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| Agenda Item | |
| Report No | |

NORTHERN JOINT POLICE BOARD

SCHEME OF REFERENCE AND DELEGATION

TO

**SUB-COMMITTEES/WORKING GROUPS
AND
OFFICERS**

14 November 2008

SUB-COMMITTEES/WORKING GROUPS

SUPPORT STAFF APPEALS SUB-COMMITTEES:

DISCIPLINE APPEALS SUB-COMMITTEE GRIEVANCE APPEALS SUB-COMMITTEE

These Sub-Committees have delegated powers to act in relation to the hearing, consideration and determination of appeals by support staff in terms of any nationally agreed Scheme of Conditions of Service or the Board's own grievance and disciplinary procedures.

INDEPENDENT CUSTODY VISITING SUB-COMMITTEE

This Sub-Committee has the following remit:

- (a) consideration of matters arising from Independent Custody Visiting reports; and
- (b) delegated powers to appoint Independent Custody Visitors.

POLICE APPEALS TRIBUNAL SUB-COMMITTEE

This Sub-Committee has delegated powers to appoint the members of any Police Appeals Tribunal that the Board may be required to establish.

FINANCE AND POLICY WORKING GROUP

This Working Group has the following remit:

- (a) consideration of budget strategy and the annual draft revenue estimates and capital plan, in particular preliminary consideration of:
 - all matters relating to the preparation of the Annual Revenue Budget and the requisitions to be made on the constituent authorities
 - all matters relating to the preparation of the Financial Plan and Capital Estimates;
- (b) consideration of major consultation responses arising between scheduled Board meetings;
- (c) at the request of the Convener, consideration of other matters arising between scheduled Board meetings; and
- (d) consideration of such other matters as the Board may from time to time specify.

The Working Group also has delegated powers to act in relation to the disposal of applications by any member of staff for financial assistance in connection with representation in civil and/or criminal proceedings brought in consequence of their actions in connection with the performance of their duties, on occasions when applications are submitted in circumstances where the Chief Constable considers that assistance is not applicable, or in relation to proceedings in any other circumstances.

COMPLAINTS WORKING GROUP

- (a) consideration of reports as to how complaints by members of the public have been dealt with by the Force
- (b) preliminary consideration of complaints received against senior officers, with a view to making recommendations to the full Board on whether or not further action is required.

The Working Group also has delegated powers to act in relation to the taking of decisions to request that Her Majesty's Inspectorate of Constabulary submit a report on examination of how the Chief Constable has dealt with complaints against police officers and on the outcome of reconsideration; and

AUDIT WORKING GROUP

This Working Group has the following remit:

- (a) consideration of reports from the Internal Auditor on issues including the adequacy of the Force's/Board's financial systems, policies and practices and their compliance with the relevant statutes, standards and guidance;
- (b) review and approval of the Internal Audit Programme;
- (c) consideration of management reports by the Board's External Auditor;
- (d) *consideration of the unaudited and audited accounts*
- (e) monitoring of implementation by the Force of recommendations by Audit Scotland;
- (f) monitoring of implementation by the Force of recommendations by Her Majesty's Inspectorate of Constabulary;
- (g) consideration of Best Value issues; and
- (h) consideration of risk management procedures.

NORTHERN JOINT POLICE BOARD AND POLICE STAFF ASSOCIATIONS LIAISON GROUP

This Group has the following remit:

- (a) to provide a means of consultation between the Northern Joint Police Board and Northern Constabulary Staff Associations; and
- (b) to consider and, if necessary, make recommendations to the Board about matters properly the concern of the Police Authority.

OFFICERS

CHIEF CONSTABLE

The following matters are delegated to the Chief Constable:

1. Discharging the obligations outlined in the Board's Financial Regulations, including the exercise of delegated powers
2. Responsibility for the management of stocks and equipment
3. Responsibility for the administration of property, including maintenance of property and contracts, subject to the Board's Standing Orders and Financial Regulations
4. Responsibility for recommending the acquisition of, maintaining and altering land, buildings and other structures for police purposes (Sections 2(4) and 10 of the Police (Scotland) Act 1967)
5. Entering into agreements with occupiers of land or premises in the Board's area under Section 13 of the Police (Scotland) Act 1967
6. Incurring expenditure to occupy land or premises on which rates are not paid (Valuation and Rating (Scotland) Act 1956)
7. Declaring police properties surplus to operational requirements in accordance with the Housing (Scotland) Act 1987 and as outlined in Police Circular 12/1987 and in accordance with the Board's policy on local Member consultation
8. Preparing specifications and awarding contracts for the procurement and maintenance of vehicles and plant required for police purposes, subject to the Board's Standing Orders and Financial Regulations (Section 2(3) of the Police (Scotland) Act 1967)
9. Responsibility for personnel administration and appointments, other than appointments at ACPOS ranks
10. Agreeing to meet the costs of the provision of aid to other police authorities, subject to direction by the Secretary of State (Section 11 of the Police (Scotland) Act 1967)
11. Agreeing to enter into collaboration agreements with other police authorities in respect of the joint provision of premises, equipment or other material (Section 12 of the Police (Scotland) Act 1967)
12. Responsibility for the promotion or protection of the Force/Chief Constable's legal interests in relation to operational matters
13. Making recommendations to the Clerk or Board, as appropriate, in relation to the granting of early retirements on the grounds of redundancy, efficiency or ill-health, following completion of all preliminary stages required by relevant legislation, including, in the case of ill-health retirements, the obtaining of all necessary medical opinions and certification.

CLERK

The following matters are delegated to the Clerk:

1. Acting as the proper officer of the Board in relation to the provisions of the Police (Scotland) Act 1967 and the Local Government (Scotland) Act 1973, as amended, and other statutory provisions, including the Board's Scheme of Delegation and Proper Officer provision
2. Meetings and proceedings of the Board (Section 43 of the Act of 1973)
3. Circulating reports and agendas, supplying papers to the press and, where necessary, providing summaries of minutes (Section 50B(2); 50B(7)(c) and 50C(2) of the Act of 1973)
4. Complying with the Local Government (Access to Information) Act 1985 (Section 50A of the Act of 1973)
5. Deciding on members' rights of access to Board documents which disclose 'exempt information' in terms of the Local Government (Access to Information) Act 1985 (Section 50(F)(2) of the Act of 1973)
6. Acting as the proper officer of the Board to prepare and maintain a list of politically restricted posts (Section 2 of the Local Government and Housing Act 1989)
7. Acting as Registrar in terms of The Police Appeals Tribunals (Scotland) Rules 1996 in respect of all appeals brought by an officer of the force of whatever rank under those Rules, including the payment of any expenses of an appeal
8. Arranging and clerking Support Staff appeals
9. Accepting tenders and awarding contracts in circumstances as set out in the Board's Standing Orders Relating to Contracts
10. Acquisition of property as instructed by the Board
11. Disposing of Police property declared surplus to requirements, in liaison as appropriate with Constituent Authority Housing Services and with Housing Associations
12. On the recommendation of the Chief Constable and in consultation with the Convener and Vice-Convener, approving (a) early retirements on the grounds of ill-health; (b) the payment of injury benefit where retirement on medical grounds has arisen as the result of an injury on duty; and (c) early retirements on the grounds of efficiency.
13. On the recommendation of the Chief Constable and in consultation with the Convener and Vice-Convener, approving applications by any member of staff for financial assistance in connection with representation in civil and criminal proceedings brought in consequence of their actions in connection with the performance of their duties, or in connection with Fatal Accident Inquiries or Tribunals affecting the Force

14. Approving attendance of Members at conferences/seminars in Great Britain where there is insufficient time for the invitation to be considered by the Board prior to the conference/seminar being held, subject to availability of funds and a report for information being submitted to the next available meeting of the Board.
15. *Signing documents on behalf of the Board, including binding missives, if so required in the absence of the Head of Legal and Democratic Services or duly authorised members of her staff, contracts and other agreements; this matter also being delegated to the Assistant Clerk in the absence of the Clerk.*

TREASURER

The following matters are delegated to the Treasurer:

1. Acting as the proper officer of the Board with responsibility for the administration of its financial affairs
2. Discharging the obligations outlined in the Board's Financial Regulations, including the exercise of delegated powers

MONITORING OFFICER

The *Head of Legal and Democratic Services*, the Highland Council, has been appointed to act as the Board's Monitoring Officer in terms of Section 5 of the Local Government and Housing Act 1989.

HEAD OF LEGAL SERVICES

The following matters are delegated to the Head of Legal *and Democratic* Services, the Highland Council, and solicitors designated by him/her, in relation to the promotion or protection of the Board's legal interests:

1. Acting as the proper officer of the Board in respect of the functions described in the following sections of the Local Government (Scotland) Act 1973:-

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| Section 190 | - | service of legal proceedings |
| Section 191 | - | claims in sequestrations and liquidations |
| Section 193 | - | authorisation of documents |
| Section 194(i) | - | execution of deeds |
| Section 197 | - | inspection and deposit of documents |
2. Instituting, defending or appearing in any legal proceedings or any inquiry held by or on behalf of any minister or public body under any enactment, including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority
3. In an emergency, and in consultation with the Chief Constable and Convener, settling legal actions of all descriptions
4. Appointing or consulting with Counsel where considered expedient to do so for the promotion or protection of the Board's interests
5. Engaging private legal firms, Sheriff Officers, patent agents and parliamentary agents when suitable
6. Publishing or serving on any person or body any notice, direction, order, licence, summons, writ or other document which the Board is required or authorised to publish or serve under any public act or any regulation or order made thereunder, other than where the publication or service of any document has been delegated by the Board to another officer
7. Signing binding missives on behalf of the Board relating to the purchase or sale of heritable property, and executing any notice, order, declaration or other document which may be required relative to any compulsory purchase authorised by the Board
8. Carrying out any legal procedure which may prove necessary to enable either the Clerk or the Treasurer to implement a duty delegated to him/her