

REQUEST FOR DMPC DECISION – DMPCD 2014 23

Title: Scheme of Delegation and Consent

Executive Summary:

A technical element of implementing the second stage transfer involves amending the existing scheme of delegation to one of delegation and consent. The opportunity has also been taken to reflect changes in terms of new job titles, clarifying the distinction between MOPAC and MPS and ensuring that the scheme is fit for purpose.

Recommendation:

The DMPC is asked to approve the revised Scheme of Delegation and Consent.

Deputy Mayor for Policing And Crime

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct. Any such interests are recorded below.

The above request has my approval.

Signature



Date

11/9/2014

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE DMPC

Decision required – supporting report

1. Introduction and background

- 1.1. Since the creation of MOPAC under the Police Reform and Social Responsibility Act (PRSA) 2011 there has been a Scheme of Delegation to ensure that decisions are made at the lowest level consistent with efficient and effective decision making whilst ensuring that MOPAC, DMPC and MPS are properly protected from the risks associated with being the individual held to account for all decisions made.
- 1.2. The PRSA provides for a second stage of the transfer and allocation of functions from the previous police authorities to Police and Crime Commissioners and Chief Constables. Following discussions between MOPAC and MPS revised proposals for how the two entities would operate after 1 April 2014 were worked up and approved by the Home Secretary, as required under legislation.
- 1.3. This decision sets out the technical requirements for changes to the current scheme of delegation.

2. Issues for consideration

- 2.1. There are no changes to the delegation from the Mayor of London as Occupant of the Mayor's Office for Policing and Crime to the Deputy Mayor for Policing and Crime.
- 2.2. There are no substantive changes to the current arrangements for decision making, e.g. there are no changes to the financial levels at which decisions are made.
- 2.3. The revised scheme is one of delegation and consent rather than simply delegation. This reflects the fact that when a decision is "delegated" the delegating entity retains responsibility for it. However, in the light of the new arrangements post-transfer it would not be appropriate for some decisions to be "delegated" by MOPAC to the Commissioner. The Commissioner should be responsible and accountable for these decisions in his own right, as a separate legal entity. The way of transferring responsibility for these decisions is by way of "consent".
- 2.4. The other changes include administrative amendments such as taking the opportunity to
 - Remove reference to staff as being "under the direction and control of the Commissioner" where they are now employed by the Commissioner due to the second stage transfer;
 - Include a consent to the MPS Director of HR in relation to settling staff employment tribunal cases, grievances and compensation arrangements in relation to staff under the direction and control of the Commissioner apart from those cases felt to be exceptional
 - Make clearer specific statutory and regulatory requirements;
 - Clarify which parts of the scheme relate to MOPAC, MPS or both;
 - Replace obsolete job titles with new ones, and
 - Delete the use of 'bullets points' and replace with numbering to improve referencing

3. Financial Comments

- 3.1. There are no direct financial implications arising from the proposed changes to the scheme.

4. Legal Comments

Public access to information

Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation. Part 1 of this form will be made available on the MOPAC website within 1 working day of approval. Any facts/advice/recommendations that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form. Deferment is only applicable where release before that date would compromise the implementation of the decision being approved.

Is the publication of **this** form to be deferred? NO

If yes, for what reason:

Until what date (if known):

Is there a **part 2** form – NO

If yes, for what reason:

ORIGINATING OFFICER DECLARATION:

Tick to confirm statement (✓)	
Head of Unit: Annabel Cowell has reviewed the request and is satisfied it is correct and consistent with the MOPAC's plans and priorities.	✓
Legal Advice: The TfL legal team has been consulted on the proposal.	✓
Financial Advice: The Head of Strategic Finance and Resource Management has been consulted on this proposal.	✓
Equalities Advice: Equality and diversity issues are covered in the body of the report.	✓

OFFICER APPROVAL**Chief Operating Officer**

I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Deputy Mayor for Policing and Crime.

Signature



Date 11/09/2014.

- 4.1. Section 5 of the current Scheme of Delegation lists the matters reserved to the DMPC. This includes, at paragraph 5.4, approval of the Scheme of Delegation.
- 4.2. The revised Scheme of Delegation and Consent reflects the recommendations set out in the 22 November 2012 document "Interim Scheme of Governance – Statement of Principles". This explains the distinction between the taking of decisions by "delegation" and by "consent." Under a delegation, authority to take a decision is assigned to another person, however the person delegating remains accountable. By contrast, decisions taken following the grant of "consent" will be the responsibility of the legal entity taking the decision, in its own right.
- 4.3. The PRSRA contains a number of powers for the Commissioner to do things with the "consent" of MOPAC. For example, Schedule 4 paragraph 4 (2) gives the Commissioner a power to enter into contracts and other agreements, to acquire and dispose of property (apart from land) but only with the consent of MOPAC. The revised Scheme provides for the necessary consents so that post-Stage 2 transfer, the Commissioner will be able to exercise the relevant powers on his own behalf as a separate legal entity, rather than exercising powers by way of delegation on MOPAC's behalf.

5. Equality Comments

- 5.1. There are no equality implications arising from the proposed changes to the scheme.

6. Background/supporting papers

- 6.1. Appendix 1 – Scheme of Delegation and Consent

MOPAC

MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

MOPAC: SCHEME OF CONSENT and DELEGATION

PART 1

SECTION 1: SCOPE OF SCHEME OF CONSENT

1.1. Under the Police Reform and Social Responsibility Act 2011 ("the Act") the key roles of the Mayor's Office for Policing and Crime (MOPAC) are to:-

- Secure the maintenance of the Metropolitan Police Service (MPS).
- Secure that the MPS is efficient and effective.
- Hold the Commissioner and those under his direction and control to account on behalf of Londoners.
- Set the strategic direction and objectives of the MPS through the Police and Crime Plan, monitoring the performance of the MPS against the agreed priorities.
- Hold the Commissioner to account for the duty to have regard to the Police and Crime Plan and the Strategic Policing Requirement.
- Approve the MOPAC/MPS budget for submission to the Mayor of London.
- Make recommendations re the appointment of the Commissioner, representations for the appointment of Deputy Commissioner, and to respond to consultation by the MPS on the appointments and removal of other senior police officers.
- Suspend and remove the Commissioner and Deputy Commissioner with the approval of the Secretary of State.
- Hold the Commissioner and those under his direction and control to account for the exercise of duties relating to equality and diversity.
- Be held to account by the London Assembly's Police and Crime Committee.
- Make crime and disorder reduction grants.
- Handle complaints and conduct matters in relation to the Commissioner.
- Be open and accountable.

1.2 MOPAC is the legal contracting body and owns all assets and liabilities. It has responsibility for the financial administration of MOPAC and the MPS including all borrowing decisions.

1.3 This Scheme covers both the Metropolitan Police Service (MPS) and MOPAC. It sets out those functions for which the Mayor as occupant of the MOPAC has responsibility and those that the Mayor has delegated to the Deputy Mayor for Policing and Crime (DMPC). All other matters in relation to MOPAC are deemed to be delegated to the Chief Operating Officer (COO). MPS matters are consented to specific roles within MPS, as detailed in the scheme.

- 1.4 In general, the DMPC will take decisions approving strategies and policies which establish the framework within which officers will take operational decisions. However, there will always be operational decisions which are significant either in terms of financial expenditure or public interest or which are in some other way novel or contentious. These have either been expressly reserved to the DMPC by this Scheme or, where the decision would otherwise be taken by staff/officers, will be referred to the DMPC for decision.
- 1.5 Every exercise of a formal function, delegation or consent should be recorded in writing and preserved in an auditable fashion. All formal decisions taken by The Mayor as occupant of MOPAC, DMPC or COO in accordance with the Scheme are to be recorded on MOPAC submissions forms. All decisions taken by MOPAC Directors should be recorded in writing and properly filed or archived. All decisions taken by The Mayor as occupant of MOPAC or DMPC will be recorded and published as public decisions unless they are otherwise exempt from publication. Decisions of the COO will not be published.
- 1.6 This Scheme is based on the principle that decisions need to take place at the lowest level which is consistent with efficient and effective decision making whilst ensuring that MOPAC, the DMPC and MPS are properly protected from the risks associated with being the individual held to account for all decisions made.
- 1.7 This Scheme is a record of those formal consents and delegations which are in effect at the time of the publication of this Scheme. The Mayor and the DMPC may in addition, from time to time make specific delegations to officers within MOPAC or consents to staff/officers within the MPS and may also withdraw delegations or consents. In this scheme, staff/officers are authorised to exercise decision making within their area of responsibility subject to appropriate delegations or consents.
- 1.8 The Scheme forms part of the governance framework and should be read in conjunction with the other documents as these contain further detail including the approved process for making decisions, how MOPAC will hold the Commissioner to account and further detailed consent and delegations.
- 1.10 This Scheme is split into three parts
- PART 1 background and delegation from the Mayor as Occupant of the office of Mayor's Office for Policing and Crime to the Deputy Mayor for Policing and Crime (DMPC), and matters reserved by the DMPC
- PART 2 delegations from DMPC to MOPAC, and
- PART 3 consents from DMPC to MPS

For the purposes of this scheme of delegation

MOPAC Group – refers to the legal entity, the Mayor's Office for Policing and Crime

MOPAC – refers to the Office of Policing and Crime, the organisation and budget under the direct remit and control of the DMPC and MOPAC Chief Operating Officer

MPS – refers to the organisation and delegated budget under the remit and control of the Commissioner of the Police of the Metropolis

SECTION 2: THE SCOPE OF MOPAC AND DMPC'S POWER OF DELEGATION AND CONSENT

- 2.1 The persons appointed as MOPAC's Chief Operating Officer (who is also the Monitoring Officer and Head of Paid Service), and the MOPAC and MPS Chief Finance Officers (also known as the "s127 officer") have statutory powers and duties inherent to their positions, and do not rely on matters being consented or delegated to them when exercising those functions.
- 2.2 Delegation and consent under this Scheme provides a member of staff/officer with the legal power to exercise the functions delegated or consented to them. In exercising the function the staff/officer must still comply with all other statutory and regulatory requirements and relevant professional guidance including (but not limited to):-
- The Police Reform and Social Responsibility Act 2011 and other relevant legislation including all regulations issued under this Act.
 - The Financial Regulations.
 - The Home Office Financial Management Code of Practice.
 - CIPFA Statement on the role of the Chief Financial Officer in public service organisations.
 - Accounts and Audit Regulations 2011
 - The Contract Regulations.
 - MOPAC's governance framework.
 - MOPAC or MPS's employment policies and procedures (whichever applicable).
 - The Data Protection Act 1998 and the Freedom of Information Act 2000.
 - Equality Act 2010.
 - Health and Safety at work legislation and codes.
- 2.3 In carrying out functions, the Mayor as occupant of the MOPAC, the DMPC, officers or staff must have regard to the following (which is not exhaustive):-
- The Police and Crime Plan
 - Any report or recommendation made by the Police and Crime Committee on the annual report for the previous financial year.
 - Any guidance issued by the Secretary of State, including but not limited to the strategic policing requirement.

SECTION 3: DECISIONS OF THE MAYOR AS OCCUPANT OF MAYOR'S OFFICE FOR POLICING AND CRIME

- 3.1 As permitted by the Act the Mayor as the occupant of MOPAC has appointed the DMPC to exercise all the functions of MOPAC, with the exception of those functions that cannot be delegated as detailed below:-
- Issuing a Police and Crime Plan.
 - Making recommendations to the Home Secretary in relation to the appointment of a Commissioner of Police of the Metropolis.
 - Making representations in relation to the appointment of a Deputy Commissioner of Police of the Metropolis.
 - Being consulted in relation to the appointment or removal of an Assistant Commissioner, a Deputy Assistant Commissioner or Commander of the MPS.
 - Suspension of the Commissioner or Deputy Commissioner of the MPS, or calling upon either of them to retire or resign.
- 3.2 In addition the Mayor will agree any annual cost of living increase for the DMPC and will not delegate this function.

SECTION 4: DELEGATION TO DEPUTY MAYOR FOR POLICING AND CRIME

Introduction

- 4.1 The Mayor has delegated all the functions of MOPAC to the DMPC, with the exception of those functions that cannot be delegated.
- 4.2 Listed below are those functions which the DMPC has reserved to himself. All other functions are delegated or consented to the Chief Operating Officer, Chief Finance Officers or MPS Directors. The Mayor will undertake any of the functions reserved to the DMPC in the absence of the DMPC or where the DMPC has a conflict of interest.

General

- 4.3 The approval of:-
- The Police and Crime Plan for submission to the Mayor.
 - Other significant policies and strategies.
 - MOPAC's annual report.
- 4.4 Making a request to HM Inspector of Constabulary to carry out an inspection of the Metropolitan Police Service under s54 Police Act 1996.
- 4.5 Approving a collaboration agreement under s22 Police Act 1996 where the approval of MOPAC is required by that Act.
- 4.6 Matters reserved to him and his delegations or consents from himself to others.

Financial administration

- 4.7 The approval of:-
- The MOPACMPS (MOPAC Group) revenue and capital budget for submission to the Mayor of London.
 - The MOPAC expenditure, income and funding of annual revenue budgets and capital programme.
 - The delegated budget to the MPS including expenditure, income and funding of annual revenue budgets, and the capital programme.
 - The annual statement of accounts of MOPAC and MOPAC/MPS (MOPAC Group) accounts.
 - The annual Treasury Management Strategy, which will include details of MOPAC investment and borrowing strategy.
 - The annual insurance strategy.

- The Financial Regulations and Contract regulations.
- The level of remuneration of MOPAC Non Executive Advisors.
- Changes to the level of all rents, fees and charges to be levied by MOPAC/MPS (MOPAC Group)

Expenditure, Virements etc.

4.8 The approval of:-

- Any expenditure proposal of an exceptional nature which is significant as defined in 1.4 above which might otherwise be delegated or consented by this Scheme.
- All requests to bid tender or quote for the provision of services to other organisations (including other GLA functional bodies and local authorities) for £500,000 and above. This does not apply to the provision of mutual aid by the Commissioner to another force under s24 Police Act 1996 nor the provision of advice or assistance to international organisations under the Police Act 1996, which are subject to consultation with the DMPC.
- The provision of policing services to external bodies where the contract value is £500,000 or above.
- Business cases for revenue or capital expenditure of £500,000 and above.
- Budget virements or movements of £500,000 and above, (whether on a temporary or permanent basis).
- All outward donations and sponsorship, and inward donations and sponsorship £50,000 and above in value.
- Bids for grant funding made and all offers made of grant funding; and/or where appropriate a strategy for grant giving.
- The strategy for the award of individual grants and/ or the award of all individual grants whether to secure or contribute to securing crime reduction in London or for other purposes.
- The write off of debts which are considered irrecoverable.
- Transfers to and from reserves

Financial Assistance and Compensation

4.9 The approval of the policy for deciding on requests for financial assistance from MPS in relation to legal proceedings or inquests and the approval of significant requests because:-

- They involve a high profile claimant including members of management board

- There is a particular public interest in the case
- There is a real risk that MOPAC or MPS will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.

4.10 The financial settlement of all significant claims or requests for compensation from MPS because:-

- The compensation to be paid is £50,000 or more (to include multiple or linked claims/claimants) except in the case of accident claims where the threshold will be £200,000 or ex gratia payments for damage caused by officers and staff where the threshold will be £5,000.
- They involve a high profile claimant including Commanders and above and police staff equivalents.
- There is a real risk that MOPAC or MPS will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- It is novel or contentious, or of significant public interest.

Human Resources

4.11 The approval of:

- The overall structure of MOPAC
- The appointment of all MOPAC Directors in accordance with policies and procedures.

4.12 The approval of financial settlements of employment tribunal cases, other employment related claims and grievances where:-

- They involve a high profile claimant including Commanders and above and police staff equivalents or MOPAC Senior Management Team, or
- There is a particular public interest in the case, or
- There is a real risk that MOPAC or MPS will be exposed to serious public criticism or serious weaknesses in the organisations or policies and procedures will be revealed.

Procurement

4.13 The approval of:-

- The procurement strategy for all revenue and capital contracts of a total value of £500,000 or above, such determination to include decisions on the criteria and

methodology to be adopted in the tendering process, any exemptions from procurement requirements, and any necessary contract extensions.

- All requests to go out to tender for contracts of £500,000 or above, or where there is a particular public interest.
- All contract exemptions for £100,000 or above.
- The early termination of all contracts of £500,000, or where, irrespective of the value, the request is felt to be of an exceptional nature because of particular difficulties, sensitivities or potential public interest.
- To approve all unforeseen variations and extensions to contracts with an original value of £500,000 or above, when the variation or extension is greater than 10% of the original value and/or is for a period of more than 12 months.

4.14 To reserve the right to call in:-

- Any MPS proposal to award a contract for £500,000 or above.
- All variations and extensions to contracts with an original value of £500,000 or above.

4.15 To award MOPAC contracts with a total value of £500,000 or above.

Property

4.16 With respect to acquisitions, to approve:-

- All business cases to acquire freeholds.
- All business cases to acquire or renew a leasehold with a value in excess of £500,000 over the initial lease period or 5 years whichever is the lesser
- The purchase of all freehold properties.
- All requests to grant or surrender a lease.

4.17 With respect to disposals, to approve:-

- The annual schedule of property disposals
- The disposal of all properties with an estimated value of £1M or above on a case by case basis before the property is marketed.
- The disposal of all assets felt to be of an exceptional nature because of particular, sensitivities or potential public interest.
- The disposal of all properties with an estimated value of £1M or above, where there is only one bidder, or the property is not being sold to the highest bidder or the value is less than the agreed estimate.

Professional Standards

4.18 To make decisions on:-

- Whether to forfeit police pensions under the Police Pensions Act 1976, including the level and extent of each forfeiture.
- Whether to seek the appointment of an investigator from the Home Office in relation to a complaint against the Commissioner, to approve the terms of reference of any such investigation and to consider the recommendations of any such investigation.

PART 2

SECTION 5: DELEGATION TO CHIEF OPERATING OFFICER

Introduction

- 5.1 The COO is the Head of Paid Service and the Monitoring Officer for MOPAC. In her absence a member of staff appointed to deputise for her may be authorised to undertake the functions and decisions of the COO.
- 5.2 Any functions not reserved to the Mayor or the DMPC are deemed to be delegated to the COO unless specifically delegated to the relevant MOPAC Director or consented to the relevant MPS official.
- 5.3 The following functions and decisions are those which the COO has reserved to herself. All other functions are deemed to be delegated to the relevant MOPAC Director or consented to the relevant MPS Director. The COO may, at her discretion, exercise functions delegated to other MOPAC staff/officers and choose to delegate the functions reserved to her to other MOPAC staff/officers.

Financial administration

- 5.4 To commit expenditure in relation to MOPAC within the approved MOPAC budget and policy, including spend of £500,000 and above provided that the DMPC has approved the business case for this expenditure.
- 5.5 The approval of:-
- Business cases for revenue or capital expenditure for MOPAC expenditure of £50,000 to £499,999
 - Budget virements or movements within the MOPAC budget of £50,000 to £499,999 (whether it is on a temporary or permanent basis).
 - Inward MOPAC donations and sponsorship below £50,000.
- 5.6 To approve exceptional cases in the provision of police advice and assistance to international agencies because:-
- The full cost is £4,000 or more (including air flights, accommodation and salary costs of the police officer or member of staff).
 - It is a sensitive case involving travel to foreign countries.
- 5.7 With the exception of property (see para 4.16 - 4.17) approve the disposal of all other MOPAC assets that are surplus to requirements or obsolete and arrange for their disposal in line with financial regulations.

Human Resources

- 5.8 To recommend the appointment of all MOPAC Directors to the DMPC.

- 5.9 To approve the appointment of all members of MOPAC staff (not including those in 5.8 above) in accordance with policies and procedures.
- 5.10 To ensure the effective management of staffing resources for all staff employed by MOPAC in line with agreed policies and procedures, having regard to the statutory provisions around the provision of resources to the MOPAC Chief Finance Officer and Monitoring Officer.
- 5.11 The approval of settlements of employment tribunal cases, other employment related cases and grievances in relation to MOPAC staff.

Procurement

- 5.12 The approval of:-
- The procurement strategy for all MOPAC revenue and capital contracts of a total value of between £50,000 and £499,999.
 - Contract variations and extensions for MOPAC where the value of the variation or extension is £50,000 to £499,999.
 - All contract exemptions for MOPAC below £100,000.
- 5.13 To award and sign contracts for MOPAC with a total value of £50,000 to £499,999.

Property

- 5.14 In respect of leases for MOPAC, approve all business cases to acquire or renew a leasehold with a value below £500,000 over the initial lease period or 5 years whichever is the lesser.
- 5.15 The approval of the disposal of property (whether freehold or leasehold) used by MOPAC where the estimated value of the property is less than £1m.

Professional Standards

- 5.16 To make all decisions in relation to complaints against the Commissioner of Police for the Metropolis which have not been reserved to the DMPC.
- 5.17 To decide whether to apply to the Secretary of State for a certificate of pension forfeiture.

Other

- 5.18 Make arrangements within the approved MOPAC budget to appoint external solicitors, Parliamentary agents and Counsel to represent or advise MOPAC as and when considered appropriate; or otherwise within the approved budget, to secure the necessary professional advice.

- 5.19 Make arrangements to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the DMPC or MOPAC or in any case, where the Chief Operating Officer considers that such action is necessary to protect MOPAC's interests.
- 5.20 In consultation with the MOPAC CFO to ensure an adequate and effective internal audit function, and for the effective arrangements for the management of risk.
- 5.21 Make arrangements for the annual review of the effectiveness of the system of internal control
- 5.22 To sign and to affix the common seal of MOPAC once they have been properly approved, for all contracts, agreements or transactions:-
- in respect of which there is no consideration; or
 - That relate to the provision of goods and services by MOPAC or MPS to another body and which are £1,000,000 or above in value over the life of the Contract; or
 - That are £5,000,000 or above in value over the life of the Contract (in money or money's worth); or
 - Which grant or convey an interest in land; or
 - Which are grants that are £150,000 or above; or
 - When it is determined by the DMPC there is a particular need for the seal to be attached.
- 5.23 All other contracts, agreements and transactions should be signed by the relevant MOPAC Director or MPS in line with their individual Schemes of Delegation

SECTION 6: DELEGATION TO OTHER MOPAC OFFICERS

Delegation to MOPAC Directors

- 6.1 Except as set out below, in relation to MOPAC the MOPAC Directors (or in their absence, an appointed deputy) are deemed to exercise all powers and functions not reserved to the Chief Operating Officer or Deputy Mayor. MOPAC staff and officers are authorised to exercise decision making responsibilities within their own area of responsibility, subject to the delegation of the relevant Director. Each Director must maintain a record of these delegations within a staff/officer's scheme of delegation.

Delegation to MOPAC Chief Finance Officer

- 6.2 The Chief Finance Officer is the financial adviser to MOPAC and has a statutory responsibility to carry out the functions of the Chief Finance Officer under section 127 of the GLA Act 1999, and section 114 of the Local Government Finance Act 1988, ensuring that the financial affairs of MOPAC and the MPS are properly administered having regard to their probity, legality and appropriate standards. The Deputy Chief Finance Officer is authorised to undertake the functions of the Chief Finance Officer in her absence.
- 6.3 The following functions are reserved to the MOPAC Chief Finance Officer:-
- Approval of the arrangements for the Treasury Management function, including the day to day management, production of Treasury Management strategy and supporting policies and procedures, subject to DMPC approval of the strategy.
 - Approval of the arrangements for securing and preparing MOPAC and MOPAC/MPS (MOPAC Group) accounts. Seek assurances that there are appropriate arrangements in place for the preparation of the MPS accounts, in line with the Accounts and Audit (England) Regulations 2011.
 - Ensuring there are appropriate arrangements in place within MOPAC and the MPS for proper financial management,
 - To determine accounting records and the accounting control systems.
 - Approval for the opening and closing of all bank accounts.
 - Preparing, from time to time, draft Financial and Contract Regulations, in consultation with the MPS, for approval by the DMPC.
 - Approval of the arrangements for the safeguarding of MOPAC Group assets including risk management and insurance
 - Agreement with the MPS Director of Commercial and Finance of an Information Sharing Protocol

PART 3

SECTION 7: CONSENTS TO MPS DIRECTORS

Introduction

- 7.1 The consents below are a record of those formal consents granted by the DMPC to MPS Directors which are in effect at the time of publication of this Scheme.

Consent to MPS Director of Commercial and Finance

- 7.2 The Director of Commercial and Finance is the MPS Chief Finance Officer and financial adviser to the Commissioner who has a statutory responsibility to carry out the functions of the Chief Finance Officer as set out in the Police and Reform and Social Responsibility Act 2011 and section 114 of the Local Government Finance Act 1988, ensuring that the financial affairs of the MPS are properly administered having regard to probity, legality and appropriate standards.
- 7.3 Undertake the day to day management of the MPS budget in accordance with financial regulations.
- 7.4 Approve business cases within the approved MPS budget for revenue or capital expenditure below £500,000, with the exception of expenditure proposals of an exceptional nature.
- 7.5 Commit expenditure within the approved MPS budget to meet the policies and objectives agreed with MOPAC and reflected in the Police and Crime Plan.
- 7.6 In accordance with financial regulations, vire or move budgets between budget headings, on a permanent or temporary basis for all individual amounts below £500,000, notifying MOPAC through the budget monitoring process.
- 7.7 Approve all MPS inward donations and sponsorship below £50,000.
- 7.8 Approve all requests to bid, tender or quote for the provision of services to other organisations (including other GLA functional bodies and local authorities) with a value below £500,000 and their subsequent approval. This does not apply to the provision of mutual aid by the Commissioner to another force under s24 Police Act 1996 nor the provision of advice or assistance to international organisations under the Police Act 1996, which are operational matters but subject to consultation with the DMPC.
- 7.9 Approve the provision of policing services to external bodies where the contract is less than £500,000.
- 7.10 Undertake the day to day management of the insurance function in line with the strategy approved by DMPC on an annual basis.
- 7.11 To approve non exceptional cases in the provision of police advice and assistance to international agencies.

- 7.12 To determine when all other non-property assets are surplus to requirements or obsolete and arrange for disposal in line with financial regulations.

Consent to MPS Director of Legal Services

- 7.13 Approval of financial settlement of all claims or requests for compensation submitted to the MPS which are not significant because:-

- The compensation to be paid is £50,000 or less (to include multiple or linked claims/claimants) except in the case of accident claims where the threshold will be £200,000 or less or ex gratia payments for damage caused by officers and staff where the threshold will be £5,000 or less.
- They do not involve a high profile claimant including Commanders and above and police staff equivalents.
- There is no real risk that MOPAC or MPS will be exposed to serious public criticism or that serious weaknesses in the organisation or policies and procedures will be revealed.
- It is not novel or contentious, or of significant public interest.

- 7.14 Approval of all requests for financial assistance in relation to MPS related legal proceedings or MPS related inquests except those felt to be significant because:-

- They involve a high profile claimant including Commanders and above and police staff equivalents.
- There is a particular public interest in the case.
- There is a real risk that MOPAC or MPS will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.
- There is a conflict of interest between the applicant for funding and another person advised or represented by the Director of Legal Services.

- 7.15 Institute, defend or participate in legal actions to protect the interests of MOPAC and MPS.

- 7.16 Make arrangements to institute, defend or participate in any legal proceedings on behalf of MOPAC in any case where such action is necessary to give effect to decisions of the DMPC or MOPAC, or in any case where the Director of Legal Services considers that such action is necessary to protect MOPAC's interests.

- 7.17 Settlement of employment tribunal cases and grievances of MPS staff and officers employed by the Commissioner with the exception of those cases felt to be exceptional because:-

- They involve a high profile claimant including Commanders and above and police staff equivalents.

- There is a particular public interest in the case.
- There is a real risk that MOPAC or MPS will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed.

Consent to MPS Director of Property Services

- 7.18 To undertake the day to day management of the MPS property function, including approval of licences, leases and way leaves, up to £100,000 in any 12 month period or up to £500,000 over the lifetime of the lease/licence.
- 7.19 In relation to the MPS, the approval at the start of the property search, all business cases to acquire or renew a leasehold with a value below £500,000 over the initial lease period or 5 years whichever is the lesser
- 7.20 To dispose of all properties, other than those reserved for MOPAC, with an estimated value of below £1M which have been included on the annual schedule submitted to the DMPC at the beginning of the financial year.
- 7.21 With the exception of disposals felt to be of an exceptional nature because of particular, sensitivities or potential public interest, dispose of all properties wholly used by MPS with an estimated value of £1M or above which have previously been approved by the DMPC when the property is being disposed of to the highest bidder and the price equals or exceeds the agreed estimate, notifying the DMPC in writing of the disposal.

Consent to the MPS Director of Strategic Procurement Services

- 7.22 To undertake the day to day management of the MPS procurement function and in respect of contracts for which responsibility sits with the MPS, undertake the following functions:-
- 7.23 The approval of all:-
- Contract exemptions below £100,000.
 - All requests to go out to tender for contracts below £500,000. With the exception of any contract, regardless of its value, felt to be of an exceptional nature.
 - The award of all contracts, with the exception of those called in through the agreed call in procedure.
- 7.24 The approval of all variations and extensions for contracts, not elsewhere approved, with the exception of:
- Those called in through the agreed call in procedure; or
 - Unforeseen variations and extensions with an original value of £500,000 or above that the DMPC is required to approve in line with the Scheme of consent.

- 7.25 To approve the early termination of all contracts below £500,000 with the exception of those felt to be of an exceptional nature which must be referred to the DMPC for approval.
- 7.26 To sign all contracts, irrespective of value, once they have been properly approved, except for those which are required to be executed under the Common Seal of MOPAC.

Consent to the MPS Director of Human Resources

- 7.27 To approve the financial settlement of all staff employment tribunal cases, grievances and compensation arrangements (including all payments within the terms of the Civil Service Compensation Scheme) in relation to staff under the direction and control of the Commissioner with the exception of those cases felt to be exceptional because:-
- The value of the claim is greater than £50,000
 - They involve a high profile claimant including Commanders and above and police staff equivalents
 - There is a particular public interest in the case
 - There is a real risk that MOPAC or MPS will be exposed to serious public criticism or serious weaknesses in the organisation or policies and procedures will be revealed

APPENDIX 1: TABLE OF MOPAC DELEGATIONS AND HOW DECISIONS ARE TO BE RECORDED

	DMPC	COO	MOPAC DIRECTORS
APPROVAL METHOD:	'FORMAL DECISION' SUBMISSION	'FORMAL DECISION' SUBMISSION	RECORD IN WRITING
FUNCTION / DELEGATION EXERCISED ON BEHALF OF:	MOPAC AND MPS (EXCEPT WHERE INDICATED BELOW)	MOPAC (EXCEPT WHERE INDICATED BELOW)	MOPAC

General delegations			
Significant strategies and policies	All	Routine / organisational policy	None
Approval of Police and Crime Plan for submission to the Mayor	All	None	None
Decisions that are novel, contentious, or of significant public interest	All	None	None
Approval of scheme of delegation, further delegations or the withdrawal of delegations	All (other than those reserved to the Mayor)	Delegation of functions reserved to the COO	Delegation of functions reserved to Director to staff within their directorate
Annual report of MOPAC	All	None	None
Request for HMIC to carry out an inspection	All	None	None
Entering a collaboration agreement	All	None	None
Appoint external solicitors, Parliamentary agents and Council as appropriate	None	All	None
Make arrangements to institute, defend or participate in legal proceedings to give effect to decisions	None	All (MPS and MOPAC)	None
To sign and affix the common seal of MOPAC	None	All (MPS and MOPAC)	None
Financial administration			
Annual MOPAC/ MPS budget	All	None	None
Annual MOPAC and MOPAC group accounts	All	None	None
Financial and contract regulations	All	None	None
Expenditure decisions that are novel, contentious, or of significant public interest	All	None	None
Business cases for revenue and capital expenditure	£500,000 +	£50,000 to £499,999	Below £50,000
Budget virements or movements	£500,000 +	£50,000 to £499,999	Below £50,000
Sponsorship	£500,000 +	£50,000 to £499,999	Below £50,000
Bids for grant funding	All	None	None
Award of grants (including approval of strategy prior to award of grant)	All	None	None
Write off of irrecoverable debts	All	None	None
Financial assistance and compensation			
Financial assistance in relation to	All	None	None

significant legal proceedings			
Requests for ex gratia payments	£5,000 +	None	None
Settlement of legal proceedings or other compensation requests from MPS	£50,000 +	None	None
Settlement of compensation for accident claims	£200,000 +	None	None
Provision of police advice and assistance to international agencies	None	£4,000+ or sensitive case	None
Human Resources			
MOPAC structure	Overall structure	All policies and procedures	In accordance with policies and procedures
MOPAC appointments	Approve MOPAC directors	All (and recommend MOPAC directors)	In accordance with policies and procedures
Settlement of employment tribunals and other employment related cases	All where public interest in case	All	None
Procurement			
Procurement strategy for MOPAC revenue and capital expenditure	£500,000 +	£50,000 to £499,999	Below £50,000
Requests to go out to tender	£500,000 +	£50,000 to £499,999	Below £50,000
Contract variations	£500,000 +	£50,000 to £499,999	Below £50,000
Contract exemptions	£100,000 +	£50,000 to £99,999	Below £50,000
Right to call in MPS contract awards	£500,000 +	None	None
MOPAC contract awards	£500,000 +	£50,000 to £499,999	Below £50,000
Early termination of contracts	£500,000 +	£50,000 to £499,999	Below £50,000
Novation of contracts	£500,000 +	£50,000 to £499,999	Below £50,000
Property			
Approval of business case to begin property search for freeholds	All	None	None
Purchase of properties	All	Below £1,000,000	None
Requests to grant or surrender a lease	All	None	None
Disposal of properties	£1,000,000 +	Below £1,000,000	None
Professional standards			
Level and extent of forfeiture of police pensions	All	None	None
Applications to the Home Secretary for the nomination of an individual to investigate the Commissioner	All	None	None
Decisions in relation to complaints against the Commissioner	None	All	None
Application to the Secretary of State for a certificates of pension forfeiture	None	All	None

