



GRAMPIAN JOINT POLICE BOARD

**COMMITTEE:** GRAMPIAN JOINT POLICE BOARD  
**DATE:** 6<sup>TH</sup> JULY 2012  
**TITLE OF REPORT:** GRAMPIAN JOINT POLICE BOARD – SCHEME OF  
FUNCTIONS DELEGATED TO OFFICERS

---

**1. PURPOSE OF REPORT**

The purpose of this report is to present a draft Scheme of Functions Delegated to Officers to the Board for approval.

**2. RECOMMENDATION(S)**

It is recommended that the Board approve the draft GJPB Scheme of Functions Delegated to Officers.

**3. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

**4. SERVICE & COMMUNITY IMPACT**

The adoption of an updated Scheme of Functions Delegated to Officers will ensure that the Board's business is conducted in as efficient a way as possible.

**5. OTHER IMPLICATIONS**

None.

**6. REPORT**

6.1 The Board accepts the principle that decisions should be made at the lowest or most local level consistent with the nature of the issues involved. An important element in the practical implementation of this principle is an effective scheme of delegations encompassing all major levels of decision making below that of the Board itself, viz:

- Sub-Committees
- Convener and Vice-Conveners
- The Clerk and Treasurer

- 
- The Chief Constable
  - Other officers under the direction and control of the Chief Constable.

6.2 The Board has approved a substantial number of delegations and these are detailed in four schemes:

- (1) Terms of Reference of Sub-Committees
- (2) Financial Regulations
- (3) Standing Orders relating to Contracts
- (4) Functions Delegated to Officers.

The purpose of this report is to seek the Board's approval of the revised Scheme of Functions Delegated to Officers.

6.3 The Scheme of Functions Delegated to Officers specifies the manner in which offices are expected to exercise their delegations and in particular requires officers not to exercise delegated functions in any cases where they have reason to believe the matter in question may involve the making of new policy, be sensitive or controversial or be of special significance in terms of the Board's functions.

6.4 The revised draft Scheme of Functions Delegated to Officers is attached in Appendix One.

## **7. REPORT AUTHOR DETAILS**

Fiona Smith, Policy & Advice Officer

E-mail: [fismith@aberdeencity.gov.uk](mailto:fismith@aberdeencity.gov.uk)

Telephone: 01224 522516

## **8. BACKGROUND PAPERS**

None

**KAREN M DONNELLY**  
**DEPUTE CLERK**  
**28<sup>TH</sup> JUNE 2012**

## **APPENDIX ONE**

### **GRAMPIAN JOINT POLICE BOARD DRAFT SCHEME OF FUNCTIONS DELEGATED TO OFFICERS**

#### **SECTION 1 - INTRODUCTION**

The Board accepts the principle that decisions should be made at the lowest or most local level consistent with the nature of the issues involved. An important element in the practical implementation of this principle is an effective scheme of delegations encompassing all major levels of decision making below that of the Board itself, viz:

- Sub-Committees
- Convener and Vice-Conveners
- The Clerk and Treasurer
- The Chief Constable
- Other officers under the direction and control of the Chief Constable.

The Board has approved a substantial number of delegations and these are detailed in four schemes:

- (1) Terms of Reference of Sub-Committees
- (2) Financial Regulations
- (3) Standing Orders relating to Contracts
- (4) Functions Delegated to Officers.

All delegations by the Board are made subject to any alterations made necessary by amendments to legislation, regulations, codes of practice or government circulars.

A number of matters have been specifically reserved to the Board and these are detailed in the introduction to the Scheme of Terms of Reference of Sub-Committees.

Similarly, the Scheme of Functions Delegated to Officers specifies the manner in which offices are expected to exercise their delegations and in particular requires officers not to exercise delegated functions in any cases where they have reason to believe the matter in question may involve the making of new policy, be sensitive or controversial or be of special significance in terms of the Board's functions.

#### **SECTION 2 - QUALIFICATIONS OF DELEGATIONS TO OFFICERS, SUB-DELEGATION AND OBSERVANCE OF PROCEDURES, (ETC)**

The functions delegated under this scheme to the Clerk, Treasurer, Chief Constable and specified officers under the Chief Constable's direction and control are also exercisable by officers at the levels indicated in the preamble preceding each officer's delegations. In exercising any delegated function, the nominated officer will take account of any appropriate departmental or Grampian Police Force practice or procedure, of any managerial instruction given and of any other similar consideration.

#### **QUALIFICATIONS OF DELEGATIONS TO OFFICERS**

The Scheme of Delegations to Officers as set out in the following sections is subject always:

- (i) to the policies adopted by the Board as embodied in the Terms of Reference of Sub-Committees, Financial Regulations and Standing

---

Orders of the Board and any other policy documents as approved and issued from time to time;

- (ii) to appropriate provisions for financial outlays having been made in the Estimates for the current year;
- (iii) to the right of an officer to consult with the Clerk on any matter, even though it has been specifically delegated, or to refer the matter to the Board or the appropriate Sub-Committee of the Board;
- (iv) to the requirement on officers to use their best judgement to ensure that all matters which it can be anticipated may be of a sensitive nature at Board level, or significant in terms of the Board's functions, or which may involve a change in policy are brought to the Board for decision;
- (v) to the obligation on the appropriate officers to arrange consultations at Constituent Authority level with relevant Board members on matters which affect their Constituent Authority areas. Such consultations shall include the provision of information on substantial or significant projects prior to their finalisation and subject always to their being within an approved capital programme;
- (vi) to the exclusion from delegations to officers under this Scheme, of power to deal with transactions (other than the provision of a service generally available or approved by the Board under a Scheme or otherwise) which directly involve an elected member or a Constable of rank of Assistant Chief Constable or above or an officer of the Board whose salary is negotiated by the Joint Negotiating Committee for Chief Officers of Local Authorities (Scotland) or equivalent or a member of the family of an elected member or officer. In any such case a report on the proposed transaction shall be submitted to the Board for consideration.

### **SECTION 3 - EMERGENCY SITUATIONS**

#### **Preamble**

This delegation may also be exercised in the case of the Chief Constable by the Deputy Chief Constable or the duty Assistant Chief Constable and, in the case of the Clerk, by the Depute Clerk.

The Clerk, Treasurer or Chief Constable is authorised to take such matters as may be required in emergency situations subject to advising the Convener and/or Vice-Conveners where possible and reporting to the Convener's Sub-Committee as soon as possible thereafter, on any items for which Committee approval would normally be necessary.

### **SECTION 4 - DELEGATIONS TO THE CLERK TO THE JOINT BOARD**

#### **Preamble**

The duties delegated to the Clerk below may be sub-delegated to the Depute Clerk.

---

The Clerk to the Board is authorised:

- (i) to give a direction in special circumstances that any officer shall not exercise a delegated function;
- (ii) to give a direction on the applicability of any functions delegated to an officer in any specific case;
- (iii) to act as the proper officer of the Board in terms of any relevant provisions of the Local Government (Scotland) Acts 1973 to 1994 and any other associated legislation;
- (iv) to serve any notices, issue any consents, make any orders, and take any necessary action on behalf of the Board in terms of the Police (Scotland) Act 1967, the Local Government (Scotland) Acts 1973 to 1994, the Civic Government (Scotland) Acts 1982 or any other legislation applicable to the Board;
- (v) to sign missives and other documents binding the Board, except where otherwise provided for, and to sign all deeds and other documents on behalf of the Board in terms of the Requirements of Writing (Scotland) Act 1995 as applicable to the Board as a corporate body;
- (vi) to carry out such functions as are delegated to the Clerk in terms of the Board's Schemes of Financial Regulations and Standing Orders relating to Contracts.
- (vii) to incur expenditure not exceeding £5,000 on any one item required in connection with the servicing of the Board's needs or the functioning of the office of the Clerk, subject to a maximum of £30,000 in any one financial year.
- (viii) to engage external solicitors for court and other legal work if and when this is considered necessary to enable the legal work of the Board to be carried out;
- (ix) to engage Counsel for Court of Session and other legal work when it is considered necessary to enable the legal work of the Board to be carried out;
- (x) to initiate, enter, defend and withdraw from any type of judicial and quasi judicial proceedings involving the Board; and
- (xi) to settle up to a maximum of £100,000 all claims made against the Board.

## **SECTION 5 - DELEGATIONS TO THE TREASURER TO THE BOARD**

### **Preamble**

The duties delegated to the Treasurer to the Board below may be sub-delegated to any officer of the Lead Authority whom the Treasurer may nominate. For items 2 and

---

3 below the use of the delegation will be exercised within the limits established in the Lead Authority's Treasury Policy Statement.

The Treasurer is authorised:

- (i) to make a payment from and sign cheques authorising withdrawal from the Police Account to satisfy the Board's legal liabilities;
- (ii) to borrow on behalf of the Board by temporary loan or overdraft to meet liabilities or to invest money surplus to immediate requirements;
- (iii) to secure loans to finance capital payments or to make leasing arrangements in respect of any property or equipment to be acquired;
- (iv) to otherwise ensure the proper application of the Board's financial regulations;
- (v) to carry out such functions as are delegated to the Treasurer in terms of the Board's Schemes of Financial Regulations and Standing Orders relating to Contracts.

## **SECTION 6 - JOINT POLICE BOARD TO THE CHIEF CONSTABLE**

### **Preamble**

The duties delegated to the Chief Constable below are also delegated to the Deputy Chief Constable and the Assistant Chief Constables and may be sub-delegated to any other constable or officer employed by the Board and under the direction and control of the Chief Constable whom the Chief Constable may nominate. In exercising any delegated function, the nominated constable or officer will take account of any appropriate Force practices and procedures, of any managerial instruction given, and of any other similar consideration.

### **1. FORCE SUPPORT STAFF**

- (i) **STATUTORY DELEGATION**  
Under Section 9 of the Police (Scotland) Act 1967 (as substituted by Section 49 of the Police and Magistrates' Courts Act 1994 and with effect from 1 April 1996) any person, not being a constable, who is employed by the Joint Police Board for the assistance of the Constables of Grampian Police (ie any "Force Support staff") with the exception of those agreed between the Chief Constable and the Joint Police Board is under the direction and control, including the powers of engagement and dismissal, of the Chief Constable.
- (ii) In discharging the statutory delegation of direction and control in respect of Force Support staff the Chief Constable is authorised to exercise routine personnel management of all Force Support staff in respect of appointments, pay, conditions of service, discipline, superannuation and other personnel matters, including staffing reviews and regradings of Force Support staff.

---

Note: Notwithstanding the above it has been agreed that an appellate role will be undertaken by the Joint Police Board and this role is reflected in the terms of reference of the Personnel Sub-Committee.

## **2. CONSTABLES**

- (i) Further to the statutory duties and powers vested in the Chief Constable in terms of the Police (Scotland) Act 1967 and associated statutory Regulations, the Chief Constable is authorised to exercise those duties and powers vested in the Police Authority by that Act and those Regulations, except where otherwise provided for in this Scheme.
- (ii) Without prejudice to the foregoing generality, the Chief Constable is authorised to exercise routine personnel management of all Police Constables in respect of appointments, pay, conditions of service, discipline, superannuation and other personnel matters, except where otherwise provided for in this Scheme.

## **3. FINANCE AND PROPERTY**

Subject to the provisions of the Schemes of Financial Regulations and Standing Orders relating to Contracts, agreed by the Board, and to the functions in those Schemes delegated by the Board to specified Force Support staff officers employed by the Board and under the direction and control of the Chief Constable, the Chief Constable is authorised to exercise routine financial management and administration of the Grampian Police Force and exercise routine control of all aspects of property management of property vested in the Joint Police Board.

## **4. GENERAL**

The Chief Constable is authorised to enter into agreements with the occupiers of premises on behalf of the Board in terms of Section 13(2) of the Police (Scotland) Act 1967 (watching of premises or land).

## **5. DELEGATIONS FROM CONSTITUENT AUTHORITIES**

The Chief Constable is authorised to discharge, if the Board is requested to do so, the functions of the 3 constituent Authorities of the Joint Police Board under Section 19 (Appointment of Inspectors) of the Health and Safety at Work etc Act 1974 for the purposes of the enforcement of the Explosives Acts of 1875 and 1923 insofar as they relate to the licensing, registration and regulation of stores or registered premises.

## **SECTION 7 - JOINT POLICE BOARD TO THE DIRECTOR OF CORPORATE SERVICES,**

### **Preamble**

Except where otherwise stated specifically in the Board's Standing Orders relating to Contracts, the duties delegated to the Director of Corporate Services below may be sub-delegated by the Director of Corporate Services to any officer within the Corporate Services Department of Grampian Police whom the Director of Corporate Services may nominate.

The Director of Corporate Services for Grampian Police is authorised:

- 
- (i) to sign Missives and other similar documents binding the Chief Constable, Grampian Police and/or the Grampian Joint Police Board, except where otherwise provided for in this Scheme, and in particular to sign all deeds and other documents on behalf of the Board in terms of the Requirements of Writing (Scotland) Act 1995 as applicable to the Board as a corporate body;
  - (ii) to engage external solicitors for Court and other legal work if and when he/she may consider this to be necessary to enable the legal work of the Chief Constable, Grampian Police and/or the Grampian Joint Police Board to be carried out;
  - (iii) to engage Counsel for Court of Session and other legal work as and when he/she may consider it necessary to enable the legal work of the Chief Constable, Grampian Police and/or the Grampian Joint Police Board to be carried out;
  - (iv) to initiate, enter, defend and withdraw from any type of judicial and quasi-judicial proceedings involving the Chief Constable, Grampian Police and/or the Grampian Joint Police Board;
  - (v) to settle up to a maximum of £100,000 all claims made against the Chief Constable, Grampian Police and/or the Grampian Joint Police Board;
  - (vi) to carry out such functions as are delegated to the Director of Corporate Services in terms of the Board's Standing Orders relating to Contracts.