



Police, Fire and Crime Commissioner
for North Yorkshire
and
Chief Constable
of North Yorkshire Police

JOINT
CORPORATE GOVERNANCE FRAMEWORK

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1. Statement of Corporate Governance for the Police, Fire and Crime Commissioner and Chief Constable

1.1 Introduction

The purpose of this statement is to give clarity to the way that the two corporations sole, the Police, Fire and Crime Commissioner and Chief Constable, will be governed both jointly and separately, to do business in the right way, for the right reason at the right time. . There is a separate Code of Corporate Governance for the Fire and Rescue Authority which sets out how the PFCC will govern that Corporations Sole.

1.2 Context

The principal statutory framework within which the organisation will operate is:

1. Police Reform and Social Responsibility Act 2011 (PRSRA11, the Act)
2. The Police and Crime Act 2017
3. Policing Protocol Order 2011 (the Protocol)
4. Financial Management Code of Practice
5. Strategic Policing Requirement

This framework creates a public sector relationship, based upon a Commissioner - provider arrangement but with unique elements such as the single elected Commissioner and the operational independence of the Chief Constable.

1.3 Principles

The core principles adopted by both organisations are those highlighted by the good governance standard for public services:

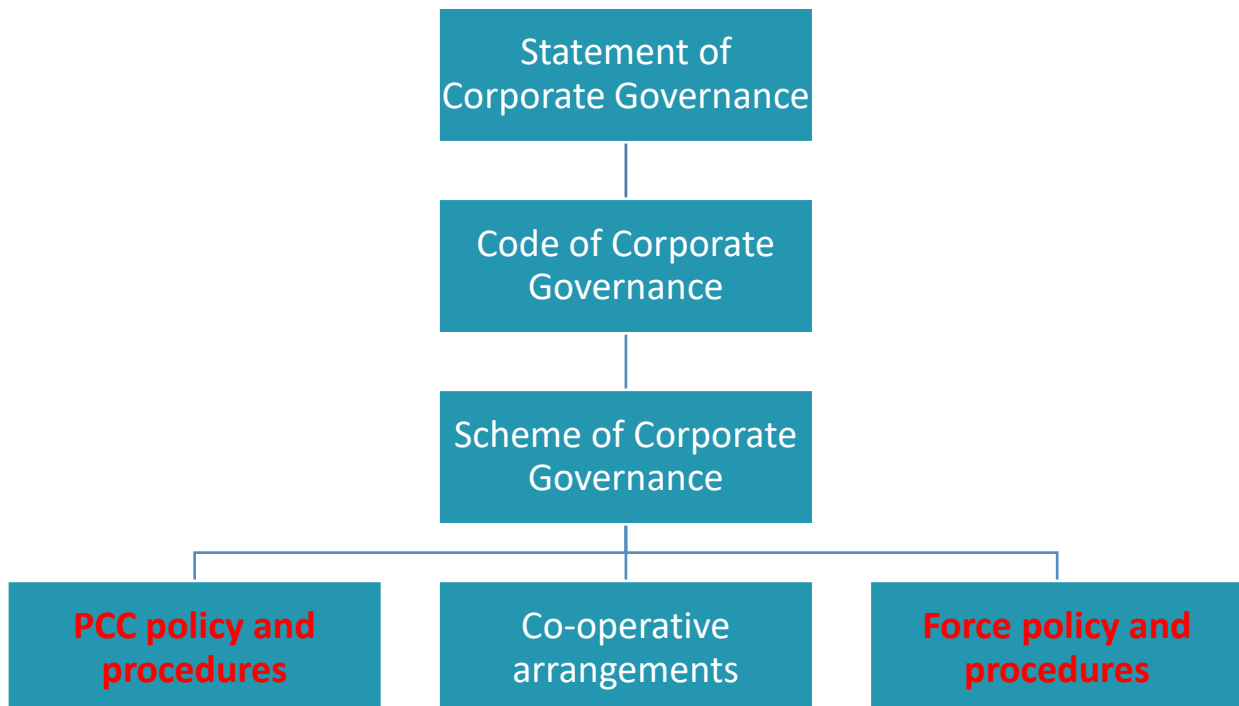
1. behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law
2. ensuring openness and comprehensive stakeholder engagement defining outcomes in terms of sustainable economic, social and environmental benefits
3. determining the interventions necessary to optimise the achievement of the intended outcomes
4. developing the entity's capacity, including the capability of its leadership and the individuals within it also see above context additions
5. managing risks and performance through robust internal control and strong public financial management
6. implementing good practices in transparency, reporting and audit to deliver effective accountability.

The first two principles underpin the whole Framework and are implicit in the remaining five principles. The Framework also emphasises that local government organisations must try to achieve their objectives while acting in the public interest at all times.

1.4 Framework / Instruments of governance

The corporate governance framework by which both organisations will be governed, both jointly and separately will consist of:

1. A Statement of Corporate Governance making reference to the statutory framework and local policy,
2. A Code of Corporate Governance – sets out how the core principles will be implemented,
3. A Scheme of Corporate Governance – defines the parameters within which the corporations sole will conduct their business,
4. Policy and procedural provisions that respect the obligations of each corporation sole.



1.5 Review Leadership

The framework will be reviewed on an annual basis by those individuals holding the posts of, or holding the statutory responsibilities of, Police, Fire and Crime Commissioner (& Deputy if appointed), Chief Constable (& Deputy), Chief Executive/Monitoring Officer and the respective Chief Finance Officers.

2. Code of Corporate Governance for the Police, Fire and Crime Commissioner and Chief Constable

2.1 Introduction

This Code of Corporate Governance sets out how the Police, Fire and Crime Commissioner and the Chief Constable conduct their organisations both jointly and separately in accordance with the Statement of Corporate Governance. It will do this by highlighting the key enablers for ensuring good governance.

2.2 Context

This code sets out how the organisations are governed by adopting the principles of good governance as the structure for setting out the statutory framework and local arrangements. The Framework uses the definition of governance set out in the International Framework:

Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.

The International Framework also states that:

To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity's objectives while acting in the public interest at all times. Acting in the public interest implies primary consideration of the benefits for society, which should result in positive outcomes for service users and other stakeholders.

The principles of good governance on their own do not define the organisation's aims or its policies, and they do not address whether a policy decision turns out to be correct. Good governance is about how decisions are made, focusing on matters such as understanding and clarity of aims, the integrity, fairness and transparency of decisions made by individuals and teams, and the effectiveness of controls and accountability mechanisms.

Governance is a living concept. It acknowledges that there is always an element of subjectivity in any decision making process, but locates this within an objective framework. Most commentaries make extensive reference to principles, processes and challenges, and this might suggest a very prescriptive approach, almost encouraging a tick-box mentality. This would be misleading. The real challenge for governance lies in the way that organisations live and breathe, how services and relationships evolve, and how they learn from experience. All of this is dynamic, and the processes of good governance must evolve in the same way

It is easy to oversimplify, but good governance means doing what is right and doing it properly.

An overemphasis on processes and criteria for success fails to recognise that good governance is a reflection of the culture of the organisation which needs to be nurtured. The best standards of governance will be attained when the principles are enshrined in the way it is managed. Nothing will be achieved unless the principles are communicated, embedded and observed.

Good governance is more than a statement of rules and actions, it is also about impressions given and implications perceived. High level statements and aspirations must create confidence in stakeholders that the organisation means what it says. The reputation of organisations is damaged when governance fails, and takes a long time to recover.

Leaders and staff at all levels must be prepared to buy in to the principles. It is easy to pay lip service to matters such as consultation, communication, equity, transparency, ethics and integrity. Only if the organisation has a positive and active commitment to them can it hope to attain the standards. Economy and efficiency in decision making can be worthwhile, but individuals should not deliberately ignore weaknesses in information and performance, or fail to challenge (and do something about) anything which is or could be perceived as conflicting with the organisation's commitment to good governance.

As a general rule 'if something doesn't feel quite right, it probably isn't right, and it needs attention'.

2.3 Code of corporate governance

In conducting their organisations, the Commissioner and Chief Constable will apply the seven principles of Good Governance in Policing as set out below:

2.3.1 Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

The Commissioner and the Chief Constable are accountable not only for how much they spend but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies.

It is essential that, as a whole, they can demonstrate the appropriateness of all their actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

This core principle underlines that, above almost everything else, good governance depends on building a corporate environment where leaders and staff believe personally in acting in accordance with generally accepted values.

The corporate processes which underpin this commitment

1. The Policing Protocol 2011 requires all parties to abide by the Seven Principles of Public Life (the Nolan Principles) and these will be central to the behaviour of everyone in the organisation. It also highlights the expectation that the relationship between all parties will be based on the principles of goodwill, professionalism, openness and trust.
2. The Financial Management Code of Practice (Home Office, 2013) requires the PCC and chief constable to ensure that the good governance principles are embedded within the way that the organisations operate.
3. The PCC and Chief Constable will set out their values in the respective corporate and strategic plans.
4. The Code of Ethics (College of Policing, 2014).

2.3.2 Principle B: Ensuring openness and comprehensive stakeholder engagement

Local government, including the police, is run for the public good. Organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

This core principle emphasises that local government bodies exist primarily to provide services that people need, and that this will only be achieved if there is a consistent dialogue in both directions.

The corporate processes and relationships which underpin this commitment

1. The Commissioner is accountable to local people and will draw on this mandate to set and shape the strategic objectives for the force area in consultation with the Chief Constable, taking into account the strategic policing requirement.
2. The police and crime plan will clearly set out the strategic direction and objectives
3. To complement this, the Commissioner's and the Chief Constable's communication and engagement strategies will set out how local people will be involved with the Commissioner and the Chief Constable to ensure they are part of decision making, accountability and future direction. This will be a mixture of being part of the yearly planning arrangements and becoming involved in issues of interest to local people as they emerge.
4. The Commissioner and the Chief Constable will develop arrangements for effective engagement with key stakeholders, ensuring that where appropriate they remain closely involved in decision making, accountability and future direction.
5. The strength of the Commissioner's working relationship with the Chief Constable, police, fire and crime panel, constituent local authorities and other relevant partners.

2.3.3 Principle C: Defining outcomes in terms of sustainable economic, social and environmental benefits

The long-term nature and impact of many of the Commissioner and Chief Constable's responsibilities mean that they should seek to define and plan outcomes and that these should be sustainable. Decisions should contribute to delivery of the intended benefits and outcomes within the organisational strategy, Police and Crime Plan, Delivery Plan, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users and staff, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

Public sector programmes will respond to changes in the current environment, but these responses should always be framed within the Commissioner and Chief Constable's long term objectives and aspirations for the service, and the resources available.

The corporate processes which underpin this commitment

1. The Police Reform and Social Responsibility Act 2011 requires the Commissioner to issue a police and crime plan which defines the police and crime objectives (outcomes) and the strategic direction for policing. Each corporation sole must have regard to the plan, and the

Commissioner must have regard to the priorities of the responsible authorities during its development.

2. Each organisation will have a corporate/strategic plan which sets out how it will operate to support achievement of these outcomes.
3. Collaboration agreements will set out those areas of business to be undertaken jointly with other forces, local policing bodies and partners and other emergency services, in order to reduce cost, increase capability, and/or increase resilience to protect local people.
4. A medium term financial strategy will be jointly developed and thereafter reviewed regularly to support delivery of these plans. Joint protocols will ensure proper arrangements for financial management.
5. A commissioning and award of grants framework will be developed by the Commissioner, incorporating commissioning intentions and priorities.
6. A complaints protocol will be jointly agreed to provide clarity over the arrangements to respond to the breadth of concerns raised by local people, whether they be organisational or individual failures. This will complement other statutory arrangements.

2.3.4 Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes

The police service achieves its intended outcomes by providing a mixture of legal, regulatory and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that the police service has to make to ensure intended outcomes are achieved.

Robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised.

Policy implementation usually involves choice about the approach, the objectives, the priorities and the incidence of the costs and benefits. The Commissioner and the Chief Constable must ensure that they have access to the appropriate skills and techniques to make these choices.

The corporate processes which underpin this commitment

1. The Commissioner and the Chief Constable will maintain a medium term financial strategy which will form the basis of the annual budgets and provide a framework for evaluating future proposals.
2. There will be a comprehensive process of analysis and evaluation of plans, which will normally include option appraisal, techniques for assessing the impact of alternative approaches on the service's outcomes, and benefits realisation.
3. Processes will be in place to monitor efficiency and value for money, including benchmarking of performance and costs.
4. The Commissioner and the force should maintain effective workforce development and asset management plans (eg estate; ICT).

2.3.5 Principle E: Developing the entity's capacity, including the capability of its leadership and the individuals within it

The Commissioner and the Chief Constable need appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve their intended outcomes within the specified periods.

A public organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole.

Both the individuals involved and the environment in which the police operate will change over time, and there will be a continuous need to develop its capacity as well as the skills and experience of the leadership and individual staff members. Leadership in the police service is strengthened by the participation of people from many different types of background, reflecting the structure and diversity of communities.

Successful outcomes depend on the calibre of the people within the organisation, and it is essential that they have the appropriate skills and support.

The corporate processes and relationships which underpin this commitment

1. The 'people' and personal development strategies of the Commissioner and Chief Constable set the climate for continued development of individuals.
2. People development strategy is part of the overarching People Strategy, personal development PLANS may be more appropriate description as this alludes to the need for individuals to take responsibility for their own CPD
3. The performance development review processes will ensure that these strategies are turned into reality for officers and members of staff.

2.3.6 Principle F: Managing risks and performance through robust internal control and strong public financial management

Public bodies need to ensure that the organisations and governance structures that they oversee have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management, business continuity and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes.

They consist of an ongoing process designed to identify and address significant risks involved in achieving outcomes. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability.

All public bodies spend money raised from taxpayers and use assets which have been paid for by taxpayers in order to maintain high quality services. The public is entitled to expect high standards of control and the continuous oversight of performance to correct shortfalls and to identify factors which could undermine achievement.

The corporate processes which underpin this commitment

1. The decision making protocol sets out principles for how decisions will be taken by the Commissioner and Chief Constable, and the standards to be adopted.
2. A combined forward plan of decisions will be maintained to bring together the business planning cycles for the police and crime plan, the OPFCC, and the integrated business management process for the force corporate support services. This will ensure proper governance by bringing together the right information at the right time.
3. Force Management Statement and HMIC reporting requirements need to be considered to reduce bureaucracy and time spent)
4. The national decision making model will be applied towards spontaneous incidents or planned operations, by officers or staff within the force as individuals or teams, and to both operational and non-operational situations.
5. The scheme of governance highlights the parameters for decision making, including consents, financial limits for specific matters and standing orders for contracts.
6. The risk management strategy establishes how risk is embedded throughout the various elements of corporate governance of the corporation sole, whether operating solely or jointly.
7. Communications and engagement strategies demonstrate how the Commissioner and Chief Constable will ensure that local people are involved in decision making.
8. The information sharing protocol ensures that information relating to decisions will be made readily available to local people, with those of greater public interest receiving the highest level of transparency, except where operational or legal constraints exist.
9. The forward plan of decisions combined with open and transparent information schemes enables the police and crime panel to be properly sighted on the decisions of the PCC.

2.3.7 Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

It is easy to pay lip service to the principles of accountability. Aspirations which are not followed through, and actions which are not explained to those who are affected by them, undermine confidence.

The corporate processes which underpin this commitment

1. The Police Reform and Social Responsibility Act 2011 sets out the functions of the Commissioner and the Chief Constable. The Policing Protocol Order 2011 describes how these functions will be undertaken to achieve the outcomes of the police and crime plan.
2. The legislation also enables the Commissioner to appoint a deputy, whose role will be prescribed by the Commissioner and set out in schemes of delegation where appropriate.

3. The 2011 Act requires the Commissioner to appoint a Chief Executive and a CFO (Section 151 Officer). It prescribes that the Chief Executive will act as head of paid service and undertake the responsibilities of monitoring officer.
4. The 2011 Act requires the Chief Constable to appoint a CFO (Section 151 Officer).
5. The Financial Management Code of Practice (Home Office, 2018) sets out the responsibilities of the CFOs for both the PCC and the Chief Constable.
6. The Commissioner and Chief Constable will jointly procure an Internal audit service, which operates in a way that reflects on published guidance on standards.
7. The scheme of corporate governance highlights the parameters for key roles in the corporations sole, including consents from the Commissioner or Chief Constable, financial regulations and standing orders
8. Officers, police support staff in the employ of both corporations sole and staff of the Commissioner will operate within:
 - a. policies and procedures which are wherever possible consistent across both corporations sole (including across the OPFCC)
 - b. the corporate governance framework
 - c. disciplinary regulations
 - d. codes of conduct
 - e. Code of Ethics (College of Policing, 2014).
9. An effective joint independent audit committee operates within the CIPFA guidance and in accordance with the Financial Management Code of Practice

3. Scheme of Corporate Governance for the Police, Fire and Crime Commissioner and Chief Constable

3.1 Introduction

The Statement of Corporate Governance details the key roles of the Police, Fire and Crime Commissioner, Deputy Police and Crime Commissioner, Chief Executive Officer, Chief Constable and the Chief Finance Officers.

The Code of Corporate Governance describes the strategies, arrangements, instruments and controls adopted to ensure good governance in the two organisations.

This Scheme of Corporate Governance provides a framework which ensures the business is carried out effectively and efficiently, ensuring that decisions are not unnecessarily delayed. It forms part of the overall corporate governance framework of the two organisations. It should be read in the context of the Statement and Code.

This Scheme of Corporate Governance sets out the delegations by the Police, Fire and Crime Commissioner to the Deputy Police and Crime Commissioner, Chief Executive Officer, the Chief Finance Officer, and Consents to the Chief Constable. It also includes delegations by the Chief Constable. It is supported by other instruments such as the financial regulations and contract regulations.

This Scheme of Corporate Governance aims to clarify those powers which, for the benefit of good business practice, are given to the statutory officers. The Police, Fire and Crime Commissioner may limit these powers and/or withdraw delegation and the Police, Fire and Crime Commissioner may impose reporting arrangements on any authorised powers.

Powers are given to the Chief Constable by laws, orders, rules or regulations.

Also, national conditions of employment give powers to the Police, Fire and Crime Commissioner, the Chief Constable and, in the case of police regulations, the Secretary of State for the Home Office.

The powers given to the statutory officers should be exercised in line with the Commissioner's delegation and consent, the law, standing orders and financial regulations, and also policies, procedures, plans, strategies and budgets.

This Scheme of Corporate Governance does not identify all the statutory duties which are contained in specific laws and regulations.

3.2 Key Role of the Police, Fire and Crime Commissioner

1. The Police, Fire and Crime Commissioner is the legal contracting body who owns all the assets and liabilities, and with responsibility for the financial administration of his/her office, and the Police Force, including all borrowing limits.
2. The Police, Fire and Crime Commissioner will receive all funding, including the government grant and precept, and other sources of income, related to policing and crime reduction. By law all funding for the Police Force must come via the Commissioner. How this money is

allocated is for the Commissioner to decide in consultation with the Chief Constable, or in accordance with any grant terms.

3. The Police, Fire and Crime Panel is a check and balance on the Commissioner through reviewing or scrutinising his/her decisions, but not those of the Chief Constable.
4. The Commissioner will be responsible for handling complaints and conduct matters in relation to the Chief Constable and monitoring complaints against officers and staff. Both organisations are responsible for complying with the requirements of the Independent Police Complaints Commission.

3.3 Key Role of the Chief Constable

1. The legal powers and duties of the Chief Constable are set out in the Policing Protocol Order 2011. They include:
 2. The Chief Constable is responsible for maintaining the Queen's Peace, and has direction and control over the force's officers and staff. The Chief Constable holds office under the Crown, but is appointed by the Commissioner.
 3. The Chief Constable is accountable to the law for the exercise of police powers, and to the Commissioner for the delivery of efficient and effective policing, management of resources and expenditure by the police force.
 4. At all times the Chief Constable, their constables and staff remain operationally independent in the service of the communities they serve.

3.4 General principles of delegation

1. The Commissioner and Chief Constable expect anyone exercising delegated powers or consents under this scheme to draw to the attention of the Office of Police, Fire and Crime Commissioner and/or Chief Constable as appropriate any issue which is likely to be regarded by the Commissioner and/or Chief Constable as novel, contentious or repercussive before exercising such powers.
2. Delegations for approval are set out in this scheme. The Commissioner and Chief Constable may ask that a specific matter is referred to him/her for a decision and not dealt with under powers of delegation.
3. Delegations and consents may only be exercised subject to:-
 - a. compliance with the Corporate governance framework.
 - b. Revenue or capital provision for any relevant expenditure being included in the approved budget for the appropriate year.
4. These arrangements delegate powers and duties within broad functional descriptions and include powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation. The scheme does not attempt to list all matters which form part of everyday management responsibilities.
5. Giving delegation or consent to officers under this scheme does not prevent an officer from referring the matter to the Commissioner or Chief Constable for a decision if the officer

- thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial implication).
6. When a statutory officer is considering a matter that is within another statutory officer's area of responsibility, they should consult the other statutory officer before authorising the action.
 7. All decisions statutory officers make under powers given to them by the Commissioner or Chief Constable must be recorded and be available for inspection. It is sufficient for this recording to be an email, signed document, note book entry and Statutory Officers should exercise their own judgement when recording decisions.
 8. In this document, reference made to the statutory officers include officers and staff authorised by them to act on their behalf.
 9. The statutory officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme of Governance.
 10. The persons appointed as the Chief Executive Officer (who will also be the Monitoring Officer) and both the Chief Finance Officers (section 151 officers) when acting in that capacity enjoy original (rather than derivative) statutory powers and duties relating to their positions, and therefore do not rely on matters being delegated to them to carry these out.
 11. The Scheme of Delegation provides a member of staff or a police officer with the legal power to carry out functions of the Commissioner and Chief Constable. In carrying out these functions the member of staff must comply with all other statutory and regulatory requirements and relevant professional guidance including:
 - a. Police Reform and Social Responsibility Act 2011 and other relevant legislation issued under the Act.
 - b. Policing Protocol Order 2011,
 - c. Financial Regulations
 - d. Financial Management Code of Practice
 - e. CIPFA Statement on the role of the Chief Finance Officer in public service organisations
 - f. APACE Statement on the role of the Chief of Staff
 - g. Contract Regulations
 - h. The Commissioner's Corporate Governance framework
 - i. The Commissioner and Police Force's employment policies and procedures.
 - j. The Data Protection Act 2018 and the Freedom of Information Act 2000
 - k. Health and safety at work legislation and codes.
 12. The Corporate Governance Framework, including this Scheme of Governance, will be reviewed annually. This scheme allows any person, with appropriate authority, to delegate that power further.

13. The Commissioner must not restrict the operational independence of the police force and the Chief Constable who leads it¹.
14. To enable the Commissioner to exercise the functions of their office effectively they will need access to information, and officers and staff within their force area. This access must not be unreasonably withheld or obstructed by the Chief Constable, nor may it restrict the Chief Constable's direction and control of the force².
15. The Commissioner has wider responsibilities than those solely relating to the police force and these are referred to in the Code of Corporate Governance.

3.5 Delegations by the Police, Fire and Crime Commissioner

3.5.1 General

1. The Code of Corporate Governance identifies the role of the Chief Executive Officer as the head of the Commissioner's staff, and the Monitoring Officer. The formal delegations, listed below, are those given to the Chief Executive Officer, which are in effect at the time of the publication of the scheme.
2. As the monitoring officer of the Commissioner there is a statutory responsibility to manage his/her legal affairs as set out in section 5 Local Government and Housing Act 1989
3. In his/her absence the Commissioner may delegate to the Chief Executive Officer to carry out any of his/her functions, except those prohibited by law³.
4. The Commissioner may not delegate the following;
 - a. Issuing a Police & Crime Plan
 - b. Determining Police & Crime Plan Objectives
 - c. Attendance at a meeting of the Police, Fire & Crime Panel ("PFCP")
 - d. Preparing an Annual report to the PFCP
 - e. The appointment, suspension, or the calling upon to retire or resign, of the Chief Constable
 - f. Calculating a budget requirement

3.5.2 Functions delegated to the Deputy Police and Crime Commissioner, Office of the Police and Crime Commissioner

1. To develop and oversee the delivery of a draft of the Police and Crime Plan in consultation with the Chief Constable of North Yorkshire for approval and issue by the Commissioner
2. To develop and oversee the delivery of a draft of the Commissioner's Annual Report for approval and issue by the Commissioner.

¹ Protocol, art18

² PRSRA11 ss2(5) and 36

³ PRSRA11 s18(7)

3.5.3 Functions delegated to the Chief Executive Officer, Office of the Police, Fire and Crime Commissioner

1. To provide information to the Police, Fire and Crime Panel, as reasonably required to enable the panel to carry out its functions.
2. To exercise all the Commissioner's powers and duties in connection with Health & Safety, qualities, Human Rights, Freedom of Information and Data Protection legislation, with the exception of those powers and duties which relate to the oversight of the Chief Constable's arrangements for those matters.
3. To sign all contracts on behalf of the Commissioner which are required to be executed under the common seal of the Commissioner.
4. To consider whether, in consultation with the Chief Finance Officer of the Commissioner, to provide indemnity to the Commissioner and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
5. To consider and approve, in consultation with the Chief Finance Officer of the Commissioner, provision of indemnity and/or insurance to individual staff of the Commissioner.

Financial

6. In consultation with the Commissioner's Chief Finance Officer, to exercise responsibility for the budgets allocated to those functions that report directly to the Chief Executive Officer provided that such responsibility shall be exercised in accordance with the law and with the Financial and Contract Regulations and any relevant statutory guidance and codes of practice.

Staff employed by the Police, Fire and Crime Commissioner

7. To exercise all powers of the employer in respect of employees of the Commissioner including determination of all issues relating to the conditions of service of Commissioner's Staff, provided that any such decisions are made in accordance with the law and with policies adopted by the Commissioner.
8. To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996
9. To administer on the Commissioner's behalf the Independent Custody Visiting Scheme, to determine the appointment and removal of Custody Visitors, and to monitor service quality issues raised through the operation of the scheme for report to the Commissioner.

Other

10. To affix the common seal of the Commissioner to:
 - a. all contracts, agreements or transactions in respect of which there is no consideration
 - b. all deeds which grant or convey an interest in land
 - c. all documents where it is determined by the Commissioner there is a particular need for the seal to be attached.

11. In addition to the powers set out in the Contract Regulations and Property Procedure Rules, to sign, execute and issue all legal documents necessary to implement decisions made by the Commissioner or persons exercising the Commissioner's functions.
12. To respond to consultations on proposals affecting the Commissioner, if necessary, after first taking the views of the Commissioner, the Chief Finance Officer or the Chief Constable, as appropriate.
13. In connection with complaints and conduct issues against the Chief Constable:
 - a. To determine (and respond to the complainant accordingly) wherever possible within 5 days of a complaint being received whether or not the Commissioner is the appropriate authority to consider such a complaint;
 - b. Wherever possible and appropriate in consultation with the Commissioner, to make decisions in dealing with complaints and conduct matters against the Chief Constable including:
 - i. Recording decisions (for conduct matters);
 - ii. Initial assessments;
 - iii. Suitability for local resolution;
 - iv. Referral to the IOPCC;
 - v. Referral to the Crown Prosecution Service;
 - vi. Application to the IOPCC for dispensation or discontinuance;
 - vii. Appointment and briefing of the investigator;
 - viii. Appointment of misconduct hearing or meeting members (and related determinations);
 - ix. Settling the terms of the Commissioner's representations (or the decision not to make representations) to misconduct proceedings in accordance with regulation 35(10) of the Police Conduct Regulations 2008;
 - x. Securing representation at proceedings, meetings, appeals, hearings and for other such related matters.
14. To consider and determine complaints against all employees of the Commissioner (except the Chief Executive Officer and any Deputy Commissioner) and to consider grievances made by such staff against other such staff.
15. To review complaints of maladministration against the Commissioner and to approve the provision of any remedy, financial or otherwise, should the complaint be found to have substance and should the complainant be found to have suffered injustice as a result

Legal

16. To approve payment to Officers in respect of unpaid Compensation Orders awarded to any officer by an appropriate Court.
17. To approve the financial settlement of all claims or requests for compensation against the Commissioner in accordance with financial regulations.

18. To approve all requests for financial assistance to officers and staff involved in legal proceedings or inquests except those felt to be significant because:-
 - a. they involve a high profile claimant
 - b. there is a particular public interest in the case
 - c. there is a real risk that the Commissioner or Chief Constable will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
19. To authorise, after consultation with the Chief Constable as necessary, the institution, defence, withdrawal or settlement of any claims or legal proceedings on the Commissioner's behalf, in consultation with the Commissioner's Chief Finance Officer if there are significant financial implications.
20. To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Commissioner.
21. The Commissioner delegates to the CEO, in consultation with the Commissioner's CFO, responsibility for identifying, and disposing of, in the most economically advantageous way, any assets owned by the PCC which are no longer required for the delivery of policing services and/or are no longer economically viable for providing policing services.
22. To authorise, pursuant to s223 Local Government Act 1972 , any member of employees of the Commissioner to prosecute or defend or to appear in proceedings before a magistrates court or to conduct any such proceedings.
23. To determine ex gratia payments in respect of loss or damage to the personal property of employees of the Commissioner, in consultation with the Commissioner's CFO.
24. To deal with all claims asserted against the Commissioner, in consultation where necessary and as the case may be with either the Commissioner's Chief Finance Officer, to approve the financial settlement of such claims
25. To institute such proceedings or take such steps as they may consider necessary to secure the payment of any debt due to the Commissioner.
26. To take such steps as they may consider necessary to enforce or comply with any judgment obtained in any proceedings.
27. The Commissioner expects that the CEO will want to delegate many of the responsibilities that are delegated to them from the Commissioner. The Commissioner expects that a formal scheme of delegation is put in place, in writing, that is updated annually, is consistent with the contents of this scheme of delegation and consent, the financial regulations approved by the Commissioner and the Contract Standing Orders approved by the Commissioner.

3.5.4 Functions designated to the Chief Finance Officer of the Police, Fire and Crime Commissioner

1. The Code of Corporate Governance identifies the role of the Chief Finance Officer. As the adviser to the Police, Fire and Crime Commissioner there is a statutory responsibility to

- manage the Commissioner's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2015 (as amended).
2. After consultation with the Commissioner and the Chief Constable, to determine
 - a. sums to be paid from the Police Property Fund towards charitable purposes;
 - b. pursuant to regulation 7 Police (Property) Regulations 1997 the question of whether property to which the Regulations apply should be retained for police purposes
 3. In accordance with the requirements of Financial Regulations to vire or move money or budgets between budget headings.
 4. Approve the arrangements for the treasury management function, including the day to day management, the production of the treasury management strategy, and supporting policies and procedures.
 5. 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 CC's accounts.
 6. Seek assurances that there are appropriate arrangements in place within the force for its financial management.
 7. Responsible for all banking arrangements, together with creating, closing or authorising all bank accounts.
 8. Day to day financial management of all income received by the Commissioner, and the entire budget not provided to the Chief Constable.
 9. To accept on behalf of the Commissioner any lawful grant awarded to the Commissioner to achieve the aims and objectives of the Commissioner.
 10. Commit expenditure within the approved budget to meet the policies and objectives agreed with the Commissioner.
 11. To approve the writing off of any debt due to the Commissioner.
 12. Manage grants awarded by the Commissioner.
 13. Responsible for investing and borrowing money, as necessary, in line with the treasury management strategy.
 14. Authorise payments, without having to get approval and regardless of whether or not provision has been made in the revenue budget in relation to:
 - a. Payments we have to make by law
 - b. Payments ordered by the court
 - c. Payments due under any agreement entered into by the Commissioner.
 15. Act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003.
 16. Sign cheques of behalf of the Commissioner.

17. Determine when assets are surplus to requirements or obsolete and arrange for disposal in line with financial regulations.
18. To exercise responsibility for the budget allocated to the Office of the Police, Fire & Crime Commissioner, provided that such responsibility shall be exercised in accordance with the law and with the Financial and Contract Regulations and any relevant statutory guidance and codes of practice
19. Delete organisations from the list of organisations approved for the investment of monies by the Commissioner.

Note

The Commissioner's Financial Regulations authorise the Commissioner's Chief Executive Officer and Chief Finance Officer to take other financial decisions on behalf of the Commissioner.

3.5.5 Urgent matters

If any matter which would normally be referred to the Commissioner for a decision arises and cannot be delayed, the matter may be decided by the appropriate delegate.

Appropriate delegates authorised to decide urgent matters are:

- The Deputy Police and Crime Commissioner

In the absence of the Deputy Police and Crime Commissioner:

- Chief Executive Officer
- Chief Finance Officer of the Commissioner (financial and related issues);

Urgent decisions taken must be reported to the Commissioner as soon as practicable

3.6 Consents to the Chief Constable of North Yorkshire Police

3.6.1 General Powers of the Chief Constable

1. The PRSRA 2011 confers wide general powers on the Chief Constable:
 - a. The Chief Constable may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of their functions.

3.6.2 Consent

1. Section 18 of the Police Reform & Social Responsibility Act 2011 prohibits the Commissioner from delegating functions to the Chief Constable (or any constable) or to staff of a constable. However the PRSRA 2011 provides for the Commissioner to 'consent' to the Chief Constable and also provides for the CC to carry out their duty to assist in the exercise of the Commissioner's functions.
2. 'Consent' refers to the provision of approval and agreement, particularly and especially after due and thoughtful consideration. Transactions entered into following 'consent' by the Commissioner to the CC, will be in the name of the CC as a separate legal entity, as opposed to the name of the Commissioner (as would have been the case if the CC was given delegated authority).
3. The Commissioner expects that the CC will want to delegate many of the responsibilities that are consented to them from the Commissioner. The Commissioner expects that a formal scheme of delegation is put in place, in writing, that is updated annually and is consistent with the contents of this scheme of consent, the financial regulations approved by the Commissioner and the Contract Standing Orders approved by the Commissioner.
4. From the 1st April 2014 there was a transfer of staff from the employment of the Commissioner to the employment of the CC. Known as the 'Stage 2' transfer this process transferred some Police Staff contracts of Employment, from the Commissioner to the CC. Specific details were set out and agreed with the Home Secretary in line with the legislative requirement.
5. Others remained temporarily employed by the Commissioner until a suitable collaboration arrangement was identified. Now that collaboration arrangement has been agreed, the Stage 2 transfer process can be completed and the collaboration set up.
6. As part of the transition and the changes to governance that occurred from the 1st April 2014 (the Stage 2 Transfer) there were certain budgets and responsibilities that either needed to sit with the PCC or which were agreed to sit with the PCC. These areas were grouped under the heading of Corporate Services.
7. From the 1st April 2019 the remaining elements of the 'Stage 2 Transfer' will be completed and as such almost all of the budgets previously identified within Corporate Services will come under the responsibility of the Chief Constable.
8. The restrictions placed on CC's in terms of 'contracts and other agreements' (where they need the consent of the Commissioner to enter into them) do not apply to contracts of employment and therefore the CC does not need the consent of the Commissioner to employ staff.

9. As with any organisation the CC will be expected to exercise all the powers of employer of Police Staff, including engagement and dismissal, consideration of appeals by such staff, in respect of discipline, capability, grievance and grading.
10. The Chief Constable will be responsible for determining all matters in relation to Pensions for both Police Officers and Police Staff, unless legislation specifically requires a decision to be made by the Commissioner. The PCC expects that given the arrangements in place for the Local Government Pension Scheme that any decisions relating to this scheme being contemplated by the CC, as a scheme employer, is discussed with the Commissioner so that a consistent approach is agreed and taken.
11. The CC will be expected to exercise all the powers of employer of Police Officers, including engagement and dismissal, consideration of appeals by such officers, in respect of discipline, capability, grievance and grading. In line with the PRSRA 2011 the CC is required to notify and consult, as appropriate, with the Commissioner in relation to the suspension and/or removal of either a Deputy Chief Constable or an Assistant Chief Constable.
12. The Commissioner expects that wherever possible that consistent 'people' policies, processes and procedures are maintained and adopted across the 2 organisations, to enable this to happen the Commissioner expects that the CEO be included on all policy consultations.
13. The CC is prevented from owning land by the PRSRA 2011 and therefore the ownership of all land remains with the Commissioner. The Commissioner will not transfer the ownership of any of the buildings currently owned by the Commissioner to the CC. The Commissioner also does not provide consent to the CC to acquire any buildings in their own name. The Commissioner does consent to the CC using any of the land and buildings owned by the Commissioner, if they wish to do so, for the delivery of policing services in line with the Commissioner's Police and Crime Plan, and to enable them to exercise their functions, but does so on the understanding that:
 - a. The Commissioner does not intend to transfer the ownership of any of the buildings to the CC.
 - b. The Commissioner does not intend to sell any of the buildings to the CC.
 - c. The use of the buildings is reviewable by both parties.
 - d. Any gains or losses in the value of the buildings accrue to the Commissioner only.
14. The Commissioner consents to the CC to exercise all powers, rights and duties in respect of land and buildings owned by the Commissioner but being used by the CC (other than disposing of buildings).
15. The Commissioner consents to the CC identifying, and disposing of, in the most economically advantageous way, any assets owned by the Commissioner (which are not land and/or buildings) which are no longer required for the delivery of policing services and/or are no longer economically viable for providing policing services.

16. In order to respond to the strategic objectives set by the Commissioner and the wide variety of challenges faced by the police every day, the CC is charged with day-to-day management of assets used by the Force.
17. To enable the most efficient use of the Commissioner's owned land and buildings the CC is required to provide a rolling 5 year Estates plan (that is consistent with the Commissioner's Estates Strategy) incorporating and setting out the CC's estate needs. From this plan the Commissioner will determine the need for any future asset purchases, investments and/or disposals.
18. To enable the most efficient use of the Commissioner's Information and Communications Technology (ICT) assets the CC is required to provide a rolling 5 year ICT plan (that is consistent with the Commissioner's ICT Strategy) incorporating and setting out the CC's ICT needs. From this plan the Commissioner will determine the need for any future asset purchases, investments and/or disposals.
19. To enable the most efficient use of the Commissioner's Fleet the CC is required to provide a rolling 5 year Fleet plan (that is consistent with the Commissioner's Fleet Strategy) incorporating and setting out the CC's Fleet needs. From this plan the Commissioner will determine the need for any future asset purchases, investments and/or disposals.
20. The Commissioner does not consent to the CC entering into contracts in their own name.
21. The CC is prohibited from entering into credit arrangements and therefore will be unable to enter into either PFI or Finance Leases in their own name.
22. To help ensure the effective delivery of policing services and to enable the Chief Constable to have impartial direction and control of all constables and staff within their force, the Chief Constable has day to day responsibility for financial management of the force provided that such responsibility shall be exercised in accordance with the law and within the Commissioner's financial and contract regulations and any relevant statutory guidance and codes of practice and within the agreed budget allocation and levels of authorisation issued by the Commissioner.
23. The Chief Constable must ensure that the financial management of their allocated budget remains consistent with the objectives and conditions set by the Commissioner. The Chief Constable is required by legislation to appoint a Chief Finance Officer who will have a personal responsibility for the proper financial administration of the Force and who will lead for the force on financial management.
24. When the Chief Constable intends to make a significant change of policy or seeks to move significant sums of their budget then the approval of the Commissioner should be sought in line with the Commissioner's agreed Financial Regulations.
25. The CC shall report to the Commissioner, and inform the Commissioner's CFO, if it appears that expenditure is likely to exceed those resources allocated to them by the Commissioner.
26. The CC is required to make the Commissioner aware, and inform the Commissioner's CFO, of any decisions either made, or proposed, which they become aware of, that might involve unlawful expenditure or are likely to cause a loss or deficiency or an unlawful entry in the Accounts.

27. The Commissioner expects that the money provided to the Chief Constable is spent in pursuit of the objectives as set out in the Police and Crime Plan and in line with the requirements placed on the Chief Constable by the Policing Protocol Order, the PRSRA 2011 and other legislation. The Commissioner prohibits using any money provided to the CC from the Commissioner on reviewing or contesting any decision of the Commissioner.
28. The Commissioner consents to the CC to approve the writing off of any debt owing from the Chief Constable's Staff or Police Officers (subject to the agreement of the Commissioner's CFO where any debt is in excess of £5,000).
29. The Commissioner has the responsibility via statute to make Crime and Disorder Reduction Grants, as such the PCC does not consent to the CC making any Grants and/or Contributions of a financial nature, to any organisation without the prior approval of the Commissioner.
30. The Commissioner consents to the CC to accept income, offers of sponsorship and gifts on behalf of the Commissioner, provided that decisions taken in this regard are in accordance with the law and with any guidance or policy which the Commissioner may from time to time determine. Acceptance of the income however does not provide automatic authorisation to spend the income.
31. To avoid duplication and in the interests of efficiency and effectiveness the Commissioner and CC have agreed that there is no requirement for the CC to have separate bank accounts. As such the Commissioner does not consent to the CC having either temporary loans or overdrafts.
32. The Commissioner consents to the CC to authorise payments to be made from the Commissioner's bank accounts, providing that joint banking arrangements are in place.
33. The Commissioner consents to the CC having credit cards in the name of the CC providing there are adequate policies in place for their use and appropriate checks and balances in place to oversee their usage.
34. The Commissioner consents to the CC having purchasing cards in the name of the CC providing they are used in accordance with both contract standing orders and that their use is adequately controlled with appropriate policies and checks and balances.
35. As a result of operating under one banking arrangement the CC will not have any separate funds to invest and as such the Commissioner does not consent to the Chief Constable making any investments.
36. It is recognised that, unless a power or function of the Chief Constable must, as a matter of law, be exercised personally by him/her; such functions may be exercised on his/her behalf by such officers and staff as the Chief Constable thinks fit. There are numerous functions and powers of the Chief Constable which, as a matter of everyday practice, are in fact exercised on his/her behalf by other officers and members of staff. Consequently, the specific delegations set out here are not intended to be an exhaustive list of delegations that form part of everyday management responsibilities.

3.7 Delegations from the Chief Constable

These delegations supplement the scheme of consent, the financial regulations and the Contract Standing Orders.

3.7.1 Delegations to the Deputy Chief Constable

1. Except in relation to Chief Officer posts, to exercise all the powers of employer of Police Staff, including engagement and dismissal, consideration of appeals by such staff, in respect of discipline, capability, grievance and grading.
2. To determine all matters in relation to Ill Health Pensions for both Police Officers and Police Staff, unless legislation specifically requires a decision to be made by the Commissioner or the Chief Constable.
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3.7.2 Delegations to the Managing Director of Enable North Yorkshire

1. To identify, and dispose of, in the most economically advantageous way, any assets owned by the Commissioner (which are not land and/or buildings) which are no longer required for the delivery of policing services and/or are no longer economically viable for providing policing services.
2. Day-to-day management of assets used by the Force

3.7.3 Delegations to the Chief Finance Officer

1. The Code of Corporate Governance identifies the role of the CCCFO. As the financial adviser to the Chief Constable there is a statutory responsibility to manage the Chief Constable's financial affairs as set out in sections 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulations 2015 (as amended).
2. To commit expenditure within the approved budget for the Chief Constable.
3. Day to day responsibility for financial management of the force provided that such responsibility shall be exercised in accordance with the law and within the Commissioner's financial and contract regulations and any relevant statutory guidance and codes of practice and within the agreed budget allocation and levels of authorisation issued by the Commissioner.
4. To ensure that the financial management of the allocated budget remains consistent with the objectives and conditions set by the Commissioner.
5. To have personal responsibility for the proper financial administration of the Force and lead for the force on financial management.
6. To seek the approval of the Commissioner when intending to make a significant change of policy or move significant sums of their budget in line with the Financial Regulations.
7. To report to the Commissioner, and inform the Commissioner's CFO, if it appears that expenditure is likely to exceed those resources allocated to them by the Commissioner.

8. To make the Commissioner aware, and inform the Commissioner's CFO, of any decisions either made, or proposed, which they become aware of, that might involve unlawful expenditure or are likely to cause a loss or deficiency or an unlawful entry in the Accounts.
9. To approve the writing off of any debt owing from the Chief Constable's Staff or Police Officers (subject to the agreement of the Commissioner's CFO where any debt is in excess of £5,000).
10. To accept income, offers of sponsorship and gifts on behalf of the Commissioner, provided that decisions taken in this regard are in accordance with the law and with any guidance or policy which the PCC may from time to time determine.
11. To authorise the use of credit cards in the name of the CC providing there are adequate policies in place for their use and appropriate checks and balances in place to oversee their usage.
12. To authorise the use of purchasing cards in the name of the CC providing they are used in accordance with both contract standing orders and that their use is adequately controlled with appropriate policies and checks and balances.
13. To authorise payments to be made from the Commissioner's bank accounts, providing that joint banking arrangements are in place.
14. To approve the financial settlement of all claims or requests for compensation against the Chief Constable in accordance with financial regulations. To determine all matters in relation to Pensions other than Ill Health Pensions which are delegated to the DCC for both Police Officers and Police Staff, unless legislation specifically requires a decision to be made by the Commissioner or the Chief Constable.
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