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**Amendment to Scheme of Delegations**

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**EXECUTIVE SUMMARY**

To make a number of changes to the scheme of delegations following changes to the senior police staff structure within West Midlands Police.

**DECISION**

1. In the corporate governance documents approved by a decision on 3 June 2016 to replace all references to the *Force Chief Finance Officer* with *Director of Commercial services*.
2. To replace paragraphs 8.2 to 8.9 In the Joint Scheme of Corporate Governance (approved by a decision on 3 June 2016) with the paragraphs attached at Annex A to this decision.

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**West Midlands Police and Crime Commissioner**

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the Police and Crime Commissioner – West Midlands. Any interests are indicated below.

Signature.....

Date.....8.2.17.....

## **NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER**

1. Further to the Scheme of Consent and Delegations published 22 November 2012 and reviewed on 1<sup>st</sup> June 2016, there have been a number of changes to the senior police staff management structure within West Midlands Police. The role of Director of Resources has been removed and two new roles created: Director of Commercial Services and Director of People and Organisation Development.
2. The Scheme of Corporate Governance was approved by the Police and Crime Commissioner on 3 June 2016, and included a number of references and delegations to the Director of Resources. The purpose of this decision is to revise the delegations to reflect the changes to the staff structure.
3. The Director of People and Organisation Development was appointed as a member of the Chief Constable's Executive team to undertake the strategic management of the HR function in accordance with the relevant legislations, policies, procedure, Contract Standing Order and Financial Regulations.
4. The Director of Commercial Services (DCS) is the WMP 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. In addition to Financial Administration the DCS shall discharge functions in respect of WMP property including estates and procurement.
5. Annex A sets out the revised delegations, which replace paragraphs 8.2 to 8.9 in the Joint Scheme of Corporate Governance.

### **Annex A**

#### **Delegations to the Director of People and Organisation Development**

- 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 (consulting with the PCC in respect of all posts above the rank of Chief Superintendent).
- To exercise all the powers of the 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 approve the appointment or secondment of police officers for central services or overseas duties.
- To approve the retirement, in the interests of the efficiency of the service, of staff employed by the Chief Constable and to report to the Chief Constable on this issue each year.
- To approve the retirement of staff employed by the Chief Constable up to and including the rank of Chief Superintendent on the grounds of ill health, and the payment of ordinary and ill health pensions and other payments as appropriate following advice from the Force Medical Examiner or a medical practitioner. The PCC must be consulted on the retirement of all officers above the rank of Chief Superintendent.

## **Delegations to the Director of Commercial Services**

### 6. Financial administration

- 1.1 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.
- 1.2 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;
- 1.3 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;
- 1.4 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;
- 1.5 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;
- 1.6 Act as the main point of contact with the PCCCFO 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;
- 1.7 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.

- 1.8 Support the PCCCFO in providing the PCC with advice on Risk Management and Insurance issues.
- 1.9 Be authorised by the PCC 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.
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- 1.9 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.
- 1.10 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.
- 1.11 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.
- 1.12 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.
- 1.13 To approve non exceptional cases in the provision of police advice and assistance to International agencies because:-
- i) The full cost less than £4,000 or more (including air flights, accommodation and salary costs of the police officer or member of staff).
  - ii) It is a non-sensitive case involving travel to non-politically sensitive country.
- 1.14 To exercise all the powers of employer of police officers and Police Civilian Staff regarding pension matters.

## **Procurement**

- 2.0 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

<sup>1</sup>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.

- 2.1 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 where the Chief Exec is authorised to affix the Seal or are otherwise delegated to the Director of Legal Services for signature/sealing.
  
- 2.3 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**

- 3.0 Undertake the day to day management of the property function subject to the provision of financial regulations.
  - 3.1 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.
  - 3.2 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.
  - 3.3 After consultation with the PCC, to determine sums to be paid from the Police Property Fund towards charitable purposes.
  - 3.4 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
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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.

- 3.5 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**

- 4.0 To determine when all other goods are surplus to requirements or obsolete and arrange for disposal in line with financial regulations.
- 4.1` 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.
- 4.2 To exercise the PCC's powers under the following provisions of the Police Act 1996:
- o S.24 agreeing payments for assistance between forces
  - o S.25 determination of charges for special services
  - o S.26 provision of advice and assistance to international organisations etc'

### **Public Access to Information**

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.