
West Midlands Police Crime Commissioner

Scheme of Consents and Delegations

22nd November 2012

These arrangements are to have effect from 22 November 2012 until superseded by any subsequent scheme approved by the Police and Crime Commissioner. This scheme does not take account of any transfer scheme required by Schedule 15, S10 to the Police Reform and Social Responsibility Act 2011.

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1. INTRODUCTION

- 1.1 Under the Police Reform and Social Responsibility Act 2011 ("the Act") the West Midlands Police Authority has been abolished and replaced with the Police and Crime Commissioner for the West Midlands ("PCC").
- 1.2 This Scheme of Consents and Delegations has been prepared in accordance with the requirements of the Home Office Code of Practice on Financial Management, which is made by the Secretary of State under section 17 of the Police Reform and Social Responsibility Act 2011 (the Act) and section 39A of the Police Act 1996.
- 1.3 This Scheme of Consents and Delegations has been drawn up in consultation with the Chief Executive ("CE"), Chief Financial Officer ("CFO"), Chief Constable ("CC") and the Force's Chief Financial Officer ("FCFO") and was approved and adopted by the Police and Crime Commissioner on 22nd November 2012.
- 1.4 The primary purpose of this Scheme is to:-
 - Set out in detail the terms on which the respective functions of the PCC and CC will be exercised, in order to comply with the Act, the Policing Protocol Order 2011 and all other legislation and achieve the objectives set out in the PCC's Police and Crime Plan;
 - Set out the extent and any associated conditions attaching to the PCC's consent to the Chief Constable's exercise of the powers to enter into contracts and acquire or dispose of property;
 - Set out the extent and details attaching to the PCC's delegations to his own staff and those staff under the direction and control of the CC;
- 1.5 The PCC has a number of statutory responsibilities which he/she will either discharge, directly him / herself, or via delegated/consented responsibilities, as outlined in this scheme
- 1.6 The PCC is a corporation sole and the legal contracting body which owns all assets and liabilities subject to any transfer orders as exist or may in the future be made. The PCC has responsibility for the financial administration of the PCC and West Midlands Police ("WMP") including all borrowing decisions.
- 1.7 This Scheme of Consents and Delegations is intended to set out all significant decisions which are consented/delegated to senior police staff (Chief Officers) and which are of a statutory, financial or managerial nature. The scheme does not define how those decisions should be taken nor does it attempt to list all of the matters which are incidental to the exercise of those responsibilities and which are part of the everyday management functions of Chief Officers
- 1.8 Where the PCC has appointed a Deputy Police and Crime Commissioner (DPCC) to exercise the functions of the PCC, save for those functions that cannot be delegated, the Scheme sets out those functions and decisions for which the PCC has given the DPCC delegated responsibility. This scheme also sets out those functions and decisions for which the PCC has given officers the delegated authority to act, pursuant to section 18 of the Act.
- 1.9 The Scheme provides sufficient delegation to the DPCC and chief officers to ensure that decisions are not unnecessarily delayed, whilst ensuring that the PCC is properly protected from the risks associated with being the individual held to account for all decisions made. However it does not attempt to list all of the matters which are incidental to the exercise of those responsibilities and which form part of everyday management responsibilities
- 1.10 The Scheme is without prejudice to, and does not in any way affect, the PCC's power to make/withdraw specific delegations/consents from time to time on any powers delegated to either the staff of the PCC or persons employed by the PCC and under the direction and control

- of the CC. It is a record of those formal delegations granted by the PCC which are in effect at the time of the publication of this scheme
- 1.11 The Scheme forms part of the PCC Operating Framework (including the contract standing orders and financial regulations) and should be read in conjunction with the other documents as these contain further detail including the approved process for making decisions and further detailed delegations.
- 1.12 The persons appointed as the PCC's Chief Executive (who is also the Monitoring Officer), PCC's Chief Finance Officer (also known as the "section 151 officer") and the Chief Constable have statutory powers and duties inherent to their positions, and do not rely on matters being delegated to them when exercising those functions
- 1.13 Delegation under The Scheme provides a member of the PCC's staff with the legal power to exercise the function of the PCC. In exercising the function the member of staff must still comply with all other statutory and regulatory requirements and relevant professional guidance including:
- The Act and other relevant legislation including all regulations issued under that Act.
 - The Financial Regulations/Financial Instructions in operation
 - The Home Office Financial Management Code of Practice
 - CIPFA Statement on the role of the Chief Financial Officer in public service organisations
 - The PCC's Standing Orders Relating to Contracts
 - The PCC's governance framework
 - The PCC's or WMP's employment policies and procedures (whichever applicable)
 - The Data Protection Act 1998 and the Freedom of Information Act 2000
 - Health and Safety at work legislation and codes.
- 1.14 For the avoidance of doubt, this Scheme does not apply to those matters which the PCC may not delegate under section 18 of the Act, as per the following list;
- Issuing a Police and Crime Plan
 - Determining police and crime objectives
 - Attendance at a meeting of the Police and Crime Panel ("PCP")
 - Preparing an annual report to the PCP
 - The appointment, suspension, or the calling upon to retire or resign, of the CC
 - Calculating a budget requirement

- 1.15 With the exception of those matters detailed at paragraph 1.14 The Scheme allows any person to whom a power has been delegated to sub delegate that power to a member of staff of either the PCC or a member of staff who is under the direction and control of the CC of WMP
- 1.16 The WMPCC's Operating Framework, including the Scheme of Consents and Delegation will be reviewed annually
- 1.17 The PCC is held to account by the PCP. This consists of 12 Local Council members and 2 Independent members. The PCP scrutinises the decisions of the PCC and is intended as a check and balance on the PCC, rather than the CC
- 1.18 None of the consents/delegations in this Scheme constrains the PCC's power to hold the Chief Constable to account under section 1 of the Act or require the Chief Constable to submit "a report on such matters as may be specified in the requirement, being matters connected with the policing of the area for which the force is maintained", as provided by s.22 (3) of the Police Act 1996

2. CONSENTS

- 2.1 In exercising consents, consideration and context have to be given to the respective role of the CC, in relation to the PCC, thereby reflecting upon and demonstrating how this role, along with the agreed levels and areas of consent, outlined in this scheme, will not only assist the PCC in fulfilling his/her functions, but will also outline how the role of the CC will work in this regard, thereby enabling and facilitating the exercising of his/her own function. In this context, consideration has been given to the respective key roles of the PCC and CC as outlined below

Police and Crime Commissioner

- Secure the maintenance of the West Midlands police force.
- Secure that the West Midlands police force is efficient and effective.
- Hold the Chief Constable to account on behalf of people of the West Midlands for the exercise of the functions of Chief Constable and the functions of those under his direction and control.
- To be held to account by the West Midlands Police and Crime Panel (PCP).
- Set the strategic direction and objectives of the West Midlands Police (WMP) through the Police and Crime Plan, monitoring the performance of the WMP against the agreed priorities.
- Hold the CC to account for the duty to have regard to the Police and Crime Plan, the Strategic Policing Requirement and codes of practice issued by the Secretary of State.
- Hold the CC to account for the effectiveness and efficiency of his arrangements in respect to:
 - Section 22A of the Police Act 1996
 - Engaging with local people (Section 34)
 - Value for money (Section 35)
 - Safeguarding of Children and promotion of child welfare
- Approve the PCC /WMP budget.

- Make recommendations regarding the appointment representations for the appointment of Deputy Chief Constable, and to respond to consultation by the WMP on the appointments and removal of other senior police officers.
- The dismissal, suspension and removal of the CC.
- Hold the Chief Constable and those under his direction and control to account for the exercise of duties relating to equality and diversity.
- Make crime and disorder reduction grants.
- Handle complaints and conduct matters in relation to the Chief Constable.
- To be open and accountable.

Chief Constable

- Maintaining the Queen's Peace.
- Delivery of efficient and effective policing.
- Efficient management of resources and expenditure which delivers VFM.
- Having regard in that delivery to the strategic direction and objectives outlined in the Police and Crime plan, the Strategic Policing Requirement and codes of practice issued by the Secretary of State.
- Maintain effective and efficient arrangements in respect to:
 - Collaboration Agreements Section 22A of the Police Act 1996
 - Engaging with local people (Section 34)
 - Value for money (Section 35)
 - Safeguarding of Children and in the promotion of child welfare.
- Maintaining operational independence in the service of the public.
- Impartial direction and control of all constables and staff within the police force.

- 2.2 To assist in the fulfilment of these roles and to aid the functioning of both the PCC and CC's roles the following arrangements for the exercise of financial functions, have been agreed in the areas outlined below, on the terms and conditions detailed.

Financial management

The terms and conditions around the manner in which allocated funds are applied and utilised

- 2.3 The PCC is the recipient of all funding relating to policing and crime reduction, including government grant and precept and all other sources of income. These identified funds, are to be allocated in accordance with any grant terms and on the basis defined within the Police and Crime Plan. The collection of all sources of income, including that collected under section 25 of the Police Act 1996, is delegated to the PCC's CFO and details are also outlined in Financial Regulations.

The arrangements by which these funds are managed on a day to day basis, thereby

aiding the ability of the PCC to hold the CC to account

- 2.4 The Home Office Financial Management Code of Practice recommends that, to help ensure the effective delivery of policing services and to enable the CC to have impartial direction and control of all constables and staff within their force, the CC should have day to day responsibility for the financial management of the force.
- 2.5 This is agreed and will operate within the framework of agreed budget allocations and levels of authorisation issued, as outlined and detailed in Financial Regulations. In this regard the Police budget, once agreed and allocated, will be managed by the CC on a day to day basis within the agreed budget and rules of virement. Only when the CC envisages significant changes of policy or when significant sums are involved will the agreement of the PCC be sought once more. Full details are outlined in Financial Regulations.
- 2.6 The Chief Constable will ensure that the financial management of the allocated budget remains consistent with the objectives and conditions set by the PCC, and will discharge this responsibility through the appointment of a Force Chief Finance Officer(FCFO) as required by section 2 and schedule 2(4) of the Act with a current and relevant professional qualification, who will take responsibility for the finance function and for ensuring appropriate financial policies and procedures.
- 2.7 In this regard the FCFO shall:
- Ensure that the financial affairs of the force are properly administered and that Financial Regulations are observed and kept up to date.
 - Report to the CC, the PCC, the PCC's CFO and CE/Monitoring Officer and the external auditor, any unlawful, or potentially unlawful, expenditure by the CC or officers of the CC.
 - Report to the CC, the PCC, the PCC's CFO and CE/Monitoring Officer and the external auditor when it appears that expenditure of the CC is likely to exceed the resources available to meet that expenditure.
 - Advise the CC on Value for Money in relation to all aspects of the Force's expenditure.
 - Advise the CC and the PCC on the soundness of the budget in relation to the force.
 - Liaise with the external auditor.
 - Produce the statement of accounts for the CC in consultation with the PCCs Chief Financial Officer.
 - Provide information to CFO of the PCC as required to enable the production of group accounts.
- 2.8 To enable the FCFO to fulfil the duties of being the CC's professional adviser on finance, he/she must:
- Be a key member of the CC's Command Team, helping it to develop and implement strategy and to resource and deliver the PCC,s strategic objectives sustainably and in the public interest.
 - Be actively involved in, and able to bring influence to bear on, all strategic business decisions of the CC to ensure immediate and longer term implications, opportunities and risks are fully considered.
 - Lead the promotion and delivery by the CC of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively.
 - Ensure that the finance function is resourced to be fit for purpose.

Policy around Reserves and Provisions,

- 2.9 The manner and purpose, for which Reserves and provisions can be used locally, are as outlined in the Policy on Reserves and provisions, agreed by the PCC, In their use, due regard must be given to the need to ensure ongoing funding of policing activities and the requirement to meet exceptional or extraordinary policing operations.
- 2.10 General Reserves will be held by the PCC and managed to balance funding, spending priorities and managing risks, in line with the medium- term financial strategy.

Annual Budget Preparation

- 2.11 The PCC will consult with the CC in planning the overall budget, which will include a separate Force Budget. This will take into consideration funding and income from all sources, and balance the expenditure needs of policing against the level of local taxation. Thereby meeting the statutory requirements of a balanced budget within statutory timeframes.
- 2.12 The impact of the annual budget on the priorities and funding of future years as set out in the PCC's Police and Crime Plan and the mid-term financial strategy needs to be clearly shown.
- 2.13 The budget process also needs to include the creation of a realistic operational contingency, sufficient and available for operational priorities, without the need for additional approval, along with the provision for budgets to be carried forward from one year to the next.
- 2.14 The PCC must obtain the views of the local community on the proposed expenditure (including capital expenditure) in the financial year ahead of the year of account.

Virements

- 2.15 Financial Regulations outline the rules on virement, covering the extent to which the CC may vire money, including for emergency operational requirements, along with the arrangements for how this should be controlled and monitored.
- 2.16 The CC is only required to refer back to the PCC, when the referral levels outlined in Financial Regulations have been reached. These are set at levels that represent where virement at this level would incur substantive changes in the policy of the PCC, or create future year or continuing commitment.

Asset Management

- 2.17 As part of the budget planning process and the development of a MTFP, a full assessment of the assets required to meet operational requirements and the objectives of the Police and Crime Plan is undertaken, covering human resources, infrastructure, land, property and equipment. Initially subject to transfer orders as may from time to time be made the PCC owns and funds all of these assets regardless of their use.
- 2.18 However, due to the CC's responsibility for the direction and control of the force, the CC has the day to day management of all assets used by the force.

Tendering and contracts

- 2.19 Although the PCC remains the legal contracting party for the contracts, the day to day management and control of contracts entered into to support the CC in the exercise of his functions will be carried out by the CC, subject to the provision of the PCC's Standing Orders Relating to Contracts and provided that the PCC is satisfied that the CC has in place adequate systems, procedures and expertise to discharge these responsibilities.

- 2.20 Subject to the provisions of the PCC's Standing Orders, consent is granted to sign all contracts on behalf of the PCC, irrespective of value, once they have been properly approved, except for those which are required to be executed under the Seal of the PCC which shall be executed in accordance with the requirements of this scheme.

Land and property issues

- 2.21 The management of the PCC's Estate, including the maintenance of this property, shall be carried out by the CC. All purchases and sale of property should be in the name of the PCC and in accordance with the PCC's Standing Orders. Any substantial transaction which was not considered in the Police and Crime Plan will require the prior approval of the PCC. For these purposes a substantial transaction will be the capital value of the property either acquired or disposed of being in excess of the value set out in Financial Regulations.
- 2.22 The CC, on behalf of the PCC, shall have the custody of all title deeds under secure arrangements and maintain a register of all properties owned by the PCC, recording the purpose for which held, locations extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.
- 2.23 As consents are granted by the PCC to the CC, in the development of this Scheme, they will be made in writing and recorded in a schedule that will be kept updated and set out as a schedule to this Scheme.

3. DELEGATIONS

Introduction

- 3.1 Throughout this scheme the PCC expects that any person carrying out functions on the PCC's behalf, or making any related decision, will act within policies and strategies approved by the PCC and will take appropriate professional advice as necessary, particularly legal and financial advice and where appropriate, operational advice from the Chief Constable.
- 3.2 Before any financial liability affecting the Police Fund, that is novel, contentious or repercussive is incurred, prior written approval must be obtained from the PCC. Delegations for such approval are set out in this scheme.
- 3.3 The scheme is intended to complement the Financial and Contract Regulations and any other relevant arrangements adopted by the PCC. However, in the event of a conflict, the provisions of this scheme have precedence.
- 3.4 In accordance with the Act, the PCC can appoint a DPCC to exercise any of the function of the PCC, save for those functions that cannot be delegated as set out in section 18 and any other statutory provision. The Act, subject to restrictions specified in section 18, allows the PCC to arrange for any person to exercise any functions of the PCC.
- 3.5 The CE, CFO, CC and FCFO (jointly referred to in this scheme as the Chief Officers) may authorise officers in other named posts under their management or direction and control to act on their behalf in exercising any of their delegated/consented powers. A Chief Officer must authorise an officer in writing to exercise specific delegated/consented powers. A chief officer may exercise any of the functions specifically delegated to one of their officers.
- 3.6 In the absence of the CE or CFO respectively, officers designated as deputising may exercise delegated/consented powers. In the absence of the CC the Deputy Chief Constable is the Acting CC.

- 3.7 In exercising delegated authority officers must fully consider financial, legal, equalities and diversity implications and are advised to take account of relevant legislation and PCC / Force policies.
- 3.8 The Chief Officers (and any of their officers so authorised by them) are responsible for the general management of their respective organisations, including:
- Management of staff resources
 - The effectiveness and efficiency of service delivery
 - Budget management
 - Contract tendering and management
- 3.9 This general management responsibility is always subject to any policies agreed by the PCC. Chief Officers are responsible for ensuring that their officers and staff are aware of and comply with WMPCC/WMP policies.

4. DEFINITIONS

- 4.1 In this document the following specific expressions will have the following meanings unless inconsistent with the context:

'The Commissioner' (PCC)	the person occupying the office of Police and Crime Commissioner for West Midlands
'Deputy Commissioner' (DPCC)	any person appointed by the Commissioner under s18 (1)(a) of the Act.
'The Commissioner's Staff'	people employed by the Commissioner not under the direction and control of the Chief Constable.
'Police Civilian Staff'	people employed by the Commissioner solely to assist the police force maintained by the Commissioner and under the direction of control of the Chief Constable in accordance with schedule 15, Part I section 7(10)(b) to the Act
'Chief Executive' (CE)	the person appointed under paragraph 6(1)(a) of Schedule 1 to the Act
'The Commissioner's Chief Finance Officer' (CFO)	the officer having responsibility for the proper administration of the Commissioner's financial affairs under paragraph 6(1)(b) of Schedule 1 to the Act
'Chief Constable' (CC)	the person appointed under s2 of the Act.
'Director of Resources' (DoR)	the member of Police Civilian Staff who has been nominated by the Chief Constable as being responsible for the exercise of the functions of the Chief Constable's Chief Finance Officer .
'Chief Constable's Chief Finance Officer' (FCFO)	The person responsible for the proper administration of the police force's financial affairs under paragraph 4(2)(1) of Schedule 2 to the Act.

5. DELEGATIONS TO THE DEPUTY COMMISSIONER

Introduction

- 5.1 The PCC may appoint a deputy to exercise his/her functions. The Deputy PCC can give consent to the Chief Executive to carry out any functions (with the exception of those listed in paragraph 1.6) in his/her absence (defined as leave or illness).

Delegations

- 5.2 To be determined

6. POWERS DELEGATED TO THE CHIEF EXECUTIVE

Introduction

- 6.1 The CE is the Head of the PCC's staff, and the Monitoring Officer for the PCC. The delegations below are a record of those formal delegations granted by the PCC to the Chief Executive which are in effect at the time of publication of this scheme.

General

- Prepare the police and crime plan in consultation with WMP for submission to the PCC.
- Produce an annual report.
- Provide information to the PCP, as reasonably required to enable the panel to undertake its functions.
- Pursuant to any decision of either the PCC or DPCC, to sign all contracts on behalf of the PCC or DPCC.
- In addition to the powers set out in the Contract Regulations to sign, execute and issue all legal documents necessary to implement decisions made by the PCC or anyone exercising the PCC's functions.

Financial administration

- To manage the PCC's budget, and in particular to:
 - place orders for goods and services and to incur expenditure for which provision has been made in the revenue budget
 - invite and accept quotations and tenders for goods and services for which provision is included in the revenue budget.
- To agree any fees for copies of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985, the Freedom of Information Act 2000, or the Data Protection Act 1998.
- To approve exceptional cases in the provision of police advice and assistance to international agencies because:-
 - The full cost is £4,000 or more (including air flights, accommodation and salary costs of the police officer or member of staff).
 - It is a sensitive case involving travel to politically sensitive countries

Other

6.2 In connection with complaints and conduct issues against the Chief Constable

- In relation to complaints, to determine (and respond to the complainant accordingly) wherever possible within 5 days of the complaint being received whether or not the PCC is the appropriate authority to consider such a complaint;
- Wherever possible and appropriate in consultation with the PCC, to make decisions in dealing with complaints and conduct matters against the Chief Constable including:
 - Recording decisions (for conduct matters);
 - Initial assessments;
 - Suitability for local resolution;
 - Referral to the IPCC;
 - Referral to the Crown Prosecution Service;
 - Application to the IPCC for dispensation or discontinuance;
 - Appointment and briefing of the investigator;
 - Appointment of misconduct hearing or meeting members (and related determinations);
 - Representation at proceedings, meetings, appeals, hearings and for other such related matters.
- To affix the seal of the PCC to all contracts, agreements or transactions requiring execution as a deed.
- To exercise the statutory powers of the PCC for professional standards on behalf of the DPCC as delegated by the PCC on a temporary or permanent basis, and such delegations to be documented as an addendum to the Scheme.
- To authorise the institution, defence, withdrawal or settlement of any claims or participate in any legal proceedings on behalf of the PCC, having considered legal advice (and consulted with the CFO where there are significant financial implications) where such action is necessary to give effect to the decisions of the PCC or in any case where the CE considers that such action is necessary to protect the PCC's interests. Any decision taken under this provision must be reported to the PCC.
- To authorise, pursuant to s223 Local Government Act 1972 (as amended), any member of the PCC's Staff to prosecute or defend or to appear in proceedings before a court or tribunal or to conduct any such proceedings.
- To exercise all the PCC's powers and duties in connection with equalities, human rights, health and safety, freedom of information and data protection legislation, with the exception of those powers and duties which relate to the oversight of the Chief Constable's arrangements for those matters.
- To consider and determine complaints against the PCC's Staff (except the Chief Executive and any Deputy PCC) and to consider grievances made by such staff against other such staff.
- To review complaints of maladministration against the PCC and to approve the provision of any remedy, financial or otherwise.

Management / Human Resources

- To approve restructurings of establishment in relation to the PCC's Executive Team and Internal Audit Service (the latter in conjunction with the CFO/CC) subject to:
 - There being budget provision and account taken of equalities considerations for the proposals
 - Consultation with the trades union
- To undertake all aspects of the management of staff, including all appointments, suspensions and dismissals, other than Statutory Officers, providing support to the PCC

outside the direction and control of the Chief Constable, including all traditional personnel and establishment control functions.

- To sign on behalf of the PCC any indemnity required to enable the PCC to exercise any of his/her functions, provided that where the giving of an indemnity could have financial implications, such indemnity shall only be signed with the approval of the CFO.
- Custody Visitors:
 - To appoint custody visitors
 - To remove custody visitors who fail to comply with the PCC's guidelines and procedures
 - To agree and approve the payment of allowances.
- To seek, Counsel's opinion or other expert advice and to retain Counsel whenever this is considered to be in the interest and benefit of the PCC.
- To ensure, appropriate arrangements are made to meet the consultation duties required of the PCC.
- To manage and administer the Community Initiative Fund (CIF) in accordance with agreed protocols and arrangements.
- To provide guidance and advice in relation to the operation of the Confidential Reporting Policy and to instigate appropriate action.
- To carry out the duties of Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.

7. POWERS DELEGATED TO THE CFO

Introduction

- 7.1 The CFO is the financial adviser to the PCC and has a statutory responsibility to carry out the functions of the Chief Finance Officer under section 114 of the Local Government Finance Act 1988, ensuring that the financial affairs of the PCC and the WMP are properly administered having regard to their probity, legality and appropriate standards.
- 7.2 The delegations below are a record of those formal delegations granted by the PCC which are in effect at the time of the publication of this Scheme.

Financial management

- Approve the arrangements for the Treasury management function, including the day to day management, production of Treasury management strategy and supporting policies and procedures.
- Approve the arrangements for securing and preparing the WMPCC group accounts and seek assurances that there are appropriate arrangements in place for the preparation of the WMPS accounts.
- To seek assurances there are appropriate arrangements in place within the WMPS for the proper financial management of the WMPS.

- Approve the opening of all bank accounts.
- Prepare, from time to time, draft Financial and Contract Regulations, in consultation with the WMP, for approval by the PCC.
- The CFO shall be responsible for the administration of the PCC's financial affairs as set out in Sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations. His/her responsibilities are to:
 - provide financial advice to the PCC on all aspects of activity, including the strategic planning and policy making process;
 - advise the PCC on the content and implications of the budget and medium term financial plans;
 - assist the PCC in seeking to obtain value for money,
 - ensure that accurate, complete and timely financial management information is provided to the PCC and the Chief Constable;
 - advise the PCC on financial propriety;
 - secure the preparation of statutory and other accounts;
 - maintain an adequate and effective shared Internal Audit provision;
 - secure appropriate banking arrangements and treasury management including loans and investments;
 - advise on risk management and insurance;
 - arrange for the determination, issue and transfer of the precept.
 - advise on budgetary matters including any consequent long term implications
 - work with the Chief Executive to ensure effective corporate management of the PCC's resources.
- To act as Money Laundering Officer under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003

8. POWERS DELEGATED TO THE FORCE'S CFO

Introduction

- 8.1 The Director of Resources is the WMPS Chief Financial Officer and financial adviser to the CC who has a statutory responsibility to carry out the functions of the Chief Finance Officer as set out in the Act and section 114 of the Local Government Finance Act 1988. Ensuring that the financial affairs of the WMP are properly administered having regard to probity, legality and appropriate standards. The delegations below are a record of those formal delegations granted by the PCC to the Director of Resources which are in effect at the time of publication of this scheme.

Financial administration

- 8.2 To exercise responsibility for force expenditure (in other words that part of the police fund which is provided to the Chief Constable) provided that such responsibility shall be exercised in accordance with the law and with the PCC's Financial and Contract Regulations and any relevant statutory guidance and codes of practice.
- provide the strategic financial perspective on the main management board of the Force;
 - provide financial expertise, advice and information directly to the Chief Constable to enable him/her to fulfil his/her responsibility from the WMPCC for the financial management of the Force;
 - provide professional leadership of the finance function within the Force, ensuring that high standards of financial management are maintained; that financial systems and procedures

promote the effective conduct of business; and that financial considerations are fully taken into account in all policy decisions;

- work closely with the CFO of the PCC to make proposals for and agree the framework for delegation of financial authority within which the Force will operate. To ensure that managers at all levels are aware of their responsibilities within the framework and that they adhere to them;
- support the CFO of the PCC in his/her statutory responsibilities for the financial affairs of the Force by ensuring probity, legality and appropriate standards in all financial dealings;
- act as the main point of contact with the CFO in providing, receiving and interpreting information on the financial affairs of the Force;
- ensure effective control of financial planning, budgeting and monitoring in respect of all Force expenditure;
- ensure that the PCC's intellectual property rights are not compromised by commercial agreements, and shall report any significant issues in this respect to the Chief Executive
- take the lead in developing, refining and implementing the strategy for the provision of financial services in the Force.
- support the CFO in providing the PCC with advice on Risk Management and Insurance issues.
- be authorised by the CFO to undertake Treasury Management activity and operate bank accounts on behalf of the PCC
- provide the Chief Constable with expertise, advice and information to enable him to fulfil his responsibility in respect of procurement and property.

8.3 Where the approval of the PCC is not required by Financial Regulations or this scheme and within the limitations prescribed by Financial Regulations, and in pursuit of the policies and objectives agreed with the PCC and reflected in the West Midlands Police and Crime Plan.

- to approve business cases for revenue and capital expenditure to commit expenditure within the approved budget for the Chief Constable
- in accordance with the requirements of Financial Regulations to vire or move money or budgets between budget headings

8.4 To accept income, grants, offers of sponsorship and gifts for police purposes on behalf of the PCC provided that decisions taken in this regard are in accordance with the law and with any guidance or policy which the PCC may from time to time determine.

8.5 To determine the rates of charges for policing services to external bodies and give approval to charge for or not to charge for such services in accordance with the law and with any guidance or policy which the PCC may from time to time determine.

8.6 In so far as delegation from the PCC may be required, to sign on behalf of the Chief Constable any indemnity required to enable the Chief Constable or to exercise any of the Chief Constable's functions, provided that where the giving of an indemnity could have significant financial implications not covered by the PCC's insurance policies, such indemnity shall be signed only with the approval of the PCC's Chief Finance Officer.

- To approve non exceptional cases in the provision of police advice and assistance to international agencies because:-
 - The full cost less than £4,000 or more (including air flights, accommodation and salary costs of the police officer or member of staff).
 - It is a non-sensitive case involving travel to non-politically sensitive country

Human Resources

- To appoint all Police staff who are under the direction and control of the Chief Constable. For Police Staff who are Chief Officer equivalent, the Chief Constable will involve the PCC in their recruitment.
- To exercise all the powers of employer of police officers, including determination of all issues relating to terms and conditions of service of police officers, provided that any such decisions are made in accordance with Police Regulations.
- To exercise all the powers of employer of Police Civilian Staff, including determination of all issues relating to the conditions of service of those staff, provided that any such decisions are made in accordance with the law and with policies adopted by the West Midlands Police.
- To exercise all the powers of employer of police officers and Police Civilian Staff regarding pension matters.
- To determine ex gratia payments in respect of loss or damage to the personal property of anyone under the direction and control of the Chief Constable.

Procurement

- Although the PCC remains the legal contracting party for the contracts, responsibility for the day to day management and control of contracts is delegated, subject to the provision of the PCC's Standing Orders Relating to Contracts and provided that the PCC is satisfied that the Chief Constable has in place adequate systems, procedures and expertise to discharge these responsibilities.
- To sign all contracts on behalf of the PCC, irrespective of value, once they have been properly approved, except for those which are required to be executed under the Common Seal of the Authority. In these cases, the Chief Executive is authorised to affix the Seal.
- Where the approval of the PCC is not required by Contract Regulations or this scheme and within the limitations prescribed by Financial Regulations, and in pursuit of the policies and objectives agreed with the PCC and reflected in the West Midlands Police and Crime Plan
- to approve contract exemptions
- to approve all requests to go out to tender
- to approve the award of contracts and to sign contracts
- to approve all variations, extensions or terminations of contracts

Property

- Undertake the day to day management of the property function subject to the provision of financial regulations.
- Except where otherwise provided in this scheme and with the exception of the right to buy and sell real property, to exercise all powers, rights and duties in respect of real and personal property in the ownership of the PCC.
- Notwithstanding the above paragraph, after consultation with the Chief Executive and the PCC's Chief Finance Officer, to enter into leases for land, buildings and equipment.
- After consultation with the PCC, to determine sums to be paid from the Police Property Fund towards charitable purposes.
- The Chief Constable will be responsible for the management of the PCC's Estate including the maintenance of this property. All purchases and sale of property should be in accordance with the PCC's Standing Orders and the approval of the PCC obtained. Any substantial transaction which was not considered in the policing plan will require the prior approval of the PCC. For these purposes a substantial transaction will be the capital value of the property either acquired or disposed of being in excess of the value set out in Financial Regulations.
- The Chief Constable shall have the custody of all title deeds under secure arrangements and maintain a register of all properties owned by the PCC, recording the purpose for which

held, locations extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted.

Other

- To determine when all other goods are surplus to requirements or obsolete and arrange for disposal in line with financial regulations.
- To sign all contracts on behalf of the WMOPC, irrespective of value, once they have been properly approved, except for those which are required to be executed under the Common Seal of the WMOPC. In these cases, the Chief Executive is authorised to sign and affix the Seal.
- The FCFO may write off debts considered to be irrecoverable up to the amount set out in Financial Regulations subject to periodical reports to the PCC. Any individual write-off above the amount set out in Financial Regulations must be referred by the CFO to the Audit Committee, on behalf of the PCC, for approval.
- To exercise the PCC's powers under the following provisions of the Police Act 1996:
 - S.24 agreeing payments for assistance between forces
 - S.25 determination of charges for special services
 - S.26 provision of advice and assistance to international organisations etc'

9. POWERS DELEGATED TO THE DIRECTOR OF LEGAL SERVICES

9.1 The Director of Legal Services is the WMP Chief Legal Officer and is the legal advisor to the CC. The delegations below are a record of those formal delegations granted by the PCC to the Director of Legal Services which are in effect at the time of publication of this scheme.

9.2 To institute, defend or participate in any legal proceedings in any case where such action is necessary to protect the interest of the WMPCC, subject to prior consultation with the Chief Executive and CFO, in cases of an unusual or significant nature.

10. URGENCY POWER

10.1 In consultation with the PCC's Chief Finance Officer where appropriate, to determine any matter falling to be determined by the PCC or any Deputy PCC (other than those matters described in s18 (7) of the Act) where it is necessary to do so in urgent circumstances or where the PCC and any Deputy PCC is absent or where the PCC has given specific authority for the Chief Executive so to act. Any matter so determined will be reported to the PCC as soon as is practicable.