

**WEST MIDLANDS POLICE
AND CRIME
COMMISSIONER**

**NON-CONFIDENTIAL
NOTICE OF DECISION
033/2014**

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Title: Scheme of Governance and other corporate governance documents

EXECUTIVE SUMMARY

The purpose of this paper is to record the decision to approve the Scheme of Governance and other corporate governance documents. These have 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.

DECISION

I approve the Joint Scheme of Governance and its supporting document to have effect as from 22 August 2014, until it is superseded by any subsequent scheme that I approve. To accord with principles of good governance the Scheme will be reviewed, as necessary, in the light of the development of the structures, processes and procedures required to support me and the Chief Constable in the exercise of our functions. The term 'the Office of the Police and Crime Commissioner West Midlands' should be substituted for any reference to West Midlands Office for Policing and Crime.

For the period from 22 August 2014 until the satisfactory completion of the appointment process for a deputy police and crime commissioner, I have determined that Councillor Yvonne Mosquito may exercise any functions of a Deputy Police and Crime Commissioner as set out in the Scheme of Governance and as permitted by section 18 of the Police Reform and Social Responsibility Act 2011. Further, that for the same period the urgency provisions which relate to the Chief Executive should be read as only being applicable in the absence of both the Police and Crime Commissioner and Councillor Yvonne Mosquito.

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 Office of the Police and Crime Commissioner West Midlands.

Signature.....David Jamieson.....

Date.....22 August 2014.....

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

INTRODUCTION AND BACKGROUND

The primary purpose of the Scheme of Governance and its supporting documentation 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;

The PCC has a number of statutory responsibilities which he will either discharge, directly himself, or via delegated/consented responsibilities, as outlined in this scheme. The scheme has been drafted with the intention to:

- avoid unnecessary divisions within the workforce to ensure that the two corporations sole work together in an efficient and effective way
- minimise the additional bureaucracy, cost and disruption to staff required to implement the governance arrangements
- ensure appropriate safeguards to protect the corporate requirements and positions of the two corporations sole

The PCC is a corporation sole and the legal contracting body which owns all assets and liabilities. While the Commissioner has ownership of all of the estate it is intended that day to day management of estate and assets is undertaken by the Chief Constable to meet operational needs of both the Force and the Office for the Police and Crime Commissioner, West Midlands. The PCC has responsibility for the financial administration of the PCC and West Midlands Police ("WMP") including all borrowing decisions.

The Joint Scheme of Governance 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

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.

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

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

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.

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"), the Chief Constable and the Chief Constable's Chief Finance Officer have statutory powers and duties inherent to their positions and do not rely on matters being delegated to them when exercising those functions

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.

With the exception of those matters which the PCC may not delegate under section 18 of the Act, 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

The WMPCC's Operating Framework, including the Scheme of Consents and Delegation, Financial Regulations and Contracts Standing Orders, will be reviewed regularly to accord with the principles of good governance.

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

FINANCIAL IMPLICATIONS

The Scheme of Governance and its supporting governance documentation is intended to ensure that the Commissioner and Chief Constable exercised their statutory roles and functions in accordance with statutory requirements and CIPFA guidance.

LEGAL IMPLICATIONS

The Home Secretary has indicated that she expects Commissioners to operate with a scheme of governance. A police and crime commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner.

EQUALITY IMPLICATIONS

Consideration has been given to the equalities implications of the transfer scheme led to the Scheme of Governance approved by the previous Commissioner, Bob Jones and on which this Scheme is based.

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.