
Part C

Scheme of Consent

Police and Crime Commissioner & Chief Constable West Mercia

SCHEME OF CONSENT

1. INTRODUCTION

- 1.1. The Financial Management Code of Practice (FMCP), published by the Home Office in January 2012, lays out the purpose and content of a Scheme of Consent/Delegation which should be prepared by the Police and Crime Commissioner (the Commissioner) at the start of each financial year.
- 1.2. This Scheme, the Scheme of Delegation and the financial regulations outline in further detail the respective roles and responsibilities of the Commissioner, the Chief Constable, their officers and staff and should be read as a cohesive Corporate Governance Framework.
- 1.3. These consents are in addition to those decisions statutorily reserved for the PCC and the Chief Constable to ensure their operational independence. The Police Reform and Social Responsibility Act 2011, Schedule 2 provides for a range of functions to be undertaken by the Chief Constable, some can only be performed with the consent of the Police and Crime Commissioner. These are listed below.
- 1.4. The scheme of consent will be reviewed annually.
- 1.5. The consents may at any time be expanded, reduced or removed by the PCC. The PCC will do this via a formal decision, which will be communicated in writing to the Chief Constable.

2. DECISIONS THE PCC CONSENTS TO THE CHIEF CONSTABLE

- The allocation of annual budgets within the parameters set.
- The management of the force budget within a financial year.
- To enter into contracts for the provision of goods and services.
- To vire between budgets within the parameters set.
- To make payments and receive income in accordance with the joint financial regulations.
- To recruit, promote and dispense with the services of officers, staff and contractors.

- To manage the operation, purchase and disposal of vehicles.
- To manage the operation, purchase and disposal of ICT hardware and software
- To manage the operation, purchase and disposal of operational and non-operational equipment.
- To draw down and replenish specific reserves as agreed from year to year.
- The write off of debt within the parameters set.
- To manage cash balances within the parameters set in the Treasury Management Strategy.

CONSENTS:

3. The allocation of annual budgets within the parameters set.

- 3.1. The budget is agreed annually alongside a refresh of the Medium-Term Financial Scenario. Following an extensive period of consultation with the PCC a budget is proposed by the Force. The PCC will set the annual revenue budget through a formal decision. The budget is set by the PCC at the Directorate level (objectives) and at the major category level (subjective).
- 3.2. Allocation of budget within these parameters is consented to the Chief Constable.
- 3.3. A record will be kept and made available to the PCC on request of all funding applied to Force initiatives in support of the Police and Crime Plan. Any and all changes to or departure from these resources during the period of the Police and Crime Plan will be subject to consultation with the PCC and duly recorded.

4. The management of the force budget within a financial year.

- 4.1. The PCC consents the management of Force resources within the annual budget allocation to the Chief Constable. The PCC consents to the Chief Constable the authority to take those actions necessary to ensure the force efficiently and effectively manages those resources.
- 4.2. Expenditure, savings and efficiencies will be reported monthly to the Governance board and year end predictions will be reported quarterly.

4.3. If the Chief Constable reports a predicted overspend of the force budget, then proposed remedial actions outside of the existing consents will be presented to the Commissioner for agreement.

5. To enter into contracts for the provision of goods and services.

5.1. All contracts are entered into in the name of the Commissioner. The Commissioner consents to the Chief Constable those decisions necessary to enter contracts to procure the goods and services required for the efficient and effective operation of the force, consistent with the consented budget allocations and the medium-term financial strategy, recognising that contracts can be multi year.

5.2. The Commissioner also consents that the Chief Constable may terminate, or exercise break clauses in contracts relating to West Mercia Police business. Where this action may be considered to be novel, contentious or repercussive, this should be done following consultation with the PCC.

5.3. This consent does not extend to licences or leases taken out in the Commissioner's name.

6. To vire between budgets within the parameters set.

6.1. The Chief constable may vire between budgets within the scope of the allocation of annual budgets shown at Point 1 above. The Chief Constable may vire between Directorates and major category level up to a limit of £250,000 in respect of each virement.

6.2. The PCC does not consent the following

- any virement that would create a significant additional future year or continuing commitment, would be contentious or politically sensitive.
- This consent relates specifically to revenue, with the exception of the consent set out below¹.

¹ Virements between revenue and capital are not allowed.

- 6.3. The PCC consents to the Chief Constable an agreed budget for revenue contingency, which will not be subject to the restrictions above relating to directorates and major categories
- 6.4. The PCC consents to the Chief Constable that they can vire between Change and Transformation projects within capital allocations up to £500k in total per year, to ensure effective management of delivery of programmes. The underspend on any scheme to be vired into the contingency should not be more than 10% of the approved original budget or £100,000 whichever is the lower amount for that scheme.
- 6.5. Changes of more than £250,000 to the operating model agreed in the annual budget will be reported to West Mercia Governance Board.
- 6.6. All virements over £100,000 will be reported quarterly.

7. To make payments and receive income in accordance with the joint financial regulations.

- 7.1. All income is received by the PCC
- 7.2. The PCC consents to the Chief Constable the ability to make payments and receive income required for the efficient and effective operation of the force, in line with Schedule 2 of the scheme of consent
- 7.3. Income received above expected budget in any individual income stream during a financial year will be reported to the PCC.
- 7.4. The PCC consents to the Chief Constable to enter into grant agreements, sponsorship and gifts with 3rd parties where the income either forms part of the revenue budget, or has no significant budgetary impact.

8. To recruit, promote and dispense with the services of officers, staff and contractors

- 8.1. The appointment of all officers, staff and contractors shall be a matter for the Chief Constable having due regard to the annual budget and the medium-

term financial scenario. Appointment to Chief Officer roles will be undertaken after consultation with the PCC.

9. To manage the operation, purchase and disposal of vehicles.

9.1. All Vehicles are owned by the PCC

9.2. The PCC consents to the Chief Constable the management of the fleet, including decisions on the type and model of vehicles to purchase. The maintenance and repair of vehicles, including decisions on timing and level of maintenance and the appropriate disposal of all vehicles.

9.3. This consent is subject to the following parameters:

- An agreed medium Term Fleet Strategy
- An annual review of the replacement criteria
- An annual fleet replacement budget (capital)
- An annually agreed revenue budget (included as part 1 above)
- All purchases are within BLC frameworks or where these are not available; in accordance with NAPFM guidance
- Agreement of the criteria and funding of Chief Officer vehicles by the PCC

9.4. The consent does not apply to the purchase and disposals of vehicles operated by the OPCC.

9.5. All purchases will be within the fleet replacement criteria and the fleet replacement budget except replacement of written off vehicles for which funding will be drawn down from the legal and insurance reserve.

9.6. Reports will be provided quarterly and as requested on the efficient and effective use of the fleet including vehicle write offs, damage, telematics insights and significant issues of driver behaviour.

10. To manage the operation, purchase and disposal of ICT hardware and software.

10.1. All assets are the property of the Commissioner.

10.2. The Commissioner consents to the Chief Constable the management of the operation, purchase and disposal of all ICT hardware and software.

10.3. The Chief Constable shall prepare and keep updated a Digital Strategy in consultation with the Commissioner. The Chief Constable will report by exception where use of such assets is outside of this agreed strategy.

10.4. The consent does not apply to the purchase and disposals of ICT equipment operated by the OPCC.

11. To manage the operation, purchase, and disposal of operational and non-operational equipment.

11.1. The Commissioner consents to the Chief Constable the management of the operation, purchase and disposal of operational and non-operational equipment.

11.2. The consent does not apply to the purchase and disposals of non-operational equipment operated by the OPCC.

12. To draw down and replenish specific reserves as agreed from year to year.

12.1. All reserves are within the ownership of the PCC.

12.2. The commissioner consents to the Chief Constable the drawn down from the Legal & Insurance reserves in respect of settling claims against West Mercia. The Financial Regulations detail the limits and consultation require for agreement of claims against West Mercia,

12.3. The PCC consents to the Chief Constable the draw down from the legal and insurance reserve for the replacement of vehicles which have been written off up to £100k limit per annum. Requests for additional draw down above this annual limit would then require a decision from the PCC.

12.4. Utilisation of reserves will be reported as part of quarterly money matters

12.5.

13. The write off of debt within the parameters set.

13.1. The Chief Constable shall be authorised to write off debt up to the amount recorded in the Joint Financial regulations and to create bad debt provisions as required from available revenue resources.

13.2. Where Bad Debt write offs in a year are expected to exceed £40k in a financial year then the Chief Constable would report this to the PCC as part of Force's financial reporting

14. To manage cash balances within the parameters set in the Treasury Management Strategy.

14.1. The PCC has responsibility for all funds and balances

14.2. The management of borrowing and investments shall be undertaken by the Treasurer with administrative support from the Chief Constable.

14.3. The Commissioner consents to the Chief Constable the placement of cash balances within the parameters set in the Treasury Management Strategy

15. Reporting Requirements

15.1. Notwithstanding that the Commissioner has granted the consents/delegations outlined in the Scheme, Officers will be obliged to report on matters to the Commissioner as required within this Scheme, the joint financial regulations, and as otherwise directed by the Commissioner in a format and frequency specified by the Commissioner and / or in accordance with the Policing Protocol.

16. All other matters which have not been consented to the Chief Constable remain for decision by the Police and Crime Commissioner