

## **D1 - PERSONNEL ISSUES**

### **The need for this delegation.**

Sections 13 and 15 of the Police Act 1996 provide for police officers and civilian employees of the Authority to be under the direction and control of the Chief Constable. Section 15 (3) provides an exception to this rule for those civilian staff where the Chief Constable has agreed with the Authority that they should not be under his/her direction and control. There is a need to identify "direction and control" for those staff who are or may be employed by the Authority where Section 15 (3) applies and to define the delegation to the Chief Constable that is considered to be outside the scope of "direction and control".

### **The extent of this delegation.**

- D1.1. The power of direction and control afforded to the Chief Constable includes the power of engagement and dismissal of staff. For clarification, the additional powers beyond engagement and dismissal, as set out in paragraph D1.3, are also deemed to be included in "direction and control".
- D1.2. The Authority shall agree with the Chief Constable those staff that are to be under the direction and control of either the Clerk or the Treasurer.
- D1.3. The power of direction and control for the Clerk and Treasurer shall include: -
1. the appointment and dismissal of staff;
  2. the management of disciplinary procedures and implement any outcome;
  3. the management of grievance procedures and implement any outcome;
  4. the approval of the extension of service for non-superannuable employees;
  5. the approval of the extension of service for staff over normal retiring age;
  6. the approval of the payment of all allowances payable under national or local conditions of service including car and telephone allowance;
  7. the approval of the extension of sick leave on full pay (less National Insurance benefits) for a period within any policy agreed by the Authority;
  8. the approval of leave of absence without pay beyond that provided for by the Authority;
  9. the approval of the payment of honoraria to officers who have undertaken additional duties over an extended period in the absence of a more senior officer;
  10. the grant of one merit increment in any year in salary;

11.the discharge any civilian employee whom the Police Surgeon has certified as being permanently medically unfit from performing his/her duties.

- D1.4. The Chief Constable shall agree, following consultation with the Chairman and Vice Chairman, rewards to police officers for exceptional diligence or other specially meritorious conduct under Section 31 of the Police Act 1996.
- D1.5. The Chief Constable shall authorise the payment of national pay awards in consultation with the Treasurer except for those awards in respect of officers holding the rank of Assistant Chief Constable and above which shall be authorised by the Personnel Committee.
- D.1.6. The Chief Constable shall authorise the payment of statutory pensions and allowances, gratuities and compensation.
- D1.7. The Chief Constable and Treasurer shall jointly agree the enhancement of pensions in cases of retirement in the interests of efficiency or redundancy.
- D1.8. The Chief Constable shall take the appropriate professional advice in respect senior civilian appointments, such as the Director of Finance, Force Solicitor and Head of Information Technology, and notify the Authority of any changes in the member of staff in these posts.

## **D2 – FINANCE AND GENERAL ADMINISTRATION**

### **The need for this delegation.**

The statutory responsibilities of a “Chief Finance Officer” are set out in Sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 1983. The Code of Practice on Financial Management recommends that, wherever possible, the financial management of a force takes place within that force. Specific duties need to be allocated to individual officers of the Authority to conform with these statutes.

### **The extent of this delegation.**

D2.1. The Treasurer shall be responsible for the administration of the Authority’s financial affairs as set out in Sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations 1983. The Treasurer’s duty is to: -

1. provide financial advice to the Authority on all aspects of its activity, including the strategic planning and policy making process;
2. assist members in seeking to obtain best value for money;
3. advise the Authority on financial propriety;
4. ensure that accurate, complete and timely financial management information is provided to the Authority and the Chief Constable;
5. secure the preparation of statutory and other accounts;
6. provide an effective audit service and assistance in providing safe and efficient financial arrangements;
7. secure treasury management including loans and investments;
8. advise, in consultation with the Clerk, on the safeguarding of assets, risk management and insurance;
9. arrange for the determination, issue and transfer of the precept; and
10. advise on budgetary matters including any consequent long term implications.

D2.2. The Chief Constable shall undertake the day to day financial management of the Force and should devolve financial management to Area Commanders and Departmental Heads, following, wherever practical, the Audit Commissions recommendations.

D2.3. The Clerk may approve in an emergency, for the purposes of the Police Authority Members’ Allowance Scheme, the attendance of members at courses, conferences and so on, after consultation with the Chairman of the Authority and the payment of attendance allowance, travelling and subsistence expenses subject to a record of approvals and refusals being kept and copies of all such decisions being forwarded to the Director of

Finance who has responsibility for the payment of allowances. The Clerk shall submit a report to the next meeting of the Authority of the details of each approval.

- D2.4. The Clerk shall determine after consultation with the Chairman of the Authority any additional representation at conferences or meetings to that already approved by the Authority. The Clerk shall submit a report to the next meeting of the Authority of the details of each approval.
- D2.5. Following consultation with the Chairman and Vice Chairman, the Clerk may approve the attendance of Lay Visitors at National or Regional Conferences on Lay Visiting.
- D2.6. The Treasurer shall vary Members' Allowances from time to time in accordance with new Regulations and on the basis currently in operation.
- D2.7. The Treasurer, in consultation with the Chairman, shall adjust, triennially, as appropriate from time to time for inflation the authorised limits wherever they appear in Financial Regulations, Contract Regulations and in Schemes of Delegation. The Treasurer shall report the details of the exercise of this delegated authority to the next meeting of the Authority.
- D2.8. The Treasurer shall undertake all money market transactions associated with the cash flow functions of the Authority including the raising and repayment of all loans within the limits determined by the Authority from time to time. The Treasurer may arrange, subject to the agreement of the Chief Constable, for the Director of finance to undertake or procure this activity in a manner acceptable to the Treasurer.
- D2.9. The Clerk shall fix fees for copies of documents and extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985.
- D2.10. The Clerk shall affix the common seal of the Authority to and to sign on behalf of the Authority any document to give effect to any decisions made by the Authority.
- D2.11. The Chief Constable shall make arrangements for the provision of supplies and services by and for local authorities and public bodies under the Local Authorities (Goods and Services) Act 1970 as amended and for any other bodies, individual or corporate under the Police Act 1996.

D2.12. The Chief Constable shall exercise the powers and duties of the Police (Disposal of Property) Regulations 1975.

### **D3 – PROPERTY (including major assets)**

#### **The need for this delegation.**

The Authority owns a valuable, large estate that needs to be managed and maintained on a daily basis. The Code of Practice on Financial Management recommends that the Authority determine a framework within which the Chief Constable should undertake all property management functions.

#### **The extent of this delegation.**

- D3.1. The Chief Constable shall undertake the day to day management, furnishing and equipping of Lincolnshire Police premises and shall make arrangements for its proper security and maintenance.
- D3.2. The Chief Constable shall establish and maintain a register of all property and major assets owned by or leased to the Authority, which shall include a current valuation of assets valued at £5,000 and above.
- D3.3. The Chief Constable shall make such arrangements, as he deems necessary to ensure the safe custody of all documents of title to land owned or leased by the Authority.
- D3.4. Land and buildings may be only be acquired as part of a capital scheme which has been approved by the Authority and where the necessary financial provision has been included in the approved Capital Programme.
- D3.5. The Chief Constable shall declare land, premises and other assets surplus to requirements and to arrange for disposal. The Chief Constable shall provide the Authority with details of those surplus assets that have an estimated disposal value of more than £75,000 in advance of their disposal.
- D3.6. Any property transaction that does not fall under the strategy outlined for the year in the policing plan shall be subject to the prior approval of the Authority.
- D3.7. The Chief Constable shall determine the appropriate level of fees for services and the use of premises for which fees have not otherwise been fixed.

D3.8. The Chief Constable shall take the role of Employer in civil engineering contracts where the Police Authority is the employer in respect of: -

1. deduction of liquidated damages;
2. other matters within the limits imposed by the Financial Regulation.

D3.9. The Chief Constable shall advise the Clerk and Treasurer of any contractual difficulties with regard to the acquisition or disposal of property that are potentially likely to cost the Authority a significant sum or where the matter could be of a high profile nature for the Authority.

## **D4 - LEGAL MATTERS**

### **The need for this delegation.**

In cases where it is necessary for the Authority to enter legal proceedings, either as plaintiff or defendant, an officer is required to undertake certain duties on behalf of the Authority. This section sets out the parameters in which the Chief Constable, Clerk and Treasurer can undertake those duties.

### **The extent of this delegation.**

D4.1. Where calculated to facilitate, or conducive or incidental to, the discharge of any of the functions of the Authority, the Chief Constable shall be empowered to: -

1. prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, to institute them in his own name; and
2. make representations in his own name at any public inquiry held by or on behalf of any Minister or public body under any enactment.

This element of delegation is subject to the requirement for the Chief Constable to advise the Clerk and Treasurer of industrial tribunals or other civil cases where the matter is potentially of a high profile nature or is likely to involve the Authority in significant expenditure.

D4.2. The Chief Constable shall act as the authorised officer of the Authority in connection with Section 223 of the Local Government Act 1972 (as amended) which relates to appearance on behalf of the Authority in legal proceedings.

D4.3. The Chief Constable shall issue and serve notices and impose requirements under any legislation relating to the functions administered by the Force.

## **D5 – DEVOLVED DELEGATED AUTHORITY**

### **The need for this delegation.**

This Chief Constable, Clerk and Treasurer will be unable to undertake all duties delegated to them personally which creates a requirement for them to be allowed to devolve certain duties to other police officers and civilian staff.

### **The extent of this delegation.**

- D5.1. The Chief Constable, Clerk and Treasurer may authorise, in writing, named police officers and civilian employees who are under their direction and control, either generally or specifically for the purpose to exercise any or all of the powers hereby delegated or included in the Financial and/or Contract Regulations.
  
- D5.2. Within the Force, the Chief Constable may only delegate this power to an officer holding the rank of Assistant Chief Constable or the Director of Finance, within a framework laid down by the Chief Constable
  
- D5.3. The Clerk and Treasurer may not delegate this authority to any other officer.