

LEICESTERSHIRE POLICE AUTHORITY



Meeting **POLICE AUTHORITY**
Date **TUESDAY, 30 JUNE 2009 – 2.00 P.M.**
Report of **CHIEF EXECUTIVE**
Subject **DELEGATED POWERS**

Purpose of Report

1. The purpose of this report is to review and confirm the powers delegated to officers. Powers that have been delegated to Committees are not the subject of this report but will be picked up when the Police Authority reviews its Committee structures.

Commentary

2. The list of the current powers delegated to officers is found in chapter 7 of the Police Authority's Members' Handbook. With 3 exceptions, that list is reproduced in the Appendix to this report. One change is that the powers have been numbered – for ease of reference. Another change is that the power granted by Finance and General Purposes Committee on 23 August 2005 (minute 22/05), which reads “in consultation with Publications Panel and Deputy Chief Constable, agree all aspects of Local Policing Summary”, has been omitted. This is because it is covered by power SPCX1. The third change is the appearance in the list of powers delegated since Chapter 7 was last updated. This covers powers SPCX20-22 and CC10.
3. Where any power refers to criteria the criteria has been listed in the Appendix.
4. Subject to any amendments Members may wish to suggest, it is requested that the officer powers be approved. It is suggested that the list be reviewed in 2012.

Recommendation

5. The Authority is asked to approve the list of powers delegated to officers as set out in the Appendix to this report, and agree the list be reviewed in Summer 2012.

Implications

Financial: none. Legal: officers generally only have powers that have been delegated by the Authority. Diversity: none. Risk Management: it is good practice to review the powers delegated from time to time.

Background Papers

Chapter 7, Member Handbook issue November 2008.

Officer to Contact

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APPENDIX

POWERS DELEGATED BY LEICESTERSHIRE POLICE AUTHORITY TO ITS OFFICERS

Nb. Delegations to officers that would last less than 6 months do not appear here.

CHIEF EXECUTIVE AND MONITORING OFFICER DELEGATIONS AND APPOINTMENTS

PROPER OFFICER APPOINTMENTS:	
POCX1	Appointment as proper officer for: s. 100B, C and F Local Government Act 1972 (access to information duties concerning inspection of reports and minuting) s. 229(5) LGA72 (certifying copy documents) s. 234(1) LGA72 (authenticating documents) sched 12 para 4(2)(b) signing summons to authority meeting) sched.12 para 4(3) receipt of address to which meeting summons be sent) s41 LGMPA76 (certification of minutes)
POCX2	Monitoring Officer in legislation (Local Government and Housing Act 1989 and Local Government Act 2000)
GENERAL POWERS:	
GPCX1	The members' allowances scheme contains powers exercisable by the Chief Executive
GPCX2	The financial regulations contain powers exercisable by the Chief Executive
GPCX3	The procedural standing orders contain powers exercisable by the Chief Executive
GPCX4	The contract standing orders contain powers exercisable by the Chief Executive
GPCX5	Take any action incidental to, or to give effect to, decisions taken by the Authority
GPCX6	In consultation with the Chairman, respond to issues in respect of which the Authority is a consultee
GPCX7	In consultation with the Chairman, instruct counsel or solicitors
GPCX8	Keep any statutory register within his/her sphere of responsibility
GPCX9	Incur normal expenditure up to the limit of provision within budgets under his/her control, subject to compliance with contract standing orders and financial regulations
GPCX10	Invite and accept tenders or quotations for contracts, subject to compliance with contract standing orders and financial regulations
GPCX11	Authorise another officer to exercise his/her delegated powers (except this one)
SPECIFIC POWERS:	
SPCX1	In consultation with Publications Panel, finalise content of the Authority's statutory publications
SPCX2	In consultation with chairman, agree member conference attendance in accordance with criteria set out below.
SPCX3	Take any necessary steps on behalf of the Authority as data controller pursuant to the Data Protection Act 1998
SPCX4	Modify the list of politically restricted posts and give any certificate of opinion under s.3 Local Government and Housing Act 1989
SPCX5	In consultation with chairman, approve attendance of lay visitors at conferences
SPCX6	In consultation with chairman, agree the subject matter for members' discussion days

SPCX7	In consultation with Chairmen of Police Authority and HR Committee, select Appointments Committee for ACPO appointments
SPCX8	In consultation with Chairman make nominations for APA Policy and Network meetings, external appointments and in-year appointments through change of membership.
SPCX9	In consultation with Chairman and Chief Constable, any urgent decision concerning a forfeiture of police pension case
SPCX10	Fix fees for copies of documents
SPCX11	In consultation with Chairman, agree changes of membership of committees or panels where members wish to swap with each other
SPCX12	Various Police Pension delegations to Chief Executive, CC and HRD (see criteria below)
SPCX13	In consultation with the Chief Constable and the Authority member of the relevant CDRP, power to take steps required of the Police Authority under sections 19-22 of the Police and Justice Act 2006
SPCX14	In consultation with Chairman of the Professional Standards Committee decide any administrative issues arising from appeals to a Police Appeals Tribunal
SPCX15	In consultation with Chairman of the Standards Committee decide that an allegation falls outwith the Standards Committee's remit if appropriate.
SPCX16	Revise from time to time the 'Protocol for Handling Complaints of Member Misconduct'.
SPCX17	Make temporary or acting ACPO appointments in consultation with Chairman
SPCX18	Appoint Standards Committee Lay Members on a temporary basis
SPCX19	Appoint Lay Misconduct Members on a temporary basis
SPCX20	Keep Freedom of Information Scheme up to date
SPCX21	In consultation with Chairman, appoint members to Force Programme Boards.
SPCX22	In consultation with Chairman of the Authority and Chairman of Human Resources Committee, decide honoraria payments to Secretariat staff.

TREASURER DELEGATIONS

SPT1	The contract standing orders contain powers exercisable by the Treasurer
SPT2	The Financial regulations contain powers exercisable by the Treasurer
SPT3	Make "stage 2 decisions" pursuant to the Police Pensions internal disputes resolutions procedure
SPT4	Take steps to provide adequate and effective internal audit for the Authority
SPT5	Sign bank mandates for the Authority
SPT6	With the Force Finance Director, operate transfer of funds and deal with transactions re East Midlands Special Operations Unit
SPT7	With the Force Finance Director, jointly sign letters of authority to the Authority's bank

CHIEF CONSTABLE DELEGATIONS

CC1	The contract standing orders contain powers exercisable by the CC
CC2	The Financial regulations contain powers exercisable by the CC and force officers
CC3	Deal with the appeals against Force medical officer's findings relating to ill-health and injury pensions (in particular the Protocol for the Management of Ill-Health for Police Officers contains delegated powers)
CC4	All powers of the Authority under the Police Property Regulations 1997 (disposing of property coming into possession of police) and distribute resultant fund in

	accordance with, as far as possible, the policing objectives for that year
CC5	Enter sponsorship agreements in accordance with policy, subject to six-monthly reporting to the Authority
CC6	Responsibility for all aspects of police support staff within his direction and control, save appeals for dismissal
CC7	All the Chief Constable's property delegations are set out in Table 1 below
CC8	Various Police Pension delegations to Chief Executive, CC and HRD (see below)
CC9	All powers of the Authority except those delegated to Treasurer or Chief Executive and except the following: (i) agreement of the contents of the local policing plan; (ii) determination of local objectives and the monitoring of performance; (iii) agreement of the contents of the annual report; (iv) appointment and remuneration of Chief Officers; (v) consideration of formal complaints against, and the discipline of, Chief Officers; (vi) acting as an appeal body for dismissals of police support staff; (vii) publication of performance indicators as required by the Local Government Act 1992; (viii) determining the annual revenue and capital budgets, including the setting of the precept; (ix) agreeing and monitoring the effectiveness of the Community Consultative arrangements; (x) consideration of reports by the internal and external auditors; (xi) consideration of reports by Her Majesty's Inspector of Constabulary; (xii) keep themselves informed of the manner in which complaints from members of the public against members of the Force, are dealt with; (xiii) the Authority's role under the Crime and Disorder Act 1998.
CC10	Approve erection of telegraph poles on land owned by Police Authority and terms of wayleave agreements

OTHERS' DELEGATIONS

FFD1	Force Finance Director - the contract standing orders contain powers exercisable by the FFD
FFD2	Force Finance Director - the financial regulations contain powers exercisable by the FFD
HRD1	Various Police Pension delegations to Chief Executive, CC and HRD see below

TABLE 1 – Showing which property decisions are to be taken by the Police Authority or by the Chief Constable (“CC”) on its behalf

CC7	In the CC's view, urgent	In the CC's view, not urgent
Sale of land or buildings	CC, provided the matter is reported to the Authority as soon as practicable	Police Authority
Purchase of land or buildings	CC, provided the matter is reported to the Authority as soon as practicable	Police Authority
acquisition of any interest in land or buildings (including lease, right of way, right to enter etc.) where the term is 3 years or more	CC, provided the matter is reported to the Authority as soon as practicable	Police Authority

Grant of any interest in land or buildings (including lease, right of way, right to enter etc.) where the term is 3 years or more	CC, provided the matter is reported to the Authority as soon as practicable	Police Authority
acquisition of any interest in land or buildings (including lease, right of way, right to enter etc) where the term is less than 3 years	CC	CC
Grant of any interest in land or buildings (including lease, right of way, right to enter etc) where the term is less than 3 years	CC	CC
Property management of any sort (other than indicated elsewhere in this table)	CC	CC
Sale of Police Houses	CC	CC
Approve leases of 10 years or less regarding aerial masts	CC	CC

Criteria for SPCX2 – Conference attendance
<ol style="list-style-type: none"> 1. In order to achieve best value, it will normally be appropriate to limit the attendance at an event to 1 or 2 members. 2. However there may be events that justify several members attending. One example would be where the topic is specifically suited to circumstances likely to be utilised in the near future. 3. Although the Chairman and Vice-Chairman of the Authority and Chairman of the principal Committees will need to keep abreast of issues within their fields of expertise, other members should be afforded the opportunity to attend relevant events. 4. Cost of the course or conference, and likely travel and subsistence costs, will be taken into account in determining whether or not to send members as delegates. 5. All members shall feed back any information from courses and conferences to the rest of the Police Authority, in the form of a written report. 6. The Chief Executive shall maintain records of conferences and courses attended for evaluation purposes. 7. The following conferences shall normally be attended by members: <ul style="list-style-type: none"> • APA/ACPO Summer Conference • APA Annual Conference • Standards Board Annual Conference

Criteria for SPCX12, CC8 and HRD1 – various delegations under the Police Pensions Regulations 1987		
Regulation	Brief description	Delegate to
A11	If the Police Authority is of the opinion that a medical condition/injury is one that should be treated under regulation A11(2) (determining injury caused in line of duty)	Chief Executive in consultation with the Chairman of Human Resources Committee.

A12	A12 deals with the definition of permanent disability. A person is assumed to receive normal medical treatment but normal treatment does not include treatment the Police Authority thinks reasonable for officer to refuse.	Chief Executive in consultation with the Chairman of Human Resources Committee.
A18	An officer reaching a certain age can be made to retire from the Force unless Police Authority agrees to postpone retirement for up to 5 years (only ACPO rank).	Human Resources Committee.
A19	Regulation A19(1) lets police officer below ACPO rank who would be required to retire and thereby receive $\frac{2}{3}$ available pensionable pay. Police Authority can determine that retention is not in interests of efficiency and retire them.	Human Resources Committee.
A20	If officer is permanently disabled, Police Authority can require him/her to retire.	Chief Constable and Human Resources Director.
B1	Officer gets an ordinary pension on retirement. There are exceptions but the Police Authority can agree that the exception shall not apply if certain conditions exist.	Chief Constable
B8	If pension is small, Police Authority may commute to a gratuity.	Chief Constable
B9	B9 gives officer power to allocate part of pension to another (eg spouse). This sub-para refers to dependant who Police Authority are satisfied is dependent and Police Authority must be satisfied of officer's good health.	Chief Constable.
C3	Officer's widow gets augmented award in some circumstances including where officer died on duty being attacked. Police Authority have discretion to deem circumstances of death as within those special guidelines giving rise to the augmented award.	Chief Executive in consultation with the Chairman of Human Resources Committee.
C9	Widow who re-marries loses pension but Police Authority have power to reinstate it where widow is separated or widowed again.	Panel of 3 members drawn from Human Resources Committee
D5	Child's award can be excluded if child is 19 years old in some circumstances. Police Authority have discretion to overturn that and award it anyway.	Panel of 3 members drawn from Human Resources Committee
E1	Discretion to grant special pension to any relative of officer who was dependent on officer at time of officer's death.	Chief Executive in consultation with the Chairman of Human Resources Committee.

E2	Discretion to grant gratuity to any relative of officer who was dependent on officer at time of officer's death.	Chief Executive in consultation with the Chairman of Human Resources Committee.
E4	Discretion to commute part of a pension for a gratuity.	Chief Constable
E4	If annual widow's pension does not exceed £260, Police Authority may commute for gratuity.	Chief Constable
E5	Discretion to commute child's allowance (or part) for a gratuity.	Chief Constable
F6	F6 deals with officers with previous reckonable service. Police Authority can decide that some alternative rules apply.	Chief Constable
F7	Where officer transfers, 12 month gaps can have an effect on entitlement. Police Authority and former employing police authority can agree that longer than 12 months shall not be a bar.	Chief Constable
F9	Police Authority discretion to allow more than 6 months to notify Police Authority that this regulation applies.	Chief Constable
F10	Time period for officer to give notice that this regulation applied - Police Authority may extend time period.	Chief Constable
F10	Time period for officer to elect that one or other set of rules applies. Police Authority can extend that time period.	Chief Constable
G4	Officer can elect to cancel his election not to pay pension contributions but if Police Authority "so resolves" he can only do so if undergone medical examination.	Chief Constable
H1	Decision to refer a medical question to a medical practitioner.	Chief Constable and Human Resources Director.
H2	Allow extra time to officer to file appeal	Chief Constable and Human Resources Director.
I2	Where police officer serves in armed forces and returns to police service. Police Authority may pay pension if injured in armed service and some discretion as to the amount.	Panel of 3 members drawn from Human Resources Committee
I3	If police officer dies in armed forces service. Police Authority has discretion to pay widow.	Panel of 3 members drawn from Human Resources Committee

I5	Further discretion for Police Authority if officer is permanently disabled in armed forces service.	Panel of 3 members drawn from Human Resources Committee
K1	If officer receives ill health pension, Police Authority may review that if condition giving rise to pension no longer applies.	Panel of 3 members drawn from Personnel Committee, but Chief Constable and Human Resources Director can determine if adopting Force Medical Officer's recommendation.
K2	Where injury pension is payable, Police Authority shall at suitable intervals, review the degree of disablement.	Panel of 3 members drawn from Personnel Committee, but Chief Constable and Human Resources Director can determine if adopting Force Medical Officer's recommendation.
K3	If officer contributes to disablement, Police Authority may reduce awards.	Panel of 3 members drawn from Personnel Committee, but Chief Constable and Human Resources Director can determine if adopting Force Medical Officer's recommendation.
K4	Police Authority may withdraw pension for period officer serves in Force.	Chief Executive in consultation with the Chairman of Human Resources Committee.
K5	If convicted of offence, may in some circumstances forfeit pension.	Professional Standards Committee.
L3	Police Authority can choose what intervals to pay pension. Police Authority can pay gratuity in instalments if to benefit of officer.	Chief Executive in consultation with the Chairman of Human Resources Committee.
L4	Where beneficiary is a minor/mentally ill, can pay it to another person for beneficiary's benefit. Can pay without proof of probate.	Chief Constable.
L4	If officer through fraud etc in service has caused loss to the police fund, Police Authority may withhold the sum in question.	Professional Standards Committee
All Disability Discrimination issues within the Regulations have been delegated to the Chief Constable and Human Resources Director		
The selection of the Panel of 3 members drawn from Human Resources Committee will be made by the Chief Executive in consultation with the Chairman of Human Resources Committee. As the Panel will have delegated authority to decide the issue it will be, in law, a sub-committee.		
All other police pension issues to be determined by the Authority are delegated to the Human Resources Committee		