



# Scheme of Consent

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### 1 INTRODUCTION

- 1.1 The revised Financial Management Code of Practice (FMCP), published by the Home Office in July 2018, lays out the purpose and content of a Scheme of Consent which should be prepared by the Police and Crime Commissioner (the Commissioner) at the start of each financial year.
- 1.2 This Scheme:
- (a) sets out how the Commissioner expects the policing budget to be applied
  - (b) sets out how the Commissioner will hold the Chief Constable to account for day to day budget management
  - (c) sets out how the Chief Constable will assist in the exercise of the Commissioner's functions
  - (d) sets out how the Commissioner will delegate to his own staff
- 1.3 This Scheme of Consent (the 'Scheme') is made by the Commissioner and the Chief Constable of North Wales Police in accordance with their respective powers pursuant to the [Act](#) and other relevant legislation.
- 1.4 The Police and Crime Commissioner is the legal contracting body who owns all the assets and liabilities, with the responsibility for the financial administration of his office and the force, including all borrowing limits.
- 1.5 The scheme of consent details the key roles of the Commissioner, and those functions which the Commissioner delegates (when referring to his own employees) or consents (when referring to the Chief or officers and staff under his employment) to be undertaken by specific individuals, namely;
- The Deputy Police and Crime Commissioner ('Deputy Commissioner').
  - The Chief Constable of North Wales Police ('the Chief Constable').
  - The Chief Executive of the Office for the Police and Crime Commissioner ('Chief Executive').
  - The Chief Finance Officer of the Office for the Police and Crime Commissioner ('Commissioner's Chief Finance Officer').
- 1.6 This Scheme is supported by and should be read alongside standing orders and financial regulations.
- 1.7 This Scheme does not identify all the statutory duties which are contained in specific laws and regulations, nor does it attempt to list all matters which form part of everyday management responsibilities.

## 2 PRINCIPLES OF CONSENT

- 2.1 The powers given to the specified individuals (section 1.5) referred to in this Scheme should be exercised in line with the Commissioner's delegation or consent, (as the case may be) the law, statutory and regulatory requirements, relevant professional guidance and advice, financial regulations and rules relating to contracts, and also approved policies, procedures, plans, strategies and budgets.
- 2.2 The Commissioner must not restrict the operational independence of the force and the Chief Constable who leads it.
- 2.3 With the exception of those matters listed in Section 5, the Scheme allows any person to whom a power has been consented or delegated, to sub-consent/sub delegate that power further to staff so long as this is not prohibited by statute, regulation or statutory guidance. Any such sub-consent/sub delegation does not relieve the person who has sub-consented or sub-delegated a power from due responsibility for any decision taken by a person they have authorised to act on their behalf. Where a matter is consented to the Chief Constable, the Chief Constable may arrange for any of their officers or staff to undertake the consented function on their behalf via a Force Scheme of Delegation. The Chief constable will provide a copy of the scheme of delegation to the Commissioner.
- 2.4 All decisions the officers make under powers consented/delegated to them by the Commissioner must be recorded in a timely and accurate manner.
- 2.5 The Commissioner is responsible for ensuring that the provisions and obligations of this Scheme are properly drawn to the attention of the Deputy Commissioner and all the Commissioner's staff. The Chief Constable is responsible for making sure that the provisions and obligations of this Scheme are properly drawn to the attention of all officers and staff under his responsibility or employment.
- 2.6 Notwithstanding any specific requirements in this Scheme, the Commissioner shall be consulted in relation to any capital projects/areas of work which may have a significant impact on the community of North Wales. The Commissioner requires consultation at both outline business case and full business case stages including evaluation of any business case.
- 2.7 The person appointed as the Chief Executive (who will also be the Monitoring Officer) and the Commissioner's Chief Finance Officer ("Section 151 Officer") have statutory powers and duties relating to their positions, and therefore do not rely on a specific delegation to carry out these powers.
- 2.8 The Commissioner's Manual of Governance, including this Scheme, will be reviewed annually or at any other time the Commissioner decides is appropriate.

### 3 LEGISLATION AND GUIDANCE

- 3.1 Delegation or consent under this scheme provides specified individuals with the legal power to carry out duties of the Commissioner. In carrying out these duties the officer must comply with all other statutory and regulatory requirements and relevant professional guidance, and the Scheme must be read in conjunction with, all other legal requirements on the Commissioner and/or Chief Constable, including:
- The [Police and Social Responsibility Act 2011](#) and other relevant legislation issued under the Act.
  - Financial Regulations (Chapter 3) and Standing Orders Relating to Contracts (Chapter 4).
  - [Home Office Financial Management Code of Practice](#).
  - [CIPFA Statement on the role of the Chief Finance Officer of the Police and Crime Commissioner and the Chief Finance Officer of the Chief Constable](#) .
  - [The Policing Protocol Order 2011](#), as amended or issued from time to time under the Act.
  - The [Data Protection Act 2018](#) and the [Freedom of Information Act 2000](#).
  - [Health and safety at work](#) legislation and codes.
  - The Police and Crime Plan.

### 4 STATUTORY FUNCTIONS AND FUNCTIONS CONSENTED TO THE CHIEF CONSTABLE

- 4.1 The Chief Constable is accountable for the exercise of police powers, and to the Police and Crime Commissioner for the delivery of efficient and effective policing, and the management of resources and expenditure by the Force.
- 4.2 The Commissioner has the powers to determine how much funding should be allocated to the Force having regard to his statutory responsibilities for the totality of policing in North Wales; the Police and Crime Plan and the Strategic Policing Requirement).
- 4.3 The Chief Constable is responsible to the public and accountable to the Commissioner for:
- (a) Supporting the Commissioner in the delivery of the Police and Crime Plan and to have regard to the contents of the Plan in exercising his functions.
  - (b) Providing the Commissioner with access to information, officers and staff as required in accordance with any agreed Service Level Agreement/Memorandum of Understandings on the provision of professional, transactional and other support services.
  - (c) Having regard to the Strategic Policing Requirement when exercising and planning his policing functions.
  - (d) Notifying and briefing the Commissioner of any matter or investigation on which he may need to provide public assurance either alone or with the Commissioner.

- (e) Being the operational voice of policing in North Wales, and regularly explaining to the public the operational actions of officers and staff under their command.
- (f) Remaining politically independent.
- (g) Managing all complaints against the force, its officers and staff, ensuring they are allocated for investigation at the appropriate level, except in relation to the Chief Constable, and to ensure that the Commissioner is kept informed to enable him/her to discharge their statutory obligations in relation to complaints in a regular meaningful and timely fashion. Serious complaints and conduct matters must be referred to the Independent Police Complaints Commission.

4.4 In relation to functions in section 5 which may not be exercised without the consent of the Commissioner, where there is any doubt in relation to interpretation, the issue shall be referred to the Commissioner for a decision.

The Chief Constable is responsible for the following functions set out in paragraphs 4.5 to 4.22 below, some of which by virtue of a consent given by the Commissioner. In so far as empowered to do so, the Commissioner consents to the Chief Constable taking such action and carrying out such functions in relation to the resources allocated to the force as is necessary for the Chief Constable to exercise policing functions.

#### **Finance**

4.5 The Commissioner consents to the Chief Constable taking all steps reasonably necessary to manage and administer the budget and other resources allocated to the force by the Commissioner including the following:

- (a) Undertake the day to day management of the budget provided to the force in accordance with financial regulations.

#### **Procurement**

4.6 Undertake the day to day management of the procurement function in accordance with financial regulations and the Procurement Policy agreed by the Commissioner.

4.7 The procurement of and the entering into of contracts in his own right for goods and /or services with an annual value below £100,000 and an aggregate value over the lifetime of the contract below £250,000.

4.8 The approval of extensions to contracts which fall within the agreed terms of the contract.

### **Property**

- 4.9 Manage and maintain the Commissioner's estate in accordance with the strategies and budget approved by the Commissioner.
- 4.10 Maintain an asset register of all property and major assets owned or leased by the Commissioner.

### **Legal**

- 4.11 To approve the financial settlement of all claims against the Chief Constable's Office.
- 4.12 The Chief Constable must submit an annual report on the settlement of any claims to the Commissioner under this paragraph.
- 4.13 Institute, defend or participate in legal actions to protect the interests of North Wales Police.
- 4.14 Provide advice, institute and defend legal proceedings on behalf of the Commissioner when requested by the Commissioner to do so.

### **Human Resources**

- 4.15 Subject to the requirement for the financial implications to be approved by the Commissioner and in line with the agreed policies, to approve the retirements or redundancies, in the interests of the efficiency of the service, of staff where sums are within budget and to report to the Commissioner on this issue each year.
- 4.16 Notwithstanding the absolute requirement at paragraph 4.15, the Commissioner must be notified on all appointments, early or ill health retirement, redundancy, suspensions, dismissals relating to the Force Senior Management Team.
- 4.17 To approve the appointment or secondment of police officers for central services or overseas duty, subject to relevant statistics being presented to the Commissioner on an annual basis.
- 4.18 In line with the terms of any approval given by the Home Secretary, to grant leave with pay, and the payment of appropriate fees and charges, for police officers chosen to take degree courses at university.
- 4.19 To bring national agreements on salaries, wages and conditions into effect. Any issues which are potentially sensitive or have major financial implications will be reported to the Commissioner at the earliest possible opportunity.

- 4.20 To inform the Commissioner in advance of any proposed negotiations with recognised trade unions and staff associations on any matters that can be decided locally. All agreements reached must be reported back to the Commissioner.
- 4.21 To grant essential or casual car-user allowances or car leasing schemes for force Officers and Staff.
- 4.22 To approve the retirement of police officers and police staff on the grounds of ill health, and the payment of ordinary and ill-health pensions and other payments in accordance with agreed policies, following advice from the Force Medical Examiner or a medical practitioner. However, the Commissioner must be informed on the retirement of the Deputy Chief Constable, Assistant Chief Constables and the Director of Finance and Resources. All ill-health retirements must be reported to the Commissioner through the agreed forum.

## **5 MATTERS RESERVED FOR DECISION BY THE COMMISSIONER**

- 5.1 The matters set out in paragraphs 5.2 to 5.7 below are reserved for decision by the Commissioner:

### **Finance**

- 5.2 The Medium Term Financial Strategy, covering the financial scenario for the following four years and annual draft revenue and capital budgets, with associated savings plans to meet the scenario.
- 5.3 The reserves strategy, covering all reserves, and also contingencies within the budget. The use of all reserves will need to be approved by the Commissioner.
- 5.4 In accordance with his statutory functions, the determination of the annual budget, capital programme, precept and council tax, which forms the first year of the Strategy.
- 5.5 The writing off of any debt which is likely to involve reputational issues. The Chief Constable should draw any potential cases of this nature to the attention of the Commissioner's Chief Finance Officer who will decide whether the write off should be referred to the Commissioner for approval.
- 5.6 Any proposal involving the provision of sponsorship, gifts and loans to the Force by a third party which may have reputational implications or involve costs/future years commitments above £5,000 for the Commissioner or Force.

### **Human Resources**

- 5.7 Notwithstanding the functions consented to the Chief Constable at section 4 of this Scheme, the financial implications of staffing changes (which include appointments or cessation of employment) not previously approved in setting the annual budget



or specifically agreed by the Commissioner, relating to individuals or groups which will (or are likely to) result in a budget cost or saving.

## **6 FUNCTIONS DELEGATED TO THE DEPUTY POLICE AND CRIME COMMISSIONER**

- 6.1 In the absence of the Commissioner, the Commissioner delegates decisions in relation to the exercise of his statutory functions to the Deputy Commissioner, with the exception of those powers which cannot be delegated under the Act.
- 6.2 The Deputy Police and Crime Commissioner can delegate to the Chief Executive in the event of their absence (defined as leave or illness).
- 6.3 The Deputy Police and Crime Commissioner is able to deputise for the Commissioner in all aspects of the role with the exception of those which cannot be delegated under the Act.

## **7 URGENT MATTERS**

- 7.1 If any matter which would normally be referred to the Commissioner (or Deputy Commissioner) for a decision arises and cannot be delayed, the matter may be decided by the appropriate specified individual within the office of the Police and Crime Commissioner. Urgent decisions taken must be reported to the Commissioner as soon as practically possible, the reporting of the decision will include an explanation of why the decision was appropriate to be classified as an urgent matter.
- 7.2 The appropriate specified individuals whom the Commissioner authorises to decide urgent matters are:
  - the Chief Executive
  - the Chief Finance Officer (financial and related issues)