



**Lancashire
Constabulary**
police and communities together

DRAFT JOINT CORPORATE GOVERNANCE FRAMEWORK

**Lancashire Police & Crime Commissioner
and Lancashire's Chief Constable**

March 2022

JOINT CORPORATE GOVERNANCE FRAMEWORK

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Statement of Corporate Governance for the Police and Crime Commissioner for Lancashire and the Chief Constable of Lancashire Constabulary

1 Introduction

- 1.1 The purpose of this Statement is to give clarity to the way the two corporations sole, The Police and Crime Commissioner (the PCC) and Chief Constable (CC), will govern both jointly and separately, to do business in the right way, for the right reason at the right time and in the best interests of the public of Lancashire.

2 Context

- 2.1 This Joint Corporate Governance Framework describes how the PCC and the CC conduct duties within the requirements of the statutory framework. The principle statutory framework comprises:

- Police Reform and Social Responsibility Act 2011
- Policing Protocol Order 2011
- Revised Financial Management Code of Practice (Home Office 2018)
- Strategic Policing Requirement (Home Office 2015)
- Policing & Crime Act 2017

- 2.2 The PCC has two key statutory responsibilities:

- To secure the maintenance of an efficient and effective local police force;
- To hold to account the CC of Lancashire Constabulary for the exercise of his/her functions and those of persons under his/her direction and control.

- 2.3 In exercising these functions, the PCC is accountable to the electorate in the Lancashire Police area.

- 2.4 The CC has a statutory responsibility for the control, direction and delivery of operational policing services provided by the force.

- 2.5 A Joint Audit and Ethics Committee will operate in line with Chartered Institute of Public Finance and Accountancy (CIPFA) guidance and within the guidance of the Financial Management Code of Practice to provide assurance of effective delivery of good governance. In accordance with the CIPFA/SOLACE guidance on corporate governance the PCC and CC are required to produce separate Annual Governance Statements to show how their respective organisations have complied with this joint code of corporate governance.

3 Principles

- 3.1 The CIPFA/SOLACE Framework, Delivering Good Governance in Local Government, first published in 2007, established the principles and the standard against which all local government bodies, including police should assess themselves. Both corporation soles have adopted these principles. This framework and the additional guidance notes for Policing Bodies in England and

Wales¹ was revised in 2016 and includes the seven principles of good governance applicable to local government set out in the International Framework: Good Governance in the Public Sector (CIPFA/IFAC 2014). There is a substantial element of common ground between the seven principles introduced in the 2016 framework and the six core principles used in the original 2007 framework.

Seven Principles of Good Governance

A Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

B Ensuring openness and comprehensive stakeholder engagement.

C Defining outcomes in terms of sustainable economic, social and environmental benefits.

D Determining the interventions necessary to optimise the achievement of the intended outcomes.

E Developing the entity's capacity, including the capability of its leadership and the individuals within it.

F Managing risks and performance through robust internal control and strong public financial management.

G Implementing good practices in transparency, reporting and audit to deliver effective accountability.

The first two principles underpin the whole 2016 framework and are implicit in the remaining five principles.

4 Framework / Instruments of governance

4.1.1 The PCC's and CC's Framework comprises of:

1. Statement of Corporate Governance
2. Joint Local Code of Governance
3. Scheme of Delegations and Consents
4. Financial Regulation/Contract Standing Orders.
5. Memorandum of Understanding

5 Review

5.1 The PCC and the CC will receive bi-annually any recommendations from the Joint Audit and Ethics Committee and Internal or External Audit on the appropriateness of the framework. The final approval of any changes will be done jointly at an Accountability Board Meeting of the PCC and CC.

5.2 Further the framework will be reviewed every two years by the Joint Audit and Ethics Committee who will be invited to make any appropriate recommendations to ensure they reflect any changes in legislation and current best practice.

¹ Delivering Good Governance Guidance Notes for Policing Bodies in England and Wales 2016 Edition.

JOINT LOCAL CODE OF CORPORATE GOVERNANCE FOR THE POLICE AND CRIME COMMISSIONER AND CHIEF CONSTABLE FOR LANCASHIRE

1 Introduction

- 1.1 Governance is about how the Police and Crime Commissioner (PCC) and Chief Constable (CC) ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open and accountable manner. It comprises the systems, processes, culture and values within the Office of the Police and Crime Commissioner (OPCC) and the Lancashire Constabulary (Constabulary), and through which the PCC and CC account to, engage with and, where appropriate, lead the community.
- 1.2 This Joint Local Code of Corporate Governance describes how the PCC and the CC will discharge their statutory responsibilities. It should be read alongside the Joint Corporate Governance Framework documents that define the parameters for decision-making, including schemes of Consent, Delegations, Financial Regulations, Standing Orders relating to Contracts, Standing Orders for Dealing with Land and Property.
- 1.3 The PCC has two key statutory responsibilities:
- 1.3.1 To secure the maintenance of an efficient and effective local police force;
 - 1.3.2 To hold to account the CC of Lancashire for the exercise of his functions and those of persons under his direction and control. In exercising these functions the PCC is accountable to the electorate of Lancashire.
- 1.4 The CC has a statutory responsibility for
- 1.4.1 Maintaining the Queen's peace
 - 1.4.2 The control, direction and delivery of operational police services provided by the force.
- 1.5 The CC is accountable to the law for the exercise of police powers and the PCC for the delivery of efficient and effective policing, and management of resources and expenditure by the police force.
- 1.6 This Joint Local Code applies to all personnel, contractors and/or agents providing a direct service to the Commissioner and the CC.
- 1.7 The following paragraphs show how good corporate governance is delivered through each of the seven CIPFA/SOLACE principles.

A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.

The Policing Protocol 2011 requires all parties to abide by the seven Nolan principles and these will be central to the conduct and behaviour of everyone in the organisation. Those principles are set out in the relevant codes of conduct.

The Revised Financial Management Code of Practice (Home Office 2018) requires the PCC and CC to ensure that the good governance principles are embedded within the way that the organisations operate.

The Code of Ethics, produced by the College of Policing (2014), sets and defines the exemplary standards of behaviour for everyone who works in policing. The principles involved. (Accountability, fairness, honesty, integrity, leadership, objectivity, openness, respect and selflessness) underpin organisational culture.

The PCC and the CC will ensure that arrangements are in place for confidential reporting to which employees of both the PCC and the CC and all those contracting with "Lancashire Police" have access.

B: Ensuring openness and comprehensive stakeholder engagement

The PCC, who is accountable to local people, will draw on this mandate to set and shape the strategic objectives for the force area in consultation with the CC, taking into account the strategic policing requirement.

The Lancashire Police and Crime Panel (PCP) has the power to scrutinise the PCC's activities, including the ability to review the Police and Crime Plan and annual report, request PCC papers and call the PCC to public hearings. The PCP can also veto decisions on the local Council Tax Precept and the appointment of a new CC.

The PCC will hold the CC to account through the Accountability Board meetings.

The Joint Audit and Ethics Committee provides independent advice, guidance and assurance on internal control and governance arrangements.

The communication and engagement strategies will set out how the people of Lancashire will be involved with the PCC and the CC to ensure they are part of the decision making, accountability and future direction of the policing service in Lancashire.

Both the OPCC and the CC will use a multi-channel approach to strengthen and build effective relationships with local communities and engage with the public.

The PCC will undertake a wide-ranging public engagement programme in order to reach out to a diverse and representative audience across Lancashire.

The PCC and CC will seek to ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all parties and that the added value of partnership working is explicit.

Collaboration agreements will set out those areas of business to be undertaken jointly with other forces and Local Policing Bodies, whether it be to reduce cost, increase efficiency or increase capability to protect local people.

The PCC and CC will provide clear reasoning and evidence for decisions in both

public records and explanations to stakeholders and will be explicit about the criteria, rationale and considerations used and that the impact and consequences of those decisions is clear.

C: Defining outcomes in terms of sustainable economic, social and environmental benefits

In each Police and Crime Commissioner election year the PCC will consult on and publish a Police & Crime Plan. This will be reviewed annually during the four-year term of office. It outlines the police and crime priorities and the strategic direction for policing.

Lancashire Constabulary has a purpose and key areas of focus which underpins how they will operate to support achievement of these outcomes.

The PCC and CC will jointly consider how best to achieve value for money and ensure that their agreed approach is reflected in the Police and Crime Plan.

The PCC will present an annual report to the PCP setting out achievements against identified priorities.

A Medium -Term Financial Strategy will be developed jointly by the PCC and CC. This will be reviewed and refreshed at least annually to ensure resources are identified to support the delivery of the priority aims and objectives.

D: Determining the interventions necessary to optimise the achievement of the intended outcomes.

The maintenance of a Medium -Term Financial Strategy will form the basis of the annual budget and provide a framework for evaluating future proposals.

A process and governance structure is in place to deliver scrutiny, analysis and evaluation of plans which will include option appraisal, techniques for assessing the impact of alternative approaches on the service's outcomes and benefits realisation. The Scheme of Corporate Governance forms a key part of this governance structure.

Effective risk management will support this process and will be regularly reviewed by the Joint Audit and Ethics Committee.

The PCC and the CC will maintain effective workforce development and asset management plans, principally, through a workforce capability strategy, a digital strategy and the Estates Strategy.

Processes to monitor efficiency and value for money, including benchmarking of performance and costs will be maintained.

E: Developing the entity's capacity, including the capability of its leadership and the individuals within it.

The functions and areas of responsibility for the office of the Police and Crime

Commissioner (PCC) and Lancashire Constabulary are set out clearly in the governing legislation, Financial Management Code of Practice, Scheme of Delegation and Financial Regulations, and Contract Standing Orders, and Standing Orders for Dealing with Land and Property.

The PCC has appointed two statutory officers, the Chief Executive and Chief Finance Officer. The Chief Executive is also the Head of Paid Service and will undertake responsibilities of Monitoring Officer. The CC has appointed a statutory Chief Finance Officer and also a Monitoring Officer, who is also the Head of Legal Services.

The Scheme of Consent and Delegation highlights the parameters for key roles in the organisations including delegations or consents from the PCC or CC, Financial Regulations, Contract Standing Orders and Standing Orders for Dealing with Land and Property.

Police officers, police staff and staff of the PCC will understand and operate within the Joint Code of Corporate Governance and local policies.

Police officers and staff will have job descriptions setting out their responsibilities. The people and personal development strategies of the PCC and force will set the climate for continued development of individuals. The respective performance review processes for the OPCC and force will ensure that these strategies are turned into reality for officers and members of staff for both organisations.

F: Managing risks and performance through robust internal control and strong public financial management.

The PCC and CC will decide jointly how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available.

Standards and processes to ensure the quality and accuracy of data used in the decision-making process will be in place.

All decisions will be taken within the principles set out in the decision-making framework. The PCC and the CC have separate risk management strategies that establish how risk is managed throughout the various elements of corporate governance of the organisations, whether operating solely or jointly. Risk reports will be submitted to the Joint Audit and Ethics Committee on a regular basis.

An information scheme will ensure that information relating to decisions will be made readily available to the public, with those of greater public interest receiving the highest level of transparency, except where operational and legal constraints exist.

Effective arrangements for the safe collection, storage, use and sharing of data, including processes to safeguard personal data will be in place.

The PCP may challenge the decisions of the PCC in relation to his performance by scrutinising the way he exercises his functions.

The Scheme of Consent and Delegation confirms the parameters for decision making, including consents, financial limits for specific matters and Standing Orders for Contracts as well as Standing Orders for Dealing with Land and Property. Detailed arrangements for financial management and decision making are set out in Financial Regulations.

G: Implementing good practices in transparency, reporting and audit to deliver effective accountability.

The Scheme of Consent and Delegation highlights the parameters for key roles in the corporation soles including consents and delegations from the PCC or CC, Financial Regulations, Contract Standing Orders and Standing Orders for Dealing with Land and Property.

Police officers, police staff and staff of the OPCC will operate within:

- Policies and procedures
- The Joint Corporate Governance Framework (the contents of which are referred to in page 2 of this document)
- Disciplinary regulations
- Codes of conduct
- Code of Ethics (College of Policing, 2014)

Internal audit reflects published guidance on standards. The Joint Audit & Ethics Committee operates within the CIPFA guidance and in accordance with the Financial Management Code of Practice.

2 Statutory Governance Structure

- 2.1 The Police Reform and Social Responsibility Act (2011) (The Act) and the Policing Protocol Order 2011 (the Protocol) established not only the role of the Police and Crime Commissioner but also a statutory structure that contributes towards good governance.
- 2.2 The PCC is ultimately accountable to the electorate in the Lancashire Police area.
- 2.3 The PCC has a statutory responsibility to hold the CC to account for the exercise of their functions and those of persons under their direction and control.
- 2.4 The Police and Crime Panel (the panel) provides support and scrutiny to the PCC and Deputy Police and Crime Commissioner (DPCC) in fulfilling their role. The Panel does not scrutinise the CC, this is the role of the PCC.
- 2.5 This Code of Corporate Governance builds on this structure, including other requirements of the Act, Protocol, other legislation and local arrangements.

3 Arrangements for review of Governance

- 3.1 A formal review of the Joint Corporate Governance Framework will be undertaken annually to ensure that they reflect any changes in legislation and current best practice (see para 5.2 of the Statement of Corporate Governance).
- 3.2 The PCC and CC are committed to a Joint Local Code of Corporate Governance and reviewing its effectiveness.
- 3.3 The PCC and CC will both produce Annual Governance Statements (AGS) that will be published on their websites alongside the annual Statement of Accounts. The AGSs will include an action plan to rectify any significant areas of weakness in internal control and/or corporate governance.
- 3.4 The review will be ongoing throughout the year with the results being brought together annually to produce the AGSs. Significant elements of the review process are set out in the paragraphs below.

4 Joint Audit and Ethics Committee

- 4.1 The PCC and CC have established a Joint Audit and Ethics Committee. This Committee will advise both parties in accordance with good governance principles in accordance with the Financial Management Code of Practice for the Police Forces of England and Wales issued by the Home Office Its terms of reference are set out in Appendix A of the framework.

5 Shared Internal Audit

- 5.1 The primary role of Internal Audit is to give assurance to the PCC and CC, on the effectiveness of the controls in place to manage risks. The Internal Audit Manager will report to the Audit section of the Joint Audit and Ethics Committee on a quarterly basis, highlighting any major control weaknesses identified.
- 5.2 The review of both corporate governance and risk management arrangements periodically feature in the annual Internal Audit Plan which is subject to review by the Joint Audit and Ethics Committee. Corporate governance and risk management issues may arise through other reviews carried out by Internal Audit. In this case the issues will be raised through the relevant audit report.

6 External Audit

The External Auditors audit the PCC's and CC's financial statements, Annual Governance Statement and arrangements for securing value for money, as well as undertaking a number of thematic based reviews. The External Auditor's plans and reports, including the Annual Audit Findings report, will be considered by the PCC and CC and reviewed by the Joint Audit and Ethics Committee at appropriate times in the annual cycle of meetings



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Schemes of Delegation and Scheme of Consent

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OFFICE OF THE POLICE AND CRIME COMMISSIONER FOR LANCASHIRE

SCHEME OF DELEGATION

1. INTRODUCTION

1.1. This Scheme of Delegation (the Scheme) has been created to enable the Police & Crime Commissioner for Lancashire (PCC) and Lancashire Constabulary (the Constabulary) to operate as effectively and efficiently as possible. This Scheme is made in accordance with the Police Reform & Social Responsibility Act 2011, together with other legislation and regulations which details the roles and responsibilities of Commissioners, together with statutory functions.

1.2. This Scheme of Delegation should be read alongside

- the Scheme of Consent,
- Financial Regulations,
- Standing Orders relating to Contracts, policies, procedures and plans.

1.3. This Scheme of Delegation forms part of the PCC's Joint Corporate Governance Framework to ensure that business is carried out efficiently and that decisions are not unnecessarily delayed.

2. KEY ROLES INCLUDING STATUTORY RESPONSIBILITIES OF THE POLICE AND CRIME COMMISSIONER (PCC)

2.1. The PCC has a statutory duty and electoral mandate to hold the CC of Lancashire to account on behalf of the public.

2.2. The PCC is the recipient of all funding, including the government grant and precept and other sources of income, related to policing and crime reduction and all funding for the Lancashire Constabulary must come via the PCC. How this money is allocated is a matter for the PCC in consultation with the CC, or in accordance with any grant terms. The CC will provide professional advice and recommendations.

2.3. The PCC has the legal power and duty to—

(a) Set the strategic direction and objectives of the force through the Police and Crime Plan (the Plan), which must have regard to the Strategic Policing Requirement set by the Home Secretary.

(b) Scrutinise, support and challenge the overall performance of the force including the priorities agreed within the Plan.

(c) Hold the CC to account for the performance of the force's officers and staff;

(d) Decide the budget, allocating assets and funds to the CC; and set the precept for the force area;

- (e) Appoint the CC;
- (f) Remove the CC subject to following the process set out in Part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996;
- (g) Maintain an efficient and effective police force for the police area;
- (h) Enter into collaboration agreements with other PCCs, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the CC (where this relates to the functions of the police force, then it must be with the agreement of the CC);
- (i) Provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;
- (j) Hold the CC to account for the exercise of the functions of the office of CC and the functions of the persons under the direction and control of the CC;
- (k) Publish information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC and CC;
- (l) Comply with all reasonable formal requests from the Police and Crime Panel (the Panel) to attend their meetings;
- (m) Prepare and issue an Annual Report to the Panel on the PCC's delivery against the objectives set within the Plan;
- (n) Monitor all complaints made against officers and staff, whilst having responsibility for complaints against the CC.

2.4. The PCC must not fetter the operational independence of the police force and the CC who leads it.

2.5. In order to enable the PCC to exercise the functions of his office effectively, he will need access to information and officers and staff within Lancashire Constabulary. Such access to any information must not be unreasonably withheld or obstructed by the CC and/or fetter the CC's direction and control of the force.

2.6. The PCC has wider responsibilities than those relating solely to the police force, namely—

- (a) a specific responsibility for the delivery of community safety and crime reduction;
- (b) the ability to bring together Community Safety Partnerships at the force level;
- (c) the ability to make crime and disorder reduction grants within the Lancashire force area;
- (d) a duty to ensure that all collaboration agreements with other Local Policing Bodies and forces deliver better value for money or enhance the effectiveness of policing capabilities and resilience;

(e) a wider responsibility for the enhancement of the delivery of criminal justice in Lancashire.

Statutory responsibilities of the CC

- The ability to take all operational decisions;
- Management of officers and staff under his/her direction and control;
- To appoint a Deputy Chief Constable and Assistant Chief Constables, after consultation with the Commissioner;
- To retire or dismiss a Deputy Chief Constable or an Assistant Chief Constable after notifying the Commissioner;
- Scheme manager of the Police Pension Scheme and is the Police Pension Authority.

Statutory responsibilities of the Chief Executive of the PCC

- To manage the office of the PCC to ensure that the Commissioner is able to function effectively;
- To act as 'Monitoring Officer' under section 151(1) of the Local Government and Housing Act 1989;
- To deliver the Home Secretary's determination regarding the PCC's expenses;
- To address matters relating to complaints against the PCC under duties delegated by the Police & Crime Panel for Lancashire.

Statutory responsibilities of the PCC's Chief Finance Officer

- To act as 'Money Laundering Reporting Officer' under the Proceeds of Crime Act 2002 and Money Laundering Regulations 2003;
- To ensure that the financial affairs of the PCC are properly administered and that financial regulations are observed and kept up to date;
- To ensure regularity, propriety and Value for Money (VfM) in the use of public funds;
- To ensure that the funding required to finance agreed programmes is available from central Government funding, precept, other contributions and recharges.
- To report to the PCC, the Police & Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the PCC or officers of the Commissioner;
- To report to the PCC, the Police & Crime Panel and to external auditors when it appears that expenditure is likely to exceed the resources available to meet that expenditure;
- To advise the PCC on the robustness of the budget and adequacy of financial reserves;
- To ensure production of the statements of accounts of the PCC;
- To ensure receipt and scrutiny of the statements of accounts of the CC and ensuring production of the group accounts;
- To liaise with the external auditor (see section 11.1.2 of this document);
- To advise the PCC on the application of value for money principles by the Constabulary to support the PCC in holding the CC to account for efficient and effective financial management;

- To advise, in consultation with the Director, on the safeguarding of assets, including risk management and insurance.

3. POLICE REFORM & SOCIAL RESPONSIBILITIES

- 3.1 Section 18 of the 2011 Act permits the PCC to delegate functions. The PCC is however prohibited from delegating function(s) to:
- (a) A constable (whether or not in England and Wales);
 - (b) Another Police & Crime Commissioner;
 - (c) The Mayor's Office for Policing & Crime;
 - (d) The Deputy Mayor of Policing & Crime;
 - (e) The Mayor of London;
 - (f) The Common Council of the City of London;
 - (g) Any other person or body which maintains a police force;
 - (h) A member of staff of any person/body referred to in (a) to (g) above;
- 3.2 The PCC is also prevented from arranging for another person to exercise any of the following functions:
- (a) Issuing a Police and Crime Plan;
 - (b) Determining police and crime objectives;
 - (c) Attending meetings of a police and crime panel in compliance with a requirements by the panel to do so (pursuant to section 29 of the 2011 Act);
 - (d) Preparing an Annual Report to a Policing and Crime Panel;
 - (e) Appointing and suspending the Chief Constable or calling upon the Chief Constable to retire or resign;
 - (f) Calculating a budget requirement (pursuant to section 43 of the Local Government Finance Act 1992).
- 3.3 Part 6 of the Local Government Act 1972, which allowed the previous policing governance body to arrange for its functions to be discharged by the CC, a member if the police force or an employee who is under the direction and control of the CC, does not apply to the PCC.²
- 3.4 This Scheme is a record of the formal delegations that are in effect at the time of its publication, it will be reviewed regularly and as part of a rolling two-year cycle of review of the Corporate Governance Framework and also with the assistance of JAEC to ensure it is still appropriate or if regulations require formal changes to be made. The Scheme is intended to strike a balance between giving the CC, Director and both Chief Financial Officers reasonable managerial freedom and retaining the Commissioner's ability both to hold the Constabulary to account and to give managerial direction to the Office of the Police & Crime Commissioner (OPCC).

² Paragraph 105 and 106 of Schedule 16 of the 2011 Act

3.5 With the exception, of those matters listed in paragraph 3.2, the Scheme allows any officer, with appropriate authority (see para 3.6 below), to delegate that power further³, but not to those persons listed at 3.1.

3.6 The officers to whom matters may be delegated are as follows:

- Deputy Police & Crime Commissioner [if appointed]
- Chief Executive (who will also be the Monitoring Officer)
- The Commissioner's Chief Finance Officer [PCC CFO]

3.6 This Scheme should be read in conjunction with the Standing Orders for Contracts and Financial Regulations.

3.7 It should be noted that the Standing Orders for Contracts and Financial Regulations, may contain delegations and will also cover the roles and responsibilities of the Chief Constable's CFO in relation to the Commissioner's budget provided to Lancashire Constabulary.

4. GENERAL PRINCIPLES OF DELEGATION

4.1 The PCC may ask that a specific matter remains with him or is referred to the DPCC (if appointed) for a decision and not dealt with under powers of delegation.

4.2 The Scheme does not attempt to list all matters that form part of everyday management responsibilities.

4.3 Giving delegation to officers under this Scheme does not prevent an officer from referring the matter to the PCC for a decision if the officer thinks this is appropriate (for example, being of a sensitive nature or any matter which may have a significant financial implication).

4.4 When a statutory officer is considering a matter that is within another officer's area of responsibility, that officer should be consulted before authorising the action.

4.5 All decisions officers make under powers given to them by the PCC must be recorded and be available for inspection.

4.6 The PCC may want to be involved in any projects/areas of work which may have a significant impact on the people of Lancashire. The PCC may want to be involved in the tendering process and evaluation of any business case.

³ In addition to the specific delegations in the Scheme authorising specified officers to undertake certain functions, there is case law (DPP v Haw [2007] that where the responsibilities of an office created by statute are such that delegation is inevitable, there is an implied power to delegate. In such circumstances there is a presumption that, where statutory powers and duties are conferred, there is a power to delegate the same unless the statute conferring them expressly or by implication provides to the contrary.

- 4.7 The officers are responsible for making sure that members of staff they supervise know about the provisions and obligations of this Scheme.
- 4.8 The person appointed as the Chief Executive (who will also be the Monitoring Officer) and the PCC's CFO (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.
- 4.9 The Scheme provides the officer with the legal power to carry out duties of the PCC. In carrying out these duties the officer must comply with all other statutory and regulatory requirements and relevant professional guidance including:
- The Police Reform 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 in public service organisations
 - Standing Orders for Contracts
 - Appropriate employment policies and procedures
 - The Data Protection Act 2018 and the Freedom of Information Act 2000
 - Employment legislation and associated regulations
 - Health & Safety at Work legislation and codes
 - The Equality Act 2010
 - Standing Orders for Dealing with Land and Property
- 4.10 When carrying out any duties, the PCC and staff must have regard to the following⁴:
- The views of the people of Lancashire;
 - The Police & Crime Plan;
 - Any report or recommendation made by the Police & Crime Panel; and
 - Any guidance issued by the Secretary of State
- 4.11 To enable the PCC to exercise the functions of the office effectively, the PCC will need access to information and officers and staff within the Lancashire Policing Area. This access must not be unreasonably withheld or obstructed by the CC, or restrict the CC's direction and control of the force.
- 4.12 The PCC has a wider responsibility than those provided for within this Scheme. The PCC has the power under Section 18(2) of the Police Reform and Social Responsibility 2011 (PRSR) Act to arrange for any person (other than a Deputy Commissioner in respect of whom there are separate provision) to exercise any function of the PCC.

⁴ This list is a summary and is not exhaustive

- 4.13 The CC must be given, in addition to operational independence, sufficient non-operational decision-making powers to enable the CC to lead and manage the Constabulary effectively and efficiently.
- 4.14 The PCC must make statutory and other key decisions in respect of resources, performance standards and objectives across the PCC's responsibilities.
- 4.15 The PCC must have sufficient information at the appropriate time and have sufficient decision-making powers to enable effective oversight and scrutiny and to ensure efficiency and effectiveness.
- 4.16 The PCC's day to day activity should be focused on strategic issues including holding to account and scrutiny, interacting with the public and stakeholders and promoting the achievement of the Police & Crime Plan.
- 4.17 The Chief Executive must have reasonable managerial freedom to run the PCC's office and to progress business on the PCC's behalf.
- 4.18 The PCC's management and administrative responsibilities should be largely discharged on the PCC's behalf by the Director and the PCC's Chief Finance Officer, provided that this does not undermine the PCC's ability to scrutinise the Constabulary effectively and does not expose the PCC or the Constabulary to reputational risk.
- 4.19 Delegation is the assignment of authority and responsibility to another person to carry out specific activities. However, the person who delegated the work remains accountable for the outcome of the delegated work. Delegation therefore empowers another person to make decisions.

5 DECISIONS RESERVED TO THE COMMISSIONER

- 5.1 Decisions relating to the functions listed in Paragraph 2 headed "key role including statutory responsibilities of the PCC" will be made by the PCC and not delegated unless permitted by this Scheme.
- 5.2 The PCC and CC agree that a "key decision" does not include an operational decision that fetters the CC's operational independence.
- 5.3 A key decision means a decision by the CC (or any such person so authorised to make such decisions on his behalf through the scheme of delegation) which is.
- Any capital or revenue budget decision which results in savings or expenditure in excess of £1,000,000 for a service or function to which the decision relates:

and/or

- Any decision which is likely to have a significant positive or negative impact (e.g. in environmental, physical, social or economic terms including the discontinuance of any service) on the people living or working in Lancashire (matters will not be key decisions **simply because** that work would be carried out pan Lancashire)

and/ or

- be regarded by the Commissioner and the Chief Constable as novel, contentious or repercussive

and/or

- have a significant impact on the reputation of the Constabulary or the Commissioner.

5.4 Any decision which is a key decision can only be made by the PCC. The key decision can come to the PCC at any time.

6. FUNCTIONS DELEGATED TO THE CHIEF EXECUTIVE OF THE OFFICE OF THE POLICE AND CRIME COMMISSIONER.

6.1. Introduction

6.1.1. The Chief Executive is the Head of the Police and Crime Commissioner's staff. The Chief Executive is also the Monitoring Officer for the PCC and does not rely on any delegations from the PCC to carry out those functions and responsibilities.

6.1.2. The delegations given to the Chief Executive are listed below:

6.2. General

6.2.1. Prepare the Police and Crime Plan in consultation with the CC for submission to the Police and Crime Commissioner.

6.2.2. Prepare an Annual Report for submission to the Police and Crime Commissioner.

6.2.3. Provide information to the Police and Crime Panel, as reasonably required to enable the panel to carry out its functions.

6.2.4. To take such day-to-day action as is required for the efficient and effective administration of the PCC's Office and, except as provided in this Scheme, the discharge of the PCC's functions and to give effect to the decisions and direction of the PCC.

6.2.5. Take any action, including incurring expenditure, in connection with an emergency or disaster in the Lancashire Constabulary area, subject to consultation with the PCC's section 151 officer.

- 6.2.6. Exercise powers delegated to any officer when that officer is unable or unwilling to act.
- 6.2.7. Represent the PCC on the managing boards of major partnerships and, in so doing, to exercise such operational powers as they may be required on behalf of the PCC.
- 6.2.8. Issue corporate media statements, publicity and electronic or hard copy publications.
- 6.2.9. Exercise powers and duties relating to the PCC's property, including land buildings and assets.

6.3. Legal

- 6.3.1. To act as "Proper Officer" to deal with various administrative matters involving the PCC, including without limitation any issues arising in respect of the Data Protection Act 2018 and the Freedom of Information Act 2000.
- 6.3.2. To execute all contracts, agreements and other legal instruments either in writing or by affixing the Common Seal of the PCC, on behalf of the PCC, in accordance with any decisions and directions of the PCC.
- 6.3.3. To consider whether, in consultation with the Chief Finance Officer to the Police and Crime Commissioner, to provide indemnity to the Police and Crime Commissioner 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.
- 6.3.4. To consider and approve, in consultation with the Chief Finance Officer to the PCC, provision of indemnity and/or insurance to individual staff of the PCC in accordance with the Local Authorities (Indemnities for Members and Officers) Order 2004.
- 6.3.5. Approve the financial implications of settlement agreements prior to finalisation to ensure they accord with best value principles and will not damage the reputation of the PCC.
- 6.3.6. To obtain legal and other expert advice. To institute, defend or participate in any legal proceedings on behalf of the PCC in any case where such action is necessary to give effect to the decisions of the PCC to protect the PCC.
- 6.3.7. Take action to protect the PCC's legal rights and take any necessary steps to settle disputes arising.

6.4. Human Resources

- 6.4.1. To appoint and dismiss and to agree the terms of any other termination of employment, in consultation with the PCC, for staff who are employed by the PCC, except the role of Chief Executive (this remains with the PCC).
- 6.4.2. To make recommendations to the PCC with regard to the terms and conditions of employment of those employed by the PCC, except those relating to the Chief Executive (this remains with the PCC).
- 6.4.3. To make all discretionary decisions under the Local Government Superannuation Scheme in respect of those staff who are employed by the PCC, except for the role of Chief Executive which remains the responsibility of the PCC.
- 6.4.4. To undertake the management of staffing resources for all staff employed by the PCC in line with agreed policies and procedures, including the settlement in relation to any employment matters.
- 6.4.5. To exercise any of the PCC's functions which fall to be discharged in relation to pensions and conduct matters for officers and staff of the Constabulary and the PCC's Office (except relating to those of the Chief Executive) including in accordance with the Police Regulations, the Police (Conduct) Regulations; and the Police Pensions Regulations (and any statutory modification and re-enactment thereof).
- 6.4.6. Approve the financial settlement of claims and / or requests for compensation where:
 - The amount to be paid is more than £50,000 for costs or damages; or
 - They involve a high profile claimant including NPCC rank police officers and/or senior police officers and police staff that are members or participants on the Constabulary's Executive Leadership Team; or
 - There is a real or perceived public interest in the case; or
 - It is in the nature of a test case.
- 6.4.7. To settle appeals against decisions of the Senior Administrator of the Local Government Pension Scheme, in line with the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations 1996 for all staff employed by the PCC.
- 6.4.8. To appoint Independent Custody Visitors or other volunteers managed by the Office of the PCC and terminate appointments if necessary.
- 6.4.9. To approve the attendance of Custody Visitors or other volunteers at national or regional conferences.

6.5. Other

- 6.5.1. To sign and affix the common seal of the PCC to all documents which in the opinion of the Chief Executive should be so sealed.
- 6.5.2. To consider any complaint made against the Chief Constable.
- 6.5.3. To make arrangements for dealing with complaints against the Chief Constable in a reasonable and proportionate manner, 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.
- 6.5.4. In relation to a grievance against the CC, to take the appropriate action to investigate the grievance, applying the appropriate procedure, and reporting the outcome to the PCC.
- 6.5.5. To discharge functions and responsibilities in respect of Police Appeal Tribunals, on behalf of the PCC including the appointment of members of the Tribunals.
- 6.5.6. To respond to consultations on proposals affecting the PCC after first taking the views of the PCC, the Chief Finance Officers and/or the CC, as appropriate.
- 6.5.7. To make sure, in consultation with the CC, appropriate arrangements are made to gather the community's views on the policing of Lancashire and preventing crime.
- 6.5.8. To determine claims submitted under the Riot (Damages) Act 2016, in consultation with the PCC's Chief Finance Officer and the CC as appropriate. To ensure the PCC is briefed on the number and value of claims and the Chief Finance Officer provides appropriate reports to the PCC on the outcome of all claims and the implications on the PCC's budget.
- 6.5.9. In relation to the PCC'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.
- 6.5.10. To carry out work to assist the PCC in the discharge of the PCC's duty for health and safety matters.
- 6.5.11. To conduct the independent review of complaints against police officers where the PCC is the competent authority

7. Functions Delegated to the Chief Finance Officer of the Commissioner

- 7.1. To seek assurances that there are appropriate arrangements in place within Lancashire Constabulary for its financial management.
- 7.2. To be responsible for all banking arrangements, together with creating, closing or authorising all bank accounts of the PCC or Constabulary (except covert accounts).
- 7.3. To approve the arrangements for securing and preparing the Group accounts and the PCC's accounts and seek assurances that there are appropriate arrangements in place for the preparation of the Constabulary's accounts.
- 7.4. To authorise payments, without having to obtain approval and regardless of whether or not provision has been made in the revenue budget in relation to:
 - Payments required by law
 - Payments ordered by the court
 - Payments due under any agreement entered into by the PCC.
- 7.5. To prepare draft financial regulations and Standing Orders relating to contracts in consultation with the Constabulary's Director of Resources for approval by the Commissioner.
- 7.6. To approve the arrangements for the treasury management function, including the day to day management, the production of the treasury management strategy, borrowing and investment and supporting policies and procedures.
- 7.7. To ensure in consultation with the Constabulary's CFO that an adequate and effective joint internal audit service is provided.
- 7.8. To undertake the day-to-day management of the insurance function.
- 7.9. To determine when goods are surplus to requirements or obsolete and arrange for disposal in line with Financial Regulations.
- 7.10. To report to the PCC and the external auditor any unlawful spending by his staff or the Constabulary's staff and officers.
- 7.11. To administer grants awarded by the PCC.
- 7.12. Sign cheques on behalf of the PCC or Deputy PCC (if appointed).
- 7.13. Write off stock and debts in accordance with the limits set out in the Financial Regulations.

8. Delegation of Urgent Matters

- 8.1 If any matter that would normally be referred to the PCC for a decision arises and cannot be delayed, the matter may be decided by an appropriate statutory officer.

In the first instance all urgent matters must be referred to the Deputy PCC [if appointed]⁵.

8.2 In the absence of the PCC and the Deputy PCC [if appointed], the appropriate statutory officers authorised to decide urgent matters are:

- The Chief Executive (all matters)
- The PCC's CFO (financial and related matters)

8.3 Urgent decisions taken must be reported to the PCC as soon as practicable.

9. Urgency Provisions

9.1 If any matter which would normally be referred to the PCC for a decision arises and cannot be delayed, in the absence of the PCC the matter may be decided by the PCC's Chief Executive. If the matter relates to a financial issue the Chief Executive must consult with the PCC's Chief Finance Officer before making any decision.

⁵ Urgent matter delegations must not breach those activities which the PCC must not delegate as outline at 5.1 and 5.2.

PART 2

SCHEME OF CONSENT BETWEEN THE POLICE AND CRIME COMMISSIONER AND THE CHIEF CONSTABLE

1. Introduction

- 1.1. In becoming a separate corporation sole, the 2011 Police Reform and Social Responsibility Act (The Act) allows the CC of Lancashire to operate independently in specific areas, and have specific legal responsibility for maintaining the Queen's Peace, and direction and control over his officers and staff.
- 1.2. The CC is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times his constables and staff, remain operationally independent in the service of the communities that they serve.
- 1.3. The CC is responsible to the public and accountable to the PCC for—
 - 1.3.1. 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;
 - 1.3.2. appointing the force's officers and staff (after consultation with the PCC, in the case of officers above the rank of Chief Superintendent and police staff equivalents);
 - 1.3.3. supporting the PCC in the delivery of the strategy and objectives set out in the Police and Crime Plan;
 - 1.3.4. assisting the PCC in planning the force's budget;
 - 1.3.5. providing the PCC with access to information, officers and staff as required;
 - 1.3.6. having regard to the Strategic Policing Requirement when exercising and planning his policing functions in respect of the force's national and international policing responsibilities;
 - 1.3.7. notifying and briefing the PCC of any matter or investigation on which the PCC may need to provide public assurance either alone or in company with him;
 - 1.3.8. being the operational voice of policing in the Lancashire police area and regularly explaining to the public the operational actions of officers and staff under his command;

- 1.3.9. entering into collaboration agreements with other CCs, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of the PCC;
- 1.3.10. remaining politically independent of the PCC;
- 1.3.11. managing all complaints against the force, its officers and staff, except in relation to himself, and ensuring that the PCC is kept informed in such a way as to enable the PCC to discharge his 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 Complaints in line with legislation;
- 1.3.12. Exercising the power of direction and control in such a way as is reasonable to enable the PCC to have access to all necessary information and staff within the force;
- 1.3.13. Having day to day responsibility for financial management of the force within the framework of the agreed revenue budget allocation and approved capital programme and levels of authorisation issued by the PCC.

2. General Principles of Consent

- 2.1. This Scheme of Consent sets out the extent of, and any conditions attaching to, the PCC's consent to the CC's exercise of the powers to enter into contracts and acquire or dispose of property on the PCC's behalf.
- 2.2. 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.
- 2.3. Consent refers to the provision of approval or agreement, particularly and especially after due and thoughtful consideration.
- 2.4. For services which are provided jointly to both the PCC and the CC, a Memorandum of Understanding is in place setting out the agreed arrangements for service delivery.
- 2.5. In becoming a separate corporation sole, the Act allows the CC to operate independently in specific areas, and he has specific legal responsibility for:
 - All employment matters relating to Police Officers and Police Staff under his control and day-to-day management, including temporary staff (and for the avoidance of doubt, those staff employed by the PCC but who are under the day-to-day management of the CC by virtue of a secondment agreement, are excluded). This includes the rights, powers, duties and liabilities of the employer under or in connection with the contract of employment e.g. PAYE and pension arrangements within the Local Government Pension Scheme;

- Entering into collaboration agreements under S22A of the Act with other chief constables, other policing bodies and partners that improve the efficiency or effectiveness of policing, and with the agreement of their respective policing bodies;
 - Making covert payments.
- 2.6. The legislation prohibits the CC from performing those functions which are functions that must be retained by the PCC, including:
- Treasury management, borrowing and general overdraft;
 - The purchase and disposal of land and buildings (including leases or rent) which must be dealt with under the Standing Orders for Dealing with Land and Property.
 - The procurement of 'and crime' activities.
- 2.7. Matters that are of a novel, repercussive or contentious nature must always be referred to the Commissioner for decision.
- 2.8. The CC shall maintain a record of those officers authorised to act on his behalf and ensure those officers fully understand the extent of their authority.
- 2.9. The CC is responsible for the day-to-day financial management of the Constabulary (including assets) within the framework of the agreed revenue budget and approved capital programme consent, levels of authorisation, rules of virement and reporting arrangements agreed by the Commissioner and set out in of the Financial Regulations.

3. Consent

The Commissioner gives consent to the CC to

- 3.1 Enter into contracts and to acquire or dispose of property, other than land and buildings, subject to the requirements of the Joint Local Code of Corporate Governance, including the Financial Regulations and Contract Standing Orders
- 3.2 enter into short term building rental or room hire of less than one month or for covert operational reasons.
- 3.3 approve the settlement of any claim for damages or costs less than £50,000 or other compensation (plus costs incurred or predicted to date) unless the claim:
- Involves a high profile party including NPCC rank police officers and/or senior police officers and police staff who are members or participants of the Constabulary's Executive Leadership team, or
 - There is a perceived public interest or reputational risk in the case, or
 - It is in the nature of a test case.



**Lancashire
Constabulary**
police and communities together

Joint Audit and Ethics Committee for the Lancashire Police and Crime Commissioner and Chief Constable

Terms of Reference

(March 2020)

Statement of Purpose

The Joint Audit and Ethics Committee is responsible for enhancing public trust and confidence in the governance, financial reporting and financial performance of the Office of the Police and Crime Commissioner (PCC) and of the Chief Constable of Lancashire Constabulary (CC).

It also assists the PCC in discharging statutory responsibilities in holding the CC to account and helping to deliver an effective policing service.

This will be achieved by:

- Providing independent assurance to both the PCC and CC of the adequacy and efficiency of the risk management framework and the associated control environment within the Constabulary and the office of the Commissioner.
- Independently reviewing financial and non-financial performance to the extent that it affects the Commissioner and Constabulary's exposure to risk and weakens the overall control environment.
- Providing assurance that any issues arising from the process of drawing up, auditing and certifying the annual accounts are properly dealt with and that the appropriate accounting policies have been applied.

Audit Function

In order to effectively discharge its function and purpose the Joint Audit and Ethics Committee is responsible for providing assurance to the PCC and CC in respect of:

Internal Audit

- Ensure appropriate arrangements for internal audit and approving the internal audit strategy, contained within the internal audit charter.
- Consider and approve the risk based internal audit plan.

- Ensure that there are no unreasonable or unjustified restrictions or limitations on the work of internal audit.
- Receive reports from the head of internal audit on the internal audit service's performance and audit findings, including the head of internal audit's annual report and overall opinion for the year.
- Receive and consider the results of the quality assurance and improvement programme, including areas of non-conformance with Public Sector Internal Audit Standards (PSIAS).
- Consider and monitor the management and performance of internal audit by taking the above steps
- Consider and approve any significant consulting services not already included in the audit plan, in light of any potential impairments to the auditor's independence or objectivity.

External Audit

- Receiving and considering the external audit plan and scope of the audit.
- Considering the external auditor's annual audit letter and reports.
- Monitoring the responses of the staff of the PCC and CC to the findings and reports of external audit.
- Monitoring the effectiveness of the work of external audit and ensuring that external audit provides value for money.

Statutory Accounts

- Reviewing the annual statement of accounts and considering whether the accounts are complete and consistent with information known to the Committee and whether appropriate accounting policies have been followed.
- Reviewing other sections of the annual report and related regulatory filings before release and considering the accuracy and completeness of the information.
- Reviewing, with management, the external auditor's report and opinion on the financial statements and reporting to the PCC and CC any issues arising from or difficulties encountered during the audit.

Internal Control

- Considering the effectiveness of the processes for assessing and managing key risks to the PCC and CC by reviewing risk registers for the PCC and CC at not less than 6 monthly intervals.
- Considering the effectiveness of the internal control systems of the PCC and CC, including systems for monitoring compliance with relevant laws and regulations.
- Reviewing the PCC and CC scheme of governance in respect of contract procedures and financial regulations.

- Reviewing the draft Annual Governance statement for the PCC and the CC and reviewing the overall strategic processes and arrangements for risk management and effective corporate governance.
- Reviewing the findings of any examinations by regulatory agencies, eg

HMICFRS Reporting

- Reporting regularly to the PCC and CC about Committee activities, issues and related recommendations
- Providing an open avenue of communication between internal audit, the external auditor and the PCC and CC.

Other Responsibilities

- To scrutinise the basis of the assurances provided as to the integrity of crime data, including the related performance management systems
- Review the PCC and the Constabulary's governance and framework documents to ensure they remain up to date and relevant.
- Reviewing any issue referred to the Committee by the PCC and/or the CC.
- Receiving reports from officers of the PCC and/or CC on matters referred for investigation, including any issues of alleged or proven fraud or financial irregularity. The CFO's for the PCC and CC will inform the Chair of the Committee of any significant cases and it is at the discretion of the Chair whether other Members of the Committee should be advised.
- Reviewing and assessing the adequacy of the Committee Terms of Reference annually and seeking the approval of the PCC and CC for any proposed changes.
- Confirming annually that all responsibilities outlined in the Terms of Reference have been carried out.
- Evaluating the Committee's performance on a regular basis.
- Performing any other relevant activities requested by the PCC and/or CC.

Ethics Function

- To advise the PCC and the CC on the effectiveness of the embedding of the Code of Ethics and its on-going influence on service delivery.
- To advise the PCC and the CC on the progression of a transparent ethical framework.
- To evaluate regular and structured reviews of:-
 - i. the handling of public complaints, misconduct and grievances to commend best practice, to identify necessary organisational learning and to report any irregularities to the PCC and the CC so they may take appropriate action;
 - ii. anti-fraud and corruption arrangements, including whistleblowing policies and their operation in the OPCC and the Constabulary;

- iii. registers of interests, gifts and hospitality, expenses and scheduled information as required by Government under the transparency agenda.
- To receive reports on Chief Officer standards of integrity, prior to consideration by the Commissioner; (i.e. the Chief Constable, Deputy Chief Constable, Assistant Chief Constables, Chief Executive, and Chief Finance Officers)
- To consider any ethical matters referred by the Commissioner or by the Chief Constable and influence change to policy.
- To receive reports from and make recommendations in response to the Commissioner's Monitoring Officer in the event of the Commissioner or his staff committing or proposing to act unlawfully.
- To receive reviews from Her Majesty's Inspector of Constabulary, Fire and Rescue Services (HMICFRS), the Independent Office for Police Conduct (IOPC) and any other relevant review body, which include ethical issues relevant to the Constabulary or the OPCC, to ensure full consideration has been given to appropriate action arising from the recommendations and monitor implementation.
- To publish an annual report on the work and findings of the Committee that the communities of Lancashire can have confidence in.
- To retain the right to co-opt additional members with relevant expertise on to the committee
- To identify issues for investigation and to engage the PCC and the CC in the examination of any such issues through the development of an agreed plan of work which is deliverable and effectively resourced.
- To assist the Constabulary in the development and implementation of its ethics agenda and attend meetings of the Constabulary 'Tactical Ethics Board'.