



**CODE OF
CORPORATE GOVERNANCE**

Revised
July 2011

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Introduction

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 the people of 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 co-operation 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 an 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 procedures 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

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.

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.

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

Statutory Framework

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 undertaken by the Government, or by professional bodies such as the Stock Exchange and CIPFA.

Corporate Governance has, over many years, become a key issue for both the private and public organisations. 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, such as 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.

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:

There should be a single board collectively responsible for the success of the company. For the CPA, this is the Police Authority Executive.

There must be in place checks and balances to ensure effective governance and financial propriety.

- 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).*
- 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.*
- 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.*
- 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.*

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:-

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.*

Good governance means Members and officers working together to achieve a common purpose with clearly defined functions and roles. *For 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).*

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.*

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.

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.*

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).

CIPFA/SOLACE Framework (2007) "Delivering Good Governance in Local Government"

(Chartered Institute of Public Finance and Accounting/ Society of Local Authority Chief Executives)

The 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.

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
Police Act 1964	Access to Information Act 1985
Local Government Act 1972	Data Protection Act 1998
Local Government and Housing Act 1989	Freedom of Information Act 2000
Local Government Finance Act 1992	Health and Safety at Work Act 1974 and subsequent regulations (numerous)
Police and Magistrates' Court Act 1994	Race Relations (Amendment) Act 2000
Police Act 1996 (<i>the 96 Act</i>)	Equality Act 2006
Crime and Disorder Act 1998 (<i>the 98 Act</i>)	Disability Discrimination Act 2005
Local Government Act 1999 (<i>the 99 Act</i>)	Equality Regulations (numerous)
Local Government Act 2000 (Pt 3 conduct)	Audit Commission Act 1998
Criminal Justice and Police Act 2001	Accounts and Audit Regulations 2003
Police Reform Act 2002	Local Authorities (Code of Conduct) (Local Determination) Regulations 2003
Local Government Act 2003	Local Authorities (Model Code of Conduct) Order 2007

Main Acts Governing Police Authority Work	Other Important Acts and Regulations
Children's Act 2004 – Children's Trust Boards	CIPFA Code of Practice for Internal Audit 2006
Serious Organised Crime Act 2005 – Policing Plan Summaries	Fraud Act 2006
Police and Justice Act 2006 (<i>the 06 Act</i>)	Local Government and Public Involvement in Health Act 2007 (LAAs/Scrutiny of Community Safety Partnerships)
Police Authority Membership Regulations 2008 and 2010	Criminal Justice and Immigration Act 2008 (Section 9) - HMIC/Audit Commission inspections of Police Authorities.
Policing and Crime Act 2009	Crime and Disorder Regulations 2007 and 2009 relating to Community Safety Partnerships. Statutory Guidance for Police Collaboration 2010.

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.

The Tripartite Relationship of Home Office, Police Authorities and 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.

The Home Secretary

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.*

The Chief Constable

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. 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.

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 Appendix D, 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 remits of the Policy and Resources Panel.</p>
<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 & 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.</p> <p><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.</p>

Primary Roles and Responsibilities	How Discharged
<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 Appendix D). 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.</p>
<p>5. Secure value for money in service provision and make arrangements to secure continuous improvements in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness – <i>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.</i></p>	<p>5. This mainly falls under the remits of the Policy and Resources Panel and the Audit and Internal Control Panel (see terms of reference Appendix D). In addition, an annual Efficiency Plan is published and reported upon.</p>
<p>6. To hold the Police Fund and maintain accounts (S14, 96 Act).</p>	<p>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).</p>
<p>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 (<i>S65, Local Govt Finance Act 1992</i>).</p>	<p>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).</p>

Primary Roles and Responsibilities	How Discharged
<p>8. Make arrangements for obtaining the views of local people about the policing of their area, including issues around anti-social behaviour – <i>S96 of the 96 Act and S2 of the 06 Act</i>. 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 (<i>Policing and Crime Act 2009 and Community Engagement and Membership Regulations 2010</i>).</p>	<p>8. This function is the responsibility of the Operational Policing Panel (consultation) - see terms of reference Appendix D.</p> <p>The Authority, Force and Partners run annual consultation exercises and this information feeds into the Local Policing Plan and Partnership Plan priorities and targets.</p>
<p>9. Issue a three-year rolling Policing Plan each year, which sets out policing objectives for the year, and proposes 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>9. The Policing Plan and Summary are produced jointly by the Police Authority and Force. This comes under the remit of the Operational Policing Panel (see terms of reference Appendix D).</p>
<p>10. Produce a local Policing Plan Summary – Serious Organised Crime Act 2005 and <i>s6 of the 96 Act</i>. Note that the 2009 White Paper indicates that this requirement may become more flexible.</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 Appendix D). 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 Appendix D). 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>

Primary Roles and Responsibilities	How Discharged
<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>). Note also the Police Authority (<i>Particular Functions</i>) Regs 2010 have provisions to strengthen the Authority's duty to monitor complaints against the Force – to intervene where initial responses are unsatisfactory.</p>	<p>15. This is dealt with initially by the Chief Executive and the Monitoring Officer who will advise the Police Authority Executive on the correct procedures to follow.</p>
<p>16. Operate an Independent Custody Visiting scheme to provide a check on persons detained in police cells – <i>S51 of the Police Reform Act 2002</i>.</p>	<p>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.</p>
<p>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 – <i>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]</i>.</p>	<p>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.</p>
<p>18. Be a "relevant partner" and cooperate with local authorities in children's welfare, including Membership of the Children's Trust Board (<i>S13 of the Children's Act 2004</i>).</p>	<p>18. This falls under the remit of the Operational Policing Panel.</p>
<p>19. The Police Authority has been named as a statutory partner in the <i>Local Government and Public Involvement in Health Act 2007 (S103-113)</i>. Statutory partners have a duty to co-operate and have regard to Local Area Agreement indicators.</p>	<p>19. This falls under the remit of the Operational Policing Panel. Members and officers are nominated to sit on the Community Safety Partnerships and report back to the Panels.</p>
<p>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 (<i>Audit Commission Act 1998</i>).</p>	<p>20. This falls under the remit of the Audit and Internal Control Panel (see terms of reference, Appendix D).</p>

Primary Roles and Responsibilities	How Discharged
<p>21. From April 2009, respond to local scrutiny of policing services and Community Safety Partnerships via the Crime and Disorder Overview and Scrutiny Committee (<i>reference scrutiny arrangements referenced in the PJA 2006 (amending the CDA 98) and councillor calls for action/Community Safety Partnership scrutiny referenced in the LGPIHA 2007</i>). [Also refer to the Crime and Disorder (Overview and Scrutiny) Regs. 2009].</p>	<p>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 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.</p>

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).

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:-

- He/she holds a paid office that the Police Authority directly or indirectly makes appointment to.
- A bankruptcy order has been made against him/her or their estate.
- He/she is a disqualified company director.
- 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 he/she:

- is absent for a period of more than 3 months without consent.
- has been convicted of a criminal offence (but not automatically disqualified).
- is deemed to be incapacitated by physical or mental illness.

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.

Duties and Responsibilities of 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 Community Safety Partnerships, 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.

Police Authority Members' Code of Conduct

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

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

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. 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 (see Appendix D).

Decision Making by Police Authority 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.

Chairing the Police Authority

Role and Responsibilities of the Chair

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.

Role and Responsibilities of the Vice Chair

The responsibilities of the Vice Chair includes:-

- 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.

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 Treasurer and a Monitoring Officer.

Chief Executive

The Chief Executive will be the 'Head of Paid Services' and will be responsible for the management functions and maintains a Deputy Monitoring Officer role on behalf of the Authority.

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.
- 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.

- Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints.
- 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.
- Undertake the role of the Deputy Monitoring Officer, supporting the Monitoring Officer in carrying out its statutory duties.

Treasurer

The Treasurer acts as the Section 151 Officer as outlined in the Police Act. In the absence of the Treasurer, the Section 151 Officer is deputised by the Assistant Chief Officer (Finance and Commissioning).

The Treasurer 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).

Functions of the Treasurer:

- Enable the Authority to set an appropriate budget and precept level.
- Ensure that there is an effective system of internal controls and internal audit in place.
- Ensure that a prudent financial framework is in place, including effective arrangements for prudential borrowing and treasury management.
- Advise on Corporate Risk Management 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 professional advice on matters that have important legal or financial implications is available and recorded in advance of decision making.
- Produce an Annual Governance Statement for submission to the Police Authority.
- Maintain and review a Counter Fraud and Corruption Policy.

Monitoring Officer

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.

Functions of the Monitoring Officer:

- Maintaining the Code of Corporate Governance, making minor amendments to ensure it is up to date and in line with legislation and report to the Police Authority Executive (see also 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

The Monitoring Officer is also responsible for dealing with corporate complaints, Ombudsman cases and dealing with Whistle-Blowing reports.

Duty to Provide Sufficient Resources

The Authority will provide the Chief Executive, Chief Finance Officer (Treasurer) 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.

The Chief Constable

The office of Chief Constable has many unique features, as can be understood by reference to the legal status. 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.

Meetings of Cleveland 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.

Financial Roles

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.

Financial Roles and Responsibilities

Treasurer

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 and 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 Treasurer, 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.

Chief Constable

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 F) and Contract Standing Orders (Appendix G) 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.

Assistant Chief Officer (Finance and Commissioning)

The Assistant Chief Officer (Finance and Commissioning) will act as Section 151 Officer in the absence of the Treasurer. In those circumstances, he/she will carry out the functions as described above in consultation with the Monitoring Officer.

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.

Scheme of Delegation to Panels

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.*

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.*

Scheme of Delegation to Officers

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.

Delegation to the Chief Constable

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 the 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.

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 Treasurer, 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 Treasurer 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.

Delegation to the Treasurer

- 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.

Delegation to the Authority Legal Advisors

- To arrange for the signing of contracts, deeds etc in the absence of the Chief Executive.

This delegation may also be undertaken by an agreed Legal Services representative of the Force or agreed member of the Force's Procurement team.

Joint Arrangements and Partnerships

- 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 will agree joint arrangements for consulting the communities with appropriate bodies such as the Force and Community Safety Partnerships.
- 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.

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

Urgency Powers

The Chief Executive may determine any question considered by him/her, after consultation whenever practicable with the Chair 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 and the Police Authority

Citizens' Rights

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.

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 Community Safety Partnerships 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 Community Safety Partnership 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 Community Safety Partnership.

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 CPA website. 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.

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.

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.

Recruitment of the Chief Executive and Treasurer

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 and Treasurer will be made by an Appointment Panel of 7 Members appointed by the Police Authority.

Appointment of the Monitoring Officer

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

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, Treasurer and Monitoring Officer may not be made by Members.

Disciplinary Action

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.

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.

Other Employees

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

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

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.

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.

Member/Officer Protocol

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.

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 (see Appendix A).

Officer 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:

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

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.

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 included as Appendix I. The Force has a separate Whistle-blowing procedure that is included within the Professional Standards Unit intranet site.

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.

APPENDIX A - 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.

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.

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.

1. All Members are required to:
2. Act in accordance with the Code of Conduct for Members.
3. Comply with the Police Authority's Code of Corporate Governance, Standing Orders and Financial Regulations.
4. Ensure that Police Authority facilities provided to enable Members to undertake their duties are used for no other purpose.
5. Comply with all relevant statutory provisions.
6. 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
 - Act in accordance with the Authority's requirements; and
 - 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.

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:

1. 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;
2. 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;
3. Any employment or business carried out by you;
4. Any person or body who employs or has appointed you;
5. 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;
6. 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);
7. 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);
8. The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
9. Any land in your authority's area in which you have a beneficial interest;

10. 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;
11. 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 Member of your family or any person with whom you have a close association; or
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;
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
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:

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 £25.00, 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.

APPENDIX B - Member Allowance Scheme 2011-12

The pay award is based on 2.58% increase agreed on 1st September 2010.

The amounts shown below are annual allowances which will be paid from 1st April 2011. A twelfth will be paid each month using the current arrangements for payment.

	Position	Basic Allowance	Responsibility Allowance	Total
1	CPA Chairman	£9,548	£13,186	£22,734
2	CPA Vice Chair	£9,548	£6,139	£15,687
3	Panel Chair	£9,548	£1,910	£11,458
4	Panel Chair	£9,548	£1,910	£11,458
5	Panel Chair	£9,548	£1,910	£11,458
6	Panel Chair	£9,548	£1,910	£11,458
7	Panel Chair	£9,548	£1,910	£11,458
8	Panel Vice Chair	£9,548	£486	£10,034
9	Panel Vice Chair	£9,548	£486	£10,034
10	Panel Vice Chair	£9,548	£486	£10,034
11	Member	£9,548	£0	£9,548
12	Member	£9,548	£0	£9,548
13	Member	£9,548	£0	£9,548
14	Member	£9,548	£0	£9,548
15	Member	£9,548	£0	£9,548
16	Member	£9,548	£0	£9,548
17	Member	£9,548	£0	£9,548
	Total	£162,316	£30,333	£192,649

Other Allowance Rates

Independent Members of Standards Committee

In line with rates for tribunal panel members set by the Home Office currently (£211.50 per day £104.50 per half day).

For a copy of the full rates please contact Chief Executive.

Independent Members of Selection Panels

In line with rates for tribunal panel members set by the Home Office currently (£211.50 per day £104.50 per half day).

For a copy of the full rates please contact the Chief Executive.

Police Appeals Tribunal Members

In line with rates for tribunal panel members set by the Home Office currently £211.50 per day £104.50 per half day).

For a copy of the full rates please contact the Chief Executive.

Independent Members of Misconduct Panels

In line with rates for tribunal panel members set by the Home Office currently £211.50 per day £104.50 per half day).

For a copy of the full rates please contact the Chief Executive.

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.

Expenses Rates

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 e.g. 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 Police Authority; or Members reimbursed for actual receipted expenditure

Meals on Trains: Actual receipted expenditure

Travel

Rail:

First Class Travel. Senior Rail Cards will be provided for eligible members to enable Cleveland Police Authority to qualify for the appropriate reduced travel. Where possible 1st class advanced tickets will be purchased.

Taxi:

Actual receipted expenditure

Motor Vehicle:

Rates in accordance with those agreed by PSC for Support Staff.

(Update July 2011 – The 2011/12 rates are yet to be agreed for Support Staff. New rates will be posted when available. Claims however will be backdated with the new rates when initiated.)

The 2010/11 rates were:

Band A – 451 - 999cc

Band B – 1000 - 1199cc

Band C - Over 1200cc

Per mile - first 8500 miles Band A – 46.9p Band B – 52.2p Band C – 65.0p

Per mile after 8500 miles Band A – 13.7p Band B – 14.4p Band C – 16.4p

Bicycle rates:

7p per mile

Other Information:

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.

APPENDIX C - 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

Delegation	Date of delegation
1. Voluntary redundancies and early retirements (support staff). With effect from 1 st 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 rd 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).The Chief Constable on behalf of the Police Authority retains discretion to not invoke the regulation in exceptional circumstances.	Police Authority 25.2.99

Delegation	Date of delegation
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
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 O ₂ 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. Standing Order 56. “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

Delegation	Date of delegation
<p>25. Standing Order 56 amended 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) <i>(Please also refer to <u>Standing Orders Appendix G</u>)</i></p>	<p>Police Authority Executive 28.4.05</p>
<p>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".</p>	<p>Statement of Accounts 2005/06 –Adjusted. Police Authority Executive 21st September 2006.</p>
<p>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.</p>	<p>Modernisation Panel 14th June 2006.</p>
<p>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).</p>	<p>Police Authority Executive 14.12.06</p>
<p>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.</p>	<p>Police Authority Executive 23/02/2007</p>

Delegation	Date of delegation
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

APPENDIX D - Terms of Reference for Panels and Committees

Leadership Panel

The Leadership Panel has a broad remit to consider all aspects of leadership for the Force and Authority. A key rationale for the Leadership Panel is that it allows the chairs of the various panels of the Police Authority to consider leadership issues in a broader context than the remit of their individual panels. It also allows for a greater range and depth of discussion of key leadership issues.

The membership of this Panel is made up of the Chairs of the panels of the Police Authority, and will include the Chair and the Vice Chair of the Police Authority. The Chair of the Police Authority chairs this Panel.

In relation to Members of the Police Authority

1. To consider matters relating to training, development, attendance and performance.
2. To have oversight of the arrangements for the appointment of Members.
3. To consider and shortlist applications to be an Independent Member of the Police Authority and the Standards Committee.
4. To conduct interviews and make recommendations, as appropriate, to the full Police Authority on the appointment of new Independent Members.
5. To seek to ensure that the membership of the Police Authority reflects the diversity of the community it serves.
6. To consider Member remuneration issues prior to these issues being discussed by the Standards Committee and/or Police Authority Executive, as appropriate.

In relation to the Force Executive

7. To develop arrangements with the Force which fulfil the statutory requirements placed on the Authority to hold the Chief Constable to account.

8. To ensure that such arrangements are constructive in nature and designed to further the achievement of the objectives of the Police Authority and the Force.
 9. To have oversight of the arrangements for appointment to the Force Executive.
 10. To consider and shortlist applications for Chief Constable, Deputy Chief Constable, Assistant Chief Constable and Assistant Chief Officer.
 11. To conduct interviews and make appointments.
 12. To consider and determine all matters falling to be determined by a Police Authority concerning pay, conditions of service, severance payments, redundancy, and redundancy payments, including the application of the national bonus scheme for Chief Police Officers. These matters to be supported by appropriate options and financial appraisals.
 13. To ensure that appropriate Personal Development Reviews take place.
 14. To consider and hear representations in connection with overall Performance Development Review (PDR) assessments.
-

In relation to Police Authority Staff

15. To have oversight of the arrangements for appointments to the staff of the Police Authority.
 16. To consider and shortlist applications for Chief Executive, Deputy Chief Executive, Treasurer and Monitoring Officer.
 17. To conduct interviews and make appointments.
 18. To consider and determine all matters falling to be determined by a Police Authority concerning pay, conditions of service, severance payments, redundancy, and redundancy payments. Matters to be supported by appropriate options and financial appraisals.
 19. To ensure that appropriate Personal Development Reviews take place.
 20. To consider and hear representations in connection with overall Performance Development Review (PDR) assessments.
-

Governance Matters

21. The panel has plenary powers except in those matters reserved for decision by the full Police Authority.
22. To consider any matter of urgency that does not warrant the calling of the full Police Authority. (Decisions taken under urgency arrangements are to be reported to the next meeting of the full Police Authority by way of Panel minutes or by way of a specific report should the matter be of sufficient importance.)
23. To monitor the implementation of the CPA Business Plan.
24. To monitor the implementation of the CPA Risk Register and supporting action plan.
25. To agree the distribution of the CPA's annual revenue budget over spending heads, and income.
26. To receive regular budget monitoring reports relating to the CPA budget.
27. To oversee the responses to freedom of information requests and other data requests that relate to senior officers, Members and issues of a particularly sensitive nature.

This Panel has, in addition to the Audit and Internal Control Panel, the authority to agree exemptions to Contract Standing Orders. Any such exemptions will subsequently be reported to the full Police Authority Executive for scrutiny.

Operational Policing Panel

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.
18. Outcome:

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

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 and 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.
22. 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.

Audit and Internal Control Panel

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.
 - 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.

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

5. Outcome:

Strengthened corporate governance arrangements.

Professional Standards Panel

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.

In detail:

6. 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.
7. 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.
8. Members should understand force policies and procedures for the recording and handling of complaints including those relating to direction and control.
9. Ensure that the Chief Constable has in place robust procedures for senior managers to oversee and manage effectively the complaints process.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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. The Committee may call for further information and reports to be submitted to a future Panel meeting or to the Police Authority.

Joint Risk Management Group

This is a sub group of Audit and Internal Control Panel.

1. To engender and support a culture of risk management across the Police Authority and the Force.
2. To promote the embedding of risk management within integrated business and financial planning processes.
3. To facilitate consistency between and within the Police Authority and the Force in relation to risk management matters.
4. To consider relevant recommendations flowing from inspections, assessments and reviews, and monitor progress of action plans.
5. The work of this group will be part of the Annual Governance Statement delivery process and reported through the Audit and Internal Control Panel.
6. Membership of the group will be the Chief Executive, Chair and Vice Chair of the Audit and Internal Control Panel, the Deputy Chief Constable and the Head of the Corporate Planning and Governance Unit. Deputies will be allowed to attend. The quorum will be met if the Chair or Vice Chair of the Audit and Internal Control Panel and the DCC or Head of Corporate Planning and Governance (or deputy) is present.

Risk Management includes Service Continuity Planning arrangements.

(Terms Agreed - Audit and Internal Control Panel, November 2009)

Environmental Monitoring Group

This is a sub group of the Policy & Resources Panel.

1. To engender and support environmental issues across the Police Authority and Force, involving our strategic partners where necessary.
2. To promote the embedding of environmental management within integrated business and financial planning processes.
3. To facilitate consistency between and within the Police Authority and the Force in relation to environmental and energy reduction related matters.
4. To consider relevant recommendations flowing from any inspections, assessments and reviews, and monitor progress of action plans.
5. To review, adopt and embed any launch or changes to environmental legislation.
6. Membership of the group will be:

Police Authority: The group will be chaired by the Vice Chair with select Members and CPA officers also in attendance.

Cleveland Police: The ACO Finance and Commissioning will attend in an Executive role with optional representatives from the Districts to feed learning into their area buildings and services.

Strategic Partners (Steria): It is proposed that representation from the Police Shared Business Services will be from the following areas:

- o Corporate Estates (for Energy, Electrical Equipment Water and Waste Management)
- o ICT (for ICT Electrical Equipment)
- o Fleet Management (for Operational Travel)
- o Central Business Unit (for Business Travel)
- o Finance (for Employee Travel)
- o Procurement (for Sustainable Procurement)

Strategic Partners (Reliance): It is proposed that representatives of Reliance will be in attendance to report on energy, water and waste management in the PFI buildings (Middlesbrough District HQ, Redcar & Cleveland District HQ and town police stations in Redcar and South Bank).

(Terms Agreed - Leadership Panel 15 March 2011)

APPENDIX E - 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 -
 - 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.
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).
- 10.3 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 004 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

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.

The questioner shall be notified in writing whether his/her question has been accepted or rejected.

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: -
- to amend the motion;
 - to adjourn the meeting;
 - to adjourn the debate;
 - to proceed to the next business;
 - that the question be now put;
 - that a Member be not further heard;
 - (by the Chairman) that a Member do leave the meeting;
 - 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:

- Appointment of a Chairman of the meeting at which the motion is made.
- Motions relating to the accuracy of the minutes.
- That an item of business specified in the summons has precedence.
- Remission to a Panel.

- Appointment of a panel or Members thereof occasioned by an item mentioned in the summons to the meeting.
- Adoption of reports and recommendations of panels or officers and any consequent resolutions.
- That leave be given to withdraw a motion.
- Amendments to motions.
- That the Authority proceed to the next business.
- That the question be now put. (see Standing Order 20 below).
- That the debate be now adjourned (see Standing Order 19 below).
- That the Authority do now adjourn (see Standing Order 18 below).
- Authorising the sealing of documents.
- Suspending Standing Orders, in any case of urgency, in accordance with section S.O.24 below.
- That a Member named under S.O.16 (below) be not further heard or do leave the meeting.
- Requesting a Member to leave under S.O. 25 (below) -personal interest.
- 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:-

- to refer a subject for reconsideration at a later date;
- to leave out words;
- to leave out words and insert or add others;
- 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 wilfully 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:-
- move "that the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or

- 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.

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.

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).

Where the meeting is convened at short notice, the notice document must be open to inspection from the time the meeting is convened.

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:

- Any agenda and reports which are open to public inspection;
- Any further statements or particulars necessary to indicate the nature of the items in the agenda; and

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 also be posted on Cleveland Police Authority website - 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:

- 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.
- 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;
- The agenda for the meeting; and
- 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 Orders No 32 to Standing Order No 39 are reserved

APPENDIX F - 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.

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,

- An appropriate partnership agreement including: agreed aims, objectives, and outcomes
- A clear understanding of financial and staffing commitments.
- Performance management and reporting to the Force Executive
- Risk Management

Standing Order 43 - Risk Management and Business Continuity

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

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

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 Orders 45 to Standing Order 49 are reserved.

Financial Standing Orders

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.
- 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.
- 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.
- 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.

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:-

- 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.
- 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.
- 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.

APPENDIX G - Contract Standing Orders

Standing Order 60 - Contract Standing Orders and Procurement Principles

Introduction

1. The Organisation spends in excess of £30 million per annum on works, goods, services, and capital projects, and as a lead authority for Police consortia has influence over a further £10 million expenditure per annum.
2. In 2010 the Authority outsourced most of the back office and support services, including commissioning and procurement, in a ten year contract.
3. Effective contract and procurement management is essential in order to become best in class in a business process that involves all aspects of police operation and support. It has a significant impact on the delivery of value for money; therefore it is vital that all procurement activities are managed effectively and that procurement personnel and local buyers are well trained and highly professional.
4. This document has been developed to provide all staff of Cleveland Police and the Cleveland Police Authority who become involved in the contracting and procurement process with a clear regulation framework in which to operate to enhance the delivery of value for money for the authority and the force. In addition to the Contract Standing Orders this document contains procurement principles that set out guidance to assist in the delivery of a first-class procurement operation.
5. These Contract Standing Orders are supported by a comprehensive set of procurement procedures that will enable all those involved in day-to-day procurement activity to act in full compliance with these Contract Standing Orders. The procedures will be updated from time to time to stay at the forefront of Best Practice and respond to business needs.
6. These Contract Standing Orders relate principally to the procurement process considering the competitive process, selection & management of suppliers and contract award.

Empowering Regulations

1. These Contract Standing Orders are the standing orders to be made under Section 135 of the Local Government Act 1972 and all other powers enabling Cleveland Police Authority.
2. These Contract Standing Orders cover and comply with the provisions of the Audit Commission Competitive Procurement 2001, Race Relations Amendment Act 2000, Section 16 Local Government Act 1999, Byatt Report 1999, Competition Act 1998, GATT Agreement on Government Procurement 1996 and section 2 of the European Communities Act 1992, Freedom of Information Act 2002, Data Protection Act 1998, Sir Peter Gershon's Independent Review of Public Sector Efficiency 2004, Sir Ronnie Flanagan's Review of Policing 2008 and the relevant provision in the Police and Justice Act 2006.
3. These Contract Standing Orders are designed to support the Cleveland Police Authority's and Force's policies relating to diversity and counter fraud & corruption.
4. They are also designed to support the principles and concepts of good governance as contained in the Police Authority's Code of Corporate Governance.

Application of Contract Standing Orders

1. These Contract Standing Orders cover all contracting and procurement activities within the Force and Police Authority. This includes supply, hire, new contract, extension of contract and renewal of contract and / or disposal, with the exception of contracts for the purchase of land, and contracts of employment.
2. The Contract Standing Orders detailed apply to all staff of Cleveland Police and Cleveland Police Authority and must be adhered to at all times.
3. Where an outsourcing agent is responsible for the management and supply of goods and services to the Authority, these Standing Orders shall apply, unless the Authority agrees to the contrary.
4. Where the outsourcing agent has budgets to manage, the outsourcing agent will submit annual expenditure plans to the Force and in turn the Authority. The outsourcing agent will only have authority to authorise orders and budgetary expenditure against those budgets where such approval has been granted by the

Force and the Authority for that outsourcing agent to be able to spend against the annual plans.

5. Any orders and contracts to be placed with the outsourced provider are to be authorised in accordance with paragraph 7 'Award of Contract'.
6. Where the Authority is acting as an agent for another body, these Standing Orders shall apply unless the principal directs to the contrary.
7. Any person who is not an Officer of the Authority or the Force engaged to manage a contract on behalf of the Authority shall fully comply with these Contract Standing Orders.
8. All Service Units, (this means all Basic Command Units, Service Units and the Police Authority), will designate a manager accountable for implementation and monitoring the effectiveness of procurement activity for that business area. This manager will report on a regular basis to the Head of the Service Unit and liaise with the Lead Procurement Business Partner.
9. These Standing Orders aim to achieve a full audit trail and full accountability of those involved, requiring them to identify and record the contract decision-making process for all commitments.
10. These Standing Orders provide the means of deciding which procedure is to be used for a given requirement.
11. These Standing Orders cannot be changed nor departures from them made without the agreement of Cleveland Police Authority.
12. These revised Standing Orders apply from 10th February 2011.

Role and Duties of Procurement

Role of Procurement

The role of procurement can be expressed simply as:

“To obtain the best overall value for each pound spent when acquiring works, goods and services, working with Service Units to ensure that value is maximised during life and at disposal.”

Procurement Principle

The enhanced role of procurement is achieved when the following are recognised:

- Procurement influences more than 95% of external expenditure with suppliers.
- Procurement continually develops as a centre of expertise for Service Units.
- Procurement works jointly with Service Units to add value through the provision of services and support.

Procurement is to assist with and, where appropriate, carry out, the sourcing of products and associated negotiations on behalf of Service Units.

Role of the Lead Procurement Business Partner or Head of Police Shared Business Service

The Role of the Lead Procurement Business Partner or Head of Police Shared Business Service within these Contract Standing Orders is to:

1. Manage the Contract Standing Orders and procurement procedures to ensure that they are maintained in line with good procurement practice and deliver value for money.
2. Advise and make proposals to the Assistant Chief Officer (Finance and Commissioning) and the Police Authority when it is necessary to update the Contract Standing Orders and review the Procurement Strategy.
3. Ensure personal awareness and understanding of these Contract Standing Orders and other financial regulations, procedures and guidelines that relate to best practice in procurement and contracts. Develop and agree procurement strategies with senior management in line with NPIA (National Police Improvement Agency) and ACPO (Association of Chief Police Officers) procurement policies.
4. Take responsibility for the procurement process, although much of the actual purchasing activity will be devolved to the outsource contractor and the Service Units, as appropriate.

5. Ensure that knowledge is being disseminated throughout the organisation to ensure procurement staff and Service Units are aware of the procedures they should follow, and the suppliers they should use.
6. Set and monitor key performance indicators for procurement and contractors, and ensure that they are met. Report to the Assistant Chief Officer (Finance and Commissioning) and through them update the Police Authority on a regular basis.
7. Generate and maintain effective business relationships that give the Force constant, easy access to capable, efficient and highly motivated suppliers.
8. Develop and manage the Force's purchase arrangements for supplies jointly sourced with other Forces and with other emergency services through national and regional framework and consortia arrangements.

Role of Procurement Team including Lead Procurement Business Partner and Procurement Transactional Team

The Role of Lead Procurement Business Partner supported by the Procurement Transactional Team within these Contract Standing Orders is to:

1. Ensure personal awareness and understanding of these Contract Standing Orders and other financial regulations, procedures and guidelines that relate to procurement and contracts for all members of the team directly involved in the contract / tender process.
2. Develop and agree a procurement strategy for major contracts with the Police Authority, the Lead Procurement Business Partner or Head of Police Shared Business Service and the Service Units, as appropriate.
3. Ensure that procurement is carried out in a professional and ethical manner that is consistent with Force policies and that the Authority's and Force's aggregated requirements are bought in line with the EU Procurement Directives.
4. Ensure contracts are formed detailing clear specification of requirements (that includes maintenance and consumables as appropriate) and terms and conditions appropriate to the requirement.
5. To assess whole life costs as appropriate to the requirement to determine value for money.
6. Ensure that an appropriate audit trail is maintained.
7. Ensure contract data is recorded on a contract register following award.

Role of Local Procurement

The role of a local procurement is to:

1. Support Contract Standing Orders and procurement procedures and communicate any conflict between the local approach and these Contract Standing Orders to the Lead Procurement Business Partner or Head of Police Shared Business Service.
2. Promote the use of Procurement Cards, where appropriate, for local purchases
3. Swiftly process requests from within Service Unit areas.
4. Ensure that the competitive process is maintained in line with expenditure thresholds.
5. Ensure that an appropriate audit trail is maintained.
6. Utilise and apply the Standard Terms of Contract for procurement.
7. Involve Procurement where a purchase is complex, requires special terms of contract, or contract extension, except when the requirement is within the buyer's delegated procurement authority.

Authorities & Controls

Procurement Principle

The review of monetary values for contract thresholds should be made in line with the review of EU thresholds on a biennial basis.

Expenditure Authority

1. Expenditure authority rests with the budget holder and/or the person with delegated budget authority.
2. All expenditure must have prior budgetary approval and the commitment will not make the budget overspent.

Procurement Authority

1. This authority is delegated by the Chief Constable to the Assistant Chief Officer (Finance & Commissioning) who ensure that an appropriate audit trail is maintained.
2. This authority is in turn delegated by the Assistant Chief Officer (Finance & Commissioning) to the Lead Procurement Business Partner or Head of Police Shared Business Service to make contractual commitments, as appropriate.
3. This authority may be further delegated to the outsourced Procurement Team and/or Service Units.
4. Procurement commitments cannot be made without prior budget approval.
5. No person is permitted to make commitments to suppliers unless they have direct or delegated procurement authority.

6. The Lead Procurement Business Partner or Head of Police Shared Business Service will retain a register of people with delegated procurement authority, a copy of which is retained with specimen signatures and reviewed and agreed by the Assistant Chief Officer (Finance & Commissioning).

Segregation of Duties

1. The authorities relating to the contracting and procurement process are segregated between the following phases:
 - Requisition
 - Commitment (Contract Signatory)
 - Receipt
 - Payment
2. No one individual can have the authority to control more than two consecutive stages in the segregation of duties.

Disaggregation

Disaggregation, which is defined as the separation of a purchase into several smaller requisitions or contracts to avoid thresholds and competitive procedures, is not permitted.

Procurement Process

Procurement Involvement

1. Service Units will utilise the Procurement Team where a purchase is complicated and /or involves high expenditure and/or commercial risk (defined in Procurement Procedures).
2. A Force Procurement Strategy will be developed and adopted in line with recognised best practice.
3. Procurement activities will reflect the fact that suppliers are dealt with in an impartial, legal and ethical manner.

Procurement Principle

If the Procurement Team is to be effective, it must regularly communicate with Service Units.

Acquiring items of a high value and/or a critical nature will always be a joint effort between Procurement and Service Units, ensuring compliance with EU procurement directives as appropriate.

Procurement staff will need to take part in all stages of the process to ensure that the commercial risk is fully assessed. The procurement process starts when a Service Unit identifies a need. Service Units are encouraged to hold discussions with Procurement at this early stage, as the process of placing a contract can be time consuming.

Service Units must utilise Force Contracts where they already exist.

Utilisation of Contractual Arrangements

1. Where NPJA, OGC Buying Solutions and other national, regional or local collaborative contracts exist, the Force should support those arrangements. In the exceptional circumstances where better value can be obtained from sources alternative to these, prior approval to use those alternatives must be obtained from the Lead Procurement Business Partner or Head of Police Shared Business Service. These circumstances and details of contracts must be reported annually to the Police Authority by the Assistant Chief Officer (Finance and Commissioning).
2. Contracts should not be sought by Service Units that compete with an existing contract for similar requirements without the express prior approval of the Lead Procurement Business Partner or Head of Police Shared Business Service.

Procurement Principle

When the organisation enters a contract with a supplier it is intended to commence a business relationship that adds value to both organisations as price is not the only consideration taken into account when a contract is awarded.

It is recognised that the contracted cost of goods and services will be challenged by other suppliers in the market who will attempt to offer alternative arrangements, spot prices or special priced offers to Service Units

If a Service Unit is made aware of or invited to buy these goods or services "Outside" of the awarded contract they should advise the Lead Procurement Business Partner or Head of Police Shared Business Service so that the alternative can be assessed for value for money.

Using such suppliers could compromise an existing contract by breaching the contractual commitment, thus damaging relations with the contractor, and/or reduce the overall value obtained.

Supplier Relationship Management

1. Supplier selection is to be based on sound business principles that recognise the quality of products and services, financial stability, equality and the ability to fulfil contracts on time.
2. Suppliers and tenderers are normally selected from an advertisement response and suppliers already known and who have a proven track record of supply. Any company can make an application to tender. In these instances the Lead Procurement Business Partner must correctly evaluate the companies as to their suitability.
3. At the Lead Procurement Business Partner's discretion other companies may be invited as potential suppliers as they could be more competitive or provide a more technically advanced solution than suppliers already known.
4. Contracts are awarded through the appropriate competitive process to suppliers who offer the value for money combination of commercial and technical terms that meet business needs.
5. Auditable records should be retained supporting all decisions made during the supplier selection process.

Procurement Principle

The natural dynamics of the supply market means that supply relationships will be different depending upon supplier importance and need. Relationships will range from arms-length to close collaboration depending upon the risk in the supply market, number of sources available and business requirements.

When a supply relationship develops with key suppliers of high value critical products, a strategic alliance may be created to help develop a mutually advantageous commercial relationship within defined parameters.

The preference is for suppliers who demonstrate a commitment to the achievement of world class standards and who are committed to providing continuous improvement and exceptional service.

The importance of small to medium sized enterprises (SME's) and social enterprises within the supply market is recognised. In keeping with Government guidance equal consideration will be given to such organisations in the achievement of value for money objectives during the competitive process.

In seeking value for money, buyers need to be mindful of the extra benefits of long term associations with ethical and reliable suppliers, and take care to ensure that these arrangements remain mutually beneficial.

Staff within the Police Authority and Force will be in contact with supplier visitors and may on occasions visit suppliers. This creates a potential risk that commercially sensitive information will be released.

All staff should at all times demonstrate an ethical, professional approach to the supply market, demonstrably operating according to the highest standards of business practice.

The aim is that the Authority and Force are perceived by key suppliers as a preferred customer, and is seen as an organisation that behaves faultlessly by those who regulate or otherwise constrain commercial activity.

Competitive Process

1. A complete audit trail is to be retained for each contract, providing a record and full file detail of tender documents, detailed analyses, negotiation, clarification and subsequent decisions.
2. Contract and tender documentation must be retained as per the retention policy under the Freedom of Information Act.
3. The preferred method of tendering for all levels of requirement is the E-tendering package contained in the Blue Light system.
4. In exceptional circumstances a paper process can be utilised following prior approval by Lead Procurement Business Partner or Head of Police Shared Business Service. Reasons for using this approach must be recorded in the tender file. In such circumstances the procedure detailed in the Procurement Procedures document must be followed.
5. All tenders and contracts must be recorded on a Contract Register

Specification Development

1. The specification should be developed as a generic performance, output and outcome based specification as the normal approach to business. This form of specification increases the ability of suppliers to compete and aids the delivery of value for money.
2. Specifications should be framed so that, as far as possible, the resulting offers can be judged against objective criteria.
3. Proprietary product specifications should only be used in exceptional circumstances. When this event occurs the Lead Procurement Business Partner must record the reasons in the contract file stating why a restricted competitive approach has been selected.

Procurement Principle

Specifications should be output and outcome based rather than developed in such a way as to focus on a proprietary product or single consultancy offering.

By developing generic specifications the competitive process is enhanced, enabling more organisations to compete for the business on offer.

Specification Changes

1. If a specification is changed for any reason during the tender process, the updated specification must be communicated promptly to all tenderers, giving additional time to respond, as appropriate, to the change.
2. If a specification is changed for any reason after receipt of tenders, the updated specification must be communicated to all tenderers. They must be given adequate time to respond to the change in specification and to prepare revised tenders. The process will follow the tender process.

Equal Treatment

1. Equal treatment will be given to all potential suppliers, including access to the same information and adequate time to respond to enquiries and tenders.
2. Buyers should ensure that all potential suppliers are not disadvantaged and are capable of meeting the requirement.
3. The tenders solicited remain confidential before and after the business is placed, subject to the terms of the Freedom of Information Act.
4. It is made clear to tenderers that their tenders will only be considered if they are submitted on time and in the proper format.

Procurement Process Thresholds

1. Requirements below £10,000 value are Low Value Procurements.
2. Requirements above £10,000 and below £50,000 value are Medium Value Procurements.
3. Requirements above £50,000 value are subject to the tender process and potentially subject to EU Procurement Directives depending on the ultimate contract value.

Low Value Procurement

1. Low value procurement will be managed through a competitive process appropriate to the value goods or service required. Full details are contained in the Procurement Procedures.
2. Where the requirement is of low value and not covered by an existing contract, the order can be placed directly with a selected supplier. The preferred method of obtaining such supplies is by Procurement Card or an e-procurement process.
3. The Government Procurement Card (GPC) or other smart payment processes should be used with specific contracts or suppliers that will accept the process of ordering and for ad hoc requirements.
4. The user controls are agreed between Procurement, Finance and local management for each user, setting expenditure limits per month and per transaction.
5. All procurement card users will receive specific training prior to being issued with their personal procurement card.

Medium Value Procurement

1. Medium value procurement will be managed through a competitive process appropriate to the value goods or service required this process will require the test of value for money to be applied to all requirements.
2. Considering the value and potential supply risk of the requirement offers will be required from multiple suppliers to enable value for money to be determined. Full details are contained in the Procurement Procedures.
3. Service Units should engage with the Lead Procurement Business Partner appropriate to the requirement where supply risk or complexity is identified for the requirement to ensure the appropriate safeguards and procurement planning is in place for the procurement.
4. The medium value competitive process can be managed utilising the Blue Light E-tendering software which apply the secure principles of the tendering process.

Tendering Process

The tender process will be managed utilising the Blue Light E-tendering software with the following principles applied. Paper based tender processes will be used as an exception and only following prior approval by the Lead Procurement Business Partner or Head of Police Shared Business Service.

1. Contracts above £50,000 value and EU procurement threshold will be subject to the tendering process.

2. The Force method of tendering requirements of all values is to utilise the “Blue Light” e-tendering system. This enables the full process to be completed electronically in compliance with EU Directives and competition law requirements.
3. The Lead Procurement Business Partner must consult with the Lead Procurement Business Partner or Head of Police Shared Business Service as to whether a bond or guarantee is required.
4. The Lead Procurement Business Partner will utilise Standard Terms and Conditions of Contract and determine if any additional special terms and conditions are appropriate to the requirement.

EU Procurement Procedures

1. Requirements above the EU Procurement threshold will be subject to the full EU tendering process.
2. The Lead Procurement Business Partner will advise on the most appropriate procedure. There are six procedures that can be used as appropriate to award of contract under EU Regulations
 - **Open Procedure** - any company who replies to an advertisement in the European Journal can tender.
 - **Restricted Procedure** - companies express an interest in tendering in response to an advertisement, and after a preliminary vetting procedure (limited to financial & technical capability), a shortlist of companies are invited to tender.
 - **Negotiated Procedure** - entering into negotiations with at least three companies before awarding the contract. Reasons for using this method must be documented in the procurement plan because the scope for proceeding by negotiation is limited under EU Regulations.
 - **Dynamic Procurement Systems** - utilising dynamic methods of procurement to improve the competitive process and assist delivery of value for money. E-Auctions will normally be used as part of the collaborative process working with other Forces on a regional or national basis.
 - **Framework Agreements** - are a process of award of contract and is made as an agreement between one or more contracting authorities and one or more contractors.
 - **Competitive Dialogue** - are used when developing a requirement that is long term, complex and cannot be procured through another EU procedure as described above. This approach may be utilised to develop and negotiate the agreement.

Tender Receipt & Opening

1. Tenders will be completed via the Blue Light E-tendering systems and opened by at least two people with one of them being an impartial witness to the process in accordance with the following tender levels. Be opened in the presence of, where the estimated tender figure –
 - Exceeds £150,000, the Chief Executive together with the Chief Constable.
 - Does not exceed £150,000, the Chief Executive or the Chief Constable.
2. Paper sealed tenders are registered when received, and left unopened until the due time and date. (This is automatic with the e-tendering system)
3. The paper tender documents are signed, dated and witnessed at time of opening by all present. (This is automatic with the e-tendering system)
4. Particulars of tenders received and those accepted shall be recorded. (this is automatic with the e-tendering system)

Late Tenders

1. Tenders received after other tenders have been opened will not be accepted.
2. A tender received late but before the other tenders have been opened may be considered if there is evidence that it was despatched by post or other means early enough to be received in due time in normal circumstances.
3. A tender rejected due to late delivery or other valid reason will not be opened and the bidding organisation will be informed after the analysis process.

Errors in Tender Submissions

1. Advantage should not be taken of genuine inadvertent errors made by tenderers.
2. When the Lead Procurement Business Partner finds an error in a tender, the tenderer will be advised that an error may exist in their offer and be given the opportunity to:
 - Confirm that the tender stands in its current form.
 - Withdraw the tender.
 - Correct that part of the tender that is in error within a specified time frame.
3. No request by a supplier to amend a tender after the time fixed for receipt shall be accepted.

Negotiation & Clarification

1. Negotiation can be used when deemed advantageous to the competitive process by the Lead Procurement Business Partner. Negotiation will not be utilised on all occasions.
2. When negotiation is employed it should be conducted with short-listed tenderers and a record of each negotiation maintained in the tender file.

3. Negotiation focusing only on price will not be used during the tender process. During the EU Procurement Process the Lead Procurement Business Partner can enter into “Clarification” discussions to understand technical and operational issues of the offer that may result in a change to the cost of the contract.
4. During the negotiation and clarification process the Lead Procurement Business Partner must ensure impartiality to all tenderers invited to negotiate.
5. Negotiation will be utilised by trained buyers and will be used to enhance better value of goods and services.
6. It is unethical in negotiation practice for tenderers commercial information to be used as a lever to reduce other offers.

Procurement Principle

When employing negotiation, buyers need to be aware of the power they have in the supply market and use ethical business approaches in the planning, preparation and execution of the negotiation.

Award of Contract

1. Tender analysis should be completed using criteria determined prior to issue of tender documentation.
2. The Lead Procurement Business Partner must record the reasons and whole life cost analysis that led to the acceptance of a value for money offer. Where the accepted bid is not the lowest cost option the reasons for acceptance need to be reported in line with para 4 below prior to contract award.
3. The Lead Procurement Business Partner is empowered to recommend the acceptance of tenders.
4. Tenders received shall only be accepted in the case of –
 - i. Those not exceeding £150,000 - by the Chief Constable
 - ii. Those exceeding £150,000 but not exceeding £250,000 - jointly by the Chief Executive and Chief Constable.
 - iii. Those exceeding £250,000 - by the Police Authority.
5. A minimum period of ten working days must be allowed as a standstill period between the notification of an award decision and contract commencement for all EU value contracts. This is good practice and should be applied to all contracts.
6. All unsuccessful tenderers have the right to a formal debrief promptly or within 15 days of a written request to be debriefed following award of contract.
7. All details of the awarded contract must be entered in the contract register held by the Procurement Department.

Procurement Principle

Subjective comparisons can play a part in tender analysis. The Lead Procurement Business Partner should avoid focusing the decision making process on them.

Courtesy and good business practice compels the Authority or Force to explain through a formal debrief process to unsuccessful bidders why they were not selected for major / high value projects. Through this process suppliers learn how they need to improve to serve future requirements. The key is to explain objectively without divulging any technical, commercially sensitive or competitive information.

Signing of Contracts

1. All contracts exceeding £10,000 in value shall be in writing and signed or executed on behalf of the Police Authority. Where:
 - i. The value does not exceed £150,000 - by the Chief Constable
 - ii. The value exceeds £150,000 by the Chief Executive and the Chief Constable.

Exceptional Situations

1. For requirements of an exceptional nature, advice and guidance must be obtained from the Lead Procurement Business Partner or the or Head of Police Shared Business Service.
2. Exceptional Situations are those created by external actions and events over which the Force has no control but has an obligation to respond.
3. Utilisation of Contract Standing Order 9 or failure to follow contract standing orders shall be reported by the Assistant Chief Officer (Finance and Commissioning) to the Audit and Internal Control Panel.

Procurement Principle

For the majority of situations the tender process will be utilised and exceptional situations will be taken into consideration as appropriate to the requirement.

Specifications should normally be generic and output/outcome based rather than developed in such a way as to focus on a propriety product or single consultancy offering.

Operational Emergency

1. In cases of operational emergency, requirements should be obtained from existing contracts as a priority.
2. In the event of an existing contract being unavailable, the operational commander can:
 - a. Contact the nominated procurement team member for action.
 - b. In the situation when a) is not available, contact an available supplier directly to provide assistance, and obtain value for money support.
3. A full audit trail is required for goods and services obtained during an operational emergency.

Proprietary Products

1. In the exceptional circumstances when a proprietary product is specified, the Lead Procurement Business Partner must record the reasons in the contract file, stating why a restricted competitive option has been selected.
2. One or more suppliers of the product should be identified.
3. The tender process and / or direct negotiation should be utilised to obtain the value for money offer from each supplier prior to a decision to award.
4. Actions are recorded in a contract file stating reasons in an auditable form.
5. The requirement may be considered as a proprietary product when it is for repairs or works to an existing proprietary product.
6. The selection of a proprietary product does not eliminate the need to fully comply with EU procurement regulations.

Subjects of General Application

Terms and Conditions of Contract

1. All contracts or purchase orders will use Standard Terms and Conditions of Procurement as appropriate for the specific commodity group.
2. Specially written contracts should only be required where the work is of a non standard nature.
3. The contractor may be required to provide a bond or guarantee from a parent company in a specific form.
4. All significant software development contracts must include an escrow arrangement.

Procurement Principles

Purchase orders / contracts are placed on the Standard Terms and Conditions of Purchase, which are maintained and cover the majority of supply situations.

Letters of intent should only be used in special circumstances and on the rare occasions these are required they may only be issued to a supplier after agreement and authorisation by the Lead Procurement Business Partner or Head of Police Shared Business Service.

Requirements for specially written contracts and / or contracts for any one piece of work should be referred to the Lead Procurement Business Partner who will engage appropriate Legal support.

Terms of Payment

Suppliers will be paid on time and according to contract.

Procurement Principle

Sometimes suppliers ask for "stage payments". This practice should be structured within the relevant contract, rigorously managed and appropriate payment retention applied for capital and construction projects. When they are made stage payments should be limited to the amount to cover work already performed. This keeps the risk as low as possible if a supplier's business fails.

Legitimate payments should not be delayed, or terms of payment altered, without referring back to the Lead Procurement Business Partner.

If suppliers ask to be paid in a foreign currency, consideration must be given to the effects of fluctuating exchange rates. The exact cost should be fixed at the time of order placement. All such requests must be referred to Finance for advice and guidance.

Safeguarding Information

1. Information that is highly sensitive or has commercial value will be marked and securely controlled in accordance with the Protective Marking Scheme.
2. All documentation for a contract will be kept together securely in an easily accessible format.
3. Information and records must be retained in a format that complies with the Freedom of Information Act (2000) and Data Protection Act (1998), and the requirements of these Standing Orders.
4. Disclosure of information under the Freedom of Information Act will only be given providing it does not damage commercial interest, breach confidentiality arrangements or threaten the public interest. Guidance for information requests

relating to contracts, tenders and supplier information should be obtained from the Freedom of Information Officer.

Procurement Principle

Information that is shared with suppliers is carefully vetted. Where appropriate, suppliers will be asked to sign a confidentiality agreement.

Endorsements

Procurement Principle

All requests to quote Cleveland Police's name or to take photographs for promotional purposes are to be referred to the Media and Communications Manager.

Environmental & Ethical Trade Considerations

Procurement Principle

Procurement must maintain value for money. In doing so, consideration should be given to the medium and long-term environmental consequences as well as short-term commercial advantage.

In all decisions, consideration should be given to products whose manufacture, use and disposal do not have a detrimental environmental effect or exploit and contravene established ethical standards and work practices.

Reallocation or Disposal of Redundant Items or Equipment

1. The same competitive process will be employed at disposal if the goods have a commercial value.
2. The highest / value for money offer would be deemed acceptable.

Procurement Principle

When goods are originally received and paid for, they remain under the Service Unit's control until they are no longer needed. The Service Unit then obtains the authority to declare the goods redundant and ready for reallocation or disposal in consultation with Procurement. If there is no use for redundant equipment, then it is written off, disposed of and appropriate

Ethical Procurement

The Authority's values dictate a consistent and fair approach by all towards our community, which includes suppliers. In general terms, all purchasers of goods and/or services should be independent and behave impartially and with integrity.

At all times, the Authority and Force must be, and must be seen to be, competent and ethical regardless of the size of the supplier and their past or current relationship.

These guidelines are to protect the Authority and Force and the individual member of staff. The distinction between the courtesies of a working relationship and the acceptance of benefit for which reciprocal favours will be expected can be narrow. If a member of staff is in doubt as to the propriety of accepting any gift, benefit or advantage, they must immediately consult their line manager or head of Service Unit.

1. *Confidentiality*: Confidential information should only be sought where necessary and when obtained, should not be disclosed to third parties, particularly to other suppliers. Confidentiality agreements must be used and signed where appropriate.
2. *Conflict of interest*: If a supplier representative is known socially or is related, or if a financial interest is held in the supplier, then this should be declared to an individual's line manager and that individual should not be involved professionally with the supplier unless senior management's approval in writing has been obtained. Involvement that may influence sourcing decisions is not permitted.
3. *Equal Opportunities*: In common with the Authority's/Force's diversity policies, procurement decisions shall not be influenced by the gender, ethnicity, religion, sexual orientation, age or disability of suppliers, owners or representatives.
4. *Fairness*: Equal opportunity should be extended to all suppliers competing for business (i.e. they should all be provided with the same information and given equal time to respond to requests/tenders, and tenders should not be invited only to make up the number, or as a strategy to bring down the price of the chosen supplier).
5. *Gifts*: No gifts (other than advertising/ promotional material of modest value such as calculators or diaries) or other benefits should be accepted by a member of staff or close family from people or organisations with whom the member of staff has business dealings or contracts on behalf of the Authority.
6. *Hospitality and entertainment*: Offers to a member of staff or close family of hospitality or entertainment of a frequency, type or scale that the Authority would not wish to reciprocate should not be accepted. Rigid definitions are not feasible but staff are looked to exercise common sense and judgement and, if they are in any doubt, decline an offer or refer to management.

7. *Seminar/Product launches*: These are permissible where strictly relevant to an individual's responsibilities and where the Authority pays all travel and accommodation costs.

Probity Register

Any member of staff that accepts hospitality or entertainment must record the details in the register retained by the Service Unit. Note that the Police Authority also records all authorised gifts and hospitality.

Definitions

The following terms are used throughout the procurement documentation

1. Bid - an offer made by a prospective supplier in the form of a tender, quotation or as part of the negotiation process.
2. Buyer / Procurement Transactional Team - the buyer is any individual employed by Cleveland Police who, through the use of professional procurement techniques, is authorised to make the commitment for the supply of goods or services to fulfil the Service Unit's need.
3. Lead Procurement Business Partner - means a person appointed to fulfil the duties for delivery of the Procurement Strategy and drive compliance with these Contract Standing Orders.
4. Commitment - is the act of confirming a contract with third party suppliers and should be made by a contract or purchase order.
5. Conditions of Purchase/Contract - the specific conditions under which the Police Authority will enter into a contract or purchase order with a supplier.
6. Confirmation Order - an order which has been placed verbally, by facsimile transmission, or electronically communicated and subsequently confirmed by a formal purchase order marked "confirmation order".
7. Contract - a legal agreement between the Authority and external suppliers for the supply of goods and services. For the purpose of these Contract Standing Orders this does not include contracts of employment for staff.
8. Contractor - an organisation that contracts with the Force to supply works, goods and/or services to demand.
9. E-Auction - a dynamic procurement tool utilised after the tender process to enable contractors to compete on line. Normally this approach is used for high value requirements through collaborative procurement.

10. E-Procurement - utilisation of an electronic "procure to pay" process normally through a finance system to place orders directly with suppliers, receive invoices and pay electronically. Alternatively this process can be achieved through on line ordering systems.
11. E-Tendering - utilisation of an electronic tendering process that enables the full process from advert to assessment to be completed via computers, significantly reducing timescales for both the buyer and supplier.
12. Ethical Guidelines - the code of behaviour and conduct that governs the correct and professional manner in which to conduct business with third party suppliers.
13. Framework Agreements - an agreement between one or more contracting authorities (NPIA, OGC, Police Forces, Consortiums) with one or more contractors to supply a range of works, goods or services.
14. Internal Supply Markets - these are "in house" markets operating within the financial framework delegated to the Force, requiring budget transfers rather than cash payments and operating to agreed service levels.
15. Legislation - includes subordinate legislation.
16. Letters of Intent & Heads of Agreement - a legally binding communication instructing the supplier to proceed with the supply of goods or services pending completion of contract documentation.
17. Outsourcing - an outsourcing project is one which delivers a function or service through, or in conjunction with, a third party external to the Force.
18. Procurement - the person or department who has the authority to contract with third party organisations for the supply of goods and services.
19. Procurement Cards - a charge card used by authorised cardholders to make direct purchases from suppliers. The cardholder can only make purchases within their personal usage expenditure limit and within the terms of a supply contract. This approach simplifies the procurement process.
20. Procurement Plan - the procurement plan is the record of the procurement strategy development for a particular purchase and forms the basis of future purchase planning for that requirement and an audit trail.
21. Procurement Teams - there are effectively two styles of procurement teams:
 - A Procurement Team that deals with strategy, high value / high risk and EU procurement, and represent the Force at Regional and National Procurement levels, and provides support, advice and guidance to Service Units.
 - Service Unit procurement (Local Procurement) which consists of locally trained staff that deal with local requirements within the scheme of delegated procurement authorities.

22. Proprietary Product - a product that has unique characteristics produced by one manufacturer. A proprietary product specification could exclude competitors from competing on equal terms. In consultancy the services of a named person or firm would be considered as a proprietary product.
23. Purchase Order - a serial numbered document raised by the buyer on a specific supplier for the supply of goods or services. This document is a formal legal agreement with specific conditions for the supply of goods.
24. Purchase Order Amendment - a document communicating a change to the specified requirement, price or terms and conditions of the original Purchase Order. Like the original Purchase Order this document is a formal legal agreement with specific conditions for the supply of goods.
25. Purchase Requisition - the formal request to obtain the supply of goods or services made by the internal client, authorised by the budget holder and passed to the relevant procurement team.
26. Quotation - a statement of price, delivery and specification against the specific enquiry provided by a specific supplier.
27. Service Units - the person, department, basic command unit, or service unit who holds the financial budget, and has the authority to raise requests for goods and services. This also includes the Police Authority.
28. Services - including the provision of cleaning, consultancy, maintenance, agency staff and similar non-tangible requirements.
29. Specification - a clear statement of requirement for goods and/or services, normally detailed as a generic specification to enable competition and the delivery of Value for money.
30. Supplier - an organisation that contracts with the Authority or its outsourced contractor to supply goods and services to the Authority.
31. Tender - a formal offer from a supplier to supply specified goods or services at a stated cost or rate.
32. Tenderer - a supplier offering to buy or sell a product. This term applies prior to the formation of contract.
33. The Authority - refers to the Cleveland Police Authority.
34. Total Contract Value - the total value of a requirement calculated as the value of a "single" purchase and or the value of the total contract period or four years whichever is the lesser value.
35. Value for money - a combination of criteria that includes competitive price, quality, reliability, timeliness and whole life costs analysis. This is not always portrayed by the lowest priced offer.

APPENDIX H - Counter-Fraud and Corruption Policy

Introduction

Cleveland Police Authority is committed to a culture that is one of honesty, integrity and propriety in the use of public funds and the holding of public office. The Authority will not tolerate fraud and corruption in the administration of its responsibilities from within or from any source outside of the Authority.

The Police Authority is committed to an effective Counter-Fraud and Corruption strategy designed to encourage prevention, promote detection, ensure investigation is carried out and remedial action is taken.

Definition of Fraud and Corruption

The new Fraud Act 2006 came into force on the 15th January 2007. The Act introduces provision for a general offence of fraud which is broken into three sections:

- Fraud by false representation
- Fraud by failing to disclose information
- Fraud by abuse of position

Fraud by False Representation

Representation must be made dishonestly, and is made with the intention of making a gain or causing a loss or risk of loss to another. A representation is defined as false if it is untrue or misleading and the person making it knows that it is, or might be, untrue or misleading. Representation can be stated by words or communicated by conduct i.e. written, spoken or by electronic means.

Fraud by Failing to Disclose Information

Fraud by failing to disclose information details that a fraud will have been committed, if a person fails to declare information which he/she has a legal duty to disclose. There is a requirement that the person acts dishonestly and intends to make a gain for himself/herself, cause a loss to another or expose another to a risk of loss.

Fraud by Abuse of Position

Fraud by abuse of position requires a person who is in a privileged position to act dishonestly by abusing the position held; and by doing so, fails to disclose to another person, information which he/she is legally required to disclose. The dishonest act must be with the intention of making a gain for himself/herself or another. Alternatively it may be with the intention of causing a loss or risk of loss to another. The offence may be committed by omitting to make a declaration as well as by an act.

The introduction of the Fraud Act 2006 does not prevent the prosecution of offences under the various Theft Acts and Forgery and Counterfeiting Act, e.g. theft, counterfeiting and falsification of documents.

Application of this Policy

This policy is applicable to Members of the Police Authority, police officers of all ranks, police support staff, volunteers and to all external persons with whom the Police Authority and Cleveland Police conduct business. It also applies to those Police Authority employees reporting to the Chief Executive.

Objectives of the Policy

Provide a clear statement of the Authority's position on fraud and corruption.

Minimise the risk to the Authority's assets and good name.

Promote a culture of integrity and accountability in Members, Police Staff, Police Support Staff and all those with whom the Authority and Force does business.

Enhance existing procedures aimed at preventing, discouraging and detecting fraud and corruption; and

Raise awareness of the risk of fraud and corruption being perpetrated against the Authority.

Relationship with Other Policies

A number of policies within the Police Authority and Force interrelate with this policy.

Other policies that should be read in conjunction with this document include:

- Model Code of Conduct for Members of Cleveland Police Authority
- Police Authority Standing Orders and Financial Regulations

- Force Professional Standards - Integrity Unit - Reporting Booklet
- Whistleblowing Policy
- Code of Conduct for Support Staff
- Code of Corporate Governance

Policy

The policy of Cleveland Police Authority in relation to fraud and corruption is as follows. The Authority requires that:

Members, police officers, volunteers and police support staff at all levels will lead by example in ensuring compliance with legal requirements, rules, procedures and codes of best practice, including those relating to acceptance of gifts & hospitality, and outside business interests.

Members will conduct themselves in accordance with the spirit and letter of the Code of Conduct for Members of the Police Authority.

Senior officers of the Police Authority and Force are required to deal swiftly and firmly with those who defraud the Authority and are corrupt.

Individuals and organisations, such as suppliers, contractors, service providers, and partnerships that it conducts business with, will act towards the Authority with integrity and a total absence of fraudulent or corrupt practices.

All police officers paid by the Police Authority, volunteers, police support staff and employees of the Police Authority have a duty to report anyone suspected of fraudulent or corrupt practice affecting the Police Authority or the Force to the appropriate line manager or senior manager at the earliest opportunity.

Members have a duty to report any fraudulent or corrupt practice coming to their notice that may affect the Police Authority or the Force to the Chief Executive or the Monitoring Officer at the earliest opportunity.

All fraud and corruption affecting the Police Authority or the Force, including suspected cases shall be reported immediately to the Head of Internal Audit on behalf of the Chief Executive, irrespective of whether the matter is the subject of a criminal investigation. The Chief Executive will bring to the attention of Members and the Chief Constable those cases he regards as sufficiently serious to so do.

In those cases where sufficient evidence is available, criminal or disciplinary action will be taken.

Civil recovery (including court action) of funds lost by fraud and corruption will be considered in all established cases.

Managers at all levels will ensure that effective procedures, practices and controls are in operation in their areas of responsibility to minimise the opportunities for fraud and corruption.

k) The memorandum of understanding between the Head of Internal Audit, and the Head of Professional Standards is to be regularly reviewed, to facilitate effective and appropriate action in responding to cases of suspected fraud and corruption.

General Duty

It is expected that every Member, police officer, police support staff, volunteer and those Police Authority staff reporting to the Chief Executive will conduct themselves ethically at all times in respect of their duties and will act in accordance with the Authority's policy as set out at 6.1 of this document.

Managers

Managers at all levels, police and police support staff, and in the Police Authority have duties laid to them in the policy, particularly:-

To ensure that areas for which they have responsibility have effective controls in place to minimise the risk of fraud, deter fraudsters and detect fraud when it occurs. Advice on appropriate controls is available from the Head of Internal Audit, and the Head of Professional Standards.

Taking action when fraud is detected in accordance with the fraud response plan.

Taking decisions on the basis of the Authority's fraud policy set out at 6.1 above.

Corporate Governance

Good practice in corporate governance in public sector authorities requires processes and procedures compliant with codes of best practice, including Police Regulations, to be in place, this is particularly relevant in the area of law enforcement. The Police Authority and Force have comprehensive codes of practice and strategies in place to cover other risk as well as fraud and corruption.

These published codes of practice are intended to provide practical advice on the standard of conduct that is expected. Failure to follow the guidance may result in disciplinary action being

taken, or in the case of Members, the matter being referred to the Standards Board for England for investigation.

Police Authority Staff reporting to the Chief Executive

Police Authority staff reporting to the Chief Executive are required to conduct themselves to the same standard as staff under the control and direction of the Chief Constable, and as set out in the published codes of practice.

Published Codes of Practice

Codes of practice for all groups, and for specific groups or issues can be found in the following documents available on the Police Authority website or on the force intranet.

- Members' Code of Conduct for the Police Authority
- Code of Conduct for Police Officers
- The Police (Conduct) Regulations 2004
- Professional Standards – Integrity Unit - Reporting Booklet
- Police Support Staff Code of Conduct

Reporting Fraud and Wrongdoing

There are a number of avenues available for the public, contractors, Members and staff of the Police Authority and police support staff to report their concerns, in confidence, about instances of possible fraud or corruption, or indeed any wrongdoing. These include:

- The Police Authority
- The Chief Constable
- Head Of Internal Audit
- Head Of Professional Standards
- Appropriate Line Management.
- Any Police Officer
- Any Member Of Staff
- Police Authority And Force Websites
- Staff Associations And Trades Unions
- The IPCC
- The Audit Commission.
- Confidential Phone Line 0800 028 1060

Members and staff of the Police Authority, and police support staff are able to use a totally confidential e-mail system to anonymously raise any concern with the Professional Standards Department.

All cases or suspected cases of fraud must be reported at the first opportunity to the Head of Internal Audit Services, whether or not there is a police investigation.

Public Interest Disclosure Act

The Public Interest Disclosure Act 1998 protects employees, who report suspected fraud or corruption activities, from any reprisals as long as they meet the rules set out in the Act.

In simple terms the rules for making a protected disclosure are:

- The information disclosed is made in good faith
- The person making the disclosure must believe it to be substantially true
- The person making the disclosure must not act maliciously or make false allegations
- The person making the allegation must not be seeking any personal gain

Detection and Investigation

Managers becoming aware of fraud will ensure that the matter is reported and investigated. Such matters will be reported to the Head of Professional Standards, who will liaise with the Head of Internal Audit.

A memorandum of understanding will be maintained between the Head of Professional Standards, and the Head of Internal Audit to ensure that all allegations of fraud and corruption are appropriately investigated. The Head of the Professional Standards Department will advise on all investigatory matters including possible referral for criminal prosecution

When an allegation of fraud or corruption is made an appropriate senior manager will be appointed to oversee the proper conduct of the investigation and subsequent action.

The investigation and any managers involved will take account of the Authority's policy on fraud and corruption set out in this document when determining the action to take.

The investigation conducted into allegations of fraud, corruption or wrongdoing shall take into account the requirements of the criminal law, discipline arrangements set out on Police Regulations, and Police Support Staff disciplinary arrangements.

Liaison between the Head of Professional Standards and the Head of Internal Audit.

The Head of Professional Standards will consult with the Head of Internal Audit when revising the Force policy and procedures for dealing with fraud and wrongdoing, who will ensure that they comply with the Authority's financial regulations and the policy set out in this document.

Liaison between the Authority and Others

Serious case of fraud or wrongdoing will be reported to the Chief Executive, who will determine if the matter has to be drawn to the attention of the Authority. In the event that a Member is involved, the matter will be reported to the Monitoring Officer.

The Head of Internal Audit will maintain a link with the Authority's external auditors in order to keep them apprised of developments in serious cases.

**Chief Executive
Cleveland Police Authority**

**Chair of
Cleveland Police Authority**

APPENDIX I – Whistle-Blowing Policy

Introduction

Cleveland Police Authority is committed to the highest possible standards of honesty and openness, probity and accountability. It seeks to conduct its business in a responsible manner, ensuring that all its activities are open and effectively managed and that its integrity is sustained.

In line with that commitment, the Authority encourages staff (and other people associated with the Authority) who may have serious concerns about any aspect of their work to come forward and voice those concerns.

It is recognized that most concerns will be expressed in confidence. Where possible that confidence will be maintained.

Staff often are the first to realise that there may be something seriously wrong within the Authority. However, staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Authority. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. The Authority believes that it is the responsibility of each Member of staff to realise that they not only have the right but also have a moral duty to report any suspected improper actions or omissions.

The Authority recognizes and appreciates that staff who raise concerns are an asset to the Authority, and not a threat. This policy makes it clear that staff can raise concerns without fear of victimisation subsequent discrimination or disadvantage.

This policy is in addition to the Force's extant reporting arrangements, the complaints procedures and other statutory reporting procedures which apply.

Aims and Scope of the Policy

The policy aims to:

- Encourage staff to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues to raise those concerns and receive feedback on the action taken
- Ensure that staff receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied
- Reassure staff that they will be protected from possible reprisals or victimisation provided they have a reasonable belief that they have made a disclosure in good faith.

The policy is intended to cover major concerns that fall outside the scope of other procedures, such as the Grievance Procedure and includes:

- Conduct which is an offence or a breach of the law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or psychological abuse; or
- Other unethical conduct.

This policy also extends to other people associated with the Authority, including but not limited to contractors and their staff, volunteers, and Members of the Police Authority.

Safeguards for Staff

The Authority recognizes that the decision to report a concern can be a difficult one to make. If a Member of staff reasonably believes that what they are saying is true, they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

The Authority will not tolerate any act of harassment or victimisation (including informal pressure) and will take appropriate action to protect staff when they raise a concern, by supporting the Member of staff and considering action under the appropriate procedure against the person or persons responsible for the acts, provided the Member of staff

- discloses the information in good faith
- believes the concern to be substantially true
- does not act maliciously or make false allegations and
- does not seek any personal gain.

All concerns will be treated in confidence and every effort will be made to maintain that confidentiality. However it may become necessary to take formal action resulting in the requirement for the whistle blower to provide a witness statement and possibly give evidence.

Staff are encouraged to put their name to an allegation whenever possible. Concerns expressed anonymously are less powerful but will be considered, at the discretion of the Authority.

In exercising its discretion, the factors to be taken into account would include:

- the potential seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

If a Member of staff makes an allegation in good faith but it is not confirmed by the investigation, no action will be taken against them. If, however, an allegation is made frivolously maliciously, or for personal gain, disciplinary action may be taken.

How to Raise A Concern

As a first step staff should normally raise concerns with their own immediate manager or their line management. However this depends on the seriousness and sensitivity of the issues of concern, and who may be involved. So for example if it is thought that management may be involved an approach should be made to the Chief Executive, or the Monitoring Officer. A useful visual guide for anyone wishing to raise a concern is attached to this policy document.

Any concern regarding the conduct of a Member of the Authority should be raised with the Monitoring Officer who will refer it to the Standards Committee.

Although staff are not expected to prove the truth of an allegation, it will need to be demonstrated to the person contacted that there are reasonable grounds for concern.

Staff are encouraged to express any concern at an early stage when it is easier to take action.

Members of staff will be encouraged to put in writing the background and details of their concern, to aid investigation. Although they will not be required to do so initially this may become necessary later in the process to enable the Authority to pursue appropriate action and, if required, to justify that action.

Other people associated with the Authority who wish to raise a concern may contact the Chief Executive, or the Monitoring Officer,

What Not To Do

In the context of this policy those wishing to raise a matter should not do the following.

Contact the person or persons who are the subject of reporting, for example to ascertain facts;

Particularly if you are a Member of staff, discuss the case facts, allegations, or suspicions with anyone outside the organisation (including the media), unless specifically directed to do so by the Chief Executive or Monitoring Officer;

Discuss the case with anyone within the organisation other than any person assigned to investigate your concerns, the Chief Executive or the Monitoring Officer.

Attempt to personally conduct investigations or interviews or question anyone, unless specifically directed to do so by any person assigned to investigate your concerns, the Chief Executive or the Monitoring Officer.

Help for Staff

Members of staff are entitled to contact the Force's Head of Legal Services for advice, if they wish. They may also wish to contact an independent external organisation, such as the Audit Commission or Public Concern at Work.

Members of staff may be accompanied by a colleague or a trade union representative or a friend when raising their concern or in any subsequent interviews.

The Authority's Response

The Authority will respond to all concerns raised by staff, giving an initial response within ten working days. All concerns will be treated seriously and considered fully and objectively. Requests for confidentiality will be respected where possible.

Where appropriate, matters raised will be investigated by the Monitoring Officer (or someone to whom the Monitoring Officer delegates this responsibility), through internal audit or through the disciplinary process. Where a concern alleges financial impropriety, internal audit will be advised.

Depending on results of the investigation and at the discretion of the Authority's Chief Executive, the matter may be:

- Referred To The Head Of Internal Audit.
- Referred To The External Auditor.
- Form The Subject Of An Independent Enquiry.
- Referred To The Police.

In making decisions about the appropriate action, the overriding principle which the Authority will have in mind is the public interest.

Within 10 working days of the concern being raised, the Monitoring Officer will respond in writing (or through the confidential e-mail system):

- Acknowledging That The Concern Has Been Received
- Indicating How The Authority Proposes To Deal With The Matter
- Giving An Estimate Of How Long It Will Take To Provide A Final Response
- Advising Whether Any Initial Enquiries Have Been Made
- Supplying Information On Support For Staff And
- Advising Whether Further Investigations Will Take Place And If Not, Why Not.

The Monitoring Officer will follow the procedures for conducting an investigation set out in the Authority's Protocol for undertaking local investigations in complaints against Members.

How the Matter Can Be Taken Further

The policy is intended to provide Members of staff with the opportunity to raise concerns with the Authority and to have them addressed. The Authority hope that Members of staff will be satisfied with the action taken. If not and the Member of staff thinks it is right to go beyond the Authority, the following are possible contacts:

- The external auditor
- A recognised trade union / federation
- Local Citizens Advice Bureau
- Relevant professional bodies or regulatory organisation
- Relevant voluntary or independent organisation
- Police
- The Local Government Ombudsman

If the matter is taken outside the Authority, staff should ensure that they do not disclose confidential information which is not in the public domain.

Monitoring the Operation of the Policy

The Monitoring Officer has responsibility for the maintenance and operation of this policy, and should maintain a record of concerns raised and the outcomes in a form which does not endanger confidentiality. An annual report should be submitted to the Police Authority which will include the following:

- Whether The Policy Is Being Used Appropriately.
- Whether There Is Any Pattern Of Concern Across The Authority.
- Whether The Policy Is Effective In Identifying And Deterring Malpractice.
- Any Proposed Revisions to Agreed Arrangements.

Examples of Issues			
What is being Reported	a) Criminal Offence	a) Breach of legal obligation	a) Dishonesty
	b) Corruption	b) Malpractice	b) Breach of "Code of Conduct"
	c) Miscarriage of Justice	c) Unethical behaviour	a) Deliberate concealment of above
			a) Breach of Health & Safety regulations b) Environmental damage



Individual to choose from, for example								
Who can I report to?	Direct to Line Management	Chief Executive	Monitoring Officer	Head of Internal Audit	Professional Standards Department	Audit Commission	Any Police Officer	Trades Union or Staff Association
		01642 301291	01642 301226	0113 244 5451	01642 306800	0191 460 2022		



Report in an Open Way or Closed & "In Confidence"



Its your choice!				
How can I Report?	In Person	By Letter	By Fax	By Telephone
			By e-mail	Confidential Telephone Line 08000281060
			Intranet Confidential E-mail system	Crimestoppers 0800 555 111

**Cleveland Police Authority
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