

NORTHERN JOINT POLICE BOARD

15 JUNE 2007

Agenda Item	
Report No	

MEMBERS' GUIDANCE

Report by the Clerk

Summary

This report outlines the provisions of the Northern Combined Police Area Amalgamation Scheme Order 1995 (as amended), comprising the legal framework for the Board's constitution, membership and functions, and gives a brief introduction to the principal functions of the Board. Members are advised that more detailed induction will follow, including a National Training Event in Glasgow on 27 June 2007.

Constitution and Membership

1. The Northern Combined Police Area Amalgamation Scheme Order 1995 provides for a Board membership of 16 members appointed by Highland Council, 4 by Western Isles Council (Comhairle nan Eilean Siar), 2 by Orkney Islands Council and 2 by Shetland Islands Council, giving 24 in total. The Order provides that the quorum for a full Board meeting is 8, drawn from at least 2 of the Constituent Authorities.
2. The constituent authorities may also appoint Substitute Members, who have the same powers at a meeting as the Member they represent. Under the Board's Standing Orders, Members unable to attend a meeting of the Board are asked to make arrangements with a duly appointed Substitute Member of the Board to attend in his or her stead and to advise the Clerk accordingly.
3. The Scheme Order requires the Board to appoint a Convener and a Vice Convener, who must come from different constituent authorities.

Functions of the Board

4. The Board's role in the delivery of policing services is set in the context of what is known as "the Tripartite System": the respective roles of, and the relationship between, the Scottish Ministers, the Chief Constable, who has sole responsibility for operational policing, and the Board. These various rights and duties have been set out within a statutory framework, principally within The Police (Scotland) Act 1967. This tripartite arrangement helps to ensure balance, transparency and public accountability.
5. The main statutory functions of the Board in terms of its policing responsibilities are to set the annual budget and to appoint the Chief Officers. The Board also has a specific duty to deal with complaints against Chief Officers and to keep itself informed as to how the Force deals with complaints against other ranks. The Board also has a monitoring/audit/Best Value function in relation to the Force's financial and operational performance.

6. The Board is subject to a range of duties and obligations such as access to information, competition, best value, EU rules on public procurement, community planning, the power to advance well-being, data protection, freedom of information, human rights etc., and all of the other legal stipulations which relate to local authorities, including the requirement to have a Publication Scheme, Race Equality Scheme and Disability Discrimination Scheme, copies of which are publicly available. The requirement to publish a Gender Equality Scheme is addressed elsewhere on this agenda.
7. While overall Force management is delegated to the Chief Constable, the Force/Board assets are legally vested in the Board. The Board is therefore the contracting body and also the formal employer of the non-uniformed support staff, for whom the Board functions as an appeal body (police constables having a separate employment status).

Financial Arrangements

8. The Board's revenue funding comes partly from Scottish Executive Police Grant and partly from requisitions on the constituent authorities, with a small proportion coming from earned income/charges. For this Board, requisitions are calculated by determining the cost of the provision of services by Northern Constabulary within the area of each constituent authority. This is known as the "Montgomery formula". Any difference in view between the constituent authorities concerning the calculation of these costs must be referred for determination to the Scottish Ministers, whose decision shall be final and binding
9. In relation to capital, the Board has the power to hold land and to borrow money. The level of capital grant available to the Board is determined by Scottish Executive allocation (comprising the annual "formula" allocation from the overall Scottish police budget head and also any "top-slice" allocation made following a bidding process by police authorities), together with any capital receipts generated by the disposal of capital assets and any carry forward from one financial year to the next.
10. The relevant superannuation fund for pensionable support staff employees is the Highland Council's pension fund. No separate fund has been established for the Police Pension Scheme, a national scheme, whose costs are met from the Board's revenue budget.

Training

11. A National Training Event will be held in Glasgow City Chambers on Wednesday, 27 June 2007. It is hoped that an updated version of a 1995 Scottish Office booklet "Guidance for Members of New Police Authorities and Joint Police Boards" will be available in time for this event. Further induction training will also be held locally, of which details will follow.

Recommendation

The Board is invited to note the introductory guidance provided.

Signature

Designation Clerk
Date 29 May 2007
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