



## **SCHEME OF DELEGATION TO**

### **THE CHIEF CONSTABLE THE CHIEF EXECUTIVE OF THE POLICE AUTHORITY THE POLICE AUTHORITY TREASURER THE POLICE AUTHORITY MONITORING OFFICER**

Delegated powers shall be exercised in accordance with or subject to:-

- (a) The Standing Orders, Financial Regulations of the Authority and such other conditions as the Authority may from time to time prescribe.
- (b) Any Codes of Practice relating to specific functions which may from time to time be adopted.
- (c) The necessary financial provision having been made in the approved annual revenue estimates.
- (d) Details of the action taken under the delegated powers being recorded in each Department and being open to the inspection of the Chairman and Members of the Authority.

# **MATTERS DELEGATED SUBJECT TO CONSULTATION WITH THE CHAIRMAN**

## **A. CHIEF CONSTABLE; CHIEF EXECUTIVE; TREASURER**

### **A.1 Acceptance of Tenders**

- (a) The power to accept lowest or most economically advantageous tenders for the supply of goods or materials or the execution of any work and to accept the highest tender where payment is to be received by the Authority provided that:-
- (i) the tender has been received and opened in accordance with Contract Standing Orders and The Code of Practice on Tendering Procedures.
  - (ii) the tender is within the approved estimate and any necessary credit approval has been received.
  - (iii) the total of the contract sum is in excess of £610,000 and does not exceed £3,000,000.
- (b) The power to enter into contracts under Contracts Standing Order 5 provided that the total contract sum is in excess of £610,000 and does not exceed £3,000,000.

### **A.2 New Legislation etc**

- (a) To authorise the temporary delegation of the Authority's powers, duties etc., under new legislation to a Committee or Officer pending the Authority formally delegating the legislation.
- (b) To authorise action to protect the interests of the Authority in relation to any local or private Bill or Order deposited in Parliament.

### **A.3 Civil Emergency**

To authorise expenditure in the event of a civil emergency where emergency action is necessary.

## **B. TREASURER**

### **B.1 Members' Allowances**

To decide cases of uncertainty in connection with the Authority's approved policy for Members' Allowances.

## **C. CHIEF EXECUTIVE**

### **C.1 Ad hoc Appointments to External Bodies and Constabulary Groups**

To fill ad hoc vacancies arising during the year on all external bodies and Constabulary groups on which the Authority is formally represented, in consultation with the Authority Chair and relevant individual Members.

## **C2 Amendments to the Scheme of Delegation.**

Amendments of a significant nature (such as go to change materially a process or approach) shall only be approved by the full Authority, after consideration of the proposal is given by the Monitoring Officer and Treasurer. If the Monitoring Officer and Treasurer are of the view that the proposal is unlawful, then it shall be rejected with proper reasons being given. Otherwise, the Monitoring Officer or Treasurer shall prepare a report with such recommendations for consideration by the full Police Authority.

Amendments of a minor nature may be approved by the Chief Executive, in consultation with the Chair of the Authority, after consideration by the Monitoring Officer and Treasurer, but only those which are lawful may proceed.

# **MATTERS DELEGATED TO CHIEF CONSTABLE, CHIEF EXECUTIVE, TREASURER AND MONITORING OFFICER**

## **D. THE CHIEF CONSTABLE; THE CHIEF EXECUTIVE; TREASURER**

### **D.1 Tenders**

#### General

To enter into contracts not exceeding £55,000 in value or amount, in accordance with the provisions of Contract Standing Order 2.

### **D.2 Other Tenders (Exceeding £55,000)**

To accept lowest or most economically advantageous tenders for any contract which exceeds £55,000 in value or amount for the supply of goods or materials or the execution of any work and to accept the highest tender where payment is to be received by the Authority provided that:-

- (a) the tender is within the approved estimate and any necessary Home Office approvals have been received.
- (b) the total of the contract sum does not exceed £610,000.

(Details of tenders accepted in relation to expenditure within the approved capital programme to be reported to the Resources Committee.)

### **D.3 Standing Offers for Contracts**

To accept lowest or most economically advantageous tenders for the supply of goods and services or to enter into contracts under Contracts Standing Order 5 provided that the total contract sum does not exceed £610,000.

### **D.4 Amended Tenders**

To approve, in consultation with the Treasurer and the Chairman of the Resources Committee, the acceptance of an amended tender under Contracts Standing Order 9.

### **D.5 Tender Lists**

- (a) To add firms to rotational tender lists.
- (b) To add firms to approved lists of tender.

Note 1: The additions made to tender lists under D5(a) and (b) will be subject to the approval of an Assistant Chief Constable or officer of equivalent grade.

Note 2: Details of the additions made to tender lists under D5(a) and (b) to be reported annually to the Resources Committee.

### **D.6 Contracts - Rise and Fall Clauses**

To approve price variations justified under rise and fall clauses in any contract.

## **D.7 Approval of Shortlist of Tenderers**

To approve the use of the shortlisting procedure and to approve a shortlist of tenderers for any contract where the drawing up of a shortlist is deemed necessary. Records relating to the shortlisting process, including a record of the reason for the use of the shortlisting procedure, will be maintained.

Note 1: The Chief Constable may only approve a shortlist after consultation with the Chief Executive or Treasurer.

Note 2: The Chief Executive or Treasurer may only approve a shortlist after consultation with the Chair, or in his absence the Vice-Chair, of the Resources Committee.

The Chief Executive and Treasurer will nominate the Deputy Chief Finance Officer to deal with these matters if they arise in their absence.

## **D.8 Contracts below £55,000**

To approve the waiving of Contract Standing Order 2.1 (a) and (b), if it proves impossible to comply with the requirements provided that the reasons for doing so are recorded in writing.

Note 1: The Chief Constable may only approve a shortlist after consultation with the Chief Executive or the Treasurer.

Note 2: The Chief Executive or Treasurer may only approve a shortlist after consultation with the Chair, or in his absence the Vice-Chair, of the Resources Committee.

The Chief Executive and Treasurer will nominate the Deputy Chief Finance Officer to deal with these matters if they arise in their absence.

## **D.9 Approved List of Tenderers**

To approve the waiving of the provision in Contract Standing Order 4.1, that not less than six persons must be on the select list and not less than five persons if the contract exceeds £3,000,000, provided that the reasons for doing so are recorded in writing.

Note 1: The Chief Constable may only approve a shortlist after consultation with the Chief Executive or Treasurer.

Note 2: The Chief Executive or Treasurer may only approve a shortlist after consultation with the Chair, or in his absence the Vice-Chair, of the Resources Committee.

The Chief Executive and Treasurer will nominate the Deputy Chief Finance Officer to deal with these matters if they arise in their absence.

## **E. CHIEF CONSTABLE**

### **E.1 Capital Expenditure - Increased Costs**

To approve increased costs of less than 5% of the accepted tender valuation (or less than £27,000 whichever is the lower). Approvals to be reported to the Resources Committee for information.

## **E.2 Grants to Voluntary Organisations**

To make grants to voluntary organisations within the approved Revenue Budget up to a limit of £22,000.

Note: Grants above £22,000 will be reported to the Resources Committee for approval.)

## **E.3 Lost, Damaged, Obsolete and Surplus Items of Furniture, Equipment, Stocks and Stores**

(a) To write-off furniture, equipment, stock and stores found to be deficient, damaged or obsolete as follows:-

- 1) individual items up to £2,000 to be written-off by the Chief Constable;
- 2) items between £2,000 and £5,000 to be written-off by the Chief Constable, in consultation with the Treasurer;
- 3) items above £5,000 to be written-off by the Resources Committee.

Note: The value of items to be determined by the estimated book value.

In writing-off items, there may be instances where the value of individual items are within the agreed limits but when grouped together exceed the above limits, e.g. clothing stocks. In such cases it is the total value for the group of items that should be used to determine the write-off procedure.

- 4) the total value of all write-offs will be reported annually to the Resources Committee.
- (b) To dispose of any obsolete items of furniture, equipment, stocks and stores as follows :-

If the value of goods to be disposed of is estimated to be in excess of £2,000, the items should be disposed of publicly, by tender or auction as appropriate. Where the value of the goods is below £2,000, disposal should be by whatever method the Chief Constable considers to be the most appropriate and financially advantageous to the Authority.

## **E.4 Police Personnel**

- (a) To deal with all secondments and extensions of secondments of police officers including Central Service duties eg Police Training Schools, etc.
- (b) To decide on whether advice and assistance should be provided to international organisations, pursuant to Section 26 of the Police Act 1996, in respect of ranks below Superintendent, always provided that such decisions are in accordance with a general or specific authorisation given by the Secretary of State.
- (c) That subject to any consent required from the Secretary of State, to agree that officers below the rank of Superintendent be engaged on service outside the Force

in the circumstances referred to in Section 97 of the Police Act 1996, where in the Chief Constable's opinion such agreement will not adversely affect the maintenance of efficient and effective policing in Lancashire.

Note: Quarterly updates regarding any deployments outside of the Force are to be submitted to the Human Resources Committee

- (d) To approve the payment of replacement allowances in accordance with Regulation 38 and Schedule 3 to the Police Regulations 2003 (which involve reference to the principles set out in the revoked provisions of Regulations 49, 49A, 49B and 49C of the Police Regulations 1987 and Police (Amendment) Regulations 1990.)
- (e) To approve claims for reimbursement of removal expenses in accordance with Regulation 35 and Annex V paragraphs 2(a)(i)-(iii) to the Police Regulations 2003.
- (f) To extend the period in respect of which relevant removal liabilities will be reimbursed after the initial 26 week period for a further period of up to 26 weeks, in accordance with Regulation 35 and Annex V paragraph 2(a)(iv) to the Police Regulations 2003.

(Further approval beyond this period subject to consultation with the Chairman.)

- (g) To delegate to the Chief Constable all determinations regarding police pension Regulations subject to and in accordance with the following Police Pension Regulations
  - Police Pensions Regulations 1987
  - Police Pensions (Amendments) Regulations 2006
  - Police Pensions Regulations 2006 (New Police Pension Scheme (NPPS))
  - Police (Injury Benefit) Regulations 2006

with the exception of Regulation A18 of the Police Pension Regulation 1987 and Regulations 19, 54 and 66 of the Police Regulations 2006 which shall remain subject to approval by the Police Authority.

Note: An annual report on determinations made under this paragraph is to be submitted to the Resources Committee.

- (h) To approve advances of gross salary to a figure equal to one month's net basic salary, the criteria for approving advances to be agreed with the Staff Associations.  
  
(Approval of amounts above one month's net basic salary is subject to consultation with the Chairman.)
- (i) To permit uncertificated sick leave for a period of up to 7 consecutive days (including any day on which, even if he were fit to do so, the officer would not have been required to perform police duty), in accordance with Regulation 33 and Annex P paragraph 1(a) to the Police Regulations 2003.
- (j) To arrange for medical examination of police officers who are certificated as unfit for duty by their own doctor where the Authority's own medical advice disputes the finding, in accordance with Regulation 33 and Annex P paragraph (1)(b) to the Police Regulations 2003.

## **E.5 Police Staff**

- (a) To be responsible for the direction and control of persons employed by the Authority to assist the police force, in accordance with Section 15(2) of the Police Act 1996.
- (b) To be responsible for all matters concerning the numbers and grades of staff mentioned in (a) above, with the exception of appeals in respect of personal applications for regrading.
- (c) To deal with all secondments and extensions of secondments of police staff.
- (d) Superannuation and Pensions:
  - (i) To authorise the payment of any statutory pensions, gratuities, grants, etc. under the provisions of the Superannuation and Pensions Acts and Regulations and any local Acts.
  - (ii) To approve applications for the reinstatement of widows' pensions on the termination of a second marriage because of the death of the second husband, divorce, etc.
  - (iii) To authorise the payment of gratuities under Section 54 of the County of Lancashire Act 1984.
  - (iv) To determine the actual injury allowance payable on each individual qualifying case of injury or disease, both retrospective and for the future.
  - (v) To review annually the actual amount of injury allowances payable under the Local Government Superannuation Regulations as amended, to employees who have sustained injuries or contracted diseases as a result of anything they were required to do in carrying out their work, and to make any changes appropriate to reflect changes in the relevant financial circumstances of the payee.

## **E.6 Personnel: (Police Staff and Uniformed)**

- (a) To approve police officers and police staff travelling overseas for non-operational purposes where any costs involved can be contained within approved Revenue Budget.
- (b) To approve car allowance categorisations provided the cost can be met from existing budgetary provision.
- (c) To approve additional protective clothing issues for all employees where appropriate, subject to the cost being contained within the approved Revenue Budget.
- (d) To approve the number of designated First Aiders and the payment of appropriate first aid allowances.
- (e) To approve claims for private medical expenses where cost is not likely to exceed £1000 and prior approval is being sought to the expenditure.
- (f) To approve the reimbursement of professional fees. The reimbursement applies to an annual membership fee of one professional body for senior staff whose work is of

a specialist nature, where membership is awarded by qualification and is regarded as an essential requirement to enable them to fulfil satisfactorily the duties and responsibilities of their post.

## **E.7 Premises**

- (a) To agree to sports clubs using sports facilities at Police Headquarters and the Training School and the charges to apply.
- (b) To approve the disposal of land and buildings, including police houses, no longer required for police purposes.

Note: An annual report on disposals is to be submitted to the Resources Committee.

- (c) To approve the letting of police buildings and the hiring of vehicles, plant and equipment within policies laid down by the Authority.
- (d) To approve, within existing budgetary provision, the use of the Constabulary Training School at Hutton or alternatively sanction the provision of hotel accommodation to police families where exceptional circumstances dictate.
- (e) To approve the use of accommodation at Headquarters and the Hutton Hall Training School on payment of an appropriate charge by outside organisations.
- (f) To grant and accept leases, tenancies and licences of land or premises (including acceptance of the surrender thereof) for the statutory purposes of the Authority subject to:-
  - (i) The period of the lease or tenancy not exceeding ten years.
  - (ii) The annual payment or receipt exclusive of rates and similar charges not exceeding £50,000 for both land and premises.
- (g) To grant and accept wayleaves and easements and to approve the consideration to or by the Authority.
- (h) To settle dilapidation claims and compensation payments at the termination or surrender of hirings or lettings up to the sum of £11,000 in any one case.
- (i) To proceed with any maintenance item required as a matter of urgency on safety grounds.

## **E.8 Vehicles**

- (a) To select vehicles to be replaced under the agreed replacement programme and within the approved budgetary provision and capital programme.
- (b) To dispose of police vehicles due for auction to other police forces and to organisations where there is a quasi-police relationship at a price commensurate with that which would be anticipated at public auction.

## **E.9 Fees and Charges**

- (a) To make revisions to the fees and charges for services of members of the Constabulary lent to public authorities and private persons on special occasions.

- (b) To raise charges for any item of personal uniform and equipment held after replacement, the amount (if any) to be determined taking into account the age and condition of the article at the time of the loss, damage or replacement.

#### **E.10 Telephone Installations and Radio Communications**

To arrange for the provision of telephone and radio communications and other technical services for operational purposes and to enter into line rental agreements relating to facilities for police purposes provided the necessary financial provision has been made in the Revenue Budget.

#### **E.11 Uniform Clothing**

To incur expenditure in respect of the supply of uniform clothing providing the tender is within the approved estimate and can be contained within current expenditure provision.

#### **E.12 Computer Equipment**

To enter into annual contracts for the maintenance of computer equipment and operating system licences, provided the necessary financial provision has been made in the Revenue Budget.

#### **E.13 Maintenance Contracts**

To enter into maintenance contracts for breath screening equipment provided the necessary financial provision has been made in the Revenue Budget.

#### **E.14 Car Contract Hire Scheme**

To make arrangements for the administration of the car contract hire scheme in accordance with the conditions approved by the Authority.

#### **E.15 Transfer of Votes**

To approve transfers of expenditure between estimate heads where the amount does not exceed £84,000 in accordance with the scheme of devolved financial management. Transfers between £84,000 and £115,000 to be approved in consultation with the Treasurer.

#### **E.16 Excusal of Debt**

To write off debts up to a limit of £2,000.

#### **E.17 Staff Suggestion Scheme**

To approve awards under the Staff Suggestion Scheme.

#### **E.18 Claims Against the Chief Constable and Police Officers**

- (a) Approval to the settling of any claim made against the Chief Constable under Section 88 of the Police Act 1996, up to the sum of £27,000 for any one claim, including claims by Police Officers and civilian employees.

- (b) Subject to consultation with the Chief Executive, acceptance of responsibility on behalf of the Authority in connection with any claim for damages against an individual police officer or special constable and the settlement of such claims under Section 88 (2) of the Police Act 1996, up to the sum of £27,000 for any one claim.
- (c) To approve settlements of minor civil claims up to an amount of £2,000 arising out of damage to or loss of property as a result of police officers performing their duties, eg. executing warrants or entering premises.
- (d) To approve payments in the case of loss of or damage to police officers' and employees' clothing and equipment and/or other incidental expenditure arising from assault/serious injury at work not exceeding £2,000.

(Approval to payments exceeding £2,000, subject to consultation with the Chairman.)

Note: Since the Authority is not in law an employer of a police officer, Section 88 contains provision under which claims for damages for wrongful acts of constables can be brought against the Chief Constable and any damages or costs awarded against, or costs incurred, by the Chief Constable are payable out of the Police Fund. A settlement of such a claim is subject to the approval of the Authority.

The purpose of this provision is to give a claimant broadly similar rights as would be the case if the police officer were in law an employee. It is open to claimants for damages to bring the claim against a police officer individually or against a special constable and, in that case, the Authority is empowered to accept responsibility, to such extent as they think fit, for any damages or costs awarded, the settlement of any claim and the costs of defending the action.

In practice claims may be lodged against both the Chief Constable and the individual officer or against one only of them. In the case of a dual claim, it is normally desirable that the defence should be conducted as one; whilst in the case of a claim not brought against the Chief Constable in name, it may well be advantageous for the defence to be handled on behalf of the Authority. Each case has to be considered on its merits, but it is necessary at an early stage to have a decision on how the matter should be handled.

## **E19: Employment Tribunals**

To agree the settlement of employment tribunal cases, up to the sum of £27,000 for any one case.

Note 1: The Chief Constable is to inform the Human Resources Committee of the decisions made under this delegated authority.

Note 2: The Human Resources Committee has delegated authority to agree the settlement of employment tribunal cases above £27,000 for any one case.

## **E.20 Recovery of Property and Debts**

To institute legal proceedings for the recovery of possession of property and the recovery of debts.

## **E.21 Indemnities**

To sign indemnities where they are required to enable the Authority to exercise any of its functions.

Note: Where the giving of an indemnity could have considerable financial implications, the matter shall, in consultation with the Treasurer, be referred to the Authority for decision.

## **E.22 Retention of Counsel**

Authority to seek Counsel's opinion or other expert advice and to retain Counsel whenever this is considered to be in the interest and to the benefit of the Authority.

Note: This authority is also delegated to the Chief Executive.

## **E.23 Recovery of Outstanding Accounts**

To authorise officers to swear Affidavits in both the County Court and the High Court and in cases of bankruptcy.

## **E.24 Appellants' Costs**

To make payments of appellants' costs which fall to be met from the Police Fund under Paragraph 9 of Schedule 6 of the Police Act 1996.

## **E.25 Political Restrictions**

Subject to consultation with the Chief Executive, to issue certificates sought by staff seeking exemption from political restriction under the Local Government and Housing Act 1989, in those cases where it is considered that the duties of the post do not fall within sub-section 3 of section 2 of the Act.

# **F. POLICE AUTHORITY TREASURER**

## **F.1 Capital Expenditure - Increased Costs**

To approve increased costs of between 5% to 10% (or £27,000 to £55,000 whichever is the lower), of the accepted tender amount on the recommendation of the Chief Constable.

Approvals to be reported to the Resources Committee for information.

## **F.2 Excusal of Debt**

- (a) To write off, in consultation with the Chief Constable, debts from £2,000 up to a limit of £5,000 in any one case.
- (b) Items above £5,000 to be written-off by the Resources Committee.

## **F.3 Police Fund etc.**

- (a) To make all necessary payments out of the Police Fund and other official Funds maintained by the Authority.

- (b) To make payments from the Police Fund without prior approval of the Authority or Committee or Sub-Committee concerned, irrespective of whether or not provision has been made in the Budget in respect of:-
  - (i) Payments required by statute.
  - (ii) Payments ordered by a court.
  - (iii) Payments due under agreements entered into by or on behalf of the Authority.
  - (iv) The implementation of decisions of recognised National Negotiating Bodies in relation to staff under the control of the Authority.

#### **F.4 Authentication of Cheques**

To authenticate cheques bearing lithograph signatures where such authentication is required under the Authority's banking arrangements.

#### **F.5 Financial Limits**

In consultation with the Chief Constable, to review the financial limits in Standing Orders, Financial Regulations and this Scheme of Delegation biennially in the light of any changes in monetary values.

#### **F.6 Renewal of Insurance Policies**

To arrange the annual renewal of insurance policies where the present insurers offer either continuation of existing or reduced terms which in accordance with long-term agreements, must be accepted.

#### **F.7 Invalid Tenders**

To deem as valid a tender received by post after the time specified but before tenders are opened, provided the post mark would have brought about delivery in this time in the normal course of post. The decision and reasons shall be documented.

#### **F.8 Lost, Damaged, Obsolete and Surplus Items of Furniture, Equipment, Stocks and Stores**

- (a) To write-off furniture, equipment, stock and stores found to be deficient, damaged or obsolete as follows:-
  - 1) individual items up to £2,000 to be written off by the Treasurer;
  - 2) items between £2,000 and £5,000 to be written off by the Treasurer, in consultation with the Chair of the Resources Committee;
  - 3) items above £5,000 to be written off by the Resources Committee.

Note: The value of items to be determined by the estimated book value.

In writing off items, there may be instances where the value of individual items are within the agreed limits but when grouped together exceed the above limits. In such cases it is the total value for the group of items that should be used to determine the write-off procedure.

- 4) the total value of all write-offs will be reported annually to the Resources Committee.

## **G: POLICE AUTHORITY CHIEF EXECUTIVE**

### **G.1 Attendance at Conferences**

To approve Members' attendance at conferences, seminars and other events organised by outside bodies and held in the United Kingdom, including all related expenditure (eg., travel and subsistence) within the approved budgetary provision.

## **H: MONITORING OFFICER**

### **H.1 Provision of Information to the Standards Board for England**

To provide periodic information on the performance of the Authority's Audit & Standards Committee to the Standards Board for England.

### **GENERAL NOTE: in relation to this Scheme of Delegation.**

1. The Police Authority have given authority for their seal to be affixed to any necessary document arising out of the exercise by officers of the authority delegated to them.
2. The financial limits contained within this Scheme of Delegation shall be reviewed biennially by the Treasurer in conjunction with the Chief Constable and the Chief Executive.

**May 2008**