



# **SCHEME OF CONSENT/DELEGATION**

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## **Contents**

- 1 Introduction
- 2 Key roles of the Police and Crime Commissioner for Lancashire
- 3 General principles of consent/delegation
- 4 Matters which are not consented to the Chief Constable and remain for decision by the Commissioner
- 5 Statutory functions and functions consented to the Chief Constable
- 6 Functions delegated to the Chief Executive of the Police and Crime Commissioner
- 7 Functions delegated to the Chief Finance Officer of the Police and Crime Commissioner

# OFFICE OF THE POLICE AND CRIME COMMISSIONER FOR LANCASHIRE

## SCHEME OF CONSENT/DELEGATION

### 1. INTRODUCTION

- 1.1. The Financial Management Code of Practice for Police Forces (FMCP), published by the Home Office, sets out the purpose and content of a Scheme of Governance. This scheme of Consent/ Delegation is an integral part of the Scheme of Governance.
- 1.2. This Scheme:
  - 1.2.1. sets out how the Chief Constable will assist in the exercise of the Commissioner's functions;
  - 1.2.2. sets out how the Chief Constable will exercise his power to carry out his own functions;
  - 1.2.3. sets out how the Commissioner will delegate to his own staff;
  - 1.2.4. sets out how the Commissioner expects the policing budget to be applied in meeting the requirements of the Police and Crime Plan;
  - 1.2.5. sets out how the Commissioner will hold the Chief Constable to account for day to day budget management.
- 1.3. This Scheme also details the key roles of the Commissioner, and those functions which he delegates to the Chief Executive, the Commissioner's Chief Finance Officer, and those he consents to the Chief Constable.
- 1.4. This Scheme should be read alongside the Financial Regulations and Code of Corporate Governance. The Code of Corporate Governance details the key roles of the Commissioner and Chief Constable. It also describes the arrangements and controls to ensure good governance in the two corporations sole. The key financial roles of the Chief Executive and the Chief Finance Officers are set out in the Financial Regulations.
- 1.5. This Scheme provides a framework to ensure that business is carried out efficiently and that decisions are not unnecessarily delayed.
- 1.6. Powers are given to the Commissioner and Chief Constable by legislation, orders, rules, regulations and national conditions of employment.
- 1.7. This Scheme does not identify all the statutory duties which are contained in specific laws and regulations, nor does it attempt to list all matters which form part of everyday management responsibilities.

## **2. KEY ROLES OF THE POLICE AND CRIME COMMISSIONER**

- 2.1. The Police Reform and Social Responsibility Act 2011 (“the Act”) provided for a directly elected Police and Crime Commissioner for Lancashire who is supported by the Office of the Police and Crime Commissioner (OPCC).
- 2.2. The key legal powers and duties of the Commissioner are set out in the Policing Protocol Order 2011 and the Act.
- 2.3. The Commissioner has overall responsibility for the financial administration of his Office and the Constabulary, including any borrowing decisions. This Scheme and the Financial Regulations detail the respective financial roles and responsibilities of the Commissioner and the Chief Constable.
- 2.4. The Commissioner will receive all income including Government grant, precept (Council Tax income), and other sources of income, related to policing and crime reduction. All funding for the Constabulary will be allocated to it by the Commissioner, whilst having regard to their statutory responsibilities for the totality of policing in Lancashire, the Police and Crime Plan and the Strategic Policing Requirement. How this money is allocated (and how and what it is to be spent on) is for the Commissioner to decide, after consultation with the Chief Constable, or in accordance with any specific grant terms. Further, the Commissioner may set authorisation levels, whereupon the Chief Constable must obtain the approval of the Commissioner when those authorisation levels are to be exceeded.
- 2.5. The Commissioner and the Chief Constable must have regard to the Strategic Policing Requirement and Police and Crime Plan when exercising and planning their policing functions in respect of Lancashire Constabulary responsibilities.
- 2.6. The Lancashire Police and Crime Panel will scrutinise the Commissioner’s exercise of his statutory functions. The Panel comprises 20 members, 18 of whom represent the fifteen local authorities in the Lancashire Constabulary area and two independent co-opted members. The Panel has a check and balance role solely in relation to the Commissioner, not the Chief Constable.

## **3. DELEGATION**

- 3.1. The Commissioner may not arrange for any constable or any person employed by the Chief Constable to exercise any of the Commissioner’s functions. Under this Scheme, there is no formal delegation of any function from the Commissioner to any constable or member of police staff. Where this Scheme refers to a delegation that is a reference to a delegation of a function or power by the Commissioner to a member of his own staff.
- 3.2. Officers and staff of the Chief Constable may assist the Commissioner to exercise their functions. Indeed the Chief Constable is under a statutory duty to ‘exercise the power of direction and control in such a way as is reasonable

to give that assistance'. The Scheme sets out some of the ways in which that assistance will be given. For the avoidance of doubt these are not delegations from the Commissioner.

#### **4. GENERAL PRINCIPLES OF DELEGATION**

- 4.1. The powers given to the officers referred to in this Scheme should be exercised in line with the Commissioner's delegation or consent, (as the case may be) the law, statutory and regulatory requirements, relevant professional guidance and advice, Financial Regulations and Standing Orders relating to Contracts, and also approved policies, procedures, plans, strategies and budgets.
- 4.2. This Scheme provides sufficient conferment of delegation to officers to ensure that decisions are not unnecessarily delayed, whilst ensuring that individuals are properly protected from the risks associated with being the individual held to account.
- 4.3. The Commissioner may, at any time, require that a specific matter is referred to him for a decision and not dealt with under powers of delegation.
- 4.4. The Commissioner may limit the powers which are delegated and/or remove delegation at any time.
- 4.5. This Scheme allows any person to whom a power has been delegated, to authorise a relevant member of staff to carry out that function, so long as this is not prohibited by statute, regulation or statutory guidance nor is it specifically prohibited by the Commissioner. Any such authorisation does not relieve the person who has the delegated power from due responsibility for any decision taken by a person they have authorised to act on their behalf. Where a matter is consented to the Chief Constable, the Chief Constable may arrange for any of their officers or staff to undertake the consented function on their behalf via a Constabulary Scheme of Delegation. Prior to the Chief Constable approving (or amending) any such Scheme of Delegation, the Commissioner's view thereon will be sought.
- 4.6. Giving delegation to staff under this Scheme does not prevent an officer from referring the matter to the Commissioner for a decision if the member of staff thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial or reputational implication).
- 4.7. All decisions officers make under powers delegated to them by the Commissioner must be recorded in a timely and accurate manner to form an audit trail which is available for inspection.
- 4.8. The Commissioner is responsible for ensuring that the provisions and obligations of this Scheme are properly drawn to the attention of all the Commissioner's staff. The Chief Constable is responsible for making sure that the provisions and obligations of this Scheme are properly drawn to the attention of all officers and staff under his responsibility or employment.

- 4.9. Notwithstanding any specific requirements in this Scheme, the Commissioner shall be consulted in relation to any projects/areas of work which may have a significant impact on the community of Lancashire.
- 4.10. The person appointed as the Chief Executive (who will also be the Monitoring Officer) and the Chief Finance Officer (“section 151 officer”) have statutory powers and duties relating to their positions, and therefore do not rely on a specific delegation to carry out those powers. Similar considerations apply to the Chief Finance Officer of the Constabulary (Director of Resources).
- 4.11. When carrying out any functions, the Commissioner and his staff must have regard to:
  - 4.11.1. The views of people in Lancashire, obtained through consultation
  - 4.11.2. Any report or recommendation made by the Police and Crime Panel on the annual report for the previous year
  - 4.11.3. The Police and Crime Plan and any guidance issued by the Secretary of State.

(This list is a summary and is not exhaustive.)
- 4.12. The Act provides that the following functions remain the responsibility of the Commissioner and cannot be delegated:
  - 4.12.1. Issuing the Police and Crime Plan.
  - 4.12.2. The appointment or suspension of the Chief Constable or calling upon the Chief Constable to retire or resign.
  - 4.12.3. Calculating a budget requirement.
- 4.13. The Commissioner may delegate the following functions to the Deputy Police and Crime Commissioner (if appointed) but not to any other member of staff:
  - 4.13.1. Determining objectives in the Police and Crime Plan.
  - 4.13.2. Attendance at the Police and Crime Panel when specifically requested.
  - 4.13.3. Preparing the annual report to the Police and Crime Panel.
- 4.14. The Commissioner’s governance framework, including this Scheme, will be reviewed annually or at any other time the Commissioner considers it to be appropriate.

## **5. CONSENT**

- 5.1. The Chief Constable can carry out functions in their own right. In addition to the broad functions of keeping the peace and enforcing the law, the Chief Constable also has the power ‘to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of [their] functions’.
- 5.2. There are certain statutory restrictions on the Chief Constable’s power to exercise certain functions in their own right. The Chief Constable may not acquire or dispose of land (which includes buildings thereon), and needs the consent of the Commissioner to enter into contracts (other than contracts of employment) and to acquire or dispose of property. The consents granted to the Chief Constable, by the Commissioner, are set out below at section 6 below. For the avoidance of doubt this is not a delegation from the Commissioner, it is the Commissioner giving consent to the Chief Constable to exercise certain functions in their own right, subject to compliance with this Scheme, the Financial Regulations and the Standing Orders relating to Contracts. The Commissioner can review and amend the consents given to the Chief Constable at any time.
- 5.3. Nothing in this Scheme is intended to fetter the Chief Constable’s operational independence.

## **6. FUNCTIONS CONSENTED TO THE CHIEF CONSTABLE**

- 6.1. The Chief Constable is accountable for the exercise of police powers, and to the Commissioner for the delivery of efficient and effective policing, and the management of resources and expenditure by the Constabulary.
- 6.2. The Chief Constable is responsible for the following functions under this Scheme, some of which by virtue of a consent given by the Commissioner. In so far as he is empowered to do so, the Commissioner consents to the Chief Constable taking such action and carrying out such functions in relation to the resources allocated to him as is necessary for the Chief Constable to exercise his policing functions, subject to the Financial Regulations and the authorisation levels set out below (excluding those matters set out in section 7 below).
- 6.3. In relation to functions set out in section 7 (below) which may not be exercised without the consent of the Commissioner, where there is any doubt in relation to interpretation, the issue shall be referred to the Commissioner for a decision.
- 6.4. Finance
  - 6.4.1. Prepare business cases for revenue and capital expenditure.
  - 6.4.2. Commit expenditure and raise charges for normal services within the approved budget to meet the strategies agreed with the

Commissioner and the objectives reflected in the Police and Crime Plan.

- 6.4.3. Approve, transfer or vary budgets between budget headings, on a permanent or temporary basis for all individual amounts below £70,000, providing there are no future year commitments and the Commissioner is notified through the budget monitoring process.
- 6.4.4. Approval of all agreements for the provision of special services to other organisations is consented to the CC in consultation with the PCC. This does not apply to the provision of mutual aid by the Chief Constable nor advice or assistance to international organisations under the Police Act 1996, which are operational matters and exempt but are subject to consultation with the Commissioner.
- 6.4.5. Approve provision of police advice and assistance to international agencies where budget exists.
- 6.4.6. Manage covert accounts in accordance with Financial Regulations.
- 6.4.7. The write off of pension and salary overpayments where any individual debt is below £11000.
- 6.4.8. The write off of individual non-pay debts up to a value of £11,000.

## 6.5. Procurement

- 6.5.1. Undertake the day to day management of the procurement function in accordance with Financial Regulations, Standing Orders relating to Contracts and the Procurement Strategy agreed by the Commissioner.
- 6.5.2. The procurement of and the entering into contracts in his own right for goods and /or services with an aggregate value over the lifetime of the contract below £70,000. In addition the PCC consents to the CC retaining responsibility for routine expenditure which are low risk, budgeted for and as part of normal business should be approved close to the point where they are managed
- 6.5.3. The approval of extensions to contracts which fall within the agreed terms of the contract.

## 6.6. Property

- 6.6.1. Manage and maintain the Commissioner's estate in accordance with approved strategies and within the agreed budget.
- 6.6.2. Maintain an asset register of all property and major assets owned or leased by the Commissioner.



## 6.7. Legal

- 6.7.1. Approve the settlement of any claim for damages less than £30,000 or other compensation (plus costs incurred or predicted to date) unless the claim:
- (i) involves a high profile party including ACPO rank police officers and/or senior police officers and police staff who are members or participants of the Constabulary's Strategic Management Board, or
  - (ii) there is a perceived public interest or reputational risk in the case, or
  - (iii) it is in the nature of a test case, or

In such circumstances, the matter will be referred to the Commissioner's Chief Executive for a decision.

6.7.2. Institute, defend or participate in legal actions to protect the interests of Lancashire Constabulary.

6.7.3. Provide advice, institute and defend legal proceedings on behalf of the Commissioner when requested by the Commissioner to do so, other than in cases where there is a conflict of interest.

## 6.8. Human Resources

Whilst the Chief Constable is responsible for the employment of their officers and staff, the Chief Constable must report any issues to the Commissioner that will affect the agreed budget (cost or saving) or have particular difficulties, sensitivities or potential public interest.

## 6.9. Other

To exercise the powers and duties of the Police (Property) Regulations 1997 by:

- 6.9.1. authorising, where appropriate, requests to donate unclaimed lost property to charity; and
- 6.9.2. approving the keeping of unclaimed lost property if it can be put to good use for police purposes.

## **7. MATTERS WHICH ARE NOT CONSENTED TO THE CHIEF CONSTABLE AND REMAIN FOR DECISION BY THE COMMISSIONER**

In addition to those responsibilities which the Commissioner is prevented from consenting to under the Act, there are a number of matters in which the Commissioner does not give consent. These matters, which will require the Commissioner's specific approval, are set out below:

### **7.1 Finance**

- 7.1.1. Estimates of expenditure and income for the appropriate periods and times shall be prepared by the Commissioner's Chief Finance Officer in consultation with the Chief Constable's Chief Finance Officer for submission to the Commissioner.
- 7.1.2. In accordance with his statutory functions, the Commissioner is responsible for determining and setting the annual budget, capital programme, precept and council tax. In addition to this, the Commissioner will set cash limits for both the Office of the Police and Crime Commissioner and the Chief Constable.
- 7.1.3. The Commissioner's Chief Finance Officer and the Chief Constable's Chief Finance Officer shall be responsible for ensuring that the amount provided in any estimates approved by the Commissioner shall not in whole or in part be used for any purpose other than that for which it is authorised. Transfers of expenditure between estimate heads may be made where the amount of any individual transfer does not exceed £70,000. Any virements made under this authority need to be properly recorded with notification within a reasonable time to the Commissioner's Chief Finance Officer.
- 7.1.4. The level at which financial reporting to the Commissioner shall be provided and the frequency of such reporting shall be determined by the Commissioner.
- 7.1.5. The establishment levels for police officers, police staff, PCSOs and Special Constables at the start of each year. Within the year, variations will be permitted but any variations will need to be reported to the Commissioner as part of the agreed revenue budget monitoring process.
- 7.1.6. Notwithstanding the functions consented to the Chief Constable at section 6 of this Scheme, the financial implications of staffing changes (which include appointments or cessation of employment) not previously approved in setting the annual budget or specifically agreed by the Commissioner, relating to individuals or groups which will (or are likely to) result in a budget cost or saving.

- 7.1.7. The use of additional revenue or capital income or underspends are subject to the approval of the Commissioner.
- 7.1.8. The Commissioner shall be responsible for developing and maintaining a reserves policy and the use of reserves shall be subject to the approval of the Commissioner.
- 7.1.9. The write-off of pension and salary overpayments where any individual debt is over £11000 and the write-off of non-pay debts over £11,000.
- 7.1.10. Any proposal involving sponsorship, gifts and loans to the Constabulary by a third party will be governed by the relevant policy and acceptance of such must be in accordance with the terms of the policy. Any offers which are outside of the policy will be subject to the approval of the Commissioner.
- 7.1.11. The opening and closing of any bank accounts, except covert accounts. Any covert accounts must be maintained in accordance with agreed financial regulations.
- 7.1.12. The Commissioner is responsible for approving the contractual arrangements for any work by the Constabulary for or with third parties or external bodies. All joint relationships or working arrangements involving the Commissioner or the Constabulary should be in the name of the Commissioner, formally agreed and documented by the Commissioner. All such agreements should be scrutinised by the Monitoring Officer and Constabulary Solicitor before submission by the Chief Constable (in liaison with the Chief Executive) to the Commissioner for approval. This does not apply to those consents detailed in paragraph 6.4.4
- 7.1.13. All loans and investments are subject to the approval of the Commissioner

## **7.2 Capital Expenditure**

- 7.2.1 Programmes of capital expenditure estimates shall be prepared by the Commissioner's Chief Finance Officer in consultation with the Chief Constable's Chief Finance Officer for submission to the Commissioner.
- 7.2.2 Capital expenditure estimates should be set in accordance with limits as required by CIPFA's Prudential Code for Capital Finance, introduced from 1 April 2004. The Commissioner's Chief Finance Officer shall submit the necessary Prudential Indicators for approval by Commissioner as part of the capital programme process.
- 7.2.3 The approval of additional capital expenditure that exceeds 10% of the scheme or £70,000 whichever is the lower.

- 7.2.4 Any additions to the capital programme, subject to the limits set out above in paragraph 7.2.2, may be made provided that a source of finance, other than borrowing, has been identified and that the revenue consequences can be contained within existing budgetary provision. Such additions shall be reported to the Commissioner's Chief Finance Officer and the Commissioner as part of the agreed budget monitoring process.
- 7.2.5 If estimated expenditure does exceed the approved Capital Programme figure by more than the above limits, in paragraph 7.2.3, then approval to the excess must be sought from the Commissioner before any commitment is entered into.
- 7.2.6 The estimated expenditure referred to in paragraph 7.2.1 shall be the amount of the accepted tender (adjusted if necessary for any non-contract items), or, if there is no tender, the latest estimate of cost. This figure shall constitute the approved amount for monitoring purposes.

### 7.3 Strategies and Policies

The approval of those organisational strategies and policies which underpin the delivery of the Police and Crime Plan and the Medium Term Financial Strategy, and any changes to those strategies and policies. Such strategies and policies will include:

- 7.3.1 People Strategy (to include early retirement, redundancy, ill health and Health and Safety)
- 7.3.2 Estates Strategy
- 7.3.3 Procurement Strategy
- 7.3.4 IT Strategy
- 7.3.5 Fleet Strategy
- 7.3.6 Asset Management Strategy
- 7.3.7 Value For Money Strategy
- 7.3.8 Fees and Charges Handbook
- 7.3.9 Treasury Management Strategy

The Commissioner shall agree, if requested, a list of those policies/strategies which will not require his specific approval.

### 7.4 Contracts

- 7.4.1 The entering into contracts for goods and /or services with an aggregate value over the lifetime of the contract above £70,000. Other than to accept the most economically advantageous tenders:
- (i) For the supply of goods or materials or the execution of any work where the contract value does not exceed £680,000 or

- (ii) For the supply of services where the contract value does not exceed £250,000

Provided that:

- (a) The tender has been received and opened in accordance with Procurement Rules.
- (b) The Tender is within the approved revenue or capital estimates
- (c) and the Commissioner has agreed to go out to tender.

7.4.2 The approval of extensions to contracts which fall outside the agreed terms of the contract.

## 7.5 Land and Property

The acquisition or disposal of land (which includes any buildings) or property or acquisition or grant or termination of any interest or right in, of land or property owned by the Commissioner including the lease or rental of such land or property (except for covert operational reasons or short term rentals below one month e.g. room hire for training purposes).

## 7.6 Other

7.6.1 The giving of indemnities or guarantees to third parties, save and except those that are necessary to discharge policing functions effectively.

7.6.2 The entering into of collaboration agreements under the Police Act 1996 (as amended) and any other significant joint ventures, unless agreed by the Commissioner.

## 8. FUNCTIONS DELEGATED TO CHIEF EXECUTIVE.

8.1 To prepare the Police and Crime Plan for submission to and determination by, the Commissioner.

8.2 To prepare an annual report for submission to and determination by, the Commissioner.

8.3 To provide information to the Police and Crime Panel, as reasonably required to enable the Panel to carry out its functions.

8.4 To take such day to day action as is required for the efficient and effective administration of the Commissioner's Office and, except as provided in this Scheme, the discharge of the Commissioner's functions and to give effect to the decisions and direction of the Commissioner.

- 8.5 Take any action, including incurring expenditure, in connection with an emergency or disaster in the Constabulary area, subject to consultation with the Commissioner's CFO.
- 8.6 Exercise powers delegated to any officer when that officer is unable or unwilling to act.
- 8.7 Represent the Commissioner on the managing boards of major partnerships and, in so doing, to exercise such operational powers as they may be required on behalf of the Commissioner.
- 8.8 Issue corporate media statements, publicity and electronic or hard copy publications.
- 8.9 Exercise powers and duties relating to the Commissioner's property, including buildings and assets.
- 8.10 To consider whether, in consultation with the Commissioner's Chief Finance Officer, to provide indemnity to the Commissioner and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
- 8.11 To consider whether, in consultation with the Commissioner's Chief Finance Officer, to provide indemnity and/or insurance to a staff member of the Commissioner.
- 8.12 Approve land and property transactions in accordance with any relevant policies approved by the Commissioner. Legal
- 8.13 To act as "Proper Officer" to deal with various administrative matters involving the Commissioner, including without limitation any issues arising in respect of the Data Protection Act 1998 and the Freedom of Information Act 2000.
- 8.14 To execute all contracts, agreements and other legal instruments either in writing or by affixing the Common Seal of the Commissioner, on behalf of the Commissioner, in accordance with any decisions and directions of the Commissioner.
- 8.15 Commission and approve the Commissioner's Equality Impact Assessments.
- 8.16 Approve the financial settlement of claims or requests for compensation where:
  - (i) the amount to be paid is more than £30,000; or
  - (ii) they involve a high profile claimant including ACPO rank police officers and/or senior police officers and police staff that are members or participants on the Constabulary's Strategic Management Board; or

- (iii) there is a real or perceived public interest in the case; or
  - (iv) it is in the nature of a test case.
- 8.17 Approve all requests for financial assistance in relation to legal proceedings or inquests.
- 8.18 Approve the financial implications of settlement agreements prior to finalisation to ensure they accord with best value principles and will not damage the reputation of the Commissioner. Where the Commissioner has approved a settlement agreement policy, the requirement to seek approval shall only apply to proposed agreements which do not comply with it.
- 8.19 To obtain legal and other expert advice. To institute, defend or participate in any legal proceedings on behalf of the Commissioner in any case where such action is necessary to give effect to the decisions of the Commissioner or in any case where the Constabulary's Head of Legal, considers that such action is necessary to protect the Commissioner's interests.
- 8.20 Take action to protect the Commissioner's legal rights and take any necessary steps to settle disputes arising. Financial
- 8.21 The financial management responsibilities of the Chief Executive are set out in the Financial Regulations. Human Resources
- 8.22 To appoint and dismiss and to agree the terms of any other termination of employment, in consultation with the Commissioner's Chief Finance Officer and Commissioner, for staff who are employed by the Commissioner, except the role of Chief Executive which remains the responsibility of the Commissioner.
- 8.23 To make recommendations to the Commissioner with regard to terms and conditions of service for staff who are employed by the Commissioner, except for the role of Chief Executive which remains the responsibility of the Commissioner.
- 8.24 To make all discretionary decisions under the Local Government Superannuation Scheme in respect of those staff who are employed by the Commissioner, except for the role of Chief Executive which remains the responsibility of the Commissioner.
- 8.25 To undertake the management of staffing resources for all staff employed by the Commissioner in line with agreed policies and procedures.
- 8.26 To exercise any of the Commissioner's functions which fall to be discharged in relation to pensions and conduct matters for officers and staff of the Constabulary and the Commissioner's Office (except relating to her as Chief Executive) including in accordance with the Police Regulations 2003, the Police (Conduct) Regulations 2004, 2008 and 2012; and the Police Pensions Regulations 1987 (and any statutory modification and re-enactment thereof).

- 8.27 To make arrangement for appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.
- 8.28 To make arrangements for dealing with complaints against the Chief Constable including:
- to determine whether a complaint should be referred to the IPCC in accordance with the definition of mandatory and voluntary referrals set out in the appropriate guidance;
  - to determine whether or not to record a complaint as conduct or a direction and control matter – if it is decided not to record a complaint the support of the Commissioner must be obtained;
  - to appoint an investigating officer to investigate a recordable complaint in accordance with the appropriate regulations;
  - to determine whether a recorded complaint is suitable for local resolution and if so to appoint a person to locally resolve the complaint;
  - to determine, in accordance with the appropriate regulations, whether IPCC agreement should be sought for a dispensation of the complaint;
  - where an investigation has been undertaken, to ensure a suitable report is presented to the Commissioner to enable a decision to be made on the action to be taken.
- 8.29 In relation to a grievance against the Chief Constable, to take the appropriate action to investigate the grievance, applying as appropriate the grievance procedure, and reporting the outcome to the Commissioner to enable appropriate action to be taken to resolve the grievance.
- 8.30 To discharge functions and responsibilities in respect of Police Appeal Tribunals, on behalf of the Commissioner including the appointment of members of the Tribunals.
- 8.31 To appoint or reappoint Independent Custody Visitors or other volunteers managed by the Office of the Police and Crime Commissioner and terminate appointments if necessary.
- 8.32 To approve the attendance of Custody Visitors at national or regional conferences on Custody Visiting. Other
- 8.33 To respond to consultations on proposals affecting the Commissioner, if necessary, after first taking the views of the Commissioner, the Deputy Commissioner, the Commissioner's Chief Finance Officer and/or the Chief Constable, as appropriate.



- 8.34 To arrange for the provision of professional services (including obtaining independent legal advice in cases of potential conflict of interest following discussions with the Constabulary's Head of Legal) as required by the Commissioner.
- 8.35 To make sure appropriate arrangements are made to gather the views of the community and victims of crime on the policing of Lancashire and the prevention of crime.
- 8.36 To determine claims submitted under the Riot (Damages) Act 1886, in consultation with the Commissioner's Chief Finance Officer and the Chief Constable as appropriate. To ensure the Commissioner is briefed on the number and value of claims and the Chief Finance Officer provides appropriate reports to the Commissioner on the outcome of all claims and the implications on the Commissioner's budget.
- 8.37 In relation to the Commissioner's land and property, to serve notices to quit and notices to terminate its use or occupation, and to institute court proceedings to recover arrears of rent and other payments or to recover possession from occupiers and users.
- 8.38 To carry out work to assist the Commissioner in the discharge of the Commissioner's duty for health and safety matters.
- 8.39 To keep the Common Seal of the Commissioner. The seal shall be attested by the Chief Executive or any other person authorised in writing by her. An entry of every sealing should be made and consecutively numbered in a book, and kept by the person who attested the seal. The Common Seal will be affixed to those documents which in the opinion of the Chief Executive should be sealed.
- 8.40 In accordance with this Scheme to authorise in writing a named officer or officers to exercise any or all of the powers exercised by the Chief Executive except for this power.

## **9. FUNCTIONS DELEGATED TO THE CHIEF FINANCE OFFICER OF THE COMMISSIONER**

- 9.1 To seek assurances that there are appropriate arrangements in place within Lancashire Constabulary for its financial management.
- 9.2 To be responsible for all banking arrangements, together with creating, closing or authorising all bank accounts of the Commissioner or Constabulary (except covert accounts).
- 9.3 To approve the arrangements for securing and preparing the Group accounts and the Commissioner's accounts and seek assurances that there are appropriate arrangements in place for the preparation of the Constabulary's accounts.

9.4 To authorise payments, without having to obtain approval and regardless of whether or not provision has been made in the revenue budget in relation to:

- (i) payments required by law
- (ii) payments ordered by the court
- (iii) payments due under any agreement entered into by the Commissioner.

9.5 To prepare draft financial regulations and Standing Orders relating to contracts in consultation with the Constabulary's Director of Resources for approval by the Commissioner.

9.6 To approve the arrangements for the treasury management function, including the day to day management, the production of the treasury management strategy, borrowing and investment and supporting policies and procedures.

9.7 To ensure in consultation with the Constabulary's CFO that an adequate and effective joint internal audit service is provided.

9.8 To undertake the day to day management of the insurance function.

## **10. REPORTING REQUIREMENTS**

## **11. URGENCY PROVISIONS**

If any matter which would normally be referred to the Commissioner for a decision arises and cannot be delayed, in the absence of the Commissioner the matter may be decided by the Commissioner's Chief Executive. If the matter relates to a financial issue the Chief Executive must consult with the Commissioner's Chief Finance Officer before making any decision.