

JOINT INDEPENDENT AUDIT COMMITTEE
28 MARCH 2013

SUBJECT		SCHEME OF GOVERNANCE
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SUMMARY AND PURPOSE OF REPORT		
To seek the Committee’s views on the draft Scheme of Governance to take effect from 1 April 2014.		
RECOMMENDATION	That the Committee considers this report and attachments and provides comment to the Commissioner and Chief Constable.	

A. SUPPORTING INFORMATION

1. BACKGROUND

- 1.1. The Police Reform and Social Responsibility Act 2011 provided for the creation of two corporations sole in each police force area i.e. that of the Police and Crime Commissioner and that of the Chief Constable. Previously, the former Police Authority had been the single corporate entity governing the delivery of policing services.
- 1.2. Stage 1 of the introduction of Police & Crime Commissioners from November 2012 involved the transfer of all staff to the employ of the Police and Crime Commissioner and similarly the transfer of all assets and liabilities to the Police and Crime Commissioner. On assuming office, the Police and Crime Commissioner (PCC) adopted a *Scheme of Arrangements for the Discharge of Functions Including Consented Powers, Delegations to Officers, Financial Regulations and Contract and Procurement Regulations*. Lincolnshire's Scheme of Arrangements largely maintained the approach adopted by the former Police Authority in terms of delegations from the PCC to officers, with contractual activity being carried out on behalf of the PCC rather than on behalf of the Chief Constable
- 1.3. The Police Reform and Social Responsibility Act 2011 requires the implementation of a Stage 2 transfer from 1 April 2014, in accordance with a local scheme approved by the Home Secretary. The PCC has

submitted a Stage 2 Transfer Scheme to the Home Secretary and received approval thereto.

- 1.4. Lincolnshire's Stage 2 Transfer Scheme provides for the transfer of the majority of police staff to the employ of the Chief Constable. Staff remaining in the employ of the PCC will be those working directly within the PCC's office and the Corporate Communications Team.
- 1.5. Lincolnshire will be adopting a shared services approach to Corporate Communications, the management of Commercial Partnerships and Corporate Finance which will involve the agreement of shared Business Plans for each of these areas by both the PCC and the Chief Constable. A different employment model is being adopted for each of the three shared service areas, with staff in Corporate Communications being employed by the PCC, staff in the Commercial Partnerships Team being employed by the Chief Constable and the Corporate Finance Team being comprised in part by staff in the employ of the PCC and in part by staff in the employ of the Chief Constable.
- 1.6. Alongside the transfer of staff, the PCC has been required to consider and determine the extent to which assets and liabilities should transfer to the ownership of the Chief Constable and whether to permit the Chief Constable to enter into contracts. In Lincolnshire, the PCC has determined that he will continue to hold all assets and liabilities and will remain the sole contracting body for Lincolnshire Police.
- 1.7. In order to reflect these new governance arrangements, a new Scheme of Governance is being developed with a view to implementation from 1 April 2014. The Scheme of Governance comprises:
 - Scheme of Consent
 - PCC's Scheme of Delegation
 - Chief Constable's Scheme of Delegation
 - PCC and Chief Constable Financial and Contract Regulations.
- 1.8. **Scheme of Consent:** sets out the extent to which the PCC empowers the Chief Constable to enter into contracts etc on his own behalf rather than as an agent of the PCC. The draft Scheme of Consent is attached as Appendix A and reflects the PCC's decision to not confer consent.
- 1.9. **PCC's Scheme of Delegation:** provides for the delegation of powers from the PCC to staff in his direct employ – latest draft attached as Appendix B.
- 1.10. **Chief Constable's Scheme of Delegation:** provides for the delegation of powers from the Chief Constable to officers and to staff in his direct employ – latest draft attached as Appendix C.
- 1.11. **PCC and Chief Constable Financial and Contract Regulations:** the PCC and the Chief Constable have decided that it is appropriate to adopt the same Financial Regulations - latest draft attached as Appendix D.

B. FINANCIAL CONSIDERATIONS

None.

C. LEGAL AND HUMAN RIGHTS CONSIDERATIONS

The proposals described in this paper respond to the requirements of the Police Reform & Social Responsibility Act 2011.

D. PERSONNEL, EQUAL OPPORTUNITIES AND DIVERSITY ISSUES (including any impact or issues relating to Children and Young People.)

None.

E. REVIEW ARRANGEMENTS

The Scheme of Governance will be subject to annual review.

F. RISK MANAGEMENT

The Scheme of Governance is a key component of the risk management framework.

G. PUBLIC ACCESS TO INFORMATION

Information in this report along with any supporting material is subject to the Freedom of Information Act 2000 and other legislation.