

## **Office of the Police and Crime Commissioner**

Hampshire, Isle of Wight,  
Portsmouth, Southampton

# **Scheme of Delegation and Consent**

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**1. INTRODUCTION to the SCHEME OF DELEGATION and CONSENT**

- 1.1 To enable the Police and Crime Commissioner for Hampshire [the Commissioner] and Hampshire Constabulary [the Constabulary] to operate as effectively and efficiently as possible a Scheme of Delegation and Consent [the Scheme] has been created. The Police Reform and Social Responsibility Act 2011 [the 2011 Act] together with other legislation and regulations defines the roles and responsibilities of the Commissioner together with statutory functions.
- 1.2 Section 18 of the 2011 Act permits the Commissioner to delegate functions. The Commissioner is however prohibited from delegating function(s) to:
- a) A constable (whether or not in England and Wales)
  - b) Another Police and Crime Commissioner
  - c) The Mayor's Office for Policing and Crime
  - d) The Deputy Mayor for Policing and Crime or, in relation to the Greater Manchester combined authority, a deputy mayor under section 107C of the Local Democracy, Economic Development and Construction Act 2009
  - e) The Mayor of London
  - f) The Common Council of the City of London
  - g) Any other person or body which maintains a police force
  - h) A member of staff of any person/body referred to in (a) to (g) above
  - i) The Greater Manchester combined authority.
- 1.3 Subject to specified powers of delegation regarding the Deputy Police and Crime Commissioner (if appointed), the Commissioner is also prevented from arranging for another person to exercise any of the following functions:
- a) Issuing a police and crime plan
  - b) Determining police and crime objectives
  - c) Attending meetings of a police and crime panel in compliance with a requirements by the panel to do so (pursuant to section 29 of the 2011 Act)
  - d) Preparing an annual report to a policing and crime panel
  - e) Appointing and suspending the Chief Constable or calling upon the Chief Constable to retire or resign

- f) Calculating a council tax requirement (pursuant to section 42A of the Local Government Finance Act 1992)
  - g) Appointing a local auditor under section 7 of the Local Audit and Accountability Act 2014
  - h) Deciding whether to enter into a liability limitation agreement under section 14 of the Local Audit and Accountability Act 2014.
- 1.4 Part 6 of the Local Government Act 1972, which allowed the previous policing governance body to arrange for its functions to be discharged by the Chief Constable, a member of the police force or an employee who is under the direction and control of the Chief Constable, does not apply to the Commissioner.<sup>1</sup>
- 1.5 This Scheme is a record of the formal delegations that are in effect at the time of its publication, it will be reviewed regularly to ensure it is still appropriate or if regulations require formal changes to be made. The scheme is intended to strike a balance between giving the Chief Constable, Chief Executive and Chief Financial Officers reasonable managerial freedom and retaining the Commissioner's ability both to hold the Constabulary to account and to give managerial direction to the Office of the Police and Crime Commissioner [OPCC]. The scheme is intended to ensure that the decision-making process provides good value for money.
- 1.6 With the exception of those matters listed in paragraph 1.3, the Scheme allows any person, with appropriate authority, to delegate that power further<sup>2</sup>, but not to those persons listed at 1.2.
- 1.7 The officers to whom matters are delegated are as follows:
- Deputy Police and Crime Commissioner [if appointed]
  - Chief Executive (who will also be the Monitoring Officer)
  - The Commissioner's Chief Finance Officer [CFO]
  - Estate Director (or Head of Estate if the Estate Director post is vacant)
  - Head of Strategic Commissioning and Partnerships
- 1.8 This Scheme should be read in conjunction with the Contract Standing Orders and Financial Regulations. It should be noted that the Financial Regulations and Contract Standing Orders may contain delegations and will

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<sup>1</sup> Paragraph 105 and 106 of Schedule 16 of the 2011 Act.

<sup>2</sup> In addition to the specific delegations in the Scheme authorising specified officers to undertake certain functions, there is case law (DPP v Haw [2007]) that where the responsibilities of an office created by statute are such that delegation is inevitable, there is an implied power to delegate. In such circumstances there is a presumption that, where statutory powers and duties are conferred, there is a power to delegate the same unless the statute conferring them expressly or by implication provides to the contrary

also cover the roles and responsibilities of the Chief Constable's CFO in relation to the budget provided to Hampshire Constabulary.

- 1.9 In accordance with schedule 2, paragraph 7(2) of the Police Reform and Social Responsibility Act 2011, this Scheme, Contract Standing Orders and Financial Regulations set out the primary basis upon which the Commissioner consents to the Chief Constable entering into contracts and other agreements (whether legally binding or not) and acquiring and disposing of property (apart from land).

## **2 GENERAL PRINCIPLES of DELEGATION**

- 2.1 The Commissioner may ask that a specific matter is referred to the Commissioner or Deputy Police and Crime Commissioner (if appointed) for a decision and not dealt with under powers of delegation.
- 2.2 The Scheme does not attempt to list all matters that form part of everyday management responsibilities. The overall budget is agreed by the Commissioner, and chief officers and budget managers are authorised to incur expenditure in accordance with the estimates that make up the budget.
- 2.3 Giving delegation to officers under this Scheme does not prevent an officer from referring the matter to the Commissioner for a decision if the officer thinks this is appropriate (for example, being of a sensitive nature or any matter which may have a significant financial implication).
- 2.4 When a statutory officer is considering a matter that is within another officer's area of responsibility, that officer should be consulted before authorising the action.
- 2.5 All decisions officers make under powers given to them by the Commissioner must be recorded and be available for inspection. The Commissioner may want to be involved in any projects/areas of work which may have a significant impact on the people of the Hampshire policing area. The Commissioner may want to be involved in the scope tendering process and evaluation of any business case.
- 2.6 The officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme.
- 2.7 The person appointed as the Chief Executive (who will also be the Monitoring Officer) and the Commissioner's CFO (section 127 officer) have statutory powers and duties relating to their positions, and therefore do not rely on matters being delegated to them to carry these out.
- 2.8 The Scheme provides the officer with the legal power to carry out duties of the Commissioner. In carrying out these duties the officer must comply with all policies and strategies approved by the Commissioner, statutory and regulatory requirements and relevant professional guidance including:

- The Police and Social Responsibility Act 2011 and other relevant legislation issued under this Act.
- Financial Regulations
- Home Office Financial Management Code of Practice
- CIPFA Statement on the role of the Chief Finance Officer in public service organisations
- Contract Regulations
- Appropriate employment policies and procedures.
- Data protection legislation and the Freedom of Information Act 2000
- Employment legislation and associated regulations
- Health and safety at work legislation and codes
- The Equality Act 2010.

2.9 When carrying out any duties, the Commissioner and staff must have regard to the following<sup>3</sup>:

- The views of the people of the Hampshire policing area
- The Police and Crime Plan
- Any report or recommendation made by the Police and Crime Panel; and
- Any guidance issued by the Secretary of State.

2.10 To enable the Commissioner to exercise the functions of office effectively the Commissioner will need access to information, and officers and staff within the Hampshire Policing Area. This access must not be unreasonably withheld or obstructed by the Chief Constable, or restrict the Chief Constable's direction and control of the force.

2.11 The Chief Constable must be given, in addition to operational independence, sufficient non-operational decision-making powers to enable the Chief Constable to lead and manage the Constabulary effectively and efficiently.

2.12 The Commissioner must make statutory and other key decisions in respect of resources, performance standards and objectives across the

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<sup>3</sup> this list is a summary and is not exhaustive

Commissioner's responsibilities.

- 2.13 The Commissioner must have sufficient information at the appropriate time and have sufficient decision-making powers to enable effective oversight and scrutiny and to ensure efficiency and effectiveness.
- 2.14 The Commissioner's day-to day activity should be focussed on strategic issues including holding to account and scrutiny, interacting with the public and stakeholders, and promoting the achievement of the Police and Crime Plan.
- 2.15 The Chief Executive must have reasonable managerial freedom to run the Commissioner's office and to progress business on the Commissioner's behalf.
- 2.16 The Commissioner's management and administrative responsibilities should be largely discharged on the Commissioner's behalf by the Chief Executive and the Commissioner's Chief Finance Officer, provided that this does not undermine the Commissioner's ability to scrutinise the Constabulary effectively and does not expose the Commissioner or the Constabulary to reputational risk.
- 2.17 Delegation is the assignment of authority and responsibility to another person to carry out specific activities. However the person who delegated the work remains accountable for the outcome of the delegated work. Delegation therefore empowers another person to make decisions.

### **3. STATUTORY RESPONSIBILITIES**

#### **3.1 Statutory responsibilities of the Commissioner**

The **Commissioner** has certain specific responsibilities set out in legislation, which include to:

- issue a Police and Crime Plan;
- determine police and crime objectives;
- set a precept;
- attend at a meeting of the Police and Crime Panel in compliance with a requirement by the Panel to do so;
- set a budget for the Constabulary and the OPCC;
- award grants;
- prepare an Annual Report to the Police and Crime Panel;
- approve a Community Safety Partnership (CSP) merger;

- approve section 22A Agreements;
- appoint, suspend and dismiss the Chief Executive;
- appoint, suspend and dismiss the Commissioner's CFO;
- appoint, require to retire or resign, and suspend the Chief Constable;
- appoint and dismiss a Deputy Commissioner;
- appoint an Audit Committee;
- commission police and crime services;
- convene a meeting, request a report or approve amalgamation of CSPs across the police and crime area;
- be the Pension Supervising Authority.

### **3.2 Statutory responsibilities of the Chief Constable**

- The ability to take all operational decisions.
- Management of officers and staff under his/her direction and control.
- To appoint a Deputy Chief Constable and Assistant Chief Constables, **after consultation with the Commissioner.**
- To retire or dismiss a Deputy Chief Constable or an Assistant Chief Constable **after notifying the Commissioner.**
- Controller of the Police Pension Fund and the Police Pension Authority.

### **3.3 Statutory responsibilities of the Chief Executive**

- To manage the Office of the Police Crime and Commissioner to ensure that the Commissioner is able to function effectively.
- To act as 'monitoring officer' under section 151(1) of the Local Government and Housing Act 1989.
- To deliver the Home Secretary's determination regarding the Commissioner's expenses.
- To address matters relating to complaints against the Commissioner under duties delegated by the Police and Crime Panel for Hampshire [not a statutory responsibility].

### **3.4 Statutory responsibilities of the Commissioner's Chief Finance Officer**

- To act as 'Money Laundering Reporting Officer' under the Proceeds of

Crime Act 2002 and Money Laundering Regulations 2003.

- To ensure that the financial affairs of the Commissioner are properly administered and that financial regulations are observed and kept up to date.
- To ensure regularity, propriety and Value for Money (VfM) in the use of public funds.
- To ensure that the funding required to finance agreed programmes is available from central Government funding, precept, other contributions and recharges.
- To report to the Commissioner, the Police and Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the Commissioner or officers of the Commissioner.
- To report to the Commissioner, the Police and Crime Panel and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure.
- To advise the Commissioner on the robustness of the budget and adequacy of financial reserves.
- To ensure production of the statements of accounts of the Commissioner.
- To ensure receipt and scrutiny of the statements of accounts of the Chief Constable and ensuring production of the group accounts.
- To liaise with the external auditor.
- To advise the Commissioner on the application of value for money principles by the Constabulary to support the Commissioner in holding the Chief Constable to account for efficient and effective financial management.
- To advise, in consultation with the Chief Executive, on the safeguarding of assets, including risk management and insurance.

#### **4. DEPUTY POLICE and CRIME COMMISSIONER**

If a Deputy Police and Crime Commissioner is appointed, he/she shall undertake such duties as shall be prescribed by the Commissioner.

## 5. CHIEF EXECUTIVE

The Chief Executive may make the following decisions **subject to the Commissioner being informed in a timely manner** after the decision is taken:

ID	Item
CE1	Provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions.
CE2	To consider and approve, in consultation with the Commissioner's CFO, provision of indemnity and/or insurance to individual staff of the Commissioner in accordance with paragraph 15(2) of the Police Reform and Social Responsibility Act 2011 and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
CE3	To approve exceptional cases in the provision of police advice and assistance to international agencies because the full cost is £10,000 or more (including air flights, accommodation and salary costs of the police officer or member of staff); and/or it is a sensitive case involving travel to a politically sensitive country.
CE3A	To approve all cases where authorisation is required to deploy police officers and staff to provide advice and/or assistance to an international organisation or institution, or to any other person of body falling within section 26(1)(b) of the Police Act 1996, upon such terms as the Chief Executive considers appropriate.
CE4	To sign contracts and other documents on behalf of the Commissioner (and Deputy Commissioner as appropriate) in accordance with any decisions either has made, or in accordance with any decision made under delegated powers, or where such signature is necessary in any legal procedure or proceedings on behalf of the Commissioner.
CE5	To affix or witness the affixing of the Common Seal as a 'Corporation Sole' in accordance with appropriate advice.
CE6	To obtain legal or other expert advice and to appoint professionals whenever this is considered to be in the Commissioner's best interests, including making arrangements and authorising people to initiate, defend, withdraw or settle any claims or legal proceedings on the Commissioner's behalf, in consultation with the Commissioner's Legal Advisor (and Commissioner's CFO if there are significant financial implications).
CE7	To prepare the 'Police and Crime Plan', in consultation, for submission to the Commissioner.
CE8	To exercise the statutory powers of the Commissioner for professional standards.

ID	Item
CE9	The overall management and operational responsibility for all services including overall management responsibility for the Office of the Police and Crime Commissioner for Hampshire.
CE10	To consider and approve, in consultation with the Commissioner's CFO, provision of indemnity and/or insurance to the Commissioner in accordance with paragraph 15(1) of the Police Reform and Social Responsibility Act 2011 and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
CE11	To undertake the management of the staffing resource whether employed by the Commissioner, seconded or contracted, in line with agreed policies and procedures.
CE12	To appoint and dismiss staff (other than the Commissioner's Chief Financial Officer) who are under the direction and control of the Chief Executive and in line with employment regulations.
CE13	To determine staff terms and conditions of service of staff under the direction and control of the Chief Executive in line with regulation.
CE14	<p>To make settlement of employment tribunal cases and grievances of staff with the exception of those cases felt to be exceptional because:</p> <ul style="list-style-type: none"> <li>• they involve a high profile claimant</li> <li>• there is a particular public interest in the case</li> <li>• there is a real risk that the Commissioner will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.</li> </ul>
CE15	To handle complaints made against the Chief Constable including, where appropriate, making arrangements for appointing an officer to investigate the complaint and to carry out the function of overseeing complaints made to the Constabulary, and the handling of those complaints, in accordance with section 15 of the Police Reform Act 2002 but the Chief Executive must consult the Commissioner before issuing any direction for the purposes of section 15(2B) of that Act.
CE16	To respond to consultations on proposals affecting the Commissioner or the Commissioner's responsibilities.
CE17	Where appropriate to do so, to undertake any of the actions delegated to the Commissioner's Estate Director.

The Chief Executive may make the following decisions **without reference to the Commissioner:**

ID	Item
CE18	To undertake the day to day financial management of the Commissioner's budget, including signing cheques and monitoring, together with the Commissioner's CFO.
CE19	To spend on items provided for in the Commissioner's or Chief Executive's revenue and capital budgets (but not budget delegated to the Chief Constable), including the authority to agree the terms of, procure and award any contract up to a value coinciding with the financial limits, with the exception of anywhere the Commissioner requests to be involved.
CE20	To fix fees for copies of documents and extracts of documents members of the public ask for under the Local Government (Access to Information) Act 1985, the Freedom of Information Act 2000, or the data protection legislation.
CE21	In association with the Constabulary where required, to deal with Freedom of Information Act requests and to prepare and issue Publication Schemes under the Freedom of Information Act 2000.
CE22	To approve data protection policies and procedures, to appoint the Data Protection Officer and to carry out the full range of duties required to be undertaken by that role.
CE23	To manage the Independent Custody Visitor Scheme, appointing and terminating appointments if necessary.
CE24	To deal with any correspondence on the Commissioner's behalf.
CE25	To make arrangements for consultation and engagement on the Commissioner's behalf, to ensure that appropriate arrangements are made to gather the victims' views and broader community views on policing of the Hampshire Policing area and preventing crime.

The Chief Executive may make the following decisions **after consulting the Commissioner:**

ID	Item
CE26	To undertake the responsibilities of the Pension Supervising Authority except for stage 1 decisions of the employer under the Internal Dispute Resolution Procedure.
CE27	To settle appeals against stage 1 decisions of the employer under the Internal Dispute Resolution Procedure for matters relevant to the

ID	Item
	Pension Supervising Authority.
<b>CE28</b>	To make decisions, by agreement with the Chief Constable, to award pensions to minors under the Police Pensions Regulations 1987 and 2006 (and any amendments thereto).

In addition:

- The Chief Executive has the delegated authority necessary to enable him to perform his responsibilities under **Financial Regulations** and **Contract Standing Orders**; and
- the Chief Executive may authorise other persons or staff of the OPCC to exercise any of the above delegations on the Chief Executive's behalf.
- The Chief Executive has the following delegated authorities in relation to **Section 22A Collaboration Agreement relating to South Eastern Regional Integrated Policing**:
  - represent the Commissioner at meetings of the Partnership Board under the Agreement;
  - make decisions for and vote on behalf of the Commissioner to ensure that material decisions can be made by the Partnership Board and enacted in a speedy and timely manner to meet the requirements of the SERIP Objectives and the Agreement but that, where reasonably practicable, the Chief Executive shall consult with the Commissioner before making any such decisions or casting any such votes;
  - nominate and maintain a Programme Lead for the purposes of managing the development and implementation of each programme accepted and adopted for delivery by the SERIP consortium under the Agreement.

## 6. COMMISSIONER'S CHIEF FINANCE OFFICER

The Commissioner's Chief Finance Officer may make the following decisions **after consulting the Commissioner**:

ID	Item
CF1	To approve the arrangements for the treasury management strategy and supporting policies and procedures.
CF2	To determine when goods are surplus to requirements or obsolete and arrange for disposal in line with Financial Regulations.

The Commissioner's Chief Finance Officer may make the following decision **subject to the Commissioner being informed in a timely manner** after the decision is taken:

ID	Item
CF3	To report to the Commissioner and the external auditor, any unlawful or potentially unlawful spending by his/her, of the Constabulary's officers or staff.
CF4	To approve the arrangements for securing and preparing the Commissioner's accounts, and seek assurances that there are appropriate arrangements in place for the preparation of the Constabulary's accounts.
CF5	To be responsible for all banking arrangements, together with creating, closing or authorising all bank accounts.
CF6	To undertake the day to day financial management of the Commissioner's budget, together with the Commissioner's Chief Executive.
CF7	To administer the payment of grants awarded by or on behalf of the Commissioner.
CF8	To be responsible for investing and borrowing money on a day to day basis, as necessary, in line with the treasury management strategy.
CF9	Sign cheques of behalf of the Commissioner or deputy Commissioner, if appointed.
CF10	Provide for an adequate and effective internal audit service.
CF11	Write off stock and debts in accordance with the limits set out in the Financial Regulations.
CF12	To spend on items provided for in the Commissioner's revenue and

ID	Item
	capital budgets (but not budget delegated to the Chief Constable), including the authority to agree the terms of, procure and award any contract up to a value coinciding with the financial limits, with the exception of anywhere the Commissioner requests to be involved.
<b>CF13</b>	To institute any proceedings or take any action necessary to safeguard the finances of the Commissioner.
<b>CF14</b>	To make any stage 1 decisions of the employer under the Internal Dispute Resolution Procedure for matters relevant to the Pension Supervising Authority.

In addition:

- the Commissioner’s Chief Finance Officer has the delegated authority necessary to ensure the proper administration of financial affairs, and to ensure that proper practices are adhered to, as provided for in Financial Regulations and Contract Standing Orders; and
- the Commissioner’s Chief Finance Officer may authorise other persons or staff to exercise any of the above delegations on the Chief Finance Officer’s behalf.

## 7. COMMISSIONER'S ESTATE DIRECTOR

The Commissioner's Estate Director may make the following decisions within the context of managing the Estate Change Programme **subject to the Commissioner being informed in a timely manner** after the decision is taken:

ID	Item
ED1	To authorise expenditure within the revenue and capital budgets allocated provided there is budget provision and the use is consistent with the Police and Crime Plan.
ED2	To authorise the virement of capital budget between schemes within the Estates Change Programme provided that a project appraisal has been approved and expenditure on the virement does not exceed the sum contained within the approved programme for the receiving scheme by more than 10% or £250,000 whichever is the lower amount. The Commissioner must be notified of all virements of £50,000 or more on a monthly basis.
ED3	To approve all contract exemptions to the procurement process relating to the estate below £50,000.

The Estate Director may make the following decisions within the context of managing the Estate Change Programme **without reference to the Commissioner (except where specified otherwise below)**:

ID	Item
ED4	To undertake the day to day financial management of the estate budget in accordance with Financial Regulations.
ED5	To agree the terms of, procure and award capital contracts up to the values approved within the Estates Change Programme, with the exception of anywhere the Commissioner requests to be involved, the Commissioner must be notified prior to the issuing of a tender for contract over £1,000,000.
ED6	To agree the terms of, procure and award revenue contracts up to a value coinciding with the financial limits, with the exception of anywhere the Commissioner requests to be involved.
ED7	To undertake the day to day management of the Estate property function subject to the provision of Financial Regulations to include the settlement of terms and conditions, and subsequent completion, for the following transactions: <ul style="list-style-type: none"> <li>• Subject to ED14, disposal of surplus property of any value by direct negotiation or on the open market which has previously been approved by the Commissioner as part of a programme.</li> </ul>

ID	Item
	<ul style="list-style-type: none"> <li>• Subject to ED14, disposal by direct negotiation of surplus property having a value of £500,000 or less.</li> <li>• Acquisition of property required by the PCC where the value is £500,000 or less.</li> <li>• Granting of tenancies, licences and other periodic agreements.</li> <li>• Granting of easements and way-leaves.</li> <li>• Taking of tenancies, licences and other period agreements required by the PCC where the annual rent or fee is £50,000 or less and the term of the tenancy, licence or agreement is less than 10 years.</li> <li>• Taking of tenancies, licences and other periodic agreements of any value which has previously been approved by the Commissioner as part of a programme.</li> <li>• Taking of easements required by the PCC where the consideration is £5,000 or less.</li> <li>• Taking of easements of any value which has previously been approved by the Commissioner as part of a programme.</li> <li>• Termination of tenancies, licences and other agreements including associated dilapidations claims.</li> <li>• Variation of tenancies, licences, easements, covenants and other agreements.</li> <li>• Service of Notices in order to protect the PCC's interests.</li> <li>• Rent reviews under existing tenancies.</li> <li>• Seeking and issuing consents for assignment, subletting and alterations.</li> <li>• Rating assessments.</li> <li>• Other routine property transactions not exceeding the financial levels referred to.</li> </ul>
<b>ED8</b>	To keep a register of all land and buildings owned or leased by the Commissioner showing a current capital value at £10,000 or above, or leases with a rental level of £1,000 or above in accordance with Financial Regulations.
<b>ED9</b>	To determine when Estates assets or goods are surplus to

ID	Item
	requirements or obsolete and arrange for their disposal in line with Financial Regulations and these delegations.
<b>ED10</b>	To sign Estates contracts on behalf of the Commissioner, irrespective of value, except those which are required to be executed under the common seal of the Commissioner.
<b>ED11</b>	To buy or lease the vehicles, machinery, equipment and services needed and to make arrangements for them to be used, disposed of, returned and replaced as appropriate.
<b>ED12</b>	To provide premises, equipment, other material or facilities jointly with another Constabulary or partner organisation.
<b>ED13</b>	To provide advice or assistance to any international organisation or institution or to any other policing body in the UK.

The Estate Director may make the following decisions within the context of managing the Estate Change Programme **after consulting the Commissioner or the Chief Executive** unless the transaction has previously been approved by the Commissioner as part of a programme (except where stated otherwise):

ID	Item
<b>ED14</b>	To market any property surplus to requirements only following consultation with the Commissioner or the Chief Executive.
<b>ED15</b>	To dispose by direct negotiation surplus property having a value of more than £500,000.
<b>ED16</b>	To acquire property required by the PCC where the value exceeds £500,000.
<b>ED17</b>	To take tenancies, licences and other periodic agreements where the annual rent or fee exceeds £50,000.
<b>ED18</b>	To take easements where the consideration exceeds £5,000.

In addition, the Estate Director may authorise other persons or staff to exercise any of the above delegations on the Estate Director's behalf.

In the event that the Estate Director post is vacant, all of the authorisations granted to the Estate Director under this Scheme of Delegation and Consent shall instead be granted to the Head of Estate and shall be subject to the same conditions as set out above.

## 8. COMMISSIONER'S HEAD of STRATEGIC COMMISSIONING and PARTNERSHIPS

The Head of Strategic Commissioning and Partnerships may make the following decisions **subject to the Commissioner being informed in a timely manner** after the decision is taken:

ID	Item
<b>HSCP1</b>	To invite grant applications, to agree the terms of grant awards and to sign grant awards pursuant to any grant award decision made by the Commissioner.
<b>HSCP2</b>	To agree the terms of, procure and award any Commissioning contract up to and not exceeding the value approved as part of any decision made by the Commissioner.

The Head of Strategic Commissioning and Partnerships may make the following decision **without reference to the Commissioner**:

ID	Item
<b>HSCP3</b>	To undertake the day to day financial management of the Commissioning and Partnership budget in accordance with Financial Regulations.

In addition, the Head of Strategic Commissioning and Partnerships may authorise other persons or staff of the OPCC to exercise any of the above delegations on the Head of Strategic Commissioning and Partnerships' behalf.

## 9. CHIEF CONSTABLE

Subject to the various specific requirements imposed by this Scheme and other governance documentation, the Commissioner consents to the Chief Constable entering into contracts and other agreements (whether legally binding or not) and acquiring and disposing of property, apart from land and buildings, where the transaction is considered to be a matter of the day to day management of the force and where the expenditure is within the Chief Constable's delegated budget.

## 10. ARRANGEMENTS for the EXERCISE of the POWERS and DUTIES of the CHIEF CONSTABLE'S CHIEF FINANCE OFFICER (CC CFO)

The Chief Constable must ensure that the appropriate delegations are in place to enable the CC CFO to perform, or to delegate as appropriate, his/her duties contained within Financial Regulations and Contract Standing Orders and to make the following decisions in relation to the budget provided to Hampshire Constabulary:

Decisions **subject to the Commissioner being informed in a timely manner** after the decision is taken:

ID	Item
<b>CC1</b>	To authorise expenditure within the budget allocated provided there is budget provision and the use is consistent with the Police and Crime Plan.
<b>CC2</b>	To authorise expenditure on approved capital programme schemes, without exceeding the amount approved by £100,000 always providing that the additional sum can be funded from within the Chief Constable's delegated budget. The Commissioner must be notified of all virements from £50,000 up to £100,000 on a monthly basis.
<b>CC3</b>	Approve contract exemptions to the procurement process in accordance with the financial limits set out in Contract Standing Orders.
<b>CC4</b>	<p>Approve the financial settlement of all insurance and legal claims or requests for compensation where:</p> <ol style="list-style-type: none"> <li>1. The total compensation to be paid is £100,000 or less (to include multiple or linked claims/claimants) except in the case of accident claims where the threshold will be £200,000 or less; and</li> <li>2. they do not involve chief police officers or police staff Chief Officers; and</li> <li>3. there is no significant risk that the Commissioner or Constabulary will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed; and</li> <li>4. It is not the nature of a test case.</li> </ol> <p>In all other cases, the matter must be referred to the Commissioner.</p>
<b>CC5</b>	Institute, defend or participate in legal actions to protect the interests of Hampshire Constabulary and having regard to the wider public interest Budget delegated to the Chief Constable cannot be used to fund the challenge of decisions reached by the Commissioner, without first exhausting the approved mediation process.
<b>CC6</b>	To determine rewards for exceptional diligence or other specially meritorious conduct up to £5,000.

Decisions **without reference to the Commissioner:**

ID	Item
CC7	To undertake the day to day management of the budget, including payment of personnel, in accordance with Financial Regulations.
CC8	In accordance with Financial Regulations, transfer or move budgets between budget headings, on a permanent or temporary basis.
CC9	Undertake the day to day management of the insurance function in line with the strategy approved by the Commissioner's CFO on an annual basis.
CC10	To spend on items provided for in the Chief Constable's revenue and capital budgets, including the authority to agree the terms of, procure and award any contract up to a value coinciding with the financial limits, with the exception of anywhere the Commissioner requests to be involved.
CC11	To keep a register of all assets owned by the Commissioner or leased by the Commissioner showing a current value at £10,000 or above and of all vehicles and all items portable and attractive.
CC12	To negotiate with, and reach agreements which are within authorised budget with, recognised trade unions and staff associations on any conditions of service matters that can be decided locally.
CC13	<p>Determine all requests for financial assistance to officers and staff involved in legal proceedings or inquests (other than in the course of their duties) unless:</p> <ol style="list-style-type: none"> <li>1. there is a particular public interest in the case; and</li> <li>2. there is a significant risk that the Commissioner or Hampshire Constabulary will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed, in which case the matter must be referred to the Commissioner for decision.</li> </ol>
CC14	<p>Settlement of employment tribunal cases and grievances of police officers and staff under the direction and control of the Chief Constable unless:-</p> <ol style="list-style-type: none"> <li>1. there is a particular public interest in the case; and</li> <li>2. there is a significant risk that the Commissioner or Constabulary will be exposed to serious public criticism or serious weaknesses in the organisation or polices and procedures will be revealed, in which case the matter must be referred to the Commissioner for decision.</li> </ol>

ID	Item
<b>CC15</b>	To determine when assets or goods are surplus to requirements or obsolete and arrange for their disposal in line with Financial Regulations.
<b>CC16</b>	To buy or lease the vehicles, machinery, equipment and services needed and to make arrangements for them to be used, disposed of, returned and replaced as appropriate.
<b>CC17</b>	To exercise the powers and duties of the Police (Property) Regulations 1997 by authorising requests to donate unclaimed lost property to charity and to approve the keeping of unclaimed lost property if it can be put to good use for police purposes.
<b>CC18</b>	To provide equipment, other material or facilities jointly with another Constabulary or partner organisation.
<b>CC19</b>	To make discretionary payments of rent allowances in accordance with Police Regulations.
<b>CC20</b>	To make all decisions under the Police Pensions Regulations 1987 and 2006 (and any amendments thereto) except that the award of pensions to minors shall be agreed with the Chief Executive, in respect of matters relating to the Police Pension Authority.
<b>CC21</b>	To fix intervals for paying officers.
<b>CC22</b>	To determine the provision of uniform and equipment.
<b>CC23</b>	To approve all requests to go out to tender for contract below £2 Million (Commissioner to be consulted if amount exceeds £500,000).
<b>CC24</b>	To write-off debts and stock as permitted within the Financial Regulations.

**11. DELEGATION of URGENT MATTERS**

- 11.1 If any matter that would normally be referred to the Commissioner for a decision arises and cannot be delayed, the matter may be decided by an appropriate statutory officer. In the first instance all urgent matters must be referred to the Deputy Police and Crime Commissioner [if appointed]<sup>4</sup>.
- 11.2 In the absence of the Commissioner and Deputy Police and Crime Commissioner [if appointed], the appropriate statutory officers authorised to decide urgent matters are:
- the Chief Executive (all matters)
  - the Commissioner's Chief Finance Officer (financial and related matters)
- 11.3 Urgent decisions taken must be reported to the Commissioner as soon as practicable.

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<sup>4</sup> Urgent matter delegations must not breach those activities which the Police and Crime Commissioner must not delegate as outlined at 1.2