dear Mr Longmore

PROPOSED PRECEPT

In accordance with Schedule 5 to the Police Reform and Social Responsibility Act 2011, I write to inform you that the West Mercia Police and Crime Panel reviewed your proposed precept on 5 February 2013 in a public meeting.

As is required by the Act the Panel must formally make a report to you as Commissioner on your proposed precept; please accept this correspondence as the formal report of the Panel.

The proposed precept you presented to the Panel was for a zero increase for 2013/14.

Following consideration and discussion by the Panel, and having taken account of comments in respect of prudent use of reserves and the possible implication of the grant freeze for the medium term, the Panel was unanimous in providing unqualified support for your proposal to freeze the precept for 2013/14.

The Panel thanks you and your team for your attendance and helpful responses to questions asked by Panel Members at the meeting.

I note that you will be required to have regard to the Panel's report and provide a response which will be published; I look forward to receiving this response.

Yours sincerely



Cllr Paul Middlebrough
Chairman of the West Mercia Police and Crime Panel

Cllr Paul
Middlebrough
Chairman, West
Mercia Police and
Crime Panel

c/o Legal and
Democratic Services
Worcestershire
County Council
County Hall
Spetchley Road
Worcester
WR5 2NP



Bill Longmore
Police and Crime Commissioner
West Mercia

Cllr Paul Middlebrough
Chairman, West Mercia Police and Crime Panel
c/o Legal and Democratic Services
Worcestershire County Council
County Hall
Spetchley Road
Worcester WR5 2NP

15 February 2013

Dear Mr Middlebrough

Thank you for your letter of 8 February 2013 responding to my proposed precept.

In accordance with Schedule 5 of the Police Reform and Social Responsibility Act 2011 I am writing to advise you that I have today formally set a precept for 2013/14 which freezes the precept at its 2012/13 level. I enclose a copy of my precept decision record.

Over the next few days I shall issue precept notices to all precepting authorities in West Mercia.

Yours Sincerely

W Longmore

cc Sian Clark, Democratic Governance Manager



RECORD OF DECISION

**TITLE: THE ESTABLISHMENT OF A WEST MERCIA COMMISSIONER'S GRANT
SCHEME**

Ref: PCC/D/2013/09

1. EXECUTIVE SUMMARY

- 1.1 By virtue of section 9 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner may make a crime and disorder reduction grant to any person. A crime and disorder reduction grant is a grant which, in the opinion of the Police and Crime commissioner, will secure, or contribute to securing, crime and disorder reduction in the West Mercia area.
- 1.2 By virtue of schedule 11, paragraph 14 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner. That includes: entering into contracts and other agreements (whether legally binding or not) and acquiring and disposing of property (including land).
- 1.3 A Police and Crime Commissioner may make a crime and disorder reduction grant subject to any conditions (including conditions as to repayment) that he/she thinks are appropriate.
- 1.4 The Police and Crime Commissioner is invited to adopt a grant scheme for West Mercia.

2. PROPOSAL

- 2.1 This proposal is to approve the establishment of a West Mercia Commissioner's Grant Scheme.

**APPROVAL OF
West Mercia Police and Crime Commissioner**

I hereby approve the above proposal.

Signed

Date

20th March 2013.

PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND FIGURES

SUPPORTING REPORT

1. By virtue of section 9 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner may make a crime and disorder reduction grant to any person. A crime and disorder reduction grant is a grant which, in the opinion of the Police and Crime commissioner, will secure, or contribute to securing, crime and disorder reduction in the West Mercia area.
2. By virtue of schedule 11, paragraph 14 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner. That includes: entering into contracts and other agreements (whether legally binding or not) and acquiring and disposing of property (including land).
3. A Police and Crime Commissioner may make a crime and disorder reduction grant subject to any conditions (including conditions as to repayment) that he/she thinks are appropriate.
4. The Police and Crime Commissioner shall determine at the outset of each financial year an amount, which is available in that financial year for the making of grants to any body or person, through the West Mercia Commissioner's Grant Scheme for any purpose falling within the powers of the Commissioner.
5. The proposed grant scheme framework shall be as follows: -
 - 5.1 **Purpose** - To commission services or award grants, including matched-funding, that secure or contribute to the securing of crime and disorder reduction or support delivery of the West Mercia Police and Crime Plan objectives.
 - 5.2 **Funding** – The West Mercia Commissioner's Grant Scheme shall distribute funds as may be agreed by the Police and Crime Commissioner or any person acting for him in exercise of delegated powers.
 - 5.3 **Who Can Apply** – Anyone can apply for funding but non profit making bodies are preferred.
 - 5.4 **The Decision Makers** – Decisions regarding whether or not to approve a grant of below £50,000 will be made by the Police and Crime Commissioner's Policy Officer (Commissioning and Grants) or the Police and Crime Commissioner's Chief Executive Officer in consultation with the Police and Crime Commissioner and/or Deputy Police and Crime Commissioner. Decisions regarding whether or not to approve a grant of £50,000 or above will be made by the Police and Crime Commissioner and/or Deputy Police and Crime Commissioner.
 - 5.5 **The Offer** – Grants will be awarded only for a specified purpose and subject to a

specified financial limit with no commitment to renew, increase or continue funding beyond the limited time period of the award. Applicants should therefore have contingencies for dealing with the cessation of any funding stream offered by this scheme.

5.6 The Offer Letter – If an application is approved a grant offer letter will be sent. The offer letter if accepted by the grantee shall constitute a formal agreement between the Police and Crime Commissioner and the grantee. The offer letter will include the acceptance form, terms and conditions and any monitoring requirements. The acceptance form will need to be completed and returned within the specified period before any funds will be released. If the acceptance form is not returned within the specified period the grant offer shall lapse.

5.7 Transparency – Details of the scheme and how to apply will be made available on the Commissioner's website www.westmercia-pcc.gov.uk. Details of grants awarded will be published on the Commissioner's website in accordance with The Elected Local Policing Bodies (Specified Information) Order 2011. No information shall be disclosed if such disclosure would be in breach of the Data Protection Act, or is exempted from disclosure under the Freedom of Information Act.

FINANCIAL COMMENTS

6.1 The Police and Crime Commissioner shall determine at the outset of each financial year an amount, which is available in that financial year for the making of grants to any body or person, through the West Mercia Commissioner's Grant Scheme for any purpose falling within the powers of the Commissioner.

6.2 The Police and Crime Commissioner has established a grant scheme fund of £2 million for 2013/14.

6.3 Each award of grant funding shall be made on a one off basis and will not place the Police and Crime Commissioner under any obligation for further funding.

LEGAL CONSIDERATIONS

7.1 By virtue of section 9 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner may make a crime and disorder reduction grant to any person. A crime and disorder reduction grant is a grant which, in the opinion of the Police and Crime commissioner, will secure, or contribute to securing, crime and disorder reduction in the West Mercia area.

7.2 By virtue of schedule 11, paragraph 14 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of

the functions of commissioner. That includes: entering into contracts and other agreements (whether legally binding or not) and acquiring and disposing of property (including land).

PUBLIC ACCESS TO INFORMATION

8.1 Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website.

8.2 Section 3(f) of The Elected Local Policing Bodies (Specified Information) Order 2011 requires that the Police and Crime Commissioner publishes each month, as soon as practicable after the end of the month to which it relates, information as to each crime and disorder reduction grant made by the Commissioner. This is to include the conditions (if any) attached to the grant, the recipient of the grant, the purpose of the grant and the reasons why the body considered that the grant would secure, or contribute to securing, crime and disorder reduction in the area.

OFFICER APPROVAL

Chief Executive Officer

Signature *Said Brien* Date *20 March 2013*

**POLICE AND CRIME COMMISSIONER FOR
WEST MERCIA**



RECORD OF DECISION

TITLE: COLLABORATION WITH GLOUCESTERSHIRE POLICE

Ref. PCC/D/2013/10

1. EXECUTIVE SUMMARY

1.1 This recommendation is to authorise the entering into of arrangements whereby Gloucestershire Police will be able to make use of the freezer store at Defford for the long term storage of crime scene samples and other evidence which requires preservation by freezing.

1.2 The Police Act 1996 provides for police forces and policing bodies to enter collaboration agreements which can include provision about the provision of support by one policing body to another policing body or to a force maintained by another policing body. The support envisaged in this case is the provision of equipment, services and facilities to the Police & Crime Commissioner for Gloucestershire Police and the Chief Constable of Gloucestershire Police to enable the Chief Constable of Gloucestershire to make use of the storage facilities operated by West Mercia on its secure site at Defford.

1.3 In order to comply with The Police Act 1996 both the Chief Constable and the policing body for each of the forces must be parties to the collaboration agreement.

1.4 The approval of the Police & Crime Commissioner for West Mercia Police force to the arrangements contained in the collaboration agreement is therefore sought to these arrangements.

1.5 This decision request is accompanied by a supporting Part 1 report, and the proposed Collaboration Agreement. There is no Part 2 report.

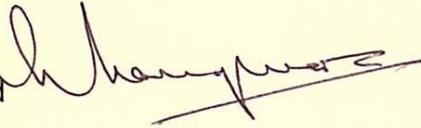
RECOMMENDATION

1. To approve and sign the attached Collaboration Agreement.

APPROVAL OF

West Mercia Commissioner

I hereby approve the above recommendation.

Signed 

Date 13-03-2013.

PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE

SUPPORTING REPORT

1. INTRODUCTION

1.1 West Mercia Police have invested and developed a resilient freezer store within the single secure records archive store at Defford. The freezer store is primarily intended for the long term storage of crime scene samples and other evidence and access to the material stored there is not therefore required on a regular basis. This makes the freezer store suitable for storage by other police forces. Up to 50% of the space can be allocated to other forces on the basis that the running costs are shared in proportion to the use made by another organisation.

2. ISSUES FOR CONSIDERATION

2.1 The freezer store has vacant space at the present time. By permitting Gloucestershire Police to use the space and contribute to the running costs of the facility the efficiency and effectiveness of both police forces is being enhanced.

2.2 The information retrieval systems which operate in the freezer store are designed by make the most efficient use of space whilst at the same time providing a unique identifier to enable retrieval irrespective of which force has deposited the material in the store. This makes the facility particularly suitable for use on behalf of other policing bodies and enhances the overall efficiency of the arrangement.

2.3 The agreement provides for the arrangement to continue until terminated upon 3 months notice by either party. The arrangement will therefore not prejudice West Mercia's position should it require exclusive use of the storage at some point in the future.

2.4 It will be the responsibility of the West Mercia Police & Crime Commissioner and the Chief Constable of West Mercia to ensure that the service is provided efficiently and effectively to ensure that the deposited exhibits are maintained in a useable state and are retrievable should they be required for evidential purposes in the future. As the standard Public

Liability policy excludes damage to property in the custody and control of the insured it has been agreed that West Mercia will not be liable to Gloucestershire Police & Crime Commissioner and the Chief Constable of Gloucestershire for any damage arising out of the negligent provision of the service.

- 2.5 In accordance with the legislation the agreement provides for review of the arrangements to ensure that they meet the objective of operating in the interests of efficiency and effectiveness.

3. FINANCIAL COMMENTS

- 3.1 West Mercia Police & Crime Commissioner will receive a revenue payment by Gloucestershire Police based on the number of archive and evidence boxes stored on behalf of the Chief Constable of Gloucestershire Police during each 12 month period.

4. LEGAL CONSIDERATIONS

The West Mercia Commissioner has power to make this decision to enter into a collaboration agreement. This is a policing body and force collaboration agreement for the provision of support to another policing body and/or to a force maintained by another policing body. Section 22A of the Police Act 1996 requires the parties to a policing body and force collaboration agreement to include each Chief Constable and each policing body. The Agreement has been drawn up to comply with the provisions of the Police Act 1996 in respect of a collaboration agreement.

5. POLICING BODY AND FORCE COLLABORATION AGREEMENT

This is attached as Appendix 1.

6. PUBLIC ACCESS TO INFORMATION

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website. Any facts and advice that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. (A Part 2 form is not required in this case).

OFFICER APPROVAL

Chief Executive Officer

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature *David Bailey*

Date *13 March 2013*

**Collaboration Agreement Pursuant to Sections 22A to 22C,
23 and 23A to 23I of the Police Act 1996 (as amended by
the Policing and Crime Act 2009 and the Police Reform and
Social Responsibility Act 2011)**

relating to

Freezer Storage Facilities, Defford, Worcestershire

between

The Police and Crime Commissioner for West Mercia

The Police and Crime Commissioner for Gloucestershire

The Chief Constable of West Mercia Police

-and-

The Chief Constable of Gloucestershire Constabulary

THIS AGREEMENT is made on

BETWEEN

1. The Police and Crime Commissioner for West Mercia of [address] ("PCCWM")
2. The Chief Constable of West Mercia Police of [address] ("CCWM")
3. The Police and Crime Commissioner for Gloucestershire of No.1 Waterwells, Waterwells Drive, Quedgeley, Gloucester, GL2 2AN ("PCCG") and
4. The Chief Constable of Gloucestershire Constabulary of No.1 Waterwells, Waterwells Drive, Quedgeley, Gloucester, GL2 2AN("CCGC").

IT IS AGREED

1. INTRODUCTION AND LEGAL CONTEXT

- 1.1 The Parties have agreed that it is in the interests of efficiency and effectiveness if the PCCWM provides the PCCG and CCGC with the Service.
- 1.2 This Agreement is made between the Parties pursuant to Sections 22A to 22C, 23 and 23A to 23I of the Act.
- 1.3 For the purposes of Section 23(5) of the Act, the Chief Constables have determined that the making of this Agreement is in the interests of the efficiency or effectiveness of their respective forces.
- 1.4 For the purposes of Section 23A(5) of the Act, the Police and Crime Commissioners have determined that the making of this Agreement is in the interests of the efficiency or effectiveness of the forces they maintain.
- 1.5 For the purposes of Section 22A of the Act this Agreement contains a policing body and force collaboration provision.

2. DEFINITIONS

2.1 In this Agreement, unless the context otherwise requires:

"Act"	means the Police Act 1996 (as amended by the Policing and Crime Act 2009 and the Police Reform and Social Responsibility Act 2011);
"Agreement"	means this agreement and the appendices to it
"Chief Constables"	means the CCGC and the CCWP and Chief Constable will be construed accordingly
"Law"	means any applicable Act of Parliament, subordinate legislation within the meaning of Section 21(1) of the Interpretation Act 1978, exercise of the royal prerogative, enforceable community right within the meaning of Section 2 of the European Communities Act 1972, regulatory policy, guidance or industry code, judgment of a relevant court of law, or directives or requirements or any Regulatory Body of which the Parties are bound to comply
"Parties"	means each of the Chief Constables and each of the Police and Crime Commissioners and Party shall be construed accordingly;
"Police and Crime Commissioners"	means the Police and Crime Commissioners appointed under Police and Social

	Responsibility Act 2011 for each of the Gloucestershire and West Mercia police areas;
"Regulatory Bodies"	means those government departments and regulatory, statutory and other entities including the Interception of Communications Commissioners Office), committees, ombudsmen and bodies which, whether under statute, rules, regulations, codes of practice or otherwise, are entitled to regulate, investigate, or influence the matters dealt with in the Agreement or any other affairs of the Parties and "Regulatory Body" shall be construed accordingly
"Service"	means the service that the PCCWM will provide to CCGC set out in Appendix A to this Agreement

2.2 In this Agreement, unless otherwise specified:

- (a) the headings are for convenience only and shall not affect its interpretation;
- (b) references to a clause, appendix or paragraph are to a clause, appendix or paragraph in this Agreement;
- (c) any reference to this Agreement or to any other document shall include any permitted variation, amendment or supplement to such document;
- (d) any reference to any statute shall include references to the same as it may have been, or may from time to time be amended, consolidated or re-enacted and to any regulation or subordinate legislation made under it (or under such an amendment, consolidation or re-enactment);
- (e) any phrase introduced by the terms "including", "include", "in particular" or any similar expression shall be construed as illustrative and the words following any of those terms shall not limit the sense of the words preceding those terms;
- (f) the words "in writing" and "written" mean "in documented form" whether electronic or hard copy, unless otherwise stated;
- (g) reference to the plural shall include the singular and *vice versa*, and reference to one gender includes reference to all genders;
- (h) any reference to a person shall be to a legal person of whatever kind whether incorporated or unincorporated, and to its successors, permitted assigns and transferees;
- (i) words shall not be given a restrictive interpretation by reason of their being preceded or followed by words indicating a particular class of acts, matters or things;
- (j) any reference to a notice, consent, approval, agreement and/or permission being required under this Agreement shall, unless expressed to the contrary in this Agreement, be given in writing;
- (k) all agreements on the part of any party comprising more than one person or entity shall be joint and several and throughout this agreement the neuter singular gender shall include all genders and the plural.

3. SCOPE AND PURPOSE OF AGREEMENT

3.1 This Agreement provides for PCCWM to provide the PCCG and CCGC with the Service

- 3.2 PCCWM will provide the Service in accordance with the terms of Appendix A to this Agreement.
- 3.3 The purpose of this Agreement is to govern the Parties' collaborative working and sets out their respective roles and responsibilities in relation to the provision of the Service.
- 3.4 PCCWM will provide the Service in accordance with the Law.
- 3.5 The Appendices to this Agreement will have effect.

4. MANAGEMENT OF THE SERVICE

- 4.1 CCWM or his authorised representative will provide day to day management of the Service.

5. LENGTH OF AGREEMENT

- 5.1 This Agreement and the rights and obligations of the Parties to this Agreement shall be deemed to take effect on [] ("the Commencement Date") and shall continue in full force and effect until terminated in accordance with Clause 7.

6. VARIATION OF AGREEMENT

6.1 Variation

This Agreement may only be varied with the consent of the Parties.

6.2 Invitation to Other Police Forces

The PCCWM reserves the right to provide the Service to additional police and crime commissioners and chief constables in the United Kingdom who may be invited to share the Service provided by the PCCWM.

7. TERMINATION OF AGREEMENT

- 7.1 This Agreement will commence on the Commencement Date and will continue for at least twelve months and thereafter from year to year until terminated by at least three months' notice by either Police and Crime Commissioner to the other.

8. CONSEQUENCES OF THE DISSOLUTION OF THE AGREEMENT

- 8.1 On termination of this Agreement for whatever reason the Parties shall act in good faith and provide each other with all reasonable assistance to facilitate the retrieval and relocation of the material stored by the PCCWM on behalf of the CCGC.

9. DISPUTE RESOLUTION

- 9.1 Any difference or dispute between the parties arising out of or in connection with this Agreement, including any question as to the validity of this Agreement and any dispute arising before or after termination of this Agreement will be resolved by the Police and Crime Commissioners.

10. LIABILITY AND ACCOUNTABILITY

- 10.1 PCCWM and CCWM will be liable to the PCCG and the CCGC for the provision of the Service.

11. PAYMENT FOR THE SERVICE

11.1 The PCCWM will charge the PCCG:

a sum based on the number of archive and evidence boxes stored by the PCCWM on behalf of the CCGC during each 12 month period in the sum of:

£ [redacted] per archive box per annum

£ [redacted] per evidence box per annum

charges for the supply of boxes (if required)

Archive = £ [redacted] per unit

Costs redacted (Commercially sensitive)

Evidence = £ [redacted] per unit

11.2 Payment for storage charges will be charged annually in advance for a minimum of 30 archive boxes and thereafter per additional box. Annual charges will be adjusted annually in accordance with any increase or decrease in the retail price index (RPI) with a further review every 3 years.

11.3 All costs and charges are quoted exclusive of VAT.

12. FACILITIES STAFF AND EQUIPMENT

12.1 For the avoidance of doubt PCCWM will be responsible for providing all facilities, assets, accommodation, equipment, and staff for the purpose of providing the Service.

13. LIABILITY AND INDEMNITY

13.1 *Liability*

13.1.1 Each party will remain liable in accordance with the law for the acts and omissions of its own officers and staff.

13.2 *Indemnity*

Each Party shall save and hold harmless the other party from all losses, claims, damages, costs, charges, demands or proceedings incurred or brought as a result of the negligence of its officers and staff, unlawful acts and/or breaches of its obligations under this agreement.

14. INFORMATION MANAGEMENT

14.1 Any request for information under Freedom of Information Act 2000 or Data Protection Act 1998 received in respect of the Service shall be co-ordinated by CCWM and dealt with by the Parties accordingly.

15. BOILER PLATE PROVISIONS

15.1 *Publication*

The Parties agree that the provisions of S23E Police Act 1996 will be discharged by each Party by the publication of this Agreement.

15.2 *Further Assurance*

Each Party agrees to use all reasonable endeavours to do or procure to be done all such further acts and execute or procure the execution of all such documents as any other Party may from time to time reasonably require for the purpose of giving the other Parties the full benefit of the provisions of this Agreement.

15.3 *No Agency or Partnership*

15.3.1 Nothing in this Agreement shall be deemed to constitute a partnership between the Parties nor constitute any Party the agent of any other Party.

15.3.2 Neither Party shall act or describe itself as the agent of any other Party, nor shall it make or represent that it has authority to make any commitments on the behalf of any other Party.

15.4 *Entire Agreement*

This Agreement, including its Appendices, sets out the entire agreement between the Parties in connection with its subject matter and supersedes all prior oral or written agreements, arrangements or understandings between them.

15.5 *Statutory Powers*

Nothing contained or implied in this Agreement shall prejudice or affect the rights, powers, duties and obligations of each of the Parties in the exercise of their respective functions as may be amended, supplemented or increased from time to time and the rights, powers, duties and obligations of each of the Parties pursuant to their respective functions may be as fully and effectually exercised as if this Agreement had not been made.

15.6 *Contracts (Rights of Third Parties) Act 1999*

For the purpose of section 1(2) of the Contracts (Rights of the Third Parties) Act 1999 the Parties state that they do not intend any term of this Agreement to be enforced by any third parties.

15.7 *Counterparts*

This Agreement may be signed in any number of counterparts and this has the same effect as if the signatures on counterparts were on a single copy of this Agreement.

15.8 *Legally Binding*

The Parties agree that this Agreement shall be fully legally binding between the Parties.

15.9 *Governing Law and Jurisdiction*

This Agreement shall be governed by and construed in accordance with English law and the Parties submit to the exclusive jurisdiction of the English Courts.

16. REVIEW

16.1 This Agreement shall be reviewed by or on behalf of the Parties 12 months after the Commencement Date and every two years thereafter or earlier by agreement between the Parties. The method and purpose of the review is to ensure that the Agreement continues to deliver the collaboration functions in the most efficient and/or effective way. This will include an assessment as to whether the intent and objectives of the Parties are being met, the perceived benefits are being realised, or whether there would appear to be a better way of providing the Service.

IN WITNESS whereof the Parties have signed below

Police force	Chief Constable	Signature
West Mercia Police		
Gloucestershire Constabulary		

Police and Crime Commissioners	Chief Executive	Signature
West Mercia		
Gloucestershire		

Appendix A

The Service

1. Site features

- Remote, secure police headquarters site.
- 24 hour site security presence.
- Perimeter fence.
- CCTV.
- Catering facilities.
- Facility operated by trained and vetted staff.
- Alarm protection to storage building with secured access only by swipe/pin.

2. Service Description

- Long term or medium term storage in accordance with MOPI guidance and relevant legislation.
- Supply of a range of standard storage boxes as described.
- Electronic archive system using bar code scanning technology.
- A facility for the on-site retrieval, viewing and review of materials.

3. Storage Boxes

Detailed below are the specifications for the boxes. These are the only box sizes permitted at the store and have been determined to facilitate the most efficient use of space, the efficiency of the fire sprinkler system and health and safety of staff. Costs of storage are based on a standard archive box.

Box Type	Width (mm)	Depth (mm)	Height (mm)	How to Calculate Storage Cost
Archive	320	450	320	Standard
Evidence	320	900	320	1 Evidence = 2 Archive

West Mercia Police have a contract for the supply of these boxes. Orders can be made via DL-HRecordStore@westmercia.pnn.police.uk, for collection by Gloucestershire Constabulary. If large quantities of boxes are required then an order may be placed with West Mercia's contracted supplier.

Boxes should be full but not overfilled. A single box is unlikely to weigh more than 12kgs.

Gloucestershire Constabulary must seek advice from the store manager in respect of anything which is damaged, defrosted or mouldy. Transferring such materials could have an adverse affect on other stored material and staff if their condition has not been rectified. West Mercia Police retain the right to refuse to accept any material deemed to be likely to cause harm or injury to staff or other store contents.

4. Use of the Facility

Gloucestershire Constabulary will be expected to keep inventories of the contents of boxes, and set review and disposal dates in advance of delivery to the store.

Storage boxes will meet specific criteria to ensure their physical integrity during long term storage. They will be of standard sizes and to ensure compliance, should be supplied in advance by West Mercia or its supplier. Over packed or non standard boxes will not be accepted.

The operators of the store wish to make the most efficient use of space and therefore do not intend to consecutively organise storage. Each box will be given a unique identifier which can be cross referenced to the inventory held by the Gloucestershire Constabulary and will identify the location of the box within the store. Bar codes and mobile readers will be used to ensure data accuracy. Labels containing bar codes and unique identifiers will be issued to Gloucestershire Constabulary in advance.

West Mercia Police intend to preserve the physical and evidential integrity of materials stored, keeping them secure and allowing third party access or transfer before review or disposal under strict controls. Processes to maintain an audit trail of any access or box movements have been established.

Gloucestershire Constabulary will arrange for the delivery of materials, packed in the appropriate boxes, to the store.

Gloucestershire Constabulary will ensure individual samples or other material are appropriately packaged to ensure their evidential integrity and to protect store staff from harm or injury resulting from spillage, exposure to the material in question and sharp implements. Compliance with Health and Safety legislation is required.

Gloucestershire Constabulary will comply with legislation in respect of the retention of human tissue samples, currently the Human Tissue Act 2004, and will review the lawfulness of retention of material stored should there be a relevant change in legislation.

Where any of the contents of a box or boxes require review, the complete box will be made available for physical review, either on site or for collection by the Gloucestershire Constabulary.

The disposal of the contents of a box or boxes must be arranged by Gloucestershire Constabulary at their own cost. Decisions on disposal dates must be made in advance and communicated to West Mercia staff on delivery to the store.

The operators of the store do not anticipate frequent retrieval of materials other than above and therefore it is not expected that Gloucestershire Constabulary would transfer material to the store where there is a high probability that frequent access will be required.



Governance Scheme and Decision Making Process

22 November 2012

Interim Scheme of Corporate Governance

1 Introduction

This interim scheme of governance sets out some overarching principles for the Police and Crime Commissioner (PCC) and the Chief Constable to follow in the delivery of their respective statutory roles.

In preparing this interim scheme it is fully understood that the interaction of the PCC and the Chief Constable will evolve over a period of time and this scheme will need to be reviewed periodically. This scheme is not intended to be fit for purpose following the Stage 2 transfer when a total rewrite of the scheme will be necessary.

2 Legislative Background

This scheme is intended to encapsulate the legislative requirements placed upon the PCC and the Chief Constable under the Police Act 1996 and the Police Reform and Social responsibility Act 2011. The scheme needs to also be read in conjunction with, all other requirements on the PCC and the Chief Constable, and specifically the provisions of:

- a) the Policing Protocol
- b) Financial Management Code of Practice
- c) the Strategic Policing Requirement

3 Key Roles of the PCC

The role of the police and Crime Commissioner is set out in the main roles of the Police Reform and Social responsibility Act 2011. The main duties are:

- provide an efficient and effective police service for the area;
- set the budget, and the precept (charges to be paid by the council tax payers in the district/borough councils) and allocate funds and assets to the Chief Constable;
- appoint and, if necessary dismiss the Chief Constable;
- hold the Chief Constable, and those under his/her direction and control to account on behalf of the people of West Mercia, ensuring they have regard to the Police and Crime Plan and the Strategic Policing Requirement;
- set the strategic direction and objectives of the West Mercia Police service through the Police and Crime Plan, monitoring the performance of the force against the agreed priorities;
- scrutinise, support and challenge overall performance of the force;
- make crime and disorder reduction grants;
- produce an annual report;
- have regard to statutory responsibilities i.e. Freedom of Information Act 2000, and all human rights and equality laws;
- maintain an effective 'independent custody visiting scheme' for monitoring facilities for people being held in custody;
- provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action.

4 General Framework of Governance

4.1 The Police and Crime Commissioner will as soon as practicable publish a **Police and Crime Plan** setting out the aims and objectives to guide the provision of Policing Services in West Mercia. The Plan may also contain the Commissioner's aims and intentions for other aspects of the Commissioner's statutory responsibilities. The Plan will be kept under review.

4.2 The Commissioner must present his Plan or any revision of the Plan to the Police and Crime Panel and must have regard to any report or recommendations made by the Panel.

4.3 Each year the Police and Crime Commissioner will publish an Annual Report identifying the extent to which the objectives of the Police and Crime Plan are being achieved. The Annual Report will be presented to and scrutinised by the Police and Crime Panel.

4.4 The Commissioner will publish a proposed Precept by the 1 February in each year and following review by the Police and Crime Panel shall issue the precept by the prescribed date of 1 March.

4.5 The Commissioner may publish a scheme of delegation. When taking any decision as Commissioner a formal recording process will be followed.

4.6 The Commissioner will ensure that records are kept and published to the **Police and Crime Panel** of any decisions taken by him. The Commissioner shall adopt and keep under review a scheme of delegates and consent affording others to who functions are assigned, authority to take actions or decisions on behalf of the Commissioner subject to periodic reports of any such actions or any decisions taken.

4.7 The commissioner may require any action or decision otherwise authorised by the scheme of delegates and consent to be authorised by him. All decisions of significant public interest will be **published on the website** of the Police and Crime Commissioner notwithstanding that they may also be reported to the Police and Crime Panel.

4.8 **The record of decisions** shall be supported by written documents, so as to record the decision taken and the justification or reason for the decision. The record shall normally include an indication of any relevant considerations taken into account including considerations as to legality, proberty, finance, and equality. All decisions taken by the Police and Crime Commissioner shall only take effect when a completed written record has been lodged with the Office of the Police and Crime Commissioner duly signed or authorised by the Police and Crime Commissioner or Deputy PCC.

4.9 In some cases the Chief Constable or other Senior Officer exercising powers under the scheme of delegation and consent or otherwise authorised by general operation of law may **consult** the Police and Crime Commissioner.

4.10 In such cases a record shall be kept of the action or decision upon which the Police and Crime Commissioner was consulted and the views expressed by the Police and Crime Commissioner and the final action or decision taken. Such record shall be lodged with the Office of the Police and Crime Commissioner but shall only be published when in the opinion of the Police and Crime Commissioner the matter is of public importance. Such recorded 'consultation' shall be known as '**formal consultation**'.

4.11 As a matter of broad principle it is intended that whenever possible any decision or action of the Chief Constable which is likely to be politically sensitive or public facing will be

the subject of prior consultation with the Police and Crime Commissioner who **shall at all times respect the operational independence of the Chief Constable**. This principle shall not extend to the details of police operations in the pursuit or investigation of crime; and information relating to such matters shall only be communicated at the Chief Constable's absolute discretion. Reciprocally the Police and Crime Commissioner in exercising any power or discretion shall endeavour to consult the Chief Constable whenever the matter may have an impact on the provision of policing or any operational matter and shall always do so where this is a statutory requirement.

4.12 The Commissioner will establish and maintain an **Audit Committee** and the operation of the Force shall be subject to internal and external Audit.

4.13 In exercising his/her powers the Commissioner shall have regard to;

The Nolan Principles

The Statutory Protocol

General legal requirements and principles

The views of the public

Specific requirements of the Police Reform and Social Responsibilities Act 2011

4.14 The following additional documents which have been adopted by the Commissioner (or are in development) form part of the Governance Scheme:-

Scheme of Allowances and Expenses

Standards of Conduct

Complaint processes and oversight and whistleblowing

The Financial Management Code of Financial Practice

Freedom of Information Publication Scheme

5 Exercise of Functions

The functions which may be exercised by persons other than the PCC are those set out in the Scheme of Delegation and Financial and Contract Regulation (the Scheme of Delegation). The Scheme of Delegation may from time to time be revised or varied by the PCC. The Scheme of Delegation shall be published on the PCC website and any revisions or variations will be incorporated in the Scheme and published as soon as practicable.

The following summary of functions and delegations provided to the Statutory Officers provides an indication of the range of functions covered by the Scheme of Delegation but in the event of any conflict between the Scheme of Delegation and the following summary, the former shall prevail.

6 Summary

6.1 Functions of the Chief Executive

The detail of the functions delegated to the Chief Executive is set out in the Scheme of Delegation. A summary of the key functions are as follows:

- to act as head of paid service;
- to act as 'monitoring officer' under section 5(1) of the Local Government and Housing Act 1989;
- production of the police and crime plan;
- produce an annual report;

- provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions;
- to sign contracts on behalf of the Commissioner (and Deputy Commissioner if appointed) in accordance with Financial Regulations;
- to agree the arrangements for management of the PCC's budget;
- to make recommendations to the Commissioner with regard to staff terms and conditions of service, in consultation with the Treasurer and to appoint and dismiss staff;
- to undertake the management of staffing resources in line with agreed policies and procedures.

6.2 Functions of the PCC's Chief Finance Officer

The statutory responsibilities of the Chief Finance Officer of the PCC are set out in paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011, and section 114 of the Local Government Finance Act 1988. The qualifications for the Chief Finance Officer are set out in section 113 of the Local Government Finance Act 1988. The Accounts and Audit (England) Regulations 2011 impose further responsibilities in England.

The Chief Finance Officer of the PCC has certain statutory duties which cannot be delegated, namely, reporting any potentially unlawful decisions by the PCC on expenditure and preparing each year, in accordance with proper practices in relation to accounts, a statement of the PCC's accounts, including group accounts.

The detail of the functions designated to the Chief Executive is set out in the Scheme of Consent which is a stand alone document. A summary of the key functions are as follows:

- ensuring that the financial affairs of the PCC are properly administered and that financial regulations are observed and kept up to date;
- ensuring regularity, propriety and Value for Money (VfM) in the use of public funds;
- ensuring that the funding required to finance agreed programmes is available from Central Government and Welsh Government funding, precept, other contributions and recharges;
- reporting to the PCC, the Police and Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the PCC or officers of the PCC;
- reporting to the PCC, the Police and Crime Panel and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure;
- advising the PCC on the robustness of the budget and adequacy of financial reserves;
- ensuring production of the statements of accounts of the PCC;
- ensuring receipt and scrutiny of the statements of accounts of the Chief Constable and ensuring production of the group accounts;
- liaising with the external auditors;
- advising the PCC on the application of value for money principles by the police force to support the PCC in holding the Chief Constable to account for efficient and effective financial management;
- advising, in consultation with the Chief Executive, on the safeguarding of assets, including risk management and insurance;
- to act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003:

- sign cheques of behalf of the Commissioner or Deputy Commissioner, if appointed.

7 Urgent matters

If any matter which would normally be referred to the Commissioner (or Deputy Commissioner, if appointed) for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer.

The appropriate chief officers authorised to decide urgent matters are:

- the Chief Executive (all issues other than operational matters);
- the Treasurer (financial and related issues)

Urgent decisions taken must be reported to the Commissioner as soon as practically possible.

8 Financial and Contract Regulations

This Scheme of Governance should be read in conjunction with the Scheme of Delegation and Financial and Contract Regulations.

9 Decision Making and Recording process

9.1 The Police and Crime Commissioner will exercise a number of functions under the Police Reform and Social Responsibility Act 2011. The key functions include:

1. Issuing a police and Crime Plan which sets the strategic direction for police and criminal agencies in West Mercia
2. Set the annual precept
3. Allocate crime and disorder reduction grants
4. Appoint (and dismiss) the Chief Constable
5. Appoint a Chief Executive Officer
6. Appoint a Chief Financial Officer (Treasurer)
7. Establish an Audit Committee
8. Publish an annual report
9. Undertake consultation with key stakeholders
10. Hold the Chief Constable to account
11. Exercise their powers so as to arrange an efficient and effective criminal justice service for West Mercia
12. Manage complaints against the Chief Constable

In discharging the functions of the Police and Crime Commissioner a number of key decisions will have to be made. The PCC is also the holder of all public funds including the Police Fund. In particular, the PCC may determine how resources are deployed with a view to the discharge of their functions.

To ensure an effective and efficient delivery of the police and crime service a number of responsibilities and associated decision making including the expenditure of budgeted resources are delegated to various individuals or post holders. The framework setting out the delegation of responsibilities and decision making is contained in the Scheme of Delegation.

This document sets out the decision making process for those decisions which have not been delegated or notwithstanding powers of delegation or consent are discharged by the Commissioner.

9.2 Accountability

The Police and Crime Commission as an elected individual aims to be transparent in carrying out their role. This includes transparency of decision making.

In formulating policy and strategy, appropriate consultation with key stakeholders should be undertaken where appropriate. There are a number of issues on which the Police and Crime Commissioner has a statutory duty to consult. For example they must consult the business community on precept proposals and they must consult with victims of crime on the police and crime plan. Consultation will increase the accountability of the Police and Crime Commissioner.

9.3 Engagement of the Police and Crime Panel

There are also a number of issues where the Police and Crime Commissioner must refer the matter to the Police and Crime Panel before a final decision takes effect. These issues are:

a) Precept setting.

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 governs the process and timescale for the setting of the precept. The Police and Crime Panel have the power to veto the precept proposal on the first occasion.

b) Chief Constable appointment

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 details the process under which for the Police and Crime Panel may veto a Police and Crime Commissioner's proposed appointment of Chief Constable.

c) Confirmation of senior appointments

The Police and Crime Commissioner must appoint a Chief Executive and a Chief Finance officer. They may also appointment a Deputy Police and Crime Commissioner. Existing postholders appointed by the former Police Authorities transfer automatically but new appointments must be shared with the Police and Crime Panel for confirmation.

d) Police and Crime Plan

Before issuing the Police and Crime Plan the Police and Crime Commissioner must share a draft of the Plan with the Police and Crime Panel and have regard to any report or recommendations the Panel may make.

9.4 Decision Records

All requests to the Police and Crime Commissioner for decisions should be made using the template for the time being approved by the Chief Executive. The form shall reflect that set out at Appendix 1.

No decision will be made unless accompanied by the appropriate decision application form. A decision shall only take effect when the decision form signed by the Commissioner (or where appropriate his Deputy) and is lodged with and recorded by the Chief executive

9.5 Publication of decisions

With the exception of confidential or exempt decisions within the meaning of the Local Government Act 1972, a copy of all the decision making applications together with a record of the decision made will be notified to the Police and Crime Panel and any significant Decisions will be published on the Police and Crime Commissioner's website.

**POLICE AND CRIME COMMISSIONER FOR WEST
MERCIA**



RECORD OF DECISION

1. Title and Reference
2. Executive Summary
3. Recommendation
APPROVAL of [insert]
Signature: Date:

Note: this decision approval shall be accompanied by a Part 1 report containing non-confidential facts and advice. The report may contain information relating to:

Any key facts or consultation taken into account in reaching the decision

Any financial implications

Any equality or diversity implications

Any legal or protocol implications including any specific PCC related statutory duties including:

Having regard to:

The views of people in the police area

Any financial code of practice

The Policing Protocol

The Police and Crime Plan

The decision approval may be accompanied by a Part 2 report containing any confidential or exempt material which shall not be disclosable save only as required by law.



West Mercia

**Office of the Police and Crime
Commissioner**

Scheme of Governance

2012/2013

Part A

Scheme of Delegation and Financial and Contract Regulation

Contents

	Introduction
1	Key roles of the Police and Crime Commissioner
2	General principles of delegation
3	Functions delegated to the Deputy Police and Crime Commissioner (if appointed)
4	Functions delegated to the Chief Executive
5	Functions delegated to the Treasurer
6	The Chief Constable's functions and Police and Crime Commissioner's functions delegated to members of staff
7	Urgent matters

Introduction

The scheme of delegation and financial and contract regulation details the key roles of the Police and Crime Commissioner, and those functions which he/she delegates to the Chief Executive, Treasurer, Deputy Police and Crime Commissioner, if appointed, as well as clarifying the functions of the Chief Constable.

The scheme delegates functions of the Commissioner to his staff and to the staff of the Chief Constable to enable him to use the statutory powers afforded to him by the Police Reform and Social Responsibility Act 2011 (the Act). Under the provisions of this Act, the Police and Crime Commissioner cannot delegate to a “constable”, including the Chief Constable. Under this scheme, the term officer shall, where the context so allows, include a police officer, statutory officer, or a member of staff.

You should read this scheme of delegation and financial and contract regulation document along with the financial and contract regulations which follow.

Standing orders and financial regulations also specify powers given to the Chief Executive, the Treasurer, and the Chief Constable (the professional officers), either individually or jointly. This scheme of delegation and financial and contract regulation aims to clarify those powers which, for the benefit of good business practice, are given to the professional officers. The Commissioner may limit these powers and/or remove delegation.

This scheme of delegation and financial and contract regulation provides a framework which makes sure business is carried out efficiently, ensuring that decisions are not unnecessarily delayed.

The Commissioner may set out reporting arrangements on any authorised powers.

Powers are given to the Chief Constable by laws, orders, rules or regulations. Also, national conditions of employment give powers to the Commissioner or the Chief Constable or, as in the case of police regulations, the Secretary of State for the Home Department.

The powers given to the professional officers should be exercised in line with the Commissioner’s delegations, the law, standing orders and financial regulations, and also policies, procedures, plans, strategies and budgets.

This scheme of delegation and financial and contract regulation does not identify all the statutory duties which are contained in specific laws and regulations.

Notwithstanding any provision of this Scheme or Financial and Contract Regulations, the Chief Constable shall have no authority to engage in trading activity.

1. Key Roles of the Police and Crime Commissioner

1.1 The key roles of the Commissioner are to:

- provide an efficient and effective police service for the area
- calculate the budget requirement, and the precept (charges to be paid by the council tax payers in the district/borough councils) and allocate funds and assets to the Chief Constable.
- appoint and, if necessary dismiss the Chief Constable
- hold the Chief Constable, and those under his/her direction and control to account on behalf of the people of West Mercia, ensuring they have regard to the Police and Crime Plan and the Strategic Policing Requirement .
- set the strategic direction and objectives of the West Mercia Police service through the Police and Crime Plan, monitoring the performance of the force against the agreed priorities.
- scrutinise, support and challenge overall performance of the force.
- make crime and disorder reduction grants
- produce an annual report
- publish information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the Commissioner and Chief Constable
- have regard to statutory responsibilities i.e. Freedom of Information Act 2000, and all human rights and equality laws
- maintain an effective 'independent custody visiting scheme' for monitoring facilities for people being held in custody;
- provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;
- enter into collaboration agreements with other PCCs, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable (where this relates to the functions of the Police Force, then it must be with the agreement of the Chief Constable..

1.2 The Police and Crime Commissioner is the legal contracting body who owns all the assets and liabilities, with the responsibility for the financial administration of his/her office and the force, and for approving the overall financial policy framework and budget including all borrowing limits.

1.3 The Police and Crime Commissioner will receive all funding, including the government grant and precept, and other sources of income, related to policing and crime reduction. All funding for the force must come via the Commissioner. How this money is allocated is for the Commissioner to decide in consultation with the Chief Constable, or in accordance with any grant terms.

- 1.4 Under the provisions of Schedule 1 of the Act, the Police and Crime Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of the Commissioner.
- 1.5 The Police and Crime Commissioner will be held to account by the Police and Crime Panel, who will scrutinise his/her decisions. The Panel has a check and balance role on the Commissioner, rather than the Chief Constable.
- 1.6 The Police and Crime Commissioner may appoint a deputy to exercise his/her functions, with the exception of those which can not be delegated.
- 1.7 The Commissioner will be responsible for handling complaints and conduct matters in relation to the Chief Constable, monitoring complaints against officers and staff, and complying with the requirements of the Independent Police Complaints Commission.
- 1.8 In relation to complaints, the Commissioner may issue directions to the Chief Constable in accordance with schedule 14 of the Act.

2 General principles of delegation

- 2.1 Notwithstanding the specific delegations referred to within this scheme and the associated documents, the Commissioner may ask that a specific matter is referred to him/her for a decision where such a decision is within the remit of the Commissioner's statutory functions.
- 2.2 Notwithstanding the specific delegations referred to within this scheme and the associated documents, as an overriding principle, all issues which
- are changes in policy with continuing financial consequences beyond current budget levels;
 - involve changes to public facing services;
 - are likely to be politically sensitive or are so considered by the Commissioner;
 - involve commissioning services from external suppliers outside the Police Service;
- should be subject to discussion with the Commissioner before implementation.
- 2.3 The scheme does not attempt to list all matters which form part of everyday management responsibilities.
- 2.4 Giving delegation an officer under this scheme does not prevent the officer from referring matters to the Commissioner for a decision if he or she thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial implication).
- 2.5 Within these delegations, any delegation afforded to an officer shall be deemed to include their nominee.
- 2.6 It shall be the responsibility of each officer to ensure that any person exercising a function as a nominee on their behalf, shall exercise that function in accordance with the limitations of this scheme.
- 2.7 All decisions or actions taken under the provisions of these delegations shall comply with the Scheme of Governance and shall be reported to the Chief Executive of the Commissioner in a timely manner and in such form as may, from time to time, be determined by the Commissioner.
- 2.8 The person appointed as the Chief Executive (who will also be the Monitoring Officer), the Treasurer (the Chief Financial Officer of the Commissioner for the purposes of the Act), the Director of Finance (the Chief Financial Officer of the Chief Constable for the purposes of the Act) and the Chief Constable have functions, statutory powers and duties relating to their positions, and therefore do not rely on matters being delegated to them to carry these out.

2.9 The scheme of delegation and financial and contract regulation provides an officer with the legal power to carry out duties of the Commissioner. In carrying out these duties the officer must comply with all other statutory and regulatory requirements and relevant professional guidance including:

- The Police and Social Responsibility Act 2011 and other relevant legislation issued under this Act.
- Financial Regulations
- Home Office Financial Management Code of Practice
- CIPFA Statement on the role of the Treasurer in public service organisations
- Public Procurement Regulations
- The Commissioner's governance framework
- The Commissioner's and West Mercia Police's employment policies and procedures.
- The Data Protection Act 1998 and the Freedom of Information Act 2000
- Health and safety at work legislation and codes
- The Equality Act 2010.

2.10 When carrying out any duties, the Commissioner, Officers and staff must have regard to the following:

- The views of the people in West Mercia
- Any report or recommendation made by the Police and Crime Panel on the annual report for the previous financial year.
- The Police and Crime Plan and any guidance issued by the Secretary of State.

(This list is a summary and is not exhaustive)

2.11 The Commissioner may appoint any officer to carry out any function, with the exception of those listed below:

- Issuing the Police and Crime Plan
- Determining objectives in the Police and Crime Plan
- Calculation of budget requirements
- Making recommendations to the Home Secretary in relation to the appointment of the Chief Constable
- Making representations in relation to the appointment of Chief Officer posts
- Being consulted in relation to the appointment or removal of Chief Officer posts
- Suspension of the Chief Constable, or asking him or her to resign or retire
- Attendance at the Police and Crime Panel for specified duties
- Preparing the annual report

- 2.12 The Commissioner may give additional delegations under section 18 of the Act. This scheme is a record of the formal delegations that are in effect at the time of its publication. The Commissioner's governance framework, including the scheme of delegation and financial and contract regulations will be reviewed annually and when appropriate. With the exception, of those matters listed in paragraph 2.11, the scheme allows any person, with appropriate authority, to delegate that power further.
- 2.13 The Commissioner and the Chief Constable must work together to safeguard the principle of operational independence, while ensuring that the Commissioner is not fettered in fulfilling his statutory role. The concept of operational independence is not defined in statute, and as HMIC has stated, by its nature, is fluid and context-driven.
- 2.14 The Commissioner must not fetter the operational independence of the police force and the Chief Constable who leads it.
- 2.15 The Act does not impinge on the common law legal authority of the office of constable, or the duty of constables to maintain the Queen's Peace without fear or favour. It is the will of Parliament and Government that the office of constable shall not be open to improper political interference.
- 2.16 To enable the Commissioner to exercise the functions of their office effectively they will need access to information, and officers and staff within their force area. This access must not be unreasonably withheld or obstructed by the Chief Constable, or fetter the Chief Constable's direction and control of the force.
- 2.17 The Commissioner has a wider responsibility than those solely relating to the police force, namely:
- the delivery of community safety and crime reduction
 - the ability to bring together Community Safety Partnerships at a force level
 - the ability to make crime and disorder reduction grants for their force area.
 - a duty to ensure that all collaboration agreements with other local policing bodies and forces deliver better value for money and enhance the effectiveness of policing capabilities and resilience.
 - the enhancement of the delivery of criminal justice in their area.

3. Functions delegated to the Deputy Police and Crime Commissioner (if appointed)

Introduction

- 3.1 The Commissioner may appoint a deputy to exercise his/her functions (except those which cannot be delegated, these are listed in paragraph 3.2). The Deputy Police and Crime Commissioner can arrange for the Chief Executive to exercise any functions (with the exception of those listed in paragraph 2.12) in his/her absence (defined as leave or illness).
- 3.2 The Commissioner cannot arrange for his/her deputy to exercise the following functions:
- issuing the police and crime plan
 - appointment or removal of the chief Constable
 - calculating the budget requirement

4 Functions delegated to the Chief Executive, Office of the Police and Crime Commissioner

Introduction

The Chief Executive is the head of the Police and Crime Commissioner's staff, and is also the Monitoring Officer for the Commissioner.

The formal delegations, listed below, are those given to the Chief Executive, which are in effect at the time of the publication of the scheme.

General

- 4.1 To act as 'monitoring officer' under section 5(1) of the Local Government and Housing Act 1989.
- 4.2 Co-ordinate the production of the police and crime plan
- 4.3 Produce an annual report
- 4.4 Provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions.
- 4.5 To sign contracts on behalf of the Commissioner (and Deputy Commissioner if appointed) in accordance with Financial Regulations.

Financial

- 4.6 To agree the arrangements for management of the PCC's budget
- 4.7 To consider whether, in consultation with the Treasure, to provide indemnity to the Commissioner (and deputy if appointed), in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004 and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
- 4.8 To consider and approve, in consultation with the Treasurer, provision of indemnity and/or insurance to individual staff of the Commissioner, in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004.

Human Resources

For staff who are employed by the PCC and are not under the control of the Chief Constable:-

- 4.9 To appoint and dismiss staff, in consultation with the Commissioner.

- 4.10 To make recommendations to the Commissioner with regard to staff terms and conditions of service, in consultation with the Treasurer.
- 4.11 To undertake the management of staffing resources in line with agreed policies and procedures.
- 4.12 To process all appeals made by police officers retired due to ill health, and to implement the subsequent awards made, in line with the provisions of the Police and Pensions Regulations, subject to second stage transfer.
- 4.13 To appoint Independent Custody Visitors and terminate appointments if necessary.

Other

- 4.14 To affix the common seal of the Commissioner in accordance with Financial Regulations
- 4.15 To consider, with the Commissioner, any complaint made against the Chief Constable, and where appropriate, to make arrangements for appointing an officer to investigate the complaint.
- 4.16 To respond to consultations on proposals affecting the Commissioner, if necessary, after first taking the views of the Commissioner, the Treasurer or the Chief Constable, as appropriate.
- 4.17 To get legal or other expert advice and to appoint legal professionals whenever this is considered to be in the Commissioner's best interests and for his/her benefit.
- 4.18 To make arrangements to institute, defend or participate in any legal proceedings in any case where such action is necessary.
- 4.19 To make sure, in consultation with the Chief Constable, that appropriate arrangements are made to gather the community's views on the policing of West Mercia and preventing crime.

5 Functions delegated to the Treasurer, Office of the Police and Crime Commissioner

Introduction

The statutory responsibilities of the Chief Finance Officer of the PCC are set out in paragraph 6 of Schedule 1 to the Police Reform and Social Responsibility Act 2011, and section 114 of the Local Government Finance Act 1988. The qualifications for the Chief Finance Officer are set out in section 113 of the Local Government Finance Act 1988. The Accounts and Audit (England) Regulations 2011 impose further responsibilities in England.

Taken together, and considered in the context of the Police Reform and Social Responsibility Act 2011 and its associated Policing Protocol, these mean that the Treasurer has the following delegations.

- 5.1 To ensure that the financial affairs of the PCC are properly administered and that financial regulations are observed and kept up to date.
- 5.2 To ensure regularity, propriety and Value for Money (VfM) in the use of public funds.
- 5.3 To ensure that the funding required to finance agreed programmes is available from Central Government funding, precept, other contributions and recharges.
- 5.4 To report to the PCC, the Police and Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the PCC or officers of the PCC.
- 5.5 To report to the PCC, the Police and Crime Panel and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure.
- 5.6 To advise the PCC on the robustness of the budget and adequacy of financial reserves.
- 5.7 To ensure production of the statements of accounts of the PCC.
- 5.8 To ensure receipt and scrutiny of the statements of accounts of the Chief Constable and ensure production of the group accounts.
- 5.9 To liaise with the external auditor (see section 11.1.2 of the Financial Management Code of Practice).
- 5.10 To advise the PCC on the application of value for money principles by the police force to support the PCC in holding the Chief Constable to account for efficient and effective financial management.

- 5.11 To advise, in consultation with the Chief Executive, on the safeguarding of assets, including risk management and insurance.
- 5.12 To maintain an adequate and effective internal audit function.
- 5.13 To arrange for the determination and issue of the precept.
- 5.14 To be responsible for the investment of the PCC's money and borrowing of money as necessary in accordance with the Treasury Management Strategy (which forms part of the PCC Annual Budget Setting Process) approved by the PCC. The Treasurer may arrange for the Director of Finance to undertake or procure this activity in a manner acceptable to the Treasurer.
- 5.15 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 PCC;
 - Liabilities falling to be discharged by the PCC not otherwise detailed in Financial Regulations.

Any decisions taken under this provision must be reported to the PCC.

- 5.16 To make arrangements for the expeditious recovery of debts of the PCC and to approve write-offs of irrecoverable debts in accordance with financial regulations.
- 5.17 To be responsible for all banking arrangements together with the creation, closure or authorisations of any account.
- 5.18 In consultation with the Chief Executive and the Monitoring Officer to carry out or supervise investigations into any suspected financial irregularities.
- 5.19 To undertake such powers and duties delegated to him from time to time under the PCC's Financial Regulations.
- 5.20 To act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.
- 5.21 To sign cheques of behalf of the Commissioner or Deputy Commissioner, if appointed.
- 5.22 To keep the Chief Executive informed of the exercise of the above functions in an agreed and timely manner.

Certain statutory duties of the Chief Finance Officer of the PCC, which are included above, cannot be delegated, namely, reporting any potentially unlawful decisions by the PCC on expenditure and preparing each year, in accordance with proper practices in relation to accounts, a statement of the PCC's accounts, including group accounts.

6. The Chief Constable's and Police and Crime Commissioner's functions delegated to members of police staff

Introduction

The Chief Constable is responsible for maintaining the Queen's peace and has direction and control over the force's officers and staff.

The Chief Constable is accountable for the exercise of police powers, and to the Police and Crime Commissioner for the delivery of efficient and effective policing, and management of resources and expenditure by the police force.

Under the provisions of the Act, the Commissioner cannot delegate his functions to a "constable", including the Chief Constable. Those functions, listed below, are, therefore, divide into (a) those functions of the Chief Constable which are in effect at the time of the publication of this scheme, and (b) those of the Police and Crime Commissioner which are delegated to members of staff under the direction and control of the Chief Constable.

(a) Chief Constable's Functions

General

- 6.1 To lead the force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts impartially.
- 6.2 To support the Police and Crime Commissioner in the delivery of the strategy and objectives set out in the Police and Crime Plan.
- 6.3 To provide the Commissioner with access to information, officers and staff as required.
- 6.4 To have regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their force's national and international policing responsibilities.
- 6.5 To notify and brief the PCC on any matter or investigation on which the Chief Constable considers public assurance needs to be provided (all PCCs will be designated as Crown Servants under the Official Secrets Act 1989 making them subject to the same provisions in relation to sensitive material as Government Ministers).
- 6.6 Being the operational voice of policing in the force area, and regularly explaining to the public the operational actions of officers and staff under their command.

- 6.7 To enter into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of their respective policing bodies.
- 6.8 To remain politically independent.
- 6.9 To manage all complaints against the force, its officers and staff, except in relation to the Chief Constable, and to ensure that the Commissioner is kept informed to enable him/her to discharge their statutory obligations in relation to complaints in a regular meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission.
- 6.10 To exercise the power of direction and control in such a way that the Commissioner will be able to access all necessary information and staff within the force.

Financial

- 6.11 To appoint a Chief Financial Officer. (Note. The statutory responsibilities of the Chief Constable's Chief Finance Officer are set out in paragraph 4 of Schedule 2 and paragraph 1 of Schedule 4 to the Police Reform and Social Responsibility Act 2011 and section 114 of the Local Government Finance Act 1988. The qualifications for the Chief Finance Officer are set out in section 113 of the Local Government Finance Act 1988, The Accounts and Audit (England) Regulations 2011 impose further responsibilities. Taken together, and considered in the context of the Police Reform and Social Responsibility Act 2011 and its associated Policing Protocol, these mean that the Chief Constable's Chief Finance Officer ('the Director of Finance') is responsible for ensuring that the financial affairs of the force are properly administered and that financial regulations drawn up by the PCC (developed in close consultation with the Chief Constable, the Director of Finance, Treasurer and the Chief Executive), are observed and kept up to date. The detailed responsibilities of the Director of Finance are set out in the Home Office Financial Management Code of Practice. The statutory responsibilities are identical to those of the PCC's Chief Financial Officer.)

Personnel

- 6.12 To manage, as far as is allowed by government directives, the numbers, locations, ranks and grading of police staff and police officers within the overall workforce budget approved by the Commissioner (except for posts at chief-officer level which the Commissioner should be consulted on).

- 6.13 To appoint all West Mercia police officers and staff (after consultation with the Commissioner on posts above the rank of Chief Superintendent and police staff equivalent).
- 6.14 To authorise, in line with police staff conditions of service, the suspension or dismissal of any staff not appointed by the Commissioner.
- 6.15 To approve the retirement, in the interests of the efficiency of the service, of staff and officers and to report to the Commissioner on this issue each year. The Chief Constable shall consult the Commissioner on the exercise of this function whenever the action to be taken may be considered to be sensitive.
- 6.16 To approve the appointment or secondment of police officers for central services or overseas duty.
- 6.17 In line with the terms of any approval given by the Secretary of State, to grant leave with pay, and the payment of appropriate fees and charges, for police officers chosen to take degree courses at university.
- 6.18 To bring national agreements on salaries, wages and conditions into effect on the clear understanding that any issues which are sensitive or have major financial implications will be referred to the Commissioner for a decision.
- 6.19 To approve payments under any bonus or performance-related payment schemes approved by the Commissioner, honoraria payments made for taking on extra duties and responsibilities, or similar special payments. However, all payments relating to the Chief Constable's Review/Bonus Scheme can only be approved by the Commissioner.
- 6.20 To negotiate with, and reach agreements with, recognised trade unions and staff associations on any matters that can be decided locally. All agreements reached must be reported back to the Commissioner.
- 6.21 To grant essential or casual car-user allowances.
- 6.22 To make awards under any staff-suggestion scheme.
- 6.23 If the Chief Executive agrees, to issue certificates staff have asked for to make them exempt from political restrictions under the correct legal provision.
- 6.24 To approve the retirement of police officers and police staff up to and including the rank of Chief Superintendent on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments, as appropriate, following advice from the Force Medical Examiner or a medical practitioner. However, the Commissioner must

be consulted on the retirement of the Deputy Chief Constable and Assistant Chief Constables. All ill-health retirements must be reported to the Commissioner.

- 6.25 To provide financial assistance to police officers (and, if considered appropriate, police community support officers, members of the special constabulary and police staff) in legal proceedings taken by or against them, as long as they act in good faith and exercise reasonable judgement in performing their police duties. This action must be taken in line with Home Office advice and after consulting the Chief Executive (who will take legal advice if necessary).

Legal

- 6.26 Approve the financial settlement of all claims or requests for compensation felt to be non significant because:-
- The compensation to be paid is £50,000 or less (to include multiple or linked claims/claimants) except in the case of accident claims where the threshold will be £200,000 or less ex gratia payments for damage caused by officers and staff where the threshold will be £5,000 or less.
 - they do not involve a high profile claimant including Association of Chief Police Officer (ACPO) rank police officers
 - there is no particular public interest in the case
 - there is no real risk that the Commissioner or West Mercia Police will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
 - it is not the nature of a test case.
- 6.27 Approve all requests for financial assistance to officers and staff involved in legal proceedings or inquests except those felt to be significant because:-
- they involve a high profile claimant
 - there is a particular public interest in the case
 - there is a real risk that the Commissioner or West Mercia Police will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.

- 6.28 Institute, defend or participate in legal actions to protect the interests of West Mercia Police and the Office of the Police and Crime Commissioner.
- 6.29 Provide advice, institute and defend legal proceedings on behalf of the Commissioner when requested to do so.
- 6.30 Settlement of employment tribunal cases and grievances of staff under the direction and control of the Chief Constable with the exception of those cases felt to be exceptional because:-
- they involve a high profile claimant
 - there is a particular public interest in the case
 - there is a real risk that the Commissioner or West Mercia Police will be exposed to serious public criticism or serious weaknesses in the organisation or polices and procedures will be revealed.

(b) The Police and Crime Commissioner's functions which are delegated to staff under the direction and control of the Chief Constable

Procurement

- 6.31 Members of staff under the direction and control of the Chief Constable will undertake the day to day management of the procurement function in accordance with the Financial Regulations.

Property

- 6.32 Members of staff will undertake the day to day management of the property function subject to the provision of financial regulations, to include the following:
- To dispose of all property included on the annual schedule submitted to the Commissioner at the beginning of each financial year, as may from time to time be varied by the Commissioner in writing, any such variation to be treated as a decision of the Commissioner.
 - To dispose of all properties which have previously been approved by the Commissioner when the property is being disposed of to the highest bidder and the price equals or exceeds the agreed estimate. The Commissioner must be notified of this disposal in writing.
 - To acquire such properties (including the acquisition of leases) which have previously been approved by the Commissioner. The Commissioner must be notified of all acquisitions in writing.

- To keep a register of all property and major assets owned by the Commissioner or leased by him/her In accordance with the accounting policy for assets.
- 6.33 To dispose of all property included on the annual schedule submitted to the Commissioner at the beginning of each financial year, as may from time to time be varied by the Commissioner in writing, any such variation to be treated as a decision of the Commissioner.
- 6.34 To dispose of all properties which have previously been approved by the Commissioner when the property is being disposed of to the highest bidder and the price equals or exceeds the agreed estimate. The Commissioner must be notified of this disposal in writing.
- 6.35 To keep a register of all property and major assets owned by the Commissioner or leased by him/her In accordance with the accounting policy for assets

Other

- 6.36 To determine when all other goods are surplus to requirements or obsolete and arrange for their disposal in line with financial regulations.
- 6.37 To buy or lease vehicles, machinery, equipment and services needed and to make arrangements for them to be used, disposed of, returned and replaced as appropriate, in accordance with Financial Regulations
- 6.38 To exercise the powers and duties of the Police (Property) Regulations 1997 by:
- authorising, where appropriate, requests to donate unclaimed lost property to charity; and
 - approve the keeping of unclaimed lost property if it can be put to good use for police purposes.
- 6.39 The maximum limits for post holders authorised to sign orders and otherwise enter into contracts on behalf of the PCC are specified below. The Director of Finance may require lower limits to apply in the Force from time to time.

Authorising Officer	Contract Type	Limit - £
Treasurer to PCC	All	Contract value
Director of Finance	All	Contract value
Director of Enabling Services	All	Contract value

Head of Business Assurance & Improvement	All*	European Threshold
Head of Finance	All	European Threshold
Head of Estates	Buildings	100,000
Head of ICT	I.T.	100,000
Head of Procurement & Contracts	All	European Threshold
Head of Resource Management	All	50,000
Head of Transport	Fleet	50,000
Heads of "not listed above"	All	25,000

*Note: For contracts for the purchase of land or buildings or contracts requiring legal conveyancing, only the "Head of BAI" may make a contract.

In line with the financial regulations further delegations can be made and agreed within the forces' directorate structures.

7 Urgent matters

- 7.1 If any matter which would normally be referred to the Commissioner (or Deputy Commissioner, if appointed) for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer.
- 7.2 The appropriate chief officers authorised to decide urgent matters are:
- the Chief Executive (all issues other than operational matters);
 - the Treasurer (financial and related issues)
- 7.3 Urgent decisions taken must be reported to the Commissioner as soon as practically possible.