



# Cumbria Office of the Police, Fire and Crime Commissioner

Scheme of Delegation & Consent  
2022-2025

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## **Appendix 1.** Scheme of Delegation

# Introduction

The Scheme of Delegation details the key roles of the Police, Fire and Crime Commissioner (Commissioner) and those functions which he/she delegates to other officers. These are delegations to the Deputy Police, Fire and Crime Commissioner (Deputy PCC), the Chief Executive and the Chief Finance Officer of his/her office. It also sets out delegations by the Chief Executive to other officers who are given authority to carry out functions under the delegations within this scheme.

The Scheme of Delegation provides a framework which makes sure the business is carried out efficiently, ensuring that decisions are not unnecessarily delayed. It forms part of the overall Scheme of Governance and should be read along with other documents such as Procurement Regulations and Financial Regulations.

Procurement Regulations and Financial Regulations also specify powers given to the Chief Executive and the Chief Finance Officer. This Scheme of Delegation aims to clarify those powers. The Commissioner may limit these powers and/or remove delegation. This scheme, Procurement Regulations and Financial Regulations also set out the reporting arrangements in respect of any decisions or actions taken under authorised powers.

The delegations within this scheme are made under the powers given to the Commissioner by laws, orders, rules or regulations and national conditions of employment. Legislation defines some functions that the Commissioner may not delegate and these are also clearly stated within this scheme.

All delegated functions should be exercised in line with this scheme of delegation, the law, standing orders and financial regulations. Internal policies, procedures, plans, strategies and budgets must also be complied with. This Scheme of Delegation does not identify all the statutory duties which are contained in specific laws and regulations. It is the responsibility of senior officers to ensure all business is fully compliant with all laws, regulations and codes of practice.

## Notes:

- I. Within this document there are references to significant financial implications. These are items of spending of £100,000 or more which have not been budgeted for.
- II. This document also refers to sensitive issues. These are unusual or exceptional circumstances which have arisen as a result of a risk assessment based on the PESTELO (Political, Economic, Social, Technological, Environmental, Legal, Organisational) method.
- III. The Police Reform and Social Responsibility Act 2011 prohibits delegation to, amongst others, a constable and a member of staff of a constable. A separate scheme of consent sets out those areas where the Chief Constable requires the authorisation of the Commissioner.
- IV. The main body of this document sets out the key functions delegated to Senior Officers employed by the Commissioner.

# Key Roles of the Police, Fire and Crime Commissioner

## Introduction

The Police Reform and Social Responsibility Act 2011 established Police and Crime Commissioners as elected officials with statutory functions and responsibilities for Policing and Crime within their area. This Scheme sets out how the Commissioner will delegate to his own staff; and how he will hold the Chief Constable to account for the provision of policing services. The key roles of the Commissioner are:

## Holding the Chief Constable to Account

The Commissioner must ensure that the Chief Constable is held to account for the exercise of his/her functions and the functions of the police officers and staff under their direction and control. In summary the Commissioner must ensure that:

- Good value for money is obtained in exercising policing functions in line with the funding agreement.
- The Chief Constable has due regard to the Police, Fire and Crime Plan and Strategic Policing Requirement when providing policing services.
- The Chief Constable in exercising duties has regard to Codes of Practice issued by the Secretary of State
- The Chief Constable's arrangements for co-operation and for engagement with local people are efficient and effective
- The Chief Constable exercises duties as required by statute, including health and safety, funding and equality and diversity.

## The Police, Fire and Crime Plan

The Commissioner will set the strategic direction and objectives of the Police Service in Cumbria through the Police, Fire and Crime Plan, monitoring the performance of the Force against the agreed priorities. On an annual basis the Commissioner will issue a report that sets out the performance actually achieved against the objectives and priorities.

## Holding the Chief Fire Officer to Account

The Commissioner must ensure that the Chief Fire Officer is held to account for the exercise of his/her functions and the functions of fire fighters and staff under their direction and control. In summary the Commissioner must ensure that:

- Good value for money is obtained in exercising policing functions in line with the funding agreement.
- The Chief Fire Officer has due regard to the Fire and Rescue Plan and legislative requirements when providing fire services.

- The Chief Fire Officer in exercising duties has regard to Codes of Practice issued by the Secretary of State
- The Chief Fire Officer's arrangements for co-operation and for engagement with local people are efficient and effective
- The Chief Fire Officer exercises duties as required by statute, including health and safety, funding and equality and diversity.

## The Fire and Rescue Plan

The Commissioner will set the strategic direction and objectives of the Fire Service in Cumbria through the Fire and Rescue Plan, monitoring the performance of the Force against the agreed priorities. On an annual basis the Commissioner will issue a report that sets out the performance actually achieved against the objectives and priorities.

## Funding

The Commissioner has responsibility for securing the maintenance of the Police Force and the Fire Service. They will set the budget, and the precept (charges to be paid by the district councils in the Cumbria area) and allocate funds and assets to the Chief Constable and Chief Fire Officer respectively.

The Commissioner will receive funding, including government grants and precept, and other sources of income related to policing and crime reduction; and fire prevention. Funding for Police and Fire will come via the Commissioner. Funding from the Commissioner is agreed in consultation with the Chief Constable and Chief Fire Officer respectively who must comply with any terms of that funding.

The Commissioner can also make crime and disorder reduction grants. These are grants to fund initiatives that contribute to reducing crime and disorder.

The Commissioner has overall responsibility for maintenance of the Police Fund including borrowing and investment decisions; they are also responsible for holding the Chief Constable to account for the arrangements for financial administration within the Constabulary. The Commissioner must appoint a Chief Finance Officer with statutory responsibility for the proper administration of financial affairs. A Chief Finance Officer is also required to be appointed for Fire.

## Community Engagement

The Commissioner provides a local link between the police, fire and communities, working to translate the legitimate desires and aspirations of the public into action. In doing this, the Commissioner must seek the views of the community and the views of the victims of crime on policing. The views of people in the police area must be sought on the Commissioner's proposals for expenditure ahead of the issuing of the police precept.

## Complaints and Conduct

The Commissioner will be responsible for handling complaints and conduct matters in relation to the Chief Constable and the Chief Fire Officer, monitoring complaints against officers, fire fighters and

staff; and complying with the requirements of the Independent Office of Police Conduct. They will also appoint and if necessary, dismiss the Chief Constable or Chief Fire Officer.

## Custody Visiting Scheme

The Commissioner must maintain an effective 'independent custody visiting scheme'. The Custody Visiting Scheme enables independent members of the local community to visit police stations unannounced and check on the welfare of people in police custody.

## Wider Responsibilities

The Commissioner has a wider responsibility than those solely relating to the police force and fire service, namely:

- the delivery of community safety and crime reduction
- liaising with the Community Safety Partnerships to ensure a joint approach to community safety across Cumbria
- a duty to ensure that all collaboration agreements with other local policing bodies, fire services and police forces deliver better value for money and enhance the effectiveness of policing and fire capabilities and resilience
- the enhancement of the delivery of criminal justice in their area
- prevention activity to reduce crime, anti-social behaviour and fires

## Accountability

The Commissioner in exercising these functions must have regard to statutory responsibilities i.e. Freedom of Information Act 2000, and all human rights and equality laws.

The Commissioner is the legal contracting body who owns all the assets and liabilities. He/she must appoint a Chief Executive to undertake the statutory role of Monitoring Officer.

The Commissioner must not restrict the operational independence of the police force and the Chief Constable who leads it.

The Commissioner is held to account by the Police, Fire and Crime Panel, who will scrutinise his/her decisions and the exercise of these functions.

## Police, Fire and Crime Panel

The Panel performs a regular check and balance role on the performance of the Commissioner, rather than the Chief Constable or Chief Fire Officer.

## Audit Provision

The Commissioner is required under the Home Office “Financial Management Code of Practice for the Police Service of England and Wales” to appoint an independent audit committee. It is recommended that the Committee is a joint committee for the Commissioner, Chief Constable and Chief Fire Officer.

# General Principles of Delegation

The following General Principles of Delegation apply to all specific delegations provided for within this scheme.

1. The Police, Fire and Crime Commissioner may ask that a specific matter is referred to him/her for a decision and not dealt with under powers of delegation.
2. The scheme does not attempt to list all matters that form part of everyday management responsibilities.
3. Giving delegation to officers under this scheme does not prevent an officer from referring the matter to the Commissioner for a decision if the officer thinks this is appropriate (for example, because of sensitive issues or any matter which may have a significant financial implication).
4. 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.
5. All decisions statutory officers make under powers given to them by the Commissioner must be recorded and be available for inspection as required.
6. The Commissioner may want to be involved in any projects/areas of work which may have a significant impact on the people of Cumbria. He/she will want to be involved in the scope, tendering process and evaluation of any material business case.
7. In this document reference made to the statutory officers include officers authorised by them to act on their behalf.
8. The statutory officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme of Delegation.
9. The person appointed as the Chief Executive (who will also be the Monitoring Officer) and the Chief Finance Officer (section 151 officer) have statutory powers and duties relating to their positions, and therefore do not rely on matters being delegated to them to carry these out.
10. The Scheme of Delegation provides an officer 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 including:
  - The Police and Social Responsibility Act 2011 and other relevant legislation issued under this Act
  - Financial Regulations
  - Home Office Financial Management Code of Practice
  - CIPFA Statement on the role of the Chief Finance Officer of the Police, Fire and Crime Commissioner
  - Contract Regulations
  - The Commissioner's governance framework
  - Employment law, policies and procedures
  - The Data Protection Act 1998 and the Freedom of Information Act 2000
  - Health and safety at work legislation and codes
11. When carrying out any duties, the Commissioner and staff must have regard to the following:
  - The views of the people in Cumbria.
  - Any report or recommendation made by the Police, Fire and Crime Panel on the annual report for the previous financial year.
  - The Police, Fire and Crime Plan and any guidance issued by the Secretary of State.
  - This list is a summary and is not exhaustive.



12. The Commissioner may appoint any officer to carry out any function, with the exception of those listed below:
  - Issuing the Police, Fire and Crime Plan
  - Determining objectives in the Police, Fire and Crime Plan
  - Calculation of budget requirements
  - Making recommendations to the Police, Fire and Crime Panel in relation to the appointment of the Chief Constable
  - Making representations in relation to the appointment of Chief Officer posts
  - Being consulted in relation to the appointment or removal of Chief Officer posts
  - Suspension of the Chief Constable, or asking him or her to resign or retire
  - Attendance at the Police, Fire and Crime Panel for specified duties
  - Preparing the annual report
13. The Commissioner may give additional delegation to his/her officers under Section 18 of the Police Reform and Social Responsibility Act 2011 (the Act).
14. This Scheme is a record of the formal delegations that are in effect at the time of its publication and will be reviewed bi-annually. With the exception of those matters listed in paragraph 12, the scheme allows any person, with appropriate authority, to delegate that power further.

# Delegations to the Deputy Police, Fire and Crime Commissioner

To be used only where a Deputy Police, Fire and Crime Commissioner has been appointed.

The Commissioner may delegate functions to the Deputy Police, Fire and Crime Commissioner other than those that are statutorily prohibited. The following functions may not be delegated to the Deputy Police, Fire and Crime Commissioner under the Police Reform and Social Responsibility Act 2011:

- Issuing a Police, Fire and Crime Plan
- Appointing the Chief Constable or Chief Fire Officer, suspending or calling upon either to retire or resign
- Calculating a budget requirement

The Police, Fire and Crime Commissioner for Cumbria has appointed a person as the Deputy Police, Fire and Crime Commissioner. This post will cease upon the Commissioner's term of office in May 2024.

# Functions delegated to the OPFCC Chief Executive

## Introduction

The Chief Executive is the Head of the Police, Fire and Crime Commissioner's office and staff, and the Monitoring Officer for the Commissioner. The Police Reform and Social Responsibility Act 2011 specifies three roles for the Chief Executive –

- Head of the paid service;
- Ensuring an efficient and effective OPFCC; and
- Fulfilling the role of Monitoring Officer.

The formal delegations, listed below, are those given to the Chief Executive, which are in effect at the time of the publication of the scheme.

## General

- As 'Head of Paid Service' under Section 4 of the Local Government and Housing Act 1989, take such day-to-day action as is required for the efficient and effective administration of the Commissioner's Office and; except as provided in this Scheme, the discharge of the Commissioner's functions and to give effect to the decisions and directions of the Commissioner.
- To undertake decisions in the absence of the Commissioner and any appointed Deputy Commissioner (defined as leave or illness or other exceptional circumstances); whereby contact with either is not possible and a decision of an urgent nature is required to protect the interest of the organisation, with the exception of those powers which cannot be delegated (as listed in point 12). The Chief Executive will consult with the Commissioner's section 151 officer where practicable. Upon the Commissioner's return, any decisions made by the Chief Executive will be reported to them for information /at the Public Accountability Conference.
- Represent the Commissioner to exercise such operational powers as they may be required on behalf of the Commissioner.
- To discharge the day-to-day functions of Data Controller under the provision of data protection legislation.
- Prepare an Annual Report for submission to the Commissioner.
- To make sure, in consultation with the Chief Constable and Chief Fire Officer, appropriate arrangements are made to gather the community's views on the policing of Cumbria and preventing crime.
- To carry out an annual council tax consultation with the communities of Cumbria to ascertain their views on the proposed level of policing and fire precept.
- Prepare the Police, Fire and Crime Plan and in consultation with Cumbria Constabulary and Cumbria Fire and Rescue Service for submission to the Commissioner.
- Provide information to the Police, Fire and Crime Panel, as reasonably required to enable the Panel to carry out its functions.
- To respond to consultations on proposals affecting the Commissioner.

## Finance, Procurement & Governance

The detailed financial management responsibilities of the Chief Executive are set out in the Financial Regulations. Specifically, the Chief Executive will:

- Manage the budget, in compliance with Financial Regulations and Procurement Regulations, and in consultation with the Chief Finance Officer.
- Prepare and manage the OPFCC's Commissioned Services Budget.
- Effective management of procurement; including securing the provision of procurement support and advice to the Chief Executive and those undertaking procurement including on the approval of contract exemptions and arrangements for the maintenance and recording of contracts and records
- Ensure that arrangements are in place for the management and security of assets in accordance with the requirements of Financial Regulations.
- To consider whether or not, in consultation with the Chief Finance Officer, to provide indemnity and/or insurance to the Police, Fire and Crime Commissioner, individual staff of the Commissioner, Legally Qualified Chairs, Independent Panel Members and Independent Custody Visitors. This is in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004; and to deal with or make provision to deal with other matters arising from any proceedings relating to them.
- To prepare and review a scheme of expenses for approval by the Chief Executive.

## Human Resources

As Head of the Paid Service for the OPFCC the Chief Executive has delegated authority -

- To appoint and dismiss staff.
- To make recommendations to the Commissioner with regard to staff terms and conditions of service, in consultation with the Chief Finance Officer.
- To make arrangements for the management of staffing resources for all staff employed by the Commissioner. This to include specific working agreements and the application of all personnel policies and procedures and other policies and procedures with staffing implications.
- To approve all payroll arrangements including salary advances for no more than one month, travel and subsistence claims in accordance with policy, changes to conditions of service, honoraria, starting salary within the scale, extension of half pay and no pay sickness scheme, implementation of national pay awards
- The transfer of accumulated local government pensions into the local government pension scheme after the expiry of 12 months after joining the authority.
- To settle appeals in relation to the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996.
- To appoint Independent Custody Visitors, members of the Independent Joint Audit Committee and members of the Ethics and Integrity Panel. In addition, there is a requirement to appoint legally qualified chairs and independent panel members to carry out work in relation to, Police

Misconduct Hearings, Police Appeal Tribunals and any other appointed members and terminate appointments if necessary.

- To approve arrangements for the attendance of staff, members and volunteers at seminars and training events and any other expenditure outside the scheme of expenses.
- To exercise the statutory powers of the Commissioner for professional standards, as delegated to them on a temporary or permanent basis and such delegations to be documented with this Scheme.

## Legal & Contracts

The delegations set out below cover legal and contractual matters. Further detail on procedure in respect of contracts can be found in the Procurement Regulations.

- To authorise people to make, defend, withdraw or settle any claims or legal proceedings on the Commissioner's behalf, having taken legal advice and in consultation with the Chief Finance Officer if there are significant financial implications.
- To approve settlement of any non-significant claim for damages against any individual police officer or special constable out of the police fund under section 88(4) of the Police Act 1996.
- To make arrangements to institute, defend or participate in any legal proceedings in any case where such action is necessary.
- To get legal or other expert advice and to appoint legal professionals whenever this is considered to be in the Commissioner's best interests and for his/her benefit.
- To approve financial assistance, in non-significant cases, to police officers involved in civil and criminal proceedings in line with Home Office Circular 010/2017.
- To approve the entering into and administration of all contracts for works, goods and services in accordance with the delegated financial limits set out in the Financial Regulations and in accordance with the Procurement Regulations
- To sign all contracts on behalf of the Commissioner in accordance with any decisions either has made. To approve the early termination of contracts in accordance with Procurement Regulations.
- To affix the common seal of the Commissioner or to approve the entering into framework agreements for contracts, agreements or transactions in accordance with procurement regulations.

## Complaints

- To consider, with the Commissioner, any complaint made against the Chief Constable or Chief Fire Officer.
- To make arrangements for dealing with complaints against the Chief Constable, including referral to the Independent Office of Police Conduct (IOPC) Director General; and/or appointment of an investigating officer to investigate a recordable complaint in accordance with the appropriate regulations. Where an investigation has been undertaken, to ensure a suitable report is presented to the Commissioner to enable a decision to be made on the action to be taken.
- To make arrangements for dealing with complaints against the Chief Fire Officer, including the appointment of an independent investigating officer accordance with the appropriate legislation.

Where an investigation has been undertaken, to ensure a suitable report is presented to the Commissioner to enable a decision to be made on the action to be taken.

- To review complaints of maladministration against the Commissioner and to approve the provision of any remedy, financial or otherwise.
- To be the Appropriate Authority when public complaint reviews are received, providing the determination and outcome.

## Other Delegations

- In relation to a grievance against the Chief Constable or Chief Fire Officer, to take the appropriate action to investigate the grievance, applying as appropriate the grievance procedure, and reporting the outcome to the Commissioner to enable appropriate action to be taken to resolve the grievance.
- To discharge functions and responsibilities in respect of Police Appeal Tribunals, on behalf of the Commissioner, including the appointment of members of the Tribunals.
- Acquiring and granting freeholds, leaseholds, leases, licences and wayleaves and make applications for planning permission in accordance with the agreed asset management plan, capital programme and revenue budgets.
- In relation to the Commissioner's land and property, to serve notices to quit and notices to terminate its use or occupation, and to institute court proceedings to recover arrears of rent and other payments or to recover possession from occupiers and users.
- To arrange for the provision of professional services as required by the Commissioner.
- In the absence of the Chief Executive, the OPFCC Deputy Chief Executive, excluding any matter that requires Monitoring Officer approval or decision, can also undertake delegations. The Governance Manager is the designated Deputy Monitoring Officer will carry out this function in the Chief Executive's absence.

## Statutory Functions

The Chief Executive/Monitoring Officer has statutory duty in respect of the lawfulness of decision making. In the absence of the Chief Executive, the Deputy Monitoring Officer can only undertake this duty.

# Functions delegated to the OPFCC Chief Finance Officer

## Introduction

The Chief Finance Officer is the financial adviser to the Police, Fire and Crime Commissioner and has statutory responsibility to manage his/her 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). Section 113 of LGFA 1988 requires the responsible officer to be a member of a specified accountancy body.

The Chief Finance Officer must ensure that the financial affairs of the Commissioner, and the Force are properly administered having regard to their probity, legality and appropriate standards.

The formal delegations, listed below, are those given to the Chief Finance Officer, which are in effect at the time of the publication of this scheme. In the absence of the Chief Finance Officer, the Constabulary Chief Finance Officer may undertake those functions that are authorised by the Chief Finance Officer within the shared services agreement between the Constabulary, CFRA and the Commissioner.

## Delegations

- To ensure that the financial affairs of the Office of the Police, Fire and Crime Commissioner are properly administered having regard to probity, legality, and appropriate standards.
- To assist the Commissioner in planning their budget and determining the level of funding and funding conditions to be provided for the Constabulary and CFRA budgets and those of other partners.
- To approve the commencement of capital schemes and the virement of resources between budgets and reserves in accordance with the financial regulations and funding conditions applying to partner budgets.
- To approve the arrangements for the treasury management function, including the day-to-day management, the production of the treasury management strategy, prudential limits and supporting policies and procedures.
- Authority to bring forward capital funding for future years from planned schemes where these have been approved and there is a requirement or capacity to commence the schemes at an earlier date.
- To approve the arrangements for securing and preparing the Commissioner's accounts and seek assurances that there are appropriate arrangements in place for the preparation of the Chief Constable's accounts.
- To ensure that there are appropriate arrangements in place within the Constabulary for its financial management.
- To make arrangements on behalf of the Chief Executive for insurance and to seek assurance that appropriate arrangements are made for insurance with the Constabulary.

- To approve settlement figures for insurance claims on motor vehicles recommended by the Commissioner's insurers subject to the insurer's subrogated rights.
- To be responsible for all banking arrangements, together with creating, closing or authorising all bank accounts and being signatory to cheques and other mandates for payments on PFCC accounts.
- To authorise payments, without having to get approval and regardless of whether or not provision has been made in the revenue budget in relation to:
  - (i) payments that have to be made by law;
  - (ii) payments ordered by the court;
  - (iii) payments due under any agreement entered into by the Commissioner.
- To prepare and annually review draft financial and procurement regulations, in consultation with the Chief Executive, for approval by the Commissioner. To approve designated exceptions to the regulations.
- To determine when goods are surplus to requirements or obsolete and arrange for disposal in line with financial regulations.
- To write off debt subject to the limits within the financial regulations.
- Provide for an adequate and effective internal audit service and make arrangements for the commissioning of external audit.

## Statutory Functions

- To report to the Commissioner and the external auditor any unlawful or potentially unlawful spending by his/her officers. In the absence of the Chief Finance Officer, the Constabulary Chief Finance Officer will undertake this function.



# Chief Executive Delegations to Other Officers and Executive Team

## Introduction

This section of the scheme of delegation sets out those functions delegated from the Chief Executive to other officers within the office of the Commissioner. Those officers may discharge these functions directly or secure their discharge through the arrangements for shared support services between the Commissioner and the Chief Constable. Where functions are discharged through the provision for shared support services, required authorisations are set out within the shared services agreement.

## Delegations to the Deputy Chief Executive

In the absence of the Chief Executive, the designated Deputy Chief Executive can undertake all functions of the Chief Executive, with the exception of the function of Monitoring Officer. The Governance Manager undertakes the function role of Deputy Monitoring Officer.

## Delegations to the Chief Finance Officer

Securing the arrangements for the management and security of the Commissioner's assets; this to include:

- The day-to-day management of the property function subject to the provision of financial regulations.
- The maintenance of a register of all property owned or leased by the Commissioner. The register to include a range of property data (value, condition, maintenance etc.)
- Ensuring all property owned or leased by the Commissioner is fully compliant with all legislation, regulations and best practice codes applicable to the purpose of the asset.
- The development on an annual basis of a planned maintenance programme and providing advice on the appropriate amount to be budgeted for planned and reactive maintenance.
- Arranging for the survey and inspection of all property in compliance with legislation, regulations and best practice.
- Reporting the findings of surveys and inspections and making arrangements for necessary works where these can be met within the approved budget
- Providing draft medium term asset management strategies and plans for the Commissioner's property estate and assets acquired for use by the Constabulary.
- Providing an annual schedule for approval to be submitted to the Commissioner at the beginning of each financial year for all property to be developed, acquired and disposed of.
- Disposing of all assets previously approved by the Commissioner, in accordance with approved methods of disposal, in accordance with the financial limits within the scheme of delegation.
- Providing regular reports to the Commissioner on the implementation of the agreed capital programme.

- Securing appropriate arrangements for the safeguarding of the Commissioner's assets including those used by the Constabulary in the delivery of policing in accordance with the requirements of Financial Regulations.
- Securing arrangements for the accurate and reliable payment of wages, pensions and salaries ensuring transactions are submitted accurately and to deadlines.

## Delegations to the Governance Manager

The Chief Executive/Monitoring Officer has a statutory duty in respect of the lawfulness of decision-making.

The Governance Manager is designated as Deputy Monitoring Officer and in the absence of the Chief Executive; the Deputy Monitoring Officer can only undertake this duty.

## Police, Fire and Crime Commissioner's Executive Team & Executive Team Gold

The Police, Fire and Crime Commissioner has established an Executive Team composed of his Chief Executive, Chief Finance Officer and Deputy Commissioner. Other OPFCC officers may occasionally be required to attend. The Executive Team does not have any decision-making powers delegated to it as a group. However, discussions at meetings of the Executive Team will inform the decisions made by the members of the Executive Team when using their delegated powers.

The Commissioner meets with all the Members of the Executive Team on a regular basis at Executive Team Gold meetings. These meetings do have decision making powers delegated to it and is the forum in which the Commissioner or members of the Executive Team will discuss matters. Using their individual delegated powers, make any significant decisions that are not undertaken in a public forum. This arrangement is set out in the Commissioner's Decision-Making Policy.

Significant OPFCC policy or operational decisions will be raised and discussed at Executive Team before the Commissioner or the Chief Executive takes the final decision. This is irrespective of the individual delegation and formal decision.

## Urgent matters

If any matter that would normally be referred to the Police, Fire and Crime Commissioner for a decision arises and cannot be delayed, the matter may be decided by the appropriate chief officer. The appropriate chief officers authorised to decide urgent matters are:

- the Chief Executive (all issues other than operational matters);
- the Chief Finance Officer (financial and related issues);

Urgent decisions taken must be reported to the Police, Fire and Crime Commissioner as soon as practicable after they are made.

# Scheme of Consent between the Police, Fire & Crime Commissioner and the Chief Constable

## Introduction

As a corporation sole, the Police Reform and Social Responsibility Act 2011 allows the Chief Constable of Cumbria to operate independently in specific areas; specific legal responsibility for maintaining the Queen's Peace; and direction and control over police officers and staff.

The Chief Constable is accountable to the law for the exercise of police powers and to the Police, Fire and Crime Commissioner for the delivery of efficient and effective policing in Cumbria, management of resources and expenditure by the Constabulary. At all times their police officers and staff remain operationally independent in the service of the communities that they serve.

The Chief Constable is responsible to the public and accountable to the Commissioner for:

- Leading the force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts with impartiality.
- Appointing the Constabulary's officers and staff (after consultation with the Commissioner, in the case of officers above the rank of Chief Superintendent and police staff equivalents).
- Supporting the Commissioner in the delivery of the strategy and objectives set out in the Police, Fire and Crime Plan.
- Assisting the Commissioner in planning the Constabulary's budget.
- Providing the Commissioner with access to information, officers and staff as required.
- Having regard to the Strategic Policing Requirement when exercising and planning his policing functions in respect of the Constabulary's national and international policing responsibilities.
- Notifying and briefing the Commissioner of any matter or investigation on which the Commissioner may need to provide public assurance either alone or in company with them.
- Being the operational voice of policing in the Cumbria police area and regularly explaining to the public the operational actions of officers and staff under their command.
- Entering into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with agreement of the Commissioner.
- Remain politically independent of the Commissioner.
- Manage all complaints against the Constabulary, its officers and staff, except in relation to themselves and chief officers. Ensuring that the Commissioner is kept informed in such a way as to enable the Commissioner to discharge their statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Office of Police Conduct (IOPC) in line with legislation.
- Exercising the power of direction and control in such a way as is reasonable to enable the Commissioner to have access to all necessary information and staff within the force.
- Having day to day responsibility for financial management of the Constabulary within the framework of the Funding Agreement, revenue budget allocation and approved capital programme and levels of authorisation issued by the Commissioner.

## General Principles of Consent

The elements of the Commissioner's consent to the Chief Constable to exercise powers to enter into contracts, acquire or dispose of property on the Commissioner's behalf are detailed within the Funding Agreement. This agreement sets out the terms and conditions under which the Commissioner will provide funding to the Chief Constable throughout the duration of the agreement

For services provided jointly to both the Commissioner and the Chief Constable, a Memorandum of Understanding will be in place setting out the agreed arrangements for service delivery. In addition to those terms and conditions identified within the Funding Agreement:

- The Commissioner must not restrict the operational independence of the Constabulary and the Chief Constable who leads it.
- The Commissioner may limit the powers, which are consent/delegated and/or remove consent/delegation at any time or in relation to Funding, utilise the Dispute Resolution process as appropriate.
- Subject to this Scheme and the Funding Agreement, the Commissioner may at any time, require that a specific matter is referred to him for a decision and not dealt with under powers of consent/delegation.
- Notwithstanding any specific requirements in this Scheme or Funding Agreement, the Commissioner shall be consulted in relation to any projects/areas of work that may have a significant impact on the community of Cumbria. The Commissioner shall be consulted at both outline business case and full business case stages including any evaluation of such business case.

## Corporate Governance Framework for Cumbria Commissioner Fire and Rescue Authority

On the 1st of April 2023, the governance of Cumbria Fire and Rescue Service transferred to the Commissioner following the dissolve of Cumbria County Council. The Police, Fire and Crime Commissioner now operates as two distinct legal entities (corporation soles): The Police, Fire and Crime Commissioner for Cumbria and the Cumbria Commissioner Fire & Rescue Authority. The Cumbria Commissioner Fire and Rescue Authority is created by The Police, Fire & Crime Commissioner for Cumbria (Fire and Rescue Authority) Order 2022, which was laid in Parliament on 28th November 2022. Within the Order, it sets out that the person who is the Police & Crime Commissioner for Cumbria, is also the Cumbria Commissioner Fire & Rescue Authority. They will be known as the Police, Fire and Crime Commissioner (“PFCC” or “the Commissioner”) for Cumbria. The Commissioner shall maintain a Fire and Rescue Service for the area, which is known as the Cumbria Fire & Rescue Service (CFRS).

The Commissioner is the recipient of all funding, including the government grant and precept and other sources of income related to the statutory functions of the Fire and Rescue Service. The Commissioner owns all the property, rights, and liabilities of the Fire and Rescue Service, and is also the employer of all fire and rescue staff.

The Commissioner has developed a Corporate Governance Framework for the Fire and Rescue Authority. The framework sets out how the Authority and the Service will be governed, making sure the business is carried out in the right way, for the right reason, at the right time. It also sets out the delegation of responsibility from the Commissioner to his staff and the Chief Fire Officer.

This is the first governance framework for the new arrangement and there continues to be changes and additions as day-to-day practical arrangements are worked through. All organisations and officers are expected to follow the spirit of the framework and apply the fundamental principles and expectations as set out within it.