

Next due for review March 2011

# **Cleveland Police Authority**



## **Code of Corporate Governance (Draft March 2010)**

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# INTRODUCTION

*The Cleveland Police Authority has adopted this formal code of corporate governance in line with the Chartered Institute of Public Finance and Accounting/Association of Police Authorities' guidance notes for Police Authorities 2007, "Delivering Good Governance in Local Government".*

*"Corporate Governance" is the term used to describe the systems and processes that organisations have in place for managing both their own internal affairs and relationships with their communities.*

*The Police Authority has a responsibility to maintain an efficient and effective police service for Cleveland and to obtain local views and opinion by consulting widely with all sections of the community. Under the provisions of the Police and Justice Act 2006 the Secretary of State can also impose additional functions including securing cooperation with other forces whenever necessary or expedient. The Chief Constable is responsible for the control, direction and delivery of operational policing services. Under the Police and Justice Act 2006 the Police Authority has a new overarching duty to hold the Chief Officer of Police to account for the exercise of his/her functions and those under their direction and control. Both the Authority and the Chief Constable need to ensure that there are appropriate policies and processes in place to satisfy the requirements of good corporate governance.*

*There are three fundamental principles underlying corporate governance and these must be reflected in all areas of the Authority's business, including oversight of Force performance and its governance arrangements. These principles are:*

*Openness and Inclusivity*

*Integrity*

*Accountability*

## **(i) Openness and Inclusivity**

*Openness is essential if stakeholders are to have confidence in the decision-making and management processes of the Authority, and in the approach of individuals within the organisation. Subject to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so, the Authority will, where possible, provide access to full, accurate and clear information on all of its activities.*

*It will also adopt an inclusive approach, seeking to ensure that all stakeholders and potential stakeholders have the opportunity to engage with the decision-making processes and actions of the Authority.*

## **(ii) Integrity**

*Integrity is fundamental to all aspects of local governance. The Authority will, in all of its activities, act with **honesty, selflessness and objectivity** and will maintain high standards of propriety and probity in the stewardship of public funds and the management of its affairs. This must be reflected in the decision-making processes, service delivery and the quality of financial and performance reporting.*

## **(iii) Accountability**

*Accountability is the process whereby the Members and staff of the Authority and Force are responsible for their decisions and actions, including their stewardship of public funds and all aspects of performance, and submit themselves to appropriate external scrutiny.*

*In working to the above principles, systems and processes must be monitored for their effectiveness in practice and need to be reviewed on a continuing basis to ensure they are up-to-date.*

## FRAMEWORK, STRUCTURES AND ROLES

### 1. Statutory Framework

#### 1.1 General Principles of Corporate Governance

In the United Kingdom, corporate governance practice is based on legislation and regulations; for example, the Companies Acts, the Local Government Acts and the Accounts and Audit Regulations. Equally important are the codes of practice and principles which follow from reviews of corporate governance that have been sponsored by the Government, or by professional bodies such as the Stock Exchange and CIPFA.

Corporate governance has become a key issue for both the private and public organisations over the last 20 years. It was realised that companies and public authorities were capable of ignoring their stakeholder and public responsibilities if they did not have clearer frameworks of rules and guidance in which to operate. Indeed, there have been some corporate scandals that have informed the developing rules and guidance that now apply to both public and private organisations.

The most influential corporate governance report, the Cadbury Report, published in 1992, was seminal in establishing how to manage corporate governance in the U.K. There followed other corporate governance reports, including the Greenbury Report (1995) that concentrated on executive remuneration and the Higgs Review (2003) that concentrated on the role of non-executive directors. For the private sector this culminated in the Hempel Committee's Combined Code (1998, revised 2003) that laid down 18 principles of good governance that Stock Exchange listed companies are required to refer to in annual disclosures.

The public sector has followed in the wake of the private sector initiatives. The Nolan Committee was established in 1994 to report on standards in public life. The reports/recommendation of this and future bodies, such as CIPFA/SOLACE, have been used as models for the good governance arrangements in the public sector. The principles evinced are those of openness, integrity, accountability and ethical behaviour. This was taken forward in the Local Government Act 2000 to create a model code of conduct for Members (see [appendix A](#)) and by CIPFA to create a new Governance Framework in 2001 and 2007 (see [section 1.3](#) below).

High ethical standards are a cornerstone of good governance. This Code of Corporate Governance includes many of the governance principles emanating

from the Cadbury and Nolan Reports, which are built into documents such as the Members' Code of Conduct (see [Appendix A](#)):

- A requirement for openness in decisions and actions.
- A requirement for integrity – honesty, balance and completeness.
- Accountability to the public for decisions and actions.
- Objectivity when carrying out public business.
- Selflessness – making decisions solely in terms of public interest.
- Supporting these principles by leadership and example.

The broad governance framework promulgated for both private and public sectors can be summed up as follows:

1. There should be a single board collectively responsible for the success of the company. *For CPA this is the Police Authority Executive.*
2. There must be in place checks and balances to ensure effective governance and financial propriety.
  - a) There should be a separate Chief Executive and Chairman. The Chairman runs the board and the Chief Executive runs the company. *In CPA's case the "Chief Executive" role is split between the Chief Constable (operational and strategic responsibilities of the Force) and the Chief Executive (governance, strategic and finance responsibilities of the Authority).*
  - b) There should be independent non-executive directors. *For CPA the Members are the directors. There is a protocol that Members follow the operational advice of the Chief Constable and the governance advice of the Chief Executive. Members decide on strategy and policy after receiving advice from the Chief Constable and Chief Executive.*
  - c) There should be strong, independent audit and remuneration committees, whose main role is to oversee, scrutinise and risk assess. *Cleveland Police Authority has an Audit and Internal Control Panel to scrutinise audit and inspect, including risk assessment and internal controls. There is no separate remuneration committee as such; the pay of the Executives is decided in closed session by the full Police Authority.*
  - d) There should be an annual evaluation by the board of its performance. *For CPA this will focus on the Annual Governance Statement/Report from 2008 onwards.*

## 1.2 Corporate Governance in the Public Sector

CIPFA/APA guidance notes for Police Authorities 2007 state that each Police Authority must operate through a governance framework, an interrelated system that brings together the underlying set of legislative requirements, governance principles and management processes.

Police Authorities are statutory bodies that operate within a framework laid down in statute. They have no powers to act other than where they are expressly authorised to do so by law. The principle legislation governing Police Authorities is the Local Government Act 1972 (as amended) and the Police Act 1996 (as amended). Statutory responsibilities are mostly in the form of duties and permissions, whereas non-statutory frameworks and codes of practice tend to lay down principles of good governance that should be followed.

Comparable reports to Cadbury for the public sector are the Nolan Reports on Standards in Public Life, the ICGGPS report (Good Governance Standard for Public Services 2004) and the CIPFA/SOLACE reports (Delivering Good Governance in Local Government Frameworks 2001 and 2007). These reports recommend, amongst other things, that the Authority should undergo an annual governance review and issue a governance report. Cleveland Police Authority adopted the ICGGPS Good Governance Standard in 2005 and has included the principles and guidelines contained in the latest CIPFA Framework (2007) within this Cleveland Police Authority Code of Corporate Governance.

According to the Good Governance Standard and the CIPFA Framework, the core principles of good governance in the public sector are as follows:-

1. Good governance means focusing on the purpose of the authority and on outcomes for the community creating and implementing a vision for the local area. *For CPA this is achieved by the promulgation of a Policing Plan and a focused Service Improvement Plan, together with strategies for consultation and communication. CPA has created a committee (panel) structure that efficiently and effectively manages the business of the Authority and Force.*
2. Good governance means members and officers working together to achieve a common purpose with clearly defined functions and roles. *For the CPA there are clearly defined roles for members and officers, including reference to public and partnership responsibilities. The committee (panel) structure and remits are focused on the scrutiny function (see [Appendix D](#)).*
3. Good governance means promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour. This CPA Code contains a Members' Code of Conduct based on

the 2007 Model and also a Member/Officer Protocol to define proper working relationships.

4. Good governance means taking informed and transparent decisions which are subject to effective scrutiny and managing risk. *CPA has its own Risk Register, which is integrated with the Force Corporate Risk Register. CPA established a new panel structure in 2007 and all panel reports must now have a section on risk management implications. Within both Authority and Force risk management principles and processes are built into the day-to-day activities, for example, in project management and financial planning. Risk management is designated as a remit for the Audit and Internal Control Panel. The CPA Risk Register and Business Plan include actions to reduce business risk for CPA. The Authority and Force coordinate risk and service continuity activities through a Joint Risk Management Group forum.*
5. Good governance means developing the capacity and capability of members and officers to be effective. *CPA members and officers are subject to annual appraisal, including development and training requirements. The committee (panel) structure and the responsibilities of members and officers are regularly reviewed to ensure continued effectiveness.*
6. Good governance means engaging with local people and other stakeholders to ensure robust public accountability. *CPA and Force have developed a joint Consultation Strategy and there is an increasing focus on partnership working to deliver policing services. CPA aims to ensure that public feedback is reflected in Policing Plan priorities and targets. A joint Public Confidence Survey launched in 2009 will ensure that we have available statistically significant data on public perceptions and priorities down to BCU level.*

Like all local authorities, CPA has a Standards Committee, a requirement of the Local Government Act 2000. This Committee, amongst other things, will promote and maintain high standards of conduct, advises the Authority on the adoption of a local Code of Conduct (see [Appendix A](#)) and a Members' Allowances Scheme (see [Appendix B](#)).

### 1.3 The CIPFA/SOLACE 2007 "Delivering Good Governance in Local Government: A Framework", including the Statement on the Systems of Internal Control. (Chartered Institute of Public Finance and Accounting/ Society of Local Authority Chief Executives)

The new CIPFA/SOLACE Framework (2007), addresses the following governance issues not previously covered, or covered in insufficient detail, by the Good Governance Standard (2004) and the original CIPFA/SOLACE Framework (2001):-

- The role of standards and audit committees.
- Partnership arrangements.
- Risk management.
- The relationship of the Framework with the Statement on the Systems of Internal Control.

There are some elements of this Framework that will apply differently to police authorities, for instance, because police authorities deliver most services indirectly through the Force. Therefore CIPFA and the Association of Police Authorities have produced a subsequent "Guidance Note for Police Authorities" intended to be used by Police Authorities as best practice for developing and maintaining a locally adopted code of governance. This guidance note was referred to when drawing up this Code of Corporate Governance.

The CIPFA/SOLACE Framework and the CIPFA/APA guidance notes for Police Authorities can be found on the Police Authority website.

#### Annual Governance Statement

In England, the preparation and publication of an annual governance statement in accordance with the new CIPFA/SOLACE Framework will be necessary to meet the statutory requirement set out in Regulation 4(2) of the Accounts and Audit Regulations 2003, as amended by the Accounts and Audit (Amendment) (England) Regulations 2006 for authorities to prepare a statement of internal control in accordance with 'proper practices'. This governance statement will subsume the existing requirement to publish the Statement on the Systems of Internal Control in the Authority's annual Statement of Accounts. The Governance Statement will be reported annually to the Police Authority Executive from 2008 onwards. This report will be presented alongside the Report and Accounts.

The Chief Constable is held accountable by the Authority for ensuring that there is a sound system of internal control facilitating the exercise of the Force's functions and including arrangements for the management of risks. To enable the Authority to rely on this system of internal control within the Force it requires the Statement of Internal Control to be prepared by the Chief Constable.

## 1.4 Legislation Covering Cleveland Police Authority

Outside of the best practice codes and frameworks, legislation governs the way that police authorities and police forces do business and there are many items of legislation which apply.

Main Acts Governing Police Authority Work	Other Important Acts and Regulations
<p>Police Act 1964 Local Government Act 1972 Local Government and Housing Act 1989 (Section 5 re: Monitoring Officer) Local Government Finance Act 1992</p> <p>Police and Magistrates' Court Act 1994 Police Act 1996 (<i>the 96 Act</i>) Crime and Disorder Act 1998 (<i>the 98 Act</i>) Local Government Act 1999 (<i>the 99 Act</i>) Local Government Act 2000 (Pt 3 conduct) Criminal Justice and Police Act 2001 Police Reform Act 2002</p> <p>Local Government Act 2003</p> <p>Children's Act 2004 – Children's Trust Boards</p> <p>Serious Organised Crime Act 2005 – Policing Plan Summaries Police and Justice Act 2006 (<i>the 06 Act</i>)</p> <p>Police Authority Membership Regulations 2008 and 2010</p> <p>Policing and Crime Act 2009</p>	<p>Access to Information Act 1985 Data Protection Act 1998 Freedom of Information Act 2000</p> <p>Health and Safety at Work Act 1974, and subsequent regulations (numerous) Race Relations (Amendment) Act 2000 Equality Act 2006 Disability Discrimination Act 2005 Equality Regulations (numerous) Audit Commission Act 1998 Accounts and Audit Regulations 2003 Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 Local Authorities (Model Code of Conduct) Order 2007 CIPFA Code of Practice for Internal Audit 2006 Fraud Act 2006</p> <p>Local Government and Public Involvement in Health Act 2007 (LAAs/scrutiny of CDRPs) Criminal Justice and Immigration Act 2008 (Section 9) - HMIC/Audit Commission inspections of police authorities (scope). Crime and Disorder Regulations 2007 and 2009 relating to CDRPs. <a href="#">Statutory Guidance for Police Collaboration 2010.</a></p>

## 1.5 Police Authority Accountability (Audit Commission, HMIC)

The Police Authority is accountable to central government, regulators and stakeholders in the following ways:-

- The Audit Commission is the external auditor of the annual financial statements and carries out value for money audits and the Use of Resources Evaluation (PURE).
- Her Majesty's Inspectorate of Constabulary reports to the Home Secretary on the performance of Forces and Authorities. From 2009 the Authority is subject to periodic inspections of its functions by the Audit Commission and HMIC jointly (ref: S9 of the Criminal Justice and Immigration Act 2008).
- Police Authorities fall within the remit of the Local Government Ombudsman.

## 2. The Tripartite Relationship of Home Office, Police Authorities and Police Forces

Police Authorities, together with Chief Constables and the Home Secretary, make up the tripartite relationship responsible for the governance of policing in England and Wales.

### 2.1 The Home Secretary can:-

- Determine strategic priorities for policing, and set performance targets and codes of practice to achieve them, with which police authorities are under a duty to comply – *new S37 - S39 of the 96 Act, as inserted by the 06 Act.*
- Make regulations requiring Police Authorities to review their arrangements and specify on what they should consult and with whom they should consult – *S96 of the 96 Act, as amended by the 06 Act.*
- Confer additional functions on Police Authorities to monitor force performance, secure cooperation with other forces, in the interests of efficiency and effectiveness. - *S6 of the 96 Act, as amended by the 06 Act.*
- Intervene in a failing force, but must first consult the Police Authority and involve her majesty's Inspectorate of Constabulary (HMIC) – *new S40 of the 96 Act, as inserted by the 06 Act.*
- Make orders requiring police authorities to issue reports concerning the policing of their area –*S6 of the 96 Act, as amended by the 06 Act.*
- As a last resort, alter police areas under the Police Act 1996, but must first consult widely and allow Parliamentary scrutiny. *This was confirmed within the 06 Act and by assurances given in Parliament by the Police Minister, Nov. 06.*
- Make regulations to increase the minimum number of police authority members and aspects of selection, subject to consultation – *new schedules 2 and 2a of the 96 Act, as inserted by the 06 Act.*
- Produce a National Community Safety Plan to identify national priorities for Local Strategic Partnerships to consider when producing their Local Community Safety plans - *S6 of the 96 Act, as amended by the 06 Act.*

2.2 The Chief Constable is responsible for the direction and control of the police force, with the day to day delivery of policing services and support services. For details of the roles and responsibilities of the Chief Constable please refer to sections 7, 9.1.2 and 10.3.1 below.

The Chief Constable is responsible for preparing the draft Policing Plan and Annual Report, which will be submitted to the Police Authority for its consideration.

The Chief Constable exercises delegated financial responsibility for Force expenditure on behalf of the Police Authority.

It should be noted that the Police and Magistrates' Court Act 1994 established that responsibility for the direction and control of all civilian staff in the Force be exercised by the Chief Constable. This position as the primary employer was re-emphasised in the 1996 Police Act s15 (2) which states that the Chief Constable holds powers of engagement and dismissal.

The Chief Constable must discharge the general duties of an employer under S2 of the Health and Safety at Work Act 1974. Both Force and Authority owe duties under this act to ensure, so far as is reasonably practicable, the health and safety of staff and non-employees - the Force through its safety management system and the Authority through its oversight and corporate governance processes. The Serious and Organised Crime and Policing Act 2005 established the office of the Chief Constable as a *corporate sole* (i.e. responsible) for the purposes of health and safety.

(For details on powers delegated to the Chief Constable and the responsibilities of the Chief Constable, please also refer to sections [7](#), [9.1.2](#), [10.3.1](#) and [Appendix C](#) – scheme of delegation)

## 2.3 The Police Authority

The primary roles and responsibilities, as laid down in statute, are detailed in the table below.

Primary Roles and Responsibilities	How Discharged
<p>1. Provide independent oversight of the Police Force, forge joint strategic direction with the Force and hold the Chief Constable to account for the exercise of his functions and those of persons under his direction and control - <i>S6 of the 96 Act, as amended by Schedule 2 of the 06 Act.</i></p>	<p>1. Oversight is provided by the Members who make up the Police Authority, its panels and committees. Refer to <a href="#">App D</a>, their Terms of Reference. Members act, in effect, as non-executive directors, scrutinising the strategies, policies, plans and operations of the Force and Authority.</p>
<p>2. Secure an efficient and effective police force for their area –<i>S6 of 96 Act.</i></p>	<p>2. This mainly falls under the remit of the Policy and Resources Panel (see terms of reference <a href="#">Appendix D</a>).</p>

Primary Roles and Responsibilities	How Discharged
<p>3. To collaborate with other police authorities to jointly provide equipment, premises or other materials or facilities (<i>S23 96 Act</i>). To secure that the Force cooperates with other Forces in the interests of efficiency and effectiveness (<i>S6 of the 96 Act, as amended by S6ZA of the 06 Act and the Police Authorities (Particular Functions and Transitional Provisions) Order 2008 – SI 82</i>). Note that the Secretary of State may confer additional functions on Police Authorities to monitor force performance and secure cooperation with other forces in the interests of efficiency &amp; effectiveness.</p> <p>Note the Policing and Crime Act 2009 amends S23 of the 96 Act to allow for both Force and Authority collaboration agreements and to allow for personnel to work within other Force areas, together with arrangements for the transfer of direction and control. <i>This is backed up with Statutory Guidance for Police Collaboration.</i></p>	<p>3. This mainly falls under the remits of the Policy and Resources Panel and the Operational Policing Panel (see terms of reference <a href="#">Appendix D.</a>).</p>
<p>4. Promote equality and diversity within the Authority, and ensure that the Chief Constable is held to account for the promotion of equality and diversity across the Force. Monitor the performance of the Force in complying with the Human Rights Act – <i>schedule 2 and S6 of the 96 Act, as amended by the 06 Act. Note also the Police Authorities (Particular Functions and Transitional Provisions) Order 2008.</i></p> <p>To put in place Race, Disability and Gender Equality Schemes and to monitor the Force equality schemes. <i>Race Relations (Amendment) Act 2000; Disability Discrimination Act 2005; Equalities Act 2006.</i></p>	<p>4. This mainly falls under the remit of the Policy and Resources Panel (see terms of reference <a href="#">Appendix D.</a>). CPA has a Single Equality Scheme and scrutinises the Force Single Equality Scheme and the Equality Standard for the Police Service. CPA also scrutinises the Force operations with reference to the Human Rights Act. (See also <a href="#">Section 16</a>).</p>
<p>5. Secure value for money in service provision and make arrangements to</p>	<p>5. This mainly falls under the remits of the Policy and Resources Panel</p>

## Primary Roles and Responsibilities

secure continuous improvements in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness – *S1 of the 99 Act, as amended by S4 of the 06 Act and Part 7 of the Government and Public Involvement in Health Act 2007. Note the Police Authority Regs 2009 (Policing Plans) requires a VfM statement to be published within the Policing Plan.*

6. To hold the Police Fund and maintain accounts (S14, 96 Act).

7. To agree the police budget and set the precept (S19 of the 96 Act & S39/43 of the Local Government Finance Act 1992). To consult those subject to non-domestic rates on proposals for expenditure (*S65, Local Govt Finance Act 1992*).

8. Make arrangements for obtaining the views of local people about the policing of their area, including issues around anti-social behaviour – *S96 of the 96 Act and S2 of the 06 Act. Note requirement to “have regard to the views of people in the authority’s area about policing in that area”, i.e., obtain the views of a wide range of people, including businesses, and reflect community priorities in policing activities (Policing and Crime Act 2009 and Community Engagement and Membership Regs 2010).*

9. Issue a three-year rolling Policing Plan each year, which sets out policing objectives for the year, and proposes

## How Discharged

and the Audit and Internal Control Panel (see terms of reference [Appendix D](#)). In addition, an annual Efficiency Plan is published and reported upon.

6. This function is the responsibility of the Chief Executive, who is also the Section 151 Officer, working with the Force Assistant Chief Officer (Finance and Commissioning). Scrutiny is provided by the Audit and Internal Control Panel (see terms of reference [Appendix D](#)).

7. The Police Authority Executive must set the precept and agree the revenue and capital budgets each year. This function is the responsibility of the Chief Executive, who is also the Section 151 Officer, working with the Force Assistant Chief Officer F&C).

8. This function is the responsibility of the Operational Policing Panel (consultation) - see terms of reference [Appendix D](#). The Authority, Force and Partners run annual consultation exercises and this information feeds into the Local Policing Plan and Partnership Plan priorities and targets.

9. The Policing Plan and Summary are produced jointly by the Police Authority and Force. This comes

Primary Roles and Responsibilities	How Discharged
<p>arrangements for the three year period. This must be framed to be consistent with the Secretary of State's strategic policing priorities, and it should be related to the Local Community Safety Plans produced by the Partnerships - <i>S6 of the 96 Act, as amended by Schedule 2 of the 06 Act.</i></p>	<p>under the remit of the Operational Policing Panel (see terms of reference <a href="#">Appendix D.</a>).</p>
<p>10. Produce a local Policing Plan Summary – Serious Organised Crime Act 2005 and <i>s6 of the 96 Act. Note that the 2009 White Paper indicates that this requirement may become more flexible.</i></p>	<p>10. See above item 8. This document is sent to every household in the Cleveland Police area.</p>
<p>11. Monitor the performance of the Force in carrying out any policing plan issued under the Police Act – <i>S6ZA of the 96 Act, as amended by the 06 Act.</i></p>	<p>11. This mainly falls under the remit of the Operational Policing Panel (see terms of reference <a href="#">Appendix D.</a>). Quarterly performance reports are presented by the Force for scrutiny.</p>
<p>12. Appoint the Chief Constable, Deputy Chief Constable and Assistant Chief Constables, subject to the approval of the Secretary of State - <i>96 Act.</i></p>	<p>12. This falls to the Leadership Panel, formed from the Members of the Police Authority, with its decisions ratified by the Police Authority Executive. Note that the Home Office and HMIC are also involved in this process.</p>
<p>13. Agree an annual costed human resource plan for the force and monitor progress against this during the year.</p>	<p>13. This falls under the remits of the Policy and Resources Panel (see terms of reference <a href="#">Appendix D.</a>). The Workforce Plan is included in the annual Outline Schedule of Reports.</p>
<p>14. Employ staff to support the police authority –<i>S15 of the 96 Act, as amended by the 06 Act.</i></p>	<p>14. This is the responsibility of the Chief Executive, in consultation with the Chair of the Police Authority.</p>
<p>15. To investigate complaints about the conduct of ACPO officers and, where appropriate refer complaints to the IPCC (<i>S13 and Schedule 3 of the 96 Act and Part 2 of the Police Reform Act 2002</i>). <i>Note also the Police Authority (Particular Functions) Regs 2010 have provisions to strengthen the Authority's duty to</i></p>	<p>15. This is dealt with initially by the Chief Executive and the Monitoring Officer (see <a href="#">section 13.1</a>), who will advise the Police Authority Executive on the correct procedures to follow.</p>

## Primary Roles and Responsibilities

## How Discharged

*monitor complaints against the Force – to intervene where initial responses are unsatisfactory.*

16. Operate an Independent Custody Visiting scheme to provide a check on persons detained in police cells – *S51 of the Police Reform Act 2002.*

17. Be a statutory partner within Crime and Disorder Reduction Partnerships, involving doing all that is reasonable to prevent crime, disorder and ASB and having an input into their plans and strategic assessments – *S5 of the 98 Act., Schedule 9 of the 06 Act. [Also refer to Crime and Disorder (Formulation and Implementation of Strategy) Regs 2007 and the Crime and Disorder (prescribed Information) Regs 2007].*

18. Be a “relevant partner” and cooperate with local authorities in children’s welfare, including membership of the Children’s Trust Board (*S13 of the Children’s Act 2004*).

19. The Police Authority has been named as a statutory partner in the *Local Government and Public Involvement in Health Act 2007 (S103-113)*. Statutory partners have a duty to co-operate and have regard to Local Area Agreement indicators.

20. To subject accounts to audit by the Audit Commission, to consider an external auditor’s report and to submit the accounts to public scrutiny and inspection (*Audit Commission Act 1998*).

21. From April 2009, respond to local scrutiny of policing services and CDRPs via the Crime and Disorder Overview and Scrutiny Committee (*reference scrutiny arrangements referenced in the PJA*

16. This comes under the remit of the Operational Policing (see terms of reference, [Appendix D.](#)) and the scheme is run by a Police Authority officer.

17. This falls under the remit of the Operational Policing Panel (see terms of reference [Appendix D.](#)). Members and officers are nominated to sit on the relevant partnership bodies and report back to the Panel.

18. This falls under the remit of the Operational Policing Panel.

19. This falls under the remit of the Operational Policing Panel. Members and officers are nominated to sit on the CDRPs and report back to the Panels.

20. This falls under the remit of the Audit and Internal Control Panel (see terms of reference, [Appendix D](#)).

21. This falls under the remit of the Operational Policing Panel. Under the Crime and Disorder (Overview and Scrutiny) Regulations, councils must have a committee with the power to

## **Primary Roles and Responsibilities**

*2006 (amending the CDA 98) and councillor calls for action/CDRP scrutiny referenced in the LGPIHA 2007). [Also refer to the Crime and Disorder (Overview and Scrutiny) Regs. 2009].*

## **How Discharged**

review or scrutinise decisions made, or other action taken, in connection with the discharge of crime and disorder functions by responsible authorities (comes under Pt Two of LGA 2000). The Police Authority can be asked for information and invited to attend the overview and scrutiny committee. CPA has a duty to cooperate with any recommendations issued by the committee.

### 3. The Membership of Cleveland Police Authority

As set out within the 1996 Police Act (sections 4 and 5), the Police Authority has 17 Members: 9 Councillors, 3 Lay Justices (Magistrates) and 5 Independent Members. This will change as a result of new Schedules 2 and 2A of the 1996 Police Act, inserted by the Police and Justice Act 2006. As from October 2008, there will be 9 councillors and 8 independents (at least one of whom will be a lay justice). Refer also to the Police Authority Regulations 2008 (SI 630).

#### 3.1 Terms of appointment, tenure, disqualification and removal

Rules covering the appointment, tenure and disqualification of Members of the Police Authority are contained in the Police Authorities Regulations 2008, [the police Authority \(Community Engagement and Membership\) Regulations 2010](#) and schedules 2 and 3 of the Police Act 1996.

[Note that the 2010 Regulations are yet to be implemented.](#)

Councillors Each Local Authority nominates Councillors to be members of the Police Authority and these are finally agreed at a Joint Panel (administered by Middlesbrough Borough Council) made up of elected members of all four Local Authorities. Allocations are made based on the political balance of the 4 Borough Councils in the Cleveland area. The joint panel takes place as soon as possible after the Annual Meetings of the relevant Councils. The allocation is 9 councillors from amongst the 4 Local Authorities and the allocation can change from year to year depending upon the political balance. [Note that the 2010 Regulations contain provisions for elected Mayors to be appointed to Police Authorities.](#)

Councillor Members are normally appointed for a period of 4 years and can be reappointed after that.

The police authority is required to nominate a member to answer questions on the discharge of the authority's functions at a meeting of the relevant council (*S20 of the 96 Act*).

Lay Justices The Police Authorities (Lay Justices Selection Panel) Regulations 2005 apply until the provisions of the Police and Justice Act 2006 come into force and replace Lay Justices with Independent Members (from 10/08), although at least one Independent Member must continue to be a Lay Justice.

Independents Following an advertisement in the local press, suitable applicants (being four times the number of vacancies for Independent Members) are short-listed by a selection panel made up of 3 CPA Members, a Home Office official and an independent assessor drawn from an approved list of assessors kept by the Home Office. A shortlist of at least twice the number of vacancies is then sent to

the Authority for final selection. Note that the Police Authority (Engagement and Membership) Regulations 2010 has provisions to change the independent's selection panel to consist of 3 people, all appointed by Members of the Police Authority, but with one from a list of candidates prepared by the Secretary of State, and this person shall be chair.

### Tenure

Independent Members are usually appointed for a period of 4 years and shall not be appointed to serve more than two terms of office without the approval of the Secretary of State.

### Disqualification

A person shall be disqualified from being appointed to, or being a member of, a Police Authority if, amongst other things:-

- a) He/she holds a paid office that the Police Authority directly or indirectly makes appointment to.
- b) A bankruptcy order has been made against him/her or their estate.
- c) He/she is a disqualified company director.
- d) He/she has within 5 years before the date of appointment, or since appointment, been convicted of an offence in the U.K. and has had passed on him/her a term of imprisonment for 3 months or more.

Independent Members must have their principal residence or employment within the area, must be at least 21, must not be a police officer or officer of a police authority and must not be a council member for any part of the area. A Councillor Member ceases to be a member of the Police Authority if he/she ceases to be a Member of the Council. Furthermore, a Council, or Joint Committee, may remove from office a Member of a Police Authority and appoint a replacement if it considers that this creates a fair balance in proportion to the parties (Please also refer to Police Authority Regulations 2007).

### Removing a Member

A Police Authority may remove a member from office by notice in writing if:-

- a) He/she is absent for a period of more than 3 months without consent.
- b) Has been convicted of a criminal offence (but not automatically disqualified).
- c) Is deemed to be incapacitated by physical or mental illness.
- d) The Police Authority is satisfied that the Member is otherwise unable or unfit to discharge his/her functions as a Member.

Note that for a Councillor Member so removed, the Police Authority shall give notice to the appointing body, and for an Independent Member so removed, the Police Authority must give notice to the Secretary of State.

[Note that the Police Authority \(Community Engagement and Membership\) Regulations 2010 have provisions for the election and removal of the Chair by the Membership.](#)

### 3.2 Duties and Responsibilities of the Police Authority Members

To meet the statutory duties placed on a Police Authority, Members are responsible, collectively, for the following functions:

- Engaging and consulting with local people on crime and disorder issues.
- Scrutinising and monitoring police performance.
- Producing policing plans, strategies and policies.
- Securing an efficient and effective police service.
- Agreeing annual budgets for the Force and Authority.
- Ensuring an efficient and effective policing service, providing value for money for the public.
- Appointing the Chief Constable and his/her ACPO officers.
- Monitoring complaints made against the police.
- Participating in local Crime and Disorder Reduction Partnerships.
- Participating in the local Children's Trust Boards.

Members are expected to represent the views of people who work, live in or visit the CPA area. They should help to build partnerships between the local community and the Force. Their appointment to Police Authority panels and committees, and their representing the Police Authority on partnership bodies such as CDRPs, should enable them to develop these roles.

It is an accepted protocol that Members are asked to take heed of advice given by the Chief Executive and, for governance issues, the Monitoring Officer, particularly when the advice is given at Authority meetings. Members should recognise the duty upon officers to offer such advice, and that there could be implications for Members personally, or for the Police Authority, if they fail to take a particular course of action.

### 3.3 Members' Code of Conduct

The Members will at all times observe the Members' Code of Conduct (Appendix A) and the Member/Officer Protocol (Section 15 of this Code of Corporate Governance).

## 4. Cleveland Police Authority – Decision Making

There are three types of Police Authority Executive meetings; the annual meeting; ordinary meetings and extraordinary meetings. These meetings are governed by standing orders (see [Appendix E](#) for rules of meetings).

The Police Authority itself reserves the decision making powers, other than when it delegates decision making to a subordinate panel or committee or to the Chief Constable.

The Police Authority reserves the following decisions for itself:

- Setting of the Precept
- Schemes of Delegation
- Agree Annual Revenue Budget
- Agree Capital Plan
- Agree Long Term Financial Plan

### 4.1 Police Authority Delegated Functions

The CIPFA/SOLACE Framework and guidelines for Police Authorities' states that, whatever executive arrangements are in place, the Authority should operate within a base of sound decision making, with an effective process to support it. This has been a guiding principle in determining the CPA Panel structure, as detailed in [Appendix D](#). In considering the extent and range of delegation, the Authority has also taken into account various items of legislation:-

- Under the Local Government Act 1972 section 101, a local authority may arrange for the discharge of any of its functions by a committee, a sub committee, a joint committee, a member or an officer of the authority.
- The Police and Justice Act 2006 (S3) introduces new powers under the Local Government Act 1972 (S107) to enable police authorities to delegate functions to a committee or an authority member or officer concerned only with a portion of their police area, thus allowing for a more effective representation within local partnerships. The 2006 Act (S3) also allows police authority officers to be appointed as members of police authority committees. It should be noted that any delegation of authority to panels, members or officers to commit police authority resources should stipulate that monies be used only for purposes that are strictly related to a crime and disorder issues, avoiding anything that could be construed as ultra vires. All such delegated authorities exercised shall be recorded.

The Police Authority has decided to give Plenary Powers to all of its Panels and Committees, as set out in the Terms of Reference - [Appendix D](#).

Powers that the Police Authority has delegated to the Chief Constable are detailed in section [10.3.1](#) and [Appendix C](#) below.

## 4.2 Decision making by Police Authority bodies acting as tribunals

The Police Authority, a Member or an Officer acting as a tribunal or in a quasi-judicial manner, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial as contained in Article 6 of the European Convention on Human Rights. It will also follow any guidance issued by the relevant bodies. Examples of such issues are:

- Complaints against Chief Police Officers.
- Employment related Appeals (e.g. grading or discipline).
- Police Appeals Tribunals.

## 5. Chairing the Police Authority (see also rules of meetings - [Appendix E](#))

### 5.1 The responsibilities of the Chair includes:-

- To preside at authority meetings, applying the Code of Corporate Governance and Standing Orders and ensuring that members have a fair opportunity to participate in debates.
- To represent the authority to the press and outside organisations.
- To liaise with the Chief Executive and Chief Constable to facilitate Authority business, and to hold regular strategic meetings with the Chief Constable.
- To participate in the annual performance review of the Chief Constable.
- To undertake, together with the Vice Chair, the annual performance review of the Chief Executive, with reference to the role and responsibilities detailed in section 6.1 (see below). Objectives should also be set and monitored in conjunction with the Leadership Board.
- To appoint the Police Authority's Chief Executive and ensure that arrangements are in place for the appointment and management of other officers and staff.
- To represent the Authority on the Association of Police Authorities.
- To attend regional networks and national tripartite gatherings, as required.

### 5.2 Vice Chair – role

- To deputise for the Chair, as necessary.
- To liaise closely with the Chair and assist him/her in overseeing the conduct of the Authority's business as described in the Chair's job profile.
- To represent the Authority on the APA, as required.
- To undertake, with a nominated officer such as the Monitoring Officer, annual assessments of the performance of Members of the Authority, including the determination of their training and development needs.
- To undertake, together with the Chair, the annual performance review of the Chief Executive, with reference to the role and responsibilities detailed in section [6.1](#) (see below). Objectives should also be set and monitored in conjunction with the Leadership Board.

## 6. Officers of Cleveland Police Authority

The Police Authority may engage such staff (referred to as officers) as it considers necessary to carry out its functions (Police Act 1996, as amended by the Police and Justice Act 2006). The Police Authority must appoint a Chief Executive, a Chief Financial Officer (or Treasurer) and a Monitoring Officer.

### 6.1 Chief Executive (see also sections 9.1.1 and 10.3.2 below)

The Chief Executive will be the 'Head of Paid Services' and will be responsible for the management functions. The Chief Executive will also undertake the role of Treasurer as outlined in the Police Act. However he/she will not undertake the role of Monitoring officer as this cannot be combined with the specific S151 Officer role that is included in the Treasurer's function. Note that, in the absence of the Chief Executive, the Section 151 Officer is deputised by the Assistant Chief Officer (Finance and Commissioning).

For more information on the role of the "151 Officer" reference should be made to Section 151 of the Local Government Act 1972 and Sections 112-114 of the Local Government and Finance Act 1988.

#### Functions of the Chief Executive:

- Ensure that the Authority's leadership sets a tone for the organisation by creating a climate of openness, support and respect.
- On behalf of the Police Authority, hold the Chief Constable to account for the exercise of his/her functions and those of persons under his direction and control.
- Develop and maintain effective scrutiny arrangements, which encourage constructive challenge.
- Enable the Authority to set an appropriate budget and precept level.
- Development of the strategic direction for the authority.
- Ensure that the Police Authority acts as the conduit between the Force and the community; providing consultation and feedback by means of clear channels of communication with all sections of the community and stakeholders.
- Provide leadership and direction whilst actively encouraging and supporting the development of all officers and staff.
- Be an effective communicator, encouraging and facilitating the environment which actively supports successful partnerships - internally and externally.

- Identify, influence and manage the changes required within the organisation to ensure continuous improvement.
- Recognise the diverse needs of society and, within the organisation, to ensure an equality of opportunity for all staff regardless of ethnicity or gender.
- Advise on corporate risk management (see Appendix F), ensuring that adequate safeguards are in place, including arrangements to ensure that Members and officers are not influenced by prejudice, bias or conflicts of interest.
- Ensure that there is an effective system of internal controls and internal audit in place.
- Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints.
- Ensure that a prudent financial framework is in place, including effective arrangements for prudential borrowing and treasury management.
- Ensure that professional advice on matters that have important legal or financial implications is available and recorded in advance of decision making.
- Ensure that terms and conditions of employment and job descriptions/ specifications are in place for all Police Authority staff.
- Ensure that the statutory officers have the skills, resources and support necessary to perform effectively and that the statutory roles are understood throughout the Authority and Force.
- Ensure that an appropriate system of annual assessments of performance is in place for all officers and Members of the Police Authority.
- When working with partners, ensure that Members and officers are clear about their roles and responsibilities and that there is clarity about the legal status of the partnership.
- Produce an Annual Governance Statement for submission to the Police Authority.
- Maintain and review a Counter Fraud and Corruption Policy (Appendix J)

The Chief Executive will report to the Police Authority and the Authority's external auditor if he/she considers that any proposal, decision or course of action will involve the incurring of unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Police Authority is about to enter an item of account unlawfully. (S151 Local Govt. Act 1972 and S112/114/Local Govt. Act 1989 ).

## 6.2 Monitoring Officer (see also section 10.3.3 below)

The Monitoring Officer will undertake the functions as outlined in S5 of the Local Government and Housing Act 1989. The Monitoring Officer should serve as the guardian of the Authority's constitution (Code of Corporate Governance) and its

decision-making process. He/she is responsible for advising the Authority on the legality of its decisions and providing guidance to members and officers on the Authority's Constitution and its powers. A key role of the Monitoring Officer is to warn of actual or potential illegality and maladministration.

The Monitoring Officer should also work closely with the Standards Committee to assist it in its role of promoting and maintaining high standards of conduct and probity within the Council.

Under the Local Government Act 2000 (pt 3) the Ethical Standards Officer of the Standards Board for England may carry out investigations into allegations that Members of the Authority failed to comply with the Code of Conduct. He/she may refer these cases to the Monitoring Officer either prior to investigation or after his/her report is made. The Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 allows the Ethical Standards Officers to refer cases to the local standards committee for determination post investigation.

The Local Government Act 2000 gave the Monitoring Officer a duty to establish and maintain a register of member interests and a register of member gifts and hospitality (please refer to [Appendix A](#), section [A.2.3](#)).

#### Functions of the Monitoring Officer:

- Maintaining the Code of Corporate Governance (Appendix F).
- Ensuring lawfulness and fairness of decisions made by the Police Authority. After consulting with the Chief Executive, the Monitoring Officer will report to the Police Authority if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- Supporting the Standards Committee.
- The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the Case Tribunals.
- The Monitoring Officer will conduct investigations into matters referred by the Standards Board for England's Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.
- The Monitoring Officer will ensure that Police Authority decisions - together with the reasons for those decisions and relevant officer reports and background papers - are made publicly available as soon as possible.
- The Monitoring Officer will provide advice on the scope of powers and the authority to take decisions; on maladministration, financial impropriety, probity and budget and policy framework issues.

- The Monitoring Officer will prepare an annual Governance Statement and report to the Police Authority on the extent to which there has been compliance with the Code of Corporate Governance.
- He/she will also ensure that there is provision made for the training of Members in Code of Conduct and ethical standards issues.
- He/she will maintain a register of members' interests and a register of members' gifts and hospitality.
- Maintain a Whistle-blowing Policy (Appendix H)
- The Monitoring Officer is also responsible for dealing with corporate complaints, ombudsman cases, Whistle-blowing reports and dealing with Freedom of Information requests (acting as decision maker for the Authority's Freedom of Information Police Publication Scheme).

### 6.3 Duty to provide sufficient resources.

The Authority will provide the Chief Executive and Monitoring Officer with such officers, accommodation and other resources as are sufficient to allow their duties to be performed.

The Police and Justice Act 2006 amended section 15 of the Police Act 1996 to the effect that, in future, the Police Authority will not have to agree its staffing resources with the Chief Constable.

## 7. The Chief Constable

The Office of Chief Constable has many unique features, as can be understood by reference to the legal status detailed in section 2.2 above. Chief Constables are accountable to the Police Authority for their actions and those of persons under their direction and control. Primarily the Chief Constable has operational responsibilities and these are, briefly, as follows:-

- Responsible and accountable for all operational matters undertaken by the Force.
- Exercises delegated financial responsibility for Force expenditure through a delegation framework which is set by the Police Authority.
- Develops arrangements and processes to support the policing objectives set by the Authority.
- Prepares a draft Policing Plan based on these objectives, which is submitted to the Police Authority for its consideration.
- Manages priorities and strategy issues facing the Force, including risk management.
- Monitors and manages operational and finance performance against plans.
- Prepares a draft Annual Report on policing of the area, which is subject to approval or change by the Police Authority.
- Responsible for promotions up to and including the rank of Chief Superintendent.
- Direction and control of all police officers and police staff employed solely to assist the Force.
- Produce an Annual Governance Statement for submission to the Police Authority.

The performance of the Force is measured with reference to Assessment of Policing and Community Safety, with an emphasis on partnership delivery of policing and community safety services. There is also qualitative assessment of performance by Her Majesty's Inspectorate of Constabulary. An annual assessment of performance is published which incorporates these two assessments and also the Audit Commission's Police Use of Resources Evaluation and value for money assessments

(Please also refer to section 9.1.2 for further details on the role of the Chief Constable. Refer to section 10.3.1 and Appendix C for powers delegated to the Chief Constable).

## 8. Meetings of Cleveland Police Authority

(See also section 5 above for details of the role and responsibility of the Chair and Vice Chair of the Police Authority)

A schedule of meetings of the Police Authority Executive, its subordinate Panels and Committees, is published each year, giving details of dates and venues. Alongside this there are detailed outline schedules of reports for these meetings.

Standing Orders for regulation of Police Authority proceedings and business are detailed in Appendix E. Unless specified otherwise, these rules apply also to the subordinate Panels and Committees of the Police Authority.

## FINANCE ROLES AND DELEGATIONS

### 9. Financial Roles (see also section 6.1)

The Financial Regulations for Cleveland Police Authority have been prepared in accordance with the requirements of the 'Home Office Code of Practice on Financial Management' under Section 28C of the Police Act 1964, as inserted by Section 15 of the Police and Magistrates Courts Act 1994. The regulations may be varied with the approval of the Police Authority, and be recorded accordingly in the Minutes of the Authority. For a list of financial standing orders, please refer to Appendix G.

#### 9.1 Financial roles and responsibilities

##### Treasurer

#### 9.1.1 (see also sections 6.1 and 10.3.2 - the Chief Executive has the combined roles of Clerk, Treasurer and Section 151 Officer).

The Treasurer shall, for the purposes of:  
Section 151 of the Local Government Act 1972;  
Sections 112 and 114 of the Local Government Finance Act 1988;  
The Accounts and Audit Regulations 2003;

Be responsible for making sure there is proper administration of the financial affairs of the Police Authority and Cleveland Police in consultation with the Monitoring Officer.

(In the absence of the Chief Executive, the Assistant Chief Officer (Finance & Commissioning) assumes this responsibility as the Deputy 151 Officer.)

The Treasurer shall make sure that adequate systems and procedures exist to account for all income due and disbursements made on behalf of the Police Authority and Cleveland Police, and that controls operate to protect the Police Authority's assets from loss, waste, fraud or other impropriety.

The Treasurer shall report to the Police Authority and the External Auditors if:

It appears that the Police Authority's expenditure is likely to exceed its resources.

Any decisions are made or proposed which involve unlawful expenditure or are likely to cause a loss or deficiency or an unlawful entry in the Accounts.

The Treasurer is the Police Authority's adviser on financial matters and is responsible for:

- Giving financial advice to the Police Authority on its need for financial planning and financial management and of the important matters relevant to such plans.
- Assisting members to secure best value in service provision and make arrangements to secure continuous improvements in the way in which the Authority's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- Scrutinising the financial management of the Force.
- Advising the Police Authority on financial propriety.
- Monitoring to ensure that appropriate accounts are prepared.
- Making sure that good financial management is given to the Police Authority and the Chief Constable.
- Ensuring that financial information systems are adequate.
- Securing treasury management, including loans and investments.
- Providing effective internal audit services.
- Advising on safeguarding assets, risk management and insurance for the Authority.
- Arranging for the determination, issue and transfer of the precept.
- Reviewing compliance with relevant codes of financial best practice.
- 
- Reviewing and approving Accounting Instructions drawn up by the Chief Constable.

#### 9.1.2 Chief Constable (see also sections 7, 10.3.1 and Appendix C)

The Chief Constable shall have responsibility for:

- The financial management of the Cleveland Police.
- The operational control of all financial systems and procedures to ensure that relevant information is provided to the Police Authority on progress and performance against financial plans.
- Ensuring compliance with relevant codes of financial best practice.
- Making instructions that govern sound financial management via the issue of Accounting Instructions, as agreed with the Treasurer, to all Service Unit Managers.

The Chief Constable may appoint an Assistant Chief Officer, who will be suitably qualified and experienced, to organise and supervise all finance work and financial management within the Force. This role currently rests with the Assistant Chief Officer (Finance and Commissioning). He or she shall advise the Chief Constable.

The Chief Constable shall ensure that reports and statements are submitted to the Police Authority for the purpose of Financial Standing Orders Nos. 52 to 59 (Appendix G, section A) and Contract Standing Orders (Appendix G, section B) in such format as may be specified by the Treasurer to the Police Authority.

The Chief Constable shall arrange for the Treasurer, internal auditors and external auditors to have access to all Police Authority establishments and records pertaining to the finances and shall be required to satisfy the Treasurer of the correctness of any financial transactions.

The Chief Constable will seek to secure value for money at all times as required under Standing Order No 58 and will, in particular:-

- Identify appropriate cost centres and cost limits;
- Identify officers authorised to incur expenditure under the Police Authority's scheme of devolved resource management;
- Put in place controls and systems to ensure that such limits are observed;
- Make full use of appropriate management techniques, including risk management and performance measurement, throughout Service Units.
- Review the financial needs of the Police Authority and the force and develop, implement and maintain systems to ensure sound financial management;
- Identify surplus property and other assets for disposal.

The Chief Constable shall:-

- Ensure that all staff immediately notify him/her, via the Assistant Chief Officer (Finance and Commissioning), of any suspected or apparent irregularity affecting cash, stores or other property and will immediately bring such matters to the attention of the Treasurer of the Police Authority;
- Develop and maintain a Risk Strategy and bring to the notice of the Treasurer of the Police Authority all insurable risks arising from the carrying out of the Force's functions.
- Produce the draft annual Statement of Accounts, the revenue and capital budgets, and the medium/long term financial and capital plans for the Police Authority to consider.
- Produce an annual Budget Book which details revenue expenditure and staffing by function/cost centre.

### 9.1.3 Assistant Chief Officer (Finance and Commissioning)

The Assistant Chief Officer (Finance and Commissioning) will act as S151 Officer in the absence of the Treasurer (Chief Executive of the Police Authority) and in those

circumstances, carry out the functions as described above in consultation with the Monitoring Officer.

## 10. Schemes of Delegation

The Local Government Act 1972 allows for decision making to be delegated to Panels or to Officers. Within this legislation the Police Authority can agree matters to be decided by other than the full Authority. The broad issues and principles are set out below. The Police and Justice Act 2006 introduces new powers under the Local Government Act 1972 (S107) to enable police authorities to delegate functions to a committee or an authority member or officer concerned only with a portion of their police area, thus allowing for a more effective representation within local partnerships.

### 10.1 Scheme of Delegation to Panels (See Appendix D)

The Police Authority has given Plenary Powers to its subordinate Panels. See Appendix D for details of the Terms of Reference for Panels and Committees. Arrangement for making changes to these terms of reference are contained in Appendix F.

### 10.2 Financial Standing Orders

The Police Authority has established standing orders to assist with the delegation of its functions to officers. These standing orders establish rules for the exercise of delegated powers and any exemptions to standing orders must be approved by the Police Authority. Appendix G includes details of the contract standing orders and the financial standing orders.

### 10.3 Scheme of delegation to officers (see also section 9.1 above)

The Code of Corporate Governance is intended to ensure the efficient discharge of the Police Authority's business by providing for decision making to be carried out at the appropriate level, for example, the Chief Constable being able to carry out his responsibility for operational matters and the Police Authority being able to concentrate on carrying out its statutory functions and dealing with issues of strategic importance.

An officer may not exercise a delegated function under these arrangements if:

- The matter has been reserved to the Police Authority.
- The matter has been delegated to any Panel of the Police Authority or to a Steering Group.

In delegating responsibility in relation to personnel, financial and property matters, the Police Authority expects that the Chief Constable will act within approved policies and strategies and will take appropriate professional advice, as necessary.

The Scheme of Delegation is complementary to the Standing Orders and Financial Regulations adopted by the Police Authority and officers exercising delegated powers should do so in accordance with their provisions.

### 10.3.1 DELEGATION TO THE CHIEF CONSTABLE (see also sections 9.1.2 and Appendix C)

#### Personnel Matters

The police authority employs staff to assist the Force or otherwise to enable the authority to discharge its functions. However, the Chief Constable shall, in accordance with Section 15 of the Police Act 1996, and the relevant provisions of the Police and Magistrates Court Act 1994, exercise powers of direction and control, engagement and dismissal of support staff, other than those who work directly for the authority. The Chief Constable has authority:-

- To determine all issues relating to the conditions of service of all staff, provided that any such decisions are made in accordance with policies adopted by the Police Authority and in accordance with regulations as may be in force in relation thereto. The Police Authority reserves the Appellant function as outlined within Policies, e.g. grading, grievances and discipline matters.
- To determine ex gratia payments in respect of loss or damage to employee's personal property.
- To determine matters relating to police pensions (including widows' pensions) save for (1) retirement of the grounds of ill health of ACPO officers (2) decisions under Regulation K5 of the Police Pensions Regulations 1987 which deal with the forfeiture of pensions upon the commission of certain criminal offences (Complaints Panel) and Medical Appeals under Regulation H of the Police Pension Regulations. Note that at the Modernisation Panel meeting in December 2006 it was agreed to delegate to the Chief Constable decision making over the pension arrangements for police recruits where there are potential future health problems or disablements identified (see Appendix C for more details).

#### Property Matters

- On behalf of the Police Authority to exercise all powers, rights and duties in respect of property in the ownership of the Police Authority, save that the Police Authority reserves to itself the right to purchase, sell and lease real property.
- After consultation with the Chief Executive, to enter into short-term leases for land and buildings in circumstances where a new lease is taken for a period of not more than 3 years and there are no implications for capital financing; an existing lease needs extending for up to a period of 3 years and there are no implications for capital financing.

#### Financial Matters

- To exercise responsibility for Force expenditure, namely that part of the Police Authority's budget which is not retained by the Police Authority for its own purposes. Such responsibility to be exercised in accordance with the financial regulations and the Standing Orders of the Police Authority and any relevant Code of Practice on Financial Management.
- To approve, after consultation with the Chief Executive, the making of ex-gratia payments in settlement of third party claims not covered by insurance.
- To approve the writing off of any debt due to the Police Authority. The Chief Executive has to be consulted in respect of any debt in excess of £1,000. Any such write offs to be reported to the Police Authority annually.
- To accept offers of sponsorship and gifts on behalf of the Police Authority, provided that decisions taken are in accordance with any guidance or policy which the Police Authority may from time to time determine.
- To accept on behalf of the Police Authority any grant made by a Local Authority under S53A of the Police Act 1964.

### Management Matters

To deal with all claims brought against him in his capacity as Chief Constable.

#### 10.3.2 DELEGATION TO THE CHIEF EXECUTIVE (see also sections 6.1 and 9.1.1)

- After consultation with the Chief Constable, to deal with all claims brought against the Police Authority and institute such proceedings or take such steps as he may consider necessary to secure the payment of any debt or enforce the performance of any delegation due to the Police Authority and to take such steps as he may consider necessary to enforce any judgement obtained in any such proceedings.
- To sign on behalf of the Police Authority any indemnity required to enable the Police Authority or the Police to exercise any of their functions.
- To sign, execute and issue all legal documents necessary to implement decisions made by the Authority, its panels or officers acting under delegated powers.
- To exercise responsibility for Police Authority expenditure, namely that part of the budget which is not delegated to the Chief Constable; such responsibility to be exercised in accordance with the financial regulations and the Standing Orders of the Police Authority and any relevant Code of Practice on Financial Management.
- To delete organisations from the list of organisations approved for the investment of monies by the Authority. Action taken to be reported to the next available meeting of the Police Authority.

### 10.3.3 DELEGATION TO THE SOLICITOR (see also section 6.2 above)

- On behalf of the Police Authority, to carry out the duties of the Monitoring Officer for the purposes of S5 Local Government and Housing Act 1989.
- To arrange for the signing of contracts, deeds etc in the absence of the Chief Executive.
- To make minor amendments to the Code of Corporate Governance to ensure it is up to date and in line with legislation and report to the Police Authority Executive (see also Appendix F).

### 10.3.4 JOINT ARRANGEMENTS (e.g. CDRPs)

The Police Authority may establish joint arrangements with one or more local authorities, including police authorities, or their executives to exercise functions which are not executive functions in any of the participating authorities.

- The Police Authority Chair, in consultation with Members, will appoint members or officers to represent the Authority on Local Strategic Partnerships, Crime and Disorder Reduction Committees, Children's Trust Boards and local authority scrutiny committees, as applicable and appropriate.
- The Police Authority Chair, in consultation with Members, will appoint members to sit on the tactical Training Centre Steering Group, which sits jointly with Durham Police Authority.
- The Police Authority Chair, in consultation with Members, will appoint members to sit on the Joint Advisory Group for the North East Air Support Consortium, together with Durham and Northumbria Police Authorities.
- The Police Authority will agree joint arrangements for consulting the communities with appropriate bodies such as the Force and CDRPs.
- The Police Authority will, through its panel structure, determine protocols for partnership strategies and performance to be regularly reported to the Police Authority. This will be referenced in Police Authority strategies that cover consultation, communication and partnership working.
- For rules concerning the exercise of delegated authorities, please refer to section 4.1 above.

(See also Appendix F for Standing Orders relating to partnership arrangements).

### 10.3.5 URGENCY POWERS

The Chief Executive may determine any question considered by him, after consultation whenever practicable with the Chairman of the Authority and the Chief Constable, to be of sufficient urgency to require early decision, although not of sufficient importance to warrant the calling of a special meeting of the Authority. Where the calling of such a meeting would be impracticable in all the circumstances, such decisions, if not of a minor or routine nature, will be subsequently placed on the agenda for the next meeting of the Police Authority, or on the agenda of the appropriate panel.

## CITIZENS' RIGHTS

### 11. Citizens and the Police Authority

#### 11.1 Citizens' Rights (see also [Appendix E](#) sections [9](#), [10](#) and [12](#))

*Information* - Citizens have the right to:

- Attend meetings of the Police Authority and its panels, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore private;
- See reports and background papers, except where they relate to confidential or exempt information, and any records of decisions made by the Police Authority and its Panels;
- Inspect the Police Authority's accounts and make their views known to the external auditor. Accounts are open to public scrutiny, usually in July, after the statutory public notice has been given.

*Participation* - Citizens have the right to ask questions of the Police Authority:

- By putting questions in writing to the Police Authority, including e-mails, which will be responded to within two weeks of receipt. (see [Appendix E](#)).

*Complaints* - Citizens have the right to complain about matters relating to the Police Authority to:

- The Police Authority itself under its published complaints scheme.
- The Ombudsman, after using the Police authority's own complaints scheme (except in certain exceptional circumstances when the Ombudsman may accept a complaint directly).
- The Standards Board for England about a breach of the Members' Code of Conduct.

#### 11.2 Crime and Disorder Committees and Community Calls for Action.

The Local Government and Public Involvement in Health Act 2007 established the ability of councillors to champion the interests of local people through "Councillor Calls for Action" and for local service users to petition local authority service providers. This arrangement also covers the remit of the CDRPs and their involvement in delivering the Local Area Agreements. Under this arrangement, if the councillor cannot resolve the issues with the Local Authority or police then, from April 2009, the complaint can be dealt with by the Crime and Disorder Oversight and Scrutiny Committee, which is part of the Local Authority oversight and scrutiny committee structure. Police Authorities have responsibilities under the Crime and Disorder Act 1998, as amended by the Police and Justice Act 2006, to participate in Crime and Disorder Oversight and Scrutiny Committees, which can receive councillor calls for action and scrutinise the work of Crime and Disorder Reduction Partnerships. The Police Authority is a "responsible authority"

within the CDRP and it may be invited to provide evidence to, and respond to reports from, Crime and Disorder Oversight and Scrutiny Committees.

It is the policy of Cleveland Police Authority that the member who is invited to sit on the Crime and Disorder Oversight and Scrutiny Committee shall not be the same member who sits on the relevant CDRP.

### 11.3 Freedom of Information Act

The Freedom of Information Act 2000 creates two general rights in relation to information. One, the right to be told whether or not the information requested is held, and two, the right to be given that information within 20 working days. Where exemptions apply (except where the exemption is absolute) the duty to inform the applicant whether the information is held and to communicate that information remains, unless the public interest in maintaining that exemption outweighs the public interest in disclosure.

There is also a duty on all public authorities to adopt and maintain a publication scheme that details the classes of information it will regularly publish. This publication scheme must be approved by the Information Commissioner, whose office was created by the Act and who has wide powers to enforce the rights contained in the Act. The Act also created the Information Tribunal, which is the first stage of appeal against decisions of the Information Commissioner.

Each Police Authority is required to have a publication scheme which states what information it holds, how it is available and if a charge is to be made for that information.

The publication scheme is available on the website, [www.clevelandpa.org.uk](http://www.clevelandpa.org.uk). Where possible information within the scheme will be publicly available, thus limiting the number of requests for information from the public. Members' information, allowance scheme, agenda papers and minutes will all be available.

Members of the public can apply for information in writing (email is sufficient) and need not quote the Act nor give a reason for wanting the information.

#### Classes of Information

Under the Freedom of Information Act 2000, the Publication Scheme must say what classes, or broad types, of information the Police Authority already publishes, or intends to publish. Cleveland Police Authority aims to publish as much information as possible about its work through the scheme, except where it would not be in the public interest to do so, for example, because it might prejudice law enforcement or the health and safety of staff, or the ability to secure best value from local policing because information is commercially sensitive.

## 11.4 Public Complaints Procedure

How a member of the public may complain about the Police Authority's services.

Step One: - If you are not satisfied with the service you have received then you should in the first instance write to the Chief Executive at Cleveland Police Authority, Ladgate Lane, Middlesbrough, TS8 9EH.

The Chief Executive is responsible for the administrative and financial arrangements of the Authority. If, however, you find it difficult to put the complaint in writing, it is possible for arrangements to be made for you to put the complaint in person, or for someone representing you to do so on your behalf.

The complaint should include the nature of the complaint and, if it involves an individual, the name of that person. You should include the circumstances of the complaint in as much detail as possible, and also give the reasons why you are not satisfied with the way you have been dealt with.

The Chief Executive will respond to you within 14 days of receipt of your complaint, to acknowledge the complaint and also to tell you of the next steps in investigating your complaint, if this cannot be completed within the 14 days.

If you are still dissatisfied once you have received the response to the complaint, then you may ask for it to be taken to step two. If, however, your complaint relates to the Chief Executive, the issue will automatically be raised to step two.

Step Two: If you wish to take your complaint to step two you should write to the Monitoring Officer at Cleveland Police Authority, Ladgate Lane, Middlesbrough, TS8 9EH, enclosing copies of all previous correspondence.

The Monitoring Officer will review how your complaint has been handled and respond in 14 days to acknowledge the complaint and to inform you of the next steps, if the Monitoring Officer thinks that the issue requires more detailed consideration.

If your complaint directly involves the Monitoring officer then it will be reviewed by the Chief Executive.

Once you have received a response from this stage, if you still remain unsatisfied then you may ask the Monitoring Officer to refer your complaint to step 3. The Monitoring officer will, however, only refer an issue to step 3 if it refers to the Authority's Policies or Procedures and not if it refers to the action of an individual, as Members do not have responsibility for the management of staff. This lies with the Chief Executive.

### Step 3

If you require your complaint to be taken to this level then it will be considered by the Members of the Standards Committee. This committee comprises both Independent Members external to the Authority and also a small number of Members of the Authority.

You will be advised of the procedure and timescale for this step when acknowledgment of receipt of your request for consideration of your complaint at this level is processed.

Complaints to the Local Ombudsman (*Reference S25 Local Government Act 1972, as amended by the Local Government Act 1985 and the Police Act 1996 (Schedule 7).*)

If after going through the above steps you still feel that your complaint has not been dealt with satisfactorily, you are entitled to make a complaint to the Local Government Ombudsman. The Ombudsman will not usually investigate a complaint unless you have tried to resolve it with the Authority.

## **EMPLOYMENT, CONDUCT AND DIVERSITY**

### 12. Officer Employment Procedure Rules

The Police Authority employs officers to support the Members and facilitate the corporate governance of the organisation, in accordance with the Police Act 1996 15(3). The employment of such officers is in accordance with the procedures and policies as set out in this section.

#### 12.1 Recruitment of the Chief Executive

Where the Police Authority proposes to appoint an officer within the Scheme of Conditions of Service of the Joint Negotiating Panel for Chief Officers for Local Authorities, and it is not proposed that the appointment be made exclusively from among its existing officers, the Police Authority will:

- Draw up a statement specifying:
  1. The duties of the officer concerned (the job description).
  2. The qualifications and qualities to be sought in the person to be appointed (a person specification).
  3. Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons that are qualified to apply for it, ensuring that diversity issues are considered.
  4. Ensure that suitable references are obtained.
  5. Ensure that the provisions of paragraph 1 above are brought to the attention of potential applicants and that the job description and person specification are made available to them.

The appointment of the Chief Executive will be made by an Appointment Panel of 7 Members appointed by the Police Authority.

#### 12.2 Appointment of the Monitoring Officer

The appointment of the Monitoring Officer will be made by the Chair, Vice Chair and Chief Executive.

#### 12.3 Other appointments

The appointment of all other Police Authority officers will be undertaken by appropriate line managers in accordance with the Police Authority's recruitment and selection procedure. Appointments other than the Chief Executive and Monitoring Officer may not be made by Members.

## 13. Disciplinary action

(also refer to personnel policies held by the Chief Executive)

### 13.1 Police Force Executive (ACPO)

Disciplinary regulations pertaining to ACPO officers emanate from the Police Act 1996. Investigatory powers are contained within the Independent Police Complaints Commission Regulations 2003. The Chief Executive and Monitoring Officer will make arrangements for appropriate investigation of complaints made against ACPO officers.

### 13.2 Statutory designated officers

The Chief Executive and Monitoring Officer may be suspended whilst an investigation takes place into alleged misconduct. Suspension will be on full pay and will last no longer than two months. No other disciplinary action may be taken in respect of any of these officers except in accordance with a recommendation in a report made by a designated independent person. Such process will be in accordance with the relevant regulations and appropriate conditions of service.

### 13.3 Other employees

Members will not be involved in the disciplinary action (including dismissal) taken against any employee below the level of Chief Executive except:

- a. Where such involvement is necessary for any investigation or inquiry into alleged misconduct.
- b. As a Member of the Police Authority Staff Appeals Panel for the purposes of hearing appeals.
- c. Where it is within policy for discipline.

### 13.4 Employment Policies

Police Authority Staff are employed on terms and conditions of police Staff with exception to the Chief Executive, who is employed under JNC for Chief Officers.

## 14. Correspondence Rules and Etiquette

### Between Members and Officers

Correspondence between Members and officers should normally be treated on a strictly confidential basis. If, for any reason, it is considered appropriate or necessary to copy other members or officers into a particular letter (or other form of correspondence), this should be clearly marked on the letter. Silent' or 'Blind' copies should not be sent, including to e-mails.

### Other Correspondence

It is perfectly acceptable for Members to write in their own names in connection with the role(s) given to them by the Police Authority. However, official letters on behalf of the Police Authority should normally be sent out over the name of the appropriate officer.

In particular, letters which create obligations for or otherwise commit the Police Authority to a course of action or expenditure, or give instructions on behalf of the Police Authority, can only be sent out over the name of a Member where that Member has delegated powers.

## 15. Member/Officer Protocol

### 15.1 Values underlying Member/Officer relations

Members are responsible to the community; officers are responsible to the Chief Executive and their job is to advise Members and the Police Authority and to carry out the work of the Police Authority as a whole. What is expected of Members and of officers is the highest levels of integrity, probity, impartiality and honesty in undertaking their respective roles. Parliament has approved ten Principles of Good Conduct in public life. Cleveland Police Authority believes that these are sound values which both officers and members will adhere to in undertaking their respective roles.

These values are selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership.

Members and Officers should always treat each other with respect and courtesy. Members and Officers must declare to the Chief Executive or the Monitoring Officer any personal relationships with a Member/Officer. This includes any relationship which might be seen as influencing the work of a Member, or influencing the work of the officer. In this sense 'relationship' would include any family, business or close personal relationships.

### 15.2 Members' Conduct

In general terms, all Members are equal and have the responsibilities of trustees. Unless authority is specifically delegated, no decisions can be taken on behalf of the Police Authority by individual members. It is the responsibility of all Members to ensure that they take proper advice. If they are ever in doubt as to the law, guidance, protocols or the Code of Corporate Governance, Members must seek advice from the Chief Executive or the Monitoring Officer.

Members must uphold the law, and on all occasions, act in accordance with the trust that the public places in them. Members must do whatever they are able to do to ensure that the Authority uses its resources prudently and in accordance with the law. Members must promote equality and diversity and must not discriminate unlawfully against any person. They must treat people with respect, regardless of their age, race, religion, gender, sexual orientation or disability.

All Members are required to act in accordance with their Code of Conduct (App. A).

### 15.3 Officers' Conduct

Officers are employed by and serve the whole Police Authority. They advise the Police Authority, Panels and other Police Authority bodies. They are responsible for offering proper advice so that decisions are taken within the law, and in accordance with this Code, and that decisions are properly recorded and effectively implemented.

The Chief Executive is responsible for ensuring that Members are fully and effectively supported by officers. Officers are responsible to the Chief Executive and not to individual Members of the Police Authority, no matter what office they hold.

All officers are required by law to be politically neutral, and for senior officers this is enforced by way of the Local Government and Housing Act 1989. Officers must promote equality and diversity and must not discriminate unlawfully against any person. They must treat people with respect, regardless of their age, race, religion, gender, sexual orientation or disability.

In their working relationships with Members, officers will:

- Behave at all times in a professional manner.
- Strive to develop mutual levels of trust with all Members.
- Perform their duties efficiently and effectively with impartiality.
- Maintain the highest standards of confidentiality.

### 15.4 Internal Disputes

If working relationships between Members and officers break down, or either feels that the other is not acting in accordance with this Protocol, then in the first instance Members should approach the Chair. The Chair should decide whether to deal with this through the officer's line manager. If the dispute cannot be resolved at this level, the Monitoring Officer will be notified and, if appropriate, asked to assist in the matter.

If an Officer has a complaint against a Member, or if a Member has a complaint against the Chair, he/she should approach the Chief Executive who will discuss the complaint with the Monitoring Officer to establish if there is a breach of the Code of Conduct, or consider how else to deal with the matter.

Please also refer to the Internal Disputes Resolution Procedure for Police Authority staff.

## 15.5 Whistle-blowing arrangements

Whistle-blowing occurs when an employee or worker provides certain types of information - usually about illegal or dishonest practices - to the employer or a regulator, which has come to their attention through work. The Public Interest Disclosure Act 1998 (PIDA) was passed when a series of official enquiries revealed that disasters and scandals may have been prevented if workers who knew about the dangers had not been too scared to blow the whistle.

The Police Authority Whistle-blowing Policy is [published on its website](#). The Force has a separate Whistle-blowing procedure that is included within the Professional Standards Unit intranet site.

## 16. Diversity and Equal Opportunities

Section 6 of the Police Act 1996, as amended by the Police and Justice Act 2006, states that a Police Authority shall promote equality and diversity within the Force and Authority. This follows the requirements of the Race Relations (Amendment) Act 2000 to:

- eliminate unlawful racial discrimination
- promote equality of opportunity
- promote good race relations between people of different racial groups

Cleveland Police Authority has a [Single Equality Scheme](#) which is published on its website. This document sets out the Authority's aim to ensure that its policies, procedures and service delivery comply with the legal requirements in relation to the Race Relations Amendments Act 2000, the Disability Discrimination Act Regulations 2005, the Sex Discrimination Act Order 2006 and the Equality Act 2006. This scheme also includes other diversity strands for which equality schemes are not a statutory requirement, taking account of recent Regulations covering discrimination on the grounds of age, sexual orientation, religion and belief. Cleveland Police Authority's standpoint is that no individual should be treated less favourably on the grounds of gender, race, disability, age, sexual orientation, religion or belief. The aim is to tackle any institutional discrimination that is present in the provision of policing services and employment practices.

## Members' Code of Conduct

This Code of Member Conduct is based on the *Local Authorities (Model Code of Conduct) Order 2007*, which was issued to Members in June 2007. This is issued by the Secretary of State under section 50 of the Local Government Act 2000 as regards the conduct which is expected of members and co-opted members of the authority. Members must read the Model Code and adhere to its principles and instructions at all times. CPA must make this code available for public inspection and send a copy to the Standards Board for England.

### A.1 Public Duty and Private Interest

1. Your over-riding duty as a member is to the whole local community.
2. Whilst you may be strongly influenced by the views of others and, if you are a councillor, by your party in particular, it is your responsibility alone to decide what view to take as a Member of the Police Authority on any question.
3. If you have a private or personal interest in a question which Members have to decide, you should never take any part in the decision, except in the special circumstances described below.
4. All Members are required to:
  - Act in accordance with the Code of Conduct for Members.
  - Comply with the Police Authority's Code of Corporate Governance, Standing Orders and Financial Regulations.
  - Ensure that Police Authority facilities provided to enable Members to undertake their duties are used for no other purpose.
  - Comply with all relevant statutory provisions.
5. It is not enough for Members to avoid actual impropriety. They must at all times avoid any occasion for suspicion and any appearance of improper conduct.

### A.2 Code of Conduct Rules

The full Code of Conduct, some of which is not applicable to police authority members, is available in the secretariat office.

#### A.2.1 Scope

(2) A Member must observe the Authority's Code of Conduct whenever s/he:

- a) Conducts the business of the Authority;
- b) Acts as a representative of the Authority;
- c) Represent the Authority on another relevant authority or body.

### A.2.2 General Obligations

(3) A member must not:

- a) Do anything which might cause your Authority to breach any of the equality enactments, as defined in section 33 of the Equality Act 2006;
- b) Bully any person;
- c) Intimidate or attempt to intimidate any person in relation to a complaint about compliance with this code of conduct;
- d) Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your Authority, including police officers.

(4) A Member must not:

- a) Disclose information given in confidence by anyone, or information acquired which is of a confidential nature, without the consent of a person authorised to give it, or unless you are required by law disclose it.
- b) Prevent another person from gaining access to information to which that person is entitled by law.

(5) Conduct him/herself in a manner which could reasonably be regarded as bringing your office or the Authority into disrepute.

(6) A Member:

- a) Must not use or attempt to use his/her position improperly to confer or secure for yourself or any other person, an advantage or disadvantage; and
- b) Must, when using or authorising the use by others of the resources of the Authority
  - i Act in accordance with the Authority's requirements; and
  - ii Ensure that such resources are not used for political purposes.

(7) (1) A Member must when reaching decisions have regard to any relevant advice provided by:

- a) The Authority's Chief Finance Officer; or
- b) The Authority's Monitoring Officer,

...where that officer is acting pursuant to his or her statutory duties.

(2) She/he must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your Authority.

(8) A Member must treat Authority and Force information as confidential where appropriate, especially when material is marked as "under the line" or "confidential" or "private" ; or when it is of a sensitive or personal nature and is not for public disclosure. Such information, whether electronic or hard copy, must be managed and disposed of in line with the principles of the Data Protection Act. Members are responsible for the safe and secure disposal of confidential waste.

### A.2.3 Interests

#### Personal interests

- (8) (1)(a) You have a personal interest in the business of your Authority where it relates to or is likely to affect:
- i. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Authority;
  - ii. Any body exercising functions of a public nature, including charitable and political bodies, of which you are a member or in a position of general control or management;
  - iii. Any employment or business carried out by you;
  - iv. Any person or body who employs or has appointed you;
  - v. Any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - vi. Any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - vii. Any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - viii. The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - ix. Any land in your authority's area in which you have a beneficial interest;
  - x. Any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

- xi. Any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, or your Authority's area.

(2) In sub-paragraph (1) (b), a relevant person is:

- (a) A member of your family or any person with whom you have a close association; or
- (b) Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) Any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

(6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10.(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;

(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or

(c) relates to the functions of your authority in respect of:

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting council tax or a precept under the Local Government Finance Act 1992.

*Prejudicial interests arising in relation to overview and scrutiny committees*

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

*Effect of prejudicial interests on participation*

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:

(a) you must withdraw from the room or chamber where a meeting considering the business is being held:

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's Standards Committee;

(b) you must not exercise executive functions in relation to that business; and

(c) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

#### A.2.4 Registration of Members' Interests

13.(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

#### Sensitive information

14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your

authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

#### A.2.5 Registration of Gifts and Hospitality

A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the Monitoring Officer of the existence and nature of that gift or hospitality. Details will be recorded in a register to be kept by the Monitoring Officer.

## Members' Allowance Scheme

The allowances determined by the Authority as the local scheme for "Police Authority Business" are detailed below.

Members will be informed whenever rates of allowances change, which is determined annually. The allowances determined by the Authority as the local scheme for "Police Authority Business" are detailed below.

Members will be informed whenever rates of allowances change, which is determined annually.

### **MEMBERS ALLOWANCES**

The amounts shown below are annual allowances. A twelfth will be paid each month using the current arrangements for payment.

#### ***Member basic allowance***

£9,072

#### ***Chair of the Authority***

£21,600

#### ***Vice Chair of the Authority***

£14,904

#### ***Chair of Panels***

£10,887

#### ***Vice Chair of Panels***

£9,534

#### ***Independent Members of Standards Committee***

In line with rates for tribunal panel members set by the Home Office currently (£206 per day £103 per half day). For a copy of the full rates please contact the Secretariat Manager.

#### ***Independent Members of Selection Panels***

In line with rates for tribunal panel members set by the Home Office currently £206 per day (£103 per half day). For a copy of the full rates please contact the Secretariat Manager.

### ***Police Appeals Tribunal Members***

In line with rates for tribunal panel members set by the Home Office currently £206 per day (£103 per half day). For a copy of the full rates please contact the Secretariat Manager.

### ***Independent Members of Misconduct Panels***

In line with rates for tribunal panel members set by the Home Office currently £206 per day (£103 per half day). For a copy of the full rates please contact the Secretariat Manager.

### ***Carers allowance***

Where a carer is employed as part of a professional organisation then claims must be supported by a receipt. In all other circumstances no more than £5 per hour will be paid. The allowance is payable in respect of children under 16 and other dependents where there is medical or social work evidence that care is required.

### ***Subsistence rates***

An appropriate receipted amount will be paid up to the following maximum amounts

Up to 12 hours	£30
Up to 24 hours	£50

(These amounts will only be paid when no other arrangements have been made for meals eg within the conference, or if overnight within the hotel bill and must be receipted).

Hotel accommodation to be booked by the Authority and either

Paid directly by the Authority; or

Members reimbursed for actual receipted expenditure

Meals on trains      Actual receipted expenditure

### ***Travel***

First Class Rail.

Senior Rail Cards will be provided for eligible members to enable CPA to qualify for the appropriate reduced travel. Where possible 1<sup>st</sup> class advanced tickets will be purchased.

Taxi Actual receipted expenditure

Motor vehicle - Rates in accordance with those agreed by PSC for Support Staff

(with effect from 1st April 2005)

	<i>Band A</i>	<i>Band B</i>	<i>Band C</i>
	<i>451-999cc</i>	<i>1000-1199cc</i>	<i>Over 1200cc</i>
<b>Per mile – first 8500 miles</b>	42.9p	47.7p	60.1p
<b>Per mile after 8500 miles</b>	13.3p	13.6p	15.8p

Bicycle rates 7 pence a mile

If overnight accommodation is provided at no cost to the member then in place of the night subsistence allowance, the "over 12 hours" daytime subsistence rate is substituted for each 24 hour period of absence.

If any meal is provided at no cost to the member, the daytime subsistence rate is adjusted by deducting 4 hours from the total period of absence for each meal provided.

Subsistence allowances paid for attending meetings, etc. at the place where the Authority normally holds its meetings are taxable. Subsistence allowances paid for attending business elsewhere are not taxable.

Where possible meals are provided at meetings.

The Authority will normally book accommodation including meals with the invoice being paid by the Authority although this does not preclude members from making their own arrangements and claiming as above.

## Scheme of Delegation

Taking cognisance of the following legislation or guidance:

Local Government Act 1972;  
Local Government Finance Act 1988;  
Local Government and Housing Act 1989;  
Local Government Finance Act 1999;  
Local Government Finance Act 1992;  
Police Act 1996;  
Audit Commission Act 1998;  
Local Government Act 2000;  
Local Government Act 2003;  
Accounts and Audit Regulations (2003; 2006);  
Home Office Guidance on financial delegation.

The Police Authority reserves the following decisions for itself:

Setting of the Precept  
Schemes of Delegation  
Agree Annual Revenue Budget  
Agree Capital Plan  
Agree Long Term Financial Plan

The Police Authority delegates to the Chief Constable those issues which are required to be delegated by statute. This includes day to day management of Police Staff, with the exception of those directly employed by the Authority. With regard to staff, this involves the management of health and safety, sickness, etc. However, the Authority requires reports to be submitted on staffing levels, the management of absence and turnover, diversity and equality issues and the management of health and safety.

In addition the police authority delegates those matters which are recommended by Home office/Audit commission to be delegated. This includes day to day financial management, subject to monthly reports to Police Authority; issues within contract standing orders delegated to the Chief Constable; and day to day management of the Capital Programme, subject to the monitoring arrangements agreed by Police Authority at its meeting of 28 April 2005.

## Delegation as Agreed by Police Authority

The delegation	Date of delegation
1. Voluntary redundancies and early retirements (support staff). With effect from 1 <sup>st</sup> April 1995, the Chief Constable will take joint responsibility with the Treasurer (Chief Executive) - issues listed in paragraph 5.1.	Police Authority 6.4.95
2. The Clerk (Chief Executive) be authorised to witness the sealing of any legal and associated documents on behalf of the authority.	Police Authority 11.5.95
3. The Chairman be the Police Authority representative on Safe in Tees Valley.	Police Authority 23.5.96
4. The Treasurer (Chief Executive) be appointed to represent the Authority on the Police Authorities Treasurers Association.	Police Authority 23.5.96
5. The responsibility for maintaining an Internal Audit service be delegated to the Treasurer (Chief Executive) -Accounts and Audit Regulations 1996.	Police Authority 23.5.96
6. The Clerk (Chief executive) be authorised, as proper officer, to receive relevant notices, establish and keep register of pecuniary interests (overtaken by duties of Monitoring officer within LGA 2000).	Police Authority 18.6.96
7. The Clerk (Chief Executive) be appointed as representative to attend Association of Police Authority Clerks.	Police Authority 20.2.97
8. Chief Constable in consultation with Chair and Vice Chair to establish pilot schemes one stop shops.	Police Authority 13.3.97
9. Treasurer (Chief Executive) be given power to insure volunteers.	Police Authority 13.3.97
10. Clerk (Chief Executive) be authorised to receive and consider applications for the reimbursement of legal costs from and on behalf of Police Officers and if appropriate arrange for suitable payment of the costs, after consultation with the Chair and Vice Chair.	Police Authority 14.8.97
11. The authority be given to the Clerk (Chief Executive) in consultation with the Chair and Vice Chair to conclude similar licences with relevant organisations at police authority owned sites (3 <sup>rd</sup> party use of masts).	Police Authority 25.2.99
12. That the responsibility for invoking reg19 in accordance with rec. 1 (approval be given to principal of establishing use of reg.19 when an officer is eligible and when registered as on restrictive duties within the force) be delegated to the Chief Constable in consultation with the Chair and Vice Chair. (Reg. 19 – compulsory retirement on grounds of efficiency of force).	Police Authority 25.2.99
The Chief Constable on behalf of the police Authority retains discretion to not invoke the regulation in exceptional circumstances.	
13. The administration of the assisted car purchase scheme be delegated to Chief Constable.	Police Authority 29.5.98
14. LGPS regulations 97 – Statement of employers' discretion – day to day operation of policy be delegated to Chief Constable.	Police Authority 29.5.98
15. That the addition of pension matters be added to the list of staffing issues delegated to the Chief Constable on 6.4.95 (par 6.1) be approved but be subject to a further discussion.	Police Authority 28.2.00

The delegation	Date of delegation
16. Revised Contract Standing Orders, financial standing orders and financial regulations be approved.	Police Authority 20.1.00
17. That attendance at ad hoc conferences be agreed by the Clerk (Chief Executive) in consultation with the Chair and Vice Chair	Police Authority 3.6.99
18. Independent Custody Visitors mileage be agreed as that of Support staff	Police Authority 3.6.99
19. That delegate authority to the Clerk (Chief Executive) in consultation with Chair and Vice Chair to respond to requests from the APA for consultation.	Police Authority 3.6.99
20. Treasury management – execution and administration of treasury management decisions within policies and strategy determined by the Police Authority and in accordance with TMP statement, TMPs and CIPFA standard of Professional Practice on TM be delegated to lead Officer.	Police Authority 21.2.02
21. The Chief Constable be authorised to enter into a licence agreement with O2 for Boulby Mast and any existing police mast sites.	Police Authority Executive 11.7.02
22. Appropriate delegation be given to Chief Executive to deal with direction and control complaints.	Police Authority Executive 22.2.03
23. Responsibility delegated for the monitoring and reporting on the Prudential Indicators to the Chief Constable	Police Authority Executive 22.4.04
24. <b>Standing Order 56.</b> "The Chief Constable will be authorised to incur expenditure on any item included in the annual capital budget approved by the Police Authority subject to:- (a) The authority having approved details of the scheme and the means of implementation; (b) The latest estimate of the cost of a project not exceeding the latest estimate included in the approved capital budget for the current and/or succeeding financial year, and the excess is within the limits set out by the Police Authority at any time for controlling and monitoring capital expenditure; (c) All necessary ministerial, regulatory or other approvals have been received".	Police Authority Executive 24.5.04
<b><i>(Please also refer to Standing Orders Appendix G)</i></b>	
25. <b>Standing Order 56 amended</b> to allow delegation of budget to Chief Constable (Capital Management Group to have delegated authority to approve increases in cost up to a cumulative limit of 5% of the approved sum for the scheme)	Police Authority Executive 28.4.05
<b><i>(Please also refer to Standing Orders Appendix G)</i></b>	
26. Delegation of risk management and internal control processes to the Chief Constable. "The Authority is responsible for ensuring that there is a sound system of internal control which facilitates the effective exercise of the Authority's functions and which includes arrangements for the management of risk. In exercising this responsibility the Authority delegates the internal control and risk management processes to the Chief Constable. The principal risks to which the Cleveland Police are subject, and the key internal controls in place to mitigate those principal risks, are the Force's risks and controls".	Statement of Accounts 2005/06 – Adjusted.  Police Authority Executive 21 <sup>st</sup> September 2006.

The delegation	Date of delegation
27. Estates Strategy: Corporate Governance. This document outlines corporate governance arrangements based upon a hierarchy of responsibility, with powers delegated by the Police Authority. It has been agreed that a Strategic Estates Board, consisting of the Chief Constable, the Chair and Chief Executive of the Police Authority meet to develop and support a joint strategic approach in all estates matters - aligned to the needs of both the Force and the Authority. Partly superseded by item 35 below. Also refer to the terms of reference of the Strategic Procurement and Major Projects Panel in section D.	Modernisation Panel 14 <sup>th</sup> June 2006.
28. Delegation for decision making to the Chief Constable in circumstances where Police recruits are assessed as having any health problems or risks of disablement which might be expected to prevent their provision of service up to the recently amended retirement age (60 for federated ranks and 65 for non-federated ranks).	Police Authority Executive 14.12.06
29. Delegation to approve redundancy and enhanced pension payments to the Chief Constable for police staff and the Chief Executive for police authority staff where the costs of the process can be met from existing resources. Where not the approval of the Modernisation Panel will be required (note that this panel has now been superseded by the Policy and Resources/Corporate Development Panel). All exceptional circumstances cases will require approval in consultation with the Chief Executive and Chair of the Police Authority.	Police Authority Executive 23/02/2007
30. Delegation for decision making to Police Authority subordinate Panels and Committees. It was agreed that in the new structure all Committees and Panels will have Plenary Powers – there will be no requirement for the main Police Authority to approve recommendations within the remit of the Committees or Panels before decisions can be actioned.	Police Authority Executive 14.06.07 Terms of reference agreed at Police Authority Executive 26.07.07
31. Delegation to the Monitoring Officer, in consultation with the Chief Executive and the Chair, the making of minor changes to the Code of Corporate Governance.	Police Authority Executive 11.12.07
32. The delegation to approve capital schemes or make changes to budgets of up to £25k per capital scheme to the Chief Constable in consultation with the Chairman and the Chief Executive.	Police Authority Executive 28/02/2008
33. Delegation to the Chief Constable, in consultation with the Chief Executive and Chair, decisions relating to requests to re-issue Children's Allowances within the Police Pension Regulations 1987.	Policy and Resources Panel 06/03/2008
34. Delegation of Local Government Pension Scheme discretionary powers to the Chief Constable.	Policy and Resources Panel 09/07/08
35. Delegated Authority to dispose of assets (within the Asset Management Strategy report).	Policy and Resources Panel 27/01/2010

## Terms of Reference for Panels and Committees

### Policy & Resources Panel

1. To guide the Authority in the formulation of its policy objectives and priorities. The panel will monitor progress against the financial strategy, business strategy and the asset management strategy (including estates strategy).
2. To consider new policies & procedures, or changes in policies and procedures, as they affect the strategic management of the Police Authority.
3. To consider, review and monitor the allocation of the Authority's financial, physical and human resources.
4. To oversee arrangements in relation to the Authority's corporate planning process, including development and review of the Business Plan.
5. To review the effectiveness of the work of the Authority and Force, with particular reference to the efficiency and value for money achieved. This will encompass the Use of Resources evaluation.
6. To receive and approve the Authority's scheme of delegation and the standing orders for the conduct of business, prepared in collaboration with the Force.
7. Monitor the budgets for the Police Authority and receive regular budget monitoring reports. Approve any material amendments to the approved budgets. This applies to both revenue and capital budgets.
8. To critically examine and approve the Medium/Long Term Financial Strategy and Medium/Long Term Capital Strategy.
9. To critically examine, approve and monitor the progress of capital schemes.
10. To critically examine, approve and monitor all other funding arrangements.
11. To approve and monitor the Prudential Borrowing Policy and Indicators of the Authority in line with the Investment / Capital Strategy.
12. To scrutinise and approve the Force's HR plans and strategies, including recruitment, training, workforce transformation, leadership development and talent management. To ensure that these are aligned with the financial and business planning processes.

13. To determine the Authority's strategy and policies in relation to diversity and equal opportunities matters so as to promote equality of opportunity for service users and employees.
14. To oversee and scrutinise the Force's performance in relation to the diversity and equality agenda, including the management of the Single Equality Scheme and the Equality Standard for Policing.
15. To monitor and scrutinise the Force in respect of compliance with the Human Rights Act, particularly in relation to its impact on diversity and equal opportunities for staff and service users.
16. To critically examine the establishment structures of the Force, with particular reference to promoting effectiveness and efficiency through the implementation of change initiatives.
17. To Monitor and scrutinise the Force's performance in Human Resources management, including training and diversity & equal opportunities.
18. Oversee and scrutinise the recruitment process for police officers and staff, including the University of Teesside contract and the Initial Police Learning and Development Programme.
19. To scrutinise the Force's performance in relation to the management of Health & Safety.
20. To scrutinise the Force's performance in relation to the management of sickness absence.
21. The panel may call for further information and reports to be submitted to a future Panel meeting or to the Police Authority Executive.

Outcome: Ensure an effective and efficient police service, securing continuous improvements in the way in which the functions are exercised. Strengthen the links between financial planning, business planning and workforce planning. Ensure the promotion of diversity and equal opportunities for both service users and employees.

## Operational Policing Panel

### Terms of Reference:

1. To promote the vision of Cleveland Police and Cleveland Police Authority.
2. To critically assess the strategies adopted by the Force and the Authority to deliver operational performance, with particular reference to community protection, engagement and reassurance.
3. To work with the Force to formulate and review the objectives and priorities set out in the Chief Constable's / Cleveland Police Authority's local policing plans and policing strategies.
4. To monitor and scrutinise performance against the operational objectives set in the Annual Policing Plan and against the Home Secretary's priorities for policing and relevant Public Service Agreement measures.
5. To monitor and scrutinise the Force's performance in reducing crime and increasing offences brought to justice.
6. To monitor the Force's progress in closing the protective services gap.
7. To assist in the development and subsequent monitoring of operational collaborative working.
8. To receive reports on level 2 operations.
9. To receive progress reports on the development of counter terrorist capability.
10. To monitor issues relating to civil contingencies/ emergency planning.
11. To monitor and scrutinise the work with partnerships to reduce the levels of violence associated with domestic abuse, racially motivated crime and hate crime.
12. To critically assess procedures relating to rape and other sexual offences to ensure the victims are provided with support and feel confident to report crimes.

13. To promote partnership cooperation in tackling alcohol-related disorder and drug abuse.
14. To monitor and scrutinise the citizen focus initiatives and the embedding of neighbourhood policing.
15. To monitor and scrutinise the effectiveness of Force and partnership initiatives to understand and tackle anti-social behaviour, including initiatives to engage with young people.
16. To review and monitor the development and progress of the volunteer and cadets schemes.
17. The panel may call for further information and reports to be submitted to a future Panel meeting or to the Police Authority Executive.

Outcome: Improving the effectiveness of the delivery of policing services; encouraging public participation, partnership working and increased customer confidence.

## Audit and Internal Control Panel

Terms of Reference:

1. The objective of the Panel is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

Its key tasks are:

### 2. In relation to Audit Activity

- To consider the head of internal audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the authority's corporate governance arrangements.
- To consider internal audit reports as requested.
- To consider reports dealing with the management and performance of the providers of internal audit services.
- To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To liaise with the Audit Commission over the appointment of the authority's external auditor.
- To commission work from internal and external audit.

### 3. In relation to the Regulatory Framework

- To maintain an overview of the authority's constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- To review any issue referred to it by the Chief Executive.
- To monitor the effective development and operation of risk management and corporate governance in the authority.
- To monitor authority policies on "whistle-blowing" and the antifraud and anti-corruption strategy.

- To monitor the production of the authority's Annual Governance Statement and to recommend its adoption.
- To consider the authority's arrangements for corporate governance and to agree necessary actions to ensure compliance with best practice.
- To consider the authority's compliance with its own and other published standards and controls.

4. In relation to accounts

- To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the authority.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

5. The panel may call for further information and reports to be submitted to a future Panel meeting or to the Police Authority Executive.

Outcome: Strengthened corporate governance arrangements.

## Professional Standards Panel

Terms of Reference:

Aim:

1. To ensure the Authority fulfils its role to secure an effective and efficient police service in respect of complaints against police (CAP).

Role:

2. Overseeing the procedures for handling complaints against the police as they are applied locally. This includes considering the cause and instances of complaints (CAP) the response of the force to them and wider links to general force policy, style and management.
3. To monitor the management of Direction and Control complaints (Agreed at Police Authority 30.6.05, Police Reform Act 2002).
4. To monitor the management of civil claims.
5. Appeals Panel in relation to Police Staff.
6. In detail:
  7. Members will need to be satisfied that the force has in place appropriate processes, procedures and policies for the recording and handling of complaints against police in accordance with the provisions set out in the 1996 Act, the Police Reform Act and related regulations and Home Office guidance.
  8. Decide, on a risk assessment basis, the extent to which they need to probe and scrutinise the detailed policy, procedure and practice used within the force.
  9. Members should understand force policies and procedures for the recording and handling of complaints including those relating to direction and control.
10. Ensure that the Chief Constable has in place robust procedures for senior managers to oversee and manage effectively the complaints process.

11. Consider whether the force is applying a proper distinction between complaints about conduct of an officer as opposed to issues relating to direction and control.
12. As part of the monitoring and oversight function dip sampling of files should take place of closed files. Lists will be provided to members prior to the meeting for them to select a sample of files which will then be made available to them in the closed part of the meeting. The purpose of this is not to re-examine the case but to ensure that complaints are routinely dealt with robustly and in accordance with policy.
13. To consider the statistics relating to the number and type of complaints by district and force-wide, by type and the trends. Consideration should be given to any significant factors relating to age, ethnic origin or location of complainants.
14. Members should look for evidence that the force considers proactively the lessons that can be identified from an analysis of the causes of complaints which impact on wider force policy and practice. It is recommended that members look at what the statistics say about the overall policing style and management within the force.
15. Members may wish to consider the views of other agencies such as Independent Complaints Commission (IPCC) and HMIC from time to time to ensure that they have an external perspective on the handling of complaints.
16. The panel may call for further information and reports to be submitted to a future Panel meeting or to the Police Authority Executive.

## Standards Committee

The Standards Committee is a requirement of the Local Government Act 2000 (S53-56), as amended by the Local Government Act 2003 and the local Government and Public Involvement in Health Act 2007. Please also refer to the Standards Committee (England) Regulations 2008. The committee must comprise at least 25% independent persons.

This Committee deals with statutory issues such as hearing cases referred by the Standards Board. The Standards Committee has an Independent Chair and Vice Chair who are not regular members of the Police Authority but classed as co-opted members for this purpose.

Terms of Reference:

- 1) Advise the Authority on the adoption of a local code, which sets out the standards of conduct expected from members.
- 2) Promote and maintain high standards of conduct within the Authority through assistance, advice and training.
- 3) Monitoring the operation of the local code.
- 4) Hear complaints against members referred for local resolution by the Standards Board for England in accordance with regulations under the Local Government Act 2000.
- 5) Make recommendations to the Police Authority on the local scheme for member's allowances.
- 6) Involvement, insofar as professional standards are concerned, with the Code of Corporate Governance, the whistle-blowing policy, Ombudsman investigations, Standards Board for England investigations and requests for exemptions in respect of declarations of interest.
- 7) Provide members (at least 3) to a complaint assessment/ review sub-committee, which will decide how complaints against members will be handled (refer to Standards Committee Regs. 2008).
- 8) The Committee may call for further information and reports to be submitted to a future Panel meeting or to the Police Authority.

**Leadership Panel** (As reported to the AGM in June 2007)

This board meets as and when required.

## TERMS OF REFERENCE

1. To consider and shortlist applications, conduct the formal interviews and make the appointments in respect of Senior Police and Authority appointments and of the Independent Member(s) of the Standards Committee.
2. To ensure that the Authority has rigorous but fair appointments processes in place.
3. To develop strategies to ensure that the Authority has a constructive but challenging relationship with the Chief Constable/Chief Officer team.
4. To consider and determine all issues falling to be determined by a Police Authority in connection with the operation of the national bonus scheme for Chief Police Officers and in particular:
  - to consider and hear representations from Chief Police Officers/Chief Officers in connection with their overall Performance Development Review (PDR) assessment and;
  - to determine whether a bonus should be paid to a Chief Police Officer/Chief Officer and, if so, what level of bonus that should be.
5. Without prejudice to the statutory duties of other organisations or the Secretary of State, to ensure that the Authority reflects the diversity of the community it serves.
6. To consider the attendance and performance of Members of the Police Authority.

## Standing Orders Regulating the Proceedings of Cleveland Police Authority

The following Standing Orders are in accordance with the relevant provisions of the Local Government Act 1972 (as amended).

### Standing Order No 1 **Meetings of the Authority**

- 1.1 The Annual General Meeting of the Police Authority shall be held in June of each year, or as soon as possible after the Joint Panel Meeting, if applicable. The first item of business on the agenda for the Annual Meeting shall be the appointment of Chair for the ensuing year. The second item of business shall be the appointment of Vice-Chair for the ensuing year.
- 1.2 Unless the Authority otherwise determines, all meetings of the Police Authority shall be held at the Police Headquarters or the Municipal Buildings, Middlesbrough. The meetings shall be held at dates and times fixed by the Authority.
- 1.3 Extraordinary Meetings of the Police Authority may be called at any time by the Chair of the Authority or by Members of the Authority subject to and in accordance with the requirements of Schedule 12 to the Local Government Act 1972.
- 1.4 Any call for an Extraordinary Meeting by Members pursuant to Schedule 12 to the Local Government Act 1972 shall be made to the Chief Executive to the Authority, who will be responsible for issuing the necessary notices and summonses to convene the Extraordinary Meeting.

### Standing Order No 2 **Chair of the Meeting**

- 2.1 The Chair, if present, shall preside at a meeting of the Authority.
- 2.2 If the Chair is absent from a meeting the Vice-Chair, if present, shall preside.
- 2.3 If both the Chair and Vice-Chair are absent from a meeting of the Authority such member as the members of the Authority present so choose shall preside.
- 2.4 Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.
- 2.5 On a casual vacancy occurring in the office of Chair or Vice-Chair, an appointment to fill the vacancy shall be made at the next ordinary meeting of the Authority held after the date on which the vacancy occurs, or if that meeting is held within 14 days after that date then not later than the next following meeting.

### Standing Order No 3 **Quorum of Authority**

- 3.1 No business shall be transacted at a meeting of the Authority unless at least nine Members of the Authority are present. If it is ascertained by the Chair or the Chief Executive that the meeting is inquorate, any business not already disposed of shall stand adjourned to a date and time fixed by the Chair at the time the meeting is adjourned, or, if he/she does not so fix a date and time, to the next meeting of the Authority.
- 3.2 Police Authority Panels/Committees with delegated plenary powers shall not transact business unless a majority of the Members of the Panel/Committee are present.

### Standing Order No 4 **Order of Business**

- 4.1 With the exception of the Annual Meeting at which the appointment of a Chair and Vice-Chair shall be the first business, the order of business shall be to select a person to preside if the Chair and Vice-Chair are absent and thereafter shall be in accordance with the order specified in the summons for the meeting, except that such order may be varied -
- i) by the Chair at his/her discretion, or
  - ii) on a request agreed by the Authority.

### Standing Order No 5 **Limitation of Business**

- 5.1 Except in the case of business required by these Standing Orders to be transacted at a meeting of the Authority and other business brought before the meeting as a matter of urgency and of which the Chair and Chief Executive shall have prior notice and which the Chair considers should be discussed at the meeting, no business shall be transacted at a meeting of the Authority other than that specified in the summons relating thereto.

### Standing Order No 6 **Interpretation of Standing Orders**

- 6.1 The ruling of the Chair, after consultation with the Chief Executive and/or the Monitoring Officer, as to the construction or application of any of these Standing Orders relating to meetings of the Authority and its Panels or as to any of the proceedings before the Authority and its Panels, shall be final.

## Standing Order No 7 **Appointment of Panels**

- 7.1 The Authority shall at the Annual General Meeting appoint such Panels or Committees as are required to be appointed by or under any statute and may at any time appoint such other Panels or Committees as are necessary to carry out the work of the authority but, subject to any statutory provision in that behalf, may at any time dissolve a Panel or Committee or alter its membership.
- 7.2 Except as otherwise may be provided by the Authority, no Panel shall continue in office longer than the next Annual Meeting of the Authority.
- 7.3 Every vacancy on a Panel or Committee shall be reported by the Chief Executive at the first meeting of the Authority after the vacancy has arisen and the Authority Chair may there upon proceed to fill the vacancy.
- 7.4 A vacancy on any outside body whose activities are within the purview of the Authority shall be reported to, and filled by, the Authority.

## Standing Order No 8 **Motions Affecting Persons Employed by the Authority**

- 8.1 If any question arises at a meeting of the Authority to which the public (including the press) are admitted as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service, or as to the conduct of any person employed by the Authority, such question shall not be the subject of discussion until the authority has decided whether or not the public (including the press) shall be excluded. The Chair may also exclude force and authority officers from the meeting.

## Standing Order No 9 **Press and Public**

- 9.1 The public shall be admitted to all meetings of the Authority unless excluded by resolution in accordance with the provisions of the Local Government Act 1972 (Schedule 12a), as amended by the Local Government (Access to Information) Act 1985.
- 9.2 A member of the public may ask a question of the Police Authority at any time, providing s/he follows the rules in section 12 below.
- 9.3 No member of the public shall interrupt or take part in the proceedings at any meeting. If any member of the public interrupts or takes part in the proceedings at any meeting, the Chairman shall warn him and if he continues the interruption the Chairman shall order his removal.

- 9.4 The Chairman may at any time, if he thinks it desirable in the interest of order, move that the meeting be adjourned or suspended to a time to be determined by the Members.

## Standing Order No 10 **Exclusion of public access**

### Confidential information – requirement to exclude public

- 10.1 The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

### Exempt information – discretion to exclude public

- 10.2 The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed (see below for details).
- 10.2 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### Meaning of confidential information

- 10.4 Confidential information means information given to the Police Authority by a Government Department on terms which forbid its public disclosure, or information which cannot be publicly disclosed by Court Order.

### Local Government (Access to Information) (Variation Order) 2006 – in exercise of powers conferred by the Local Government Act 1972 (Schedule 12a).

- 10.5 “**Below the line**” items contain exempt information within one of the following categories:
1. Information relating to any individual.
  2. Information which is likely to reveal the identity of an individual.
  3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
  4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

**5.** Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**6.** Information which reveals that the authority proposes—

(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

(b) to make an order or direction under any enactment.

**7.** Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

#### QUALIFICATIONS: ENGLAND

**8.** Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—

(a) the Companies Act 1985;

(b) the Friendly Societies Act 1974;

(c) the Friendly Societies Act 1992;

(d) the Industrial and Provident Societies Acts 1965 to 1978;

(e) the Building Societies Act 1986; or

(f) the Charities Act 1993.

**9.** Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

**10.** Information which falls within any of paragraphs 1 to 7 above and is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## Standing Order No 11 **Rescission of Preceding Resolution**

- 11.1 No motion to rescind any resolution passed within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof bears the names of at least five Members of the Authority. When any such motion or amendment has been disposed of by the Authority, it shall not be open to any Member to propose a similar motion within a further period of six months.
- 11.2 Provided that this Standing Order shall not apply to motions moved in pursuance of a recommendation of a Panel or to motions arising as a result of a report by a Chief Officer.

## Standing Order No 12 **Public questions**

- 12.1 The AGM of June 2008 rescinded the Minute 39 of the Police Authority meeting August 2004 that agreed that a Panel will hear questions from Members of the public at the beginning of each scheduled full Police Authority meeting. Note that members of the public may submit questions to the Police Authority and that these will be responded to within two weeks of receipt.

### Scope of Questions

- 12.2 The Chair/Chief Executive of the Police Authority may reject a question if it:-
- is not about a matter for which the Police Authority or the Service has responsibility;
  - is defamatory, frivolous or offensive;
  - is substantially the same as a question which has been put to the Police Authority in the past six months and since when there has been no change of circumstances to justify the resubmission of the question;
  - requires the disclosure of confidential or exempt information;
  - is unreasonably excessive because of its length or its number of parts.

### Record of Questions

- 12.3 Each question received within the appropriate timescales and which has not been rejected on the grounds of being defamatory or offensive will be entered into a register open to public inspection and a copy of the question will be sent to the most appropriate Member or officer to respond. Questions rejected for other reasons than being defamatory or offensive will be included in the register together with the reason for rejection.

- 12.4 The questioner shall be notified in writing whether his/her question has been accepted or rejected.
- 12.5 Copies of the questions will be circulated to all Members of the Police Authority.

### Standing Order No 13 **Questions by Members**

- 13.1 At a meeting of the Authority a Member may ask the Chair any question relating to the business of the Authority.

### Standing Order No 14 **Motions and Amendments Generally**

- 14.1 Any Member who wishes to speak shall be given an appropriate opportunity to do so by the Chair.
- 14.2 A motion or amendment shall not be discussed unless it has been proposed and seconded, and it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.
- 14.3 A Member may not propose or second a motion or amendment on which he/she is disqualified from voting.
- 14.4 The mover of the motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment unless that amendment be carried and there is a further amendment moved upon that particular matter, in which event the right of reply becomes that of the mover of the original amendment in place of the mover of the original motion.
- 14.5 A Member exercising a right of reply shall not introduce new matter. After every reply to which this Standing Order refers, a decision shall be taken without further discussion.
- 14.6 When a motion is under debate no other motion shall be moved except the following: -
- ii) to amend the motion;
  - iii) to adjourn the meeting;
  - iv) to adjourn the debate;
  - v) to proceed to the next business;
  - vi) that the question be now put;
  - vii) that a member be not further heard;
  - viii) (by the Chairman) that a member do leave the meeting;

- ix) a motion to exclude the public.

### Notices of Motion

- 14.7 Notice of Motion (other than a motion which under these Standing Orders may be moved without notice) shall be given in writing to raise any matter relating to the functions of the Authority.
- 14.8 Notice of every motion, other than a motion which may be moved without notice (see below), shall be signed by the members of the Authority giving the notice, of whom there shall be at least two in number, and delivered not later than 12 noon on the seventh day before the next meeting of the Authority, at the office of the Chief Executive by whom it shall be dated, numbered in the order in which it is received and entered in a book which shall be open for the inspection of every Member of the Authority.
- 14.9 No motion to rescind any resolution passed within the preceding six months shall be proposed unless the notice thereof given in pursuance of these orders bears the names of at least five of the members of the Authority. When any such motion has been disposed of by the Authority, it shall not be open to any member to propose a similar motion within a further period of six months.
- 14.10 Every motion shall be relevant to some matter in relation to which the Authority has powers and duties.

### Motions and Amendments Which May Be Moved Without Notice

- 14.11 The following motions and amendments may be moved without notice:
- (1) Appointment of a Chairman of the meeting at which the motion is made.
  - (2) Motions relating to the accuracy of the minutes.
  - (3) That an item of business specified in the summons has precedence.
  - (4) Remission to a panel.
  - (5) Appointment of a panel or members thereof occasioned by an item mentioned in the summons to the meeting.
  - (6) Adoption of reports and recommendations of panels or officers and any consequent resolutions.
  - (7) That leave be given to withdraw a motion.
  - (8) Amendments to motions.
  - (9) That the Authority proceed to the next business.
  - (10) That the question be now put. (see S.O. 20 below).
  - (11) That the debate be now adjourned (see S.O. 19 below).
  - (12) That the Authority do now adjourn (see S.O.18 below).
  - (13) Authorising the sealing of documents.
  - (14) Suspending Standing Orders, in any case of urgency, in accordance with section S.O.24 below.

- (15) That a Member named under S.O.16 (below) be not further heard or do leave the meeting.
- (16) Requesting a Member to leave under S.O. 25 (below) -personal interest.
- (17) Giving consent of the Authority where the consent of the Authority is required by these Standing Orders.

### Amendments to Motions

14.12 An amendment shall be relevant to the motion and shall be either:-

- (a) to refer a subject for reconsideration at a later date;
- (b) to leave out words;
- (c) to leave out words and insert or add others;
- (d) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating a motion before the Authority.

- 14.13 If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.
- 14.14 Any number of amendments may be moved, but when an amendment to an original motion has been moved and seconded no second or subsequent amendment shall be moved until the first amendment has been disposed of.

### Alterations, or Withdrawal of Motion, or Amendment.

- 14.15 The proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the authority, withdraw or amend the motion or amendment which he/she has proposed. The giving or refusal of the consent of the authority to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

## **Standing Order No 15 Minutes of Authority Meetings**

- 15.1 At a meeting of the Authority at which minutes of a previous meeting are submitted for approval as a correct record, the Chair shall move that those minutes be so approved.
- 15.2 No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment. Any member present may propose an amendment to the minutes, provided that they were present at the previous meeting to which the minutes apply. If such an amendment is unopposed the Chair will accept the amendment. If opposed, the Chair will decide

upon the correct version of the minutes to be signed off.

- 15.3 If no such matter is raised or, if it is raised, then as soon as it has been disposed of, the Chair shall sign the minutes.

### Standing Order No 16 **Conduct of Members at Authority Meetings**

- 16.1 A Member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order and shall not impute motives or use offensive expressions to or about any other Member.
- 16.2 If any member in the opinion of the Chair signified to the Authority, misconducts himself/herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by willfully obstructing the business of the Authority, or by tedious repetition or unbecoming language, the Chair or any other Member may move "that the Member named be not further heard", and such motion, if seconded, shall be put and determined without discussion.
- 16.3 If the Member named continues such misconduct after a motion under the previous paragraph has been carried, the Chair shall either:-
- i) move "that the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
  - ii) adjourn the meeting of the Authority for such period as he/she in his/her discretion shall consider expedient.

### Standing Order No 17 **Points of Order and Explanations**

- 17.1 A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision, and the Member shall specify the Standing Order or statutory provision and the way in which he/she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the present debate.
- 17.2 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

### Standing Order No 18 **Next Business, etc.**

- 18.1 A Member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another member, unless the Chair considers that the matter has been insufficiently discussed, move "that the Authority proceed to the

next business" or, if there is no other business to be transacted, "that the Authority adjourn".

- 18.2 The proposer of such a motion may speak thereon, but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion.
- 18.3 On the seconding of the motion, the Chair shall first give the mover of the original motion an opportunity to speak on it and then put to the vote the motion to proceed to the next business or to adjourn the Authority.
- 18.4 If the motion is carried, the original motion shall be considered as withdrawn.

### Standing Order No 19 **Adjournment of Debate**

- 19.1 A Member who seeks to interrupt a debate so that it may be continued at a later hour or on another occasion may, at the conclusion of the speech of another Member, move that the debate be adjourned to that hour or occasion.
- 19.2 If the Member does not specify an hour or occasion, the motion shall be deemed to intend that the debate shall be resumed at the next ordinary meeting of the Authority.
- 19.3 The proposer of such a motion may speak thereon, but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion, except that the mover of the original motion may speak on it.
- 19.4 On the resumption after adjournment of an interrupted debate, the Authority shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Standing Orders.

### Standing Order No 20 **Closure of Proceedings**

- 20.1 A Member may at the conclusion of the speech of another Member move "that the proposition under discussion be now put" (which is in these Standing Orders referred to as "the closure").
- 20.2 The proposal and seconding of the closure shall be formal and without comment and there shall be no debate on it. The closure shall be put immediately to the vote, unless it appears to the Chair that the proposition to which it is sought to apply the closure has not been sufficiently discussed.
- 20.3 If the closure is carried, the motion or amendment which is the subject of the interrupted debate shall be put without further discussion, subject to the mover of the original motion first having a right of reply.

### Standing Order No 21 **Voting**

- 21.1 All matters shall be decided by a majority of Members present and voting.
- 21.2 In the case of equality of votes the Chair shall have a second and casting vote. (Local Government Act 1972 Sch 12 s39(2)).
- 21.3 Any member may call for a recorded vote on any proposal and this will be applied if seconded.

### Voting on Appointments

#### Election of Chair and Vice Chair

- 21.4 The first item of business on the agenda at the Annual General Meeting shall be the election of the Chair of the Police Authority, the second being the election of Vice Chair. The candidates will be given the opportunity to briefly address the meeting for the purpose of providing details of their credentials and suitability for the position they are nominated for.
- 21.5 Unless otherwise agreed, election to any office, position in the gift, or nomination of the Authority shall be by ballot. Where there are more than two persons nominated for any office or position - and of the votes given there is not a majority in favour of one person - the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person. If there are two or more persons with the same number of votes at the bottom of the voting, a vote shall be taken on those persons to determine which one shall be struck off before a fresh vote on the remaining persons is taken
- 21.6 Nominations for Chair and Vice Chair will be submitted in writing, including the name and signature of the seconder, to the Chief Executive one week before the date of the Annual General Meeting. The Chief Executive will then arrange for ballot papers to be prepared. No new names may be added after this time.

### Standing Order No 22 **Protest or Expression of Dissent**

- 22.1 No protest or expression of dissent shall be entered upon the Minutes of the Authority or its Panels, save that on the request of any Member of the Authority, made immediately after the vote is taken, there shall be recorded in the minutes of the proceedings whether the member cast his or her vote for the question or against the question, or abstained.

### Standing Order No 23 **Variation and Revocation of Standing Orders**

- 23.1 Any motion to add to, vary or revoke these Standing Orders shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Authority.

## Standing Order No 24 **Suspension of Standing Orders**

- 24.1 Subject to paragraph (2) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- 24.2 A motion to suspend any of the preceding Standing Orders shall not be moved unless there shall be present at least one-half of the whole number of the Members of the Authority.

## Standing Order No 25 **Interest of members in Contracts and other Matters**

- 25.1 If any Member of the Authority has any personal interest within the meaning of the Code of Conduct in any contract, proposed contract, or other matter, that Member shall withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Authority unless –
- 25.2 The member has received dispensation from the Standards Panel.
- 25.3 A Member must complete the relevant section of the Register of Interests. The Monitoring Officer shall keep the Register and it shall be open at all reasonable hours to the inspection of any member of the Authority. (Local Government Act 2000)

## Standing Order No 26 **Interest of Officers in Contracts, Receipt of Gifts, etc.**

- 26.1 The Monitoring Officer shall record in a register to be kept for the purpose particulars of any declaration given by an officer of the Authority under s117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the register shall be open during office hours for inspection by any Member of the Authority.
- 26.2 Employees of the Authority shall not accept any fee or reward of whatsoever kind (other than their proper remuneration) in connection with their employment otherwise than in accordance with procedures approved by the Authority. In all cases employees shall notify the Monitoring officer to the Authority of the receipt of any fee or reward, including gifts and presents, and the Monitoring Officer shall record in a book to be kept for the purpose details of such receipts, which book shall be open for inspection by Members of the Authority.
- 26.3 Employees of the Authority shall not in any event, in connection with their employment, accept any fee or reward, including gifts or presents, which have a monetary value in excess of the sum of £25.00, without having first obtained the written authorisation of either the Chief Constable or the Monitoring Officer to the

Authority. Such authorisation to be given only if approved by the Standards Panel of the Authority.

- 26.4 Employees of the Authority shall not accept invitations to attend nor shall they attend social functions, parties or receptions of any kind involving the provision of refreshments and/or entertainment of any kind provided by persons or bodies who have contractual relations with the Authority or who may be seeking to enter into contractual relations with the Authority, without having first obtained the written authorisation of either the Chief Constable or the Monitoring Officer to the Authority. The Chief Constable or the Monitoring Officer to the Authority, as the case may be, shall report any such authorisations which they may have granted to the Standards Panel of the Authority.

### Standing Order No 27 **Canvassing of and Recommendations by Members**

- 27.1 Canvassing of Members of the Authority or any panel of the Authority directly or indirectly for any appointment under the Authority shall disqualify the candidate concerned for that appointment. A Member of the Authority shall not solicit for any person any appointment under the Authority, but this shall not preclude a Member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Authority with an application for appointment.

### Standing Order No 28 **Record of Attendances**

- 28.1 Every Member attending a meeting of the Authority or any of its Panels of which they are a Member, shall sign their name in the attendance book or sheet provided for that purpose

### Standing Order No 29 **Inspection of Documents**

- 29.1 A Member of the Authority may, for the purposes of his/her duty as such Member but not otherwise, on application to the Chief Executive, inspect any document which has been considered by a Panel or by the Authority; provided that a Member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any personal and/or prejudicial interest within the meaning of part III of the Local Government Act 2000. This Standing Order shall not preclude the Chief Executive from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
- 29.2 All reports made or minutes kept by any Panel shall be open for inspection of any Member of the Authority during office hours.

- 29.3 Subject to any statutory provision in that behalf, no Member of the Authority shall, without the consent of the Authority, be entitled to inspect any document in the custody of any officer of the Authority if, in the opinion of that officer and of the Chief Executive, the document is of a confidential nature.

### Standing Order No 30 **Notices of Meeting**

- 30.1 The Police Authority will give at least five clear days notice of any meeting by posting details of the meeting in reception at Police Headquarters, the Offices of the Authority, relevant Council buildings and the location of the meeting. The agenda must have sufficient information to enable an interested person to attend. The agenda and other documents must be open to inspection at least 5 clear days before the meeting. There is a prohibition of business that is not on the agenda. However, it is acceptable to include an additional item in *any other business* which the chair decides is urgent. (Local Government Act 1972, schedule 12 and section 100, as amended by the Local Authorities (Access to Meetings and Documents) (Period of Notice) Order 2002). "Clear days" does not including weekends, Bank Holidays or the day of the meeting.
- 30.2 In the case of the need to call a special meeting to consider items of an urgent nature then the notice must be issued once a meeting is called. (Local Government Act 1972).
- 30.3 Where the meeting is convened at short notice, the notice document must be open to inspection from the time the meeting is convened.
- 30.4 Where an item is added to the agenda late, copies of any report relating to the item must be available for inspection from the time the item is added to the agenda.

### Standing Order No 31 **Rights to agenda and reports before the meeting**

- 31.1 The Police Authority will make copies of the agenda and reports open to the public available for inspection at the Police Authority offices at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.

#### Supply of copies

- 31.2 The Police Authority will supply copies of:
- a) Any agenda and reports which are open to public inspection;
  - b) Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  - c) If the Chief Executive thinks fit, copies of any other documents supplied to Members in connection with an item to any person on payment of a charge for postage and any other costs.

Agenda and reports will be posted on Cleveland Police Authority website  
[www.clevelandpa.org.uk](http://www.clevelandpa.org.uk)

Access to minutes etc after the meeting.

- 31.3 The Police Authority will make available copies of the following for six years after a meeting:
- a) The minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Authority, its Panels or Committees, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
  - b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - c) The agenda for the meeting; and
  - d) Reports relating to items when the meeting was open to the public.

Public inspection of background papers

- 31.4 The Police Authority will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Standing Order No 32 to Standing Order No 39 are reserved

## Standing Orders for Corporate Governance Matters

### Standing Order 40      **Code of Corporate Governance**

- 40.1 The Code of Corporate Governance shall be the subject of an annual review by the Police Authority. Changes to this Code will only be approved by the Police Authority following receipt of advice from the Monitoring Officer and/or the Chief Executive, and must meet statutory requirements. At the Police Authority Executive meeting in October 2005 it was determined that this Code will be reviewed at regular intervals and necessary changes, such as new legislation, will be reported to the Police Authority Executive for its consideration. The Monitoring Officer and/or Chief Executive shall detail the changes made during the past year and any known changes required during the forthcoming year. This report shall be presented no later than the first meeting after the AGM.
- 40.2 Minor amendments may be made by the Monitoring Officer and/or Chief Executive in consultation with Chair. Any such amendments must be reported to the Police Authority as part of the annual review of the Code of Corporate Governance.
- 40.3 The most current approved version of the Code is to be available for public inspection during normal working hours

### Standing Order 41      **Annual Review of Governance**

- 41.1 The Chief Executive is responsible for undertaking an annual review of the governance arrangements of the Police Authority.
- 41.2 The Chief Constable is responsible for undertaking an annual review of the governance arrangements of the Force.
- 41.3 The results of the annual reviews undertaken by reference to SO 41.1 and 41.2 shall be reported to the Audit and Internal Control Panel, together with plans to remedy any significant issues identified by the review process. The current mechanism to fulfil the requirements of SO 41 is the Annual Governance Statement and arrangements supporting its production.

### Standing Order 42      **Partnerships**

- 42.1 The Authority's involvement in Partnership arrangements shall conform to the principles of good governance adopted by the Authority.

42.2 The Chief Constable shall issue guidance to the Force concerning its involvement in principal partnerships. Such guidance is to be agreed with the Chief Executive and shall include, but is not limited to,

- a) An appropriate partnership agreement including : agreed aims, objectives, and outcomes
- b) A clear understanding of financial and staffing commitments.
- c) Performance management and reporting to the Force Executive
- d) Risk management
- e) Etc., etc.

#### Standing Order 43      **Risk Management and Business Continuity**

43.1 The Authority and the Chief Constable shall promote a culture of risk management awareness

43.2 The Chief Constable shall secure appropriate and effective arrangements: for the identification, evaluation and control of risk; and for business continuity planning.

43.3 The Chief Constable shall maintain an insurance strategy and report on this to the Police Authority from time to time.

#### Standing Order 44      **Changes to the Panels' Terms of Reference**

44.1 Any future amendments / alterations / developments to the Terms of Reference of existing Panels can only occur with agreement of the Panel Chair in consultation with Chair of the Authority, Chief Executive and Chief Constable (reference Police Authority Executive Meeting July 2007). Changes will subsequently be reported to Police Authority Executive.

Standing Order 45 to Standing Order 49 are reserved

## Financial Standing Orders

### A) Financial Standing Orders

#### Introduction

#### Standing Order No 51 **Roles and Responsibilities.**

51.1 Chief Executive

51.2 Chief Constable

51.3 ACO(F&C)

#### Standing Order No 51 **Financial Planning and Control.**

#### Standing Order No 52 **Preparation of Forward Programmes and Estimates.**

52.1 The Police Authority shall receive, at such time or times it decides in each financial year, information on:-

- Policing Plans, Efficiency Plans and fundamental service reviews.
- The Government's Public Expenditure Plans and Policies.
- Financial Plans (Revenue Budgets, Capital Budgets, Medium/Long term Financial Plans, Capital Programmes, Prudential Indicators).
- Any other related matter it considers necessary in order to formulate its long term financial strategy and its financial policies and guidelines for the forthcoming financial year.

52.2 The Police Authority shall receive and approve a draft multi year capital programme which conforms with any programmes, procedures and other requirements laid down by Central Government for the approval and control of capital expenditure.

52.3 Such capital programmes will be costed at estimated outturn prices for the financial year(s) in question and will be accompanied by a feasibility study and/or a business case and, if appropriate, an investment appraisal.

52.4 Any proposed amendment to the capital programme during the year will include a feasibility study and/or a business case and if appropriate an investment appraisal.

(NB: The capital reports referred to above should incorporate at all times the revenue and capital consequences over the whole life of the items referred to in the reports).

### **Standing Order No 53 Annual Budgets.**

53.1 The Police Authority shall:-

- On receipt of the Chief Constable's detailed budget proposals and the Chief Executive's advice on grants and government funding support receivable and balances available, determine its annual revenue budget and the precept to be levied.
- On receipt of details of credit approvals, capital grants, direct funding from revenue, capital receipts and leasing, determine a capital programme for the forthcoming year.
- The Chief Executive shall notify the Unitary Local Authorities of the precept to be recovered by each Authority in its area and shall supply each Unitary Local Authority with all information required by legislation for the time being, in accordance with the relevant statutory provisions.

### **Standing Order No 54 Making of Precept.**

54.1 The precept will be determined in accordance with legislation and no later than the due date in each financial year.

### **Standing Order No 55 Motion in Authority Involving Increased Expenditure.**

55.1 Any motion or amendment which would result in expenditure not provided for in the annual estimates or a reduction in income so provided, and which is moved other than in pursuance of a recommendation or report from the appropriate officer shall, when proposed and seconded, be rejected unless the motion or amendment identifies the source of funding within the approved budget.

### **Standing Order No 56 Authority to Incur Expenditure.**

56.1 The Chief Constable will be authorised to incur expenditure on any item included in the annual revenue budget approved by the Police Authority, except budgeted items within the Police Authority service unit.

56.2 The Chief Constable will be authorised to incur expenditure on any item included in the annual capital budget approved by the Police Authority subject to:-

- The authority having approved details of the scheme and the means of implementation

- The latest estimate of the cost of a project not exceeding the latest estimate included in the approved capital budget for the current and/or succeeding financial year, and the excess is within the limits set out by the Police Authority at any time for controlling and monitoring capital expenditure, OR
- All necessary ministerial or other approvals have been received.

(see also [Appendix C](#) for subsequent amendments).

### **Standing Order No 57 Control of Expenditure and Income.**

- 57.1 The Chief Constable shall not wilfully cause or allow expenditure on the revenue account to exceed the sum determined in accordance with Standing Order No. 53.
- 57.2 The Chief Constable shall manage all staffing matters within authorised resources, except the budgets relating to Police Authority staff, including members allowances, etc.
- 57.3 The Chief Constable shall not incur increased expenditure in subsequent years unless such increase has been authorised by the Police Authority.
- 57.4 The Chief Constable shall not cause or allow expenditure on the capital account to exceed the sum available under Standing Order No. 53 and authorised under Standing Order No. 56, unless such excess has been authorised by the Police Authority.
- 57.5 If any line of the approved budget becomes, or is expected to become, overspent the Chief Constable will, where appropriate, take corrective action using the diversion provisions contained in Standing Orders 57 below.
- 57.6 The Chief Constable may divert up to £100,000 or up to 10% of any line in the published budget, whichever is the greater, from one line to another provided that:-
- No such diversion shall add to the Police Authority's expenditure in future years, unless the Authority approves such additional expenditure.
  - Any diversions of revenue expenditure to capital expenditure have been authorised by the Police Authority.
  - No diversions take place within the last month of the financial year.
  - All proposals to divert money from one capital scheme to another require the approval of the Police Authority.
  - All necessary statutory approvals must be obtained.
  - The diversion must not increase the Police Authority's revenue liabilities unless the Police Authority has approved such an increase.
  - The project to which the money is to be diverted has been the subject of a business case and investment appraisal, OR
  - The proposal is accompanied by a business case and investment appraisal.

57.7 Diversions must be approved at least one month before the end of the financial year.

57.8 The Chief Constable may apply to the Police Authority not later than its last meeting before the end of the financial year to carry unspent revenue monies forward to the succeeding financial year where the Treasurer agrees to the proposal and the appropriate following reasons apply:-

- ✓ For reasons beyond the Chief Constable's control, supplies or services are not obtainable within the financial year.
- ✓ Inclement weather has caused a delay in carrying out a service.
- ✓ Changes of specification, design, etc make it advantageous to defer a purchase beyond the end of the financial year.
- ✓ Because of the nature of the expenditure it is desirable to define the rate of expenditure by reference to a period longer than one year.
- ✓ The amount is reasonable in relation to the associated line in the estimates and the amount is to be carried over by a service unit under the Police Authority's scheme of devolved resource management.

57.9 The Chief Constable shall:-

57.9.1 Fix such standard charges, scales of charges and fees as may be appropriate for services rendered in accordance with any guidelines which may be, from time to time, issued by the Police Authority, and, at least annually, review and revise such charges and fees.

57.9.2 Write off bad debts and any deficiencies arising in connection with stores or any other property under his control subject to proper enquiry as to the reasons, providing that any individual amounts of bad debt in excess of £1000 are referred to the Police Authority (or a Panel authorised by the Police Authority) for the write-off to be approved.

### Standing Order No 58 Value for Money.

58.1 The Chief Constable shall endeavour to secure value for money at all times on revenue and capital expenditure and shall:-

- Establish cost limits and cost centres for the various services and functions.

- Define the limits of financial responsibility of each officer authorised to incur expenditure on his/her behalf.
- Establish control and performance review monitoring procedures to secure the observance of such limits.
- Encourage the use of performance measurement and other performance management techniques.

58.2 The Chief Constable shall encourage the use of best practices in relation to the procurement of all works, goods, services and other supplies for the force, utilising central procurement expertise and, where appropriate, project management techniques.

### **Standing Order No 59 Capital Project Control.**

59.1 The Chief Constable shall ensure that all capital projects are:-

Controlled to ensure that objectives set out in the initial business case submitted to the Police Authority are achieved and that best value is secured and that the projects are completed, as near as possible, to the timetable for completion.

The subject of a post completion review with a report to the Police Authority.

### **B) Contract Standing Orders**

### **Standing Order 60 Contract Standing Orders and Procurement Principles.**

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