



**METROPOLITAN POLICE AUTHORITY**

**STANDING ORDERS AND REGULATIONS**

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Metropolitan Police Authority

## PART A

### METROPOLITAN POLICE AUTHORITY

#### PROCEDURAL STANDING ORDERS

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### **1. INTRODUCTION**

These standing orders shall, where applicable, be read and interpreted together with the provisions of Schedule 12 to the Local Government Act 1972 and any amendment to, or variation or re-enactment of, those provisions.

Reference to the “Authority” or “Police Authority” shall mean Metropolitan Police Authority, reference to Chair shall mean the Chairman of the Authority or, as the case may be, of a Committee or Sub-Committee of the Authority, reference to the Deputy Chair shall mean the member appointed to act as the chair in the absence of the Chair, reference to the “Clerk” shall mean the Clerk to the Authority, and reference to the “Treasurer” shall mean the Treasurer to the Police Authority.

### **PART 1 - MEETINGS OF THE POLICE AUTHORITY**

#### **1. Appointment of Chair**

1. The Police Authority shall, at its Annual Meeting, as the first item of business, appoint a Chair from amongst its members for the period up to the date of the Annual Meeting in the following year.
2. The Police Authority shall also appoint Deputy Chairs at its Annual Meeting for the same period.
3. If the Deputy Chairs is presiding at the meeting in the absence of the Chair, he or she may exercise any power or duty of the Chair of the Police Authority.

#### **2. Calling of Meetings**

1. The Annual Meeting of the Police Authority shall be held on such date in June as the Police Authority may determine.
2. An extraordinary meeting of the Police Authority may be called at any time by the Chair of the Police Authority.

3. If the Chair refuses to call an extraordinary meeting of the Police Authority after a requisition for that purpose, signed by three members of the Police Authority, has been presented to him or her, or if, without so refusing, the Chair does not call an extraordinary meeting within seven days after the requisition has been presented to him or her, then any three members of the Police Authority, on that refusal or on the expiration of those seven days, may forthwith call an extraordinary meeting of the Police Authority.
4. Meetings of the Police Authority shall be held on a regular basis for the transaction of general business on such dates and times as the Police Authority may determine. All meetings of the Police Authority shall be called by or through the Clerk.
5. At least three clear working days before a scheduled meeting of the Police Authority:
  - (a) a notice of the date, time and place of the intended meeting shall be published and, where the meeting is called by members of the Police Authority in accordance with 3 above, the notice shall be signed by those members and shall specify the business proposed to be transacted; and
  - (b) a summons to attend the meeting, specifying the date, time and place of the meeting and the business proposed to be considered, shall be supplied to every member of the Police Authority at his or her usual place of residence or otherwise if requested.
6. Failure to serve a summons on any member of the Police Authority shall not affect the validity of a meeting of the Police Authority.

### **3. Quorum of the Police Authority**

1. The quorum of the Police Authority shall be half of the total number of members (rounded up), and no business shall be transacted at any meeting unless a quorum is present. (i.e. twelve members are required to be present.)
2. If, during any meeting of the Police Authority, the Chair, after counting the number of members present, declares that there is not a quorum present, the meeting shall stand adjourned until the date and time fixed for the next ordinary meeting of the Police Authority.

### **4. Order of Business**

Business shall be taken in the order it appears on the summons for the meeting except that the order may be varied by the Chair of the meeting or by resolution of the Authority.

## **5. Member Questions**

At a meeting of the Authority any member may ask a question of the Chair of a committee about a matter falling within the province of that committee by asking such questions without notice when the proceedings of the committee are presented to the Authority provided that such question is limited to the matter included in such proceedings.

## **6. Motions/Amendments**

1. Notice of motions, other than procedural motions referred to in Standing Order 7 shall be communicated to the Clerk in writing and must be received at least seven working days before the date of the Authority meeting. Details of the motion shall be included with the agenda for the meeting.
2. No motion shall be put unless it relates to some question over which the Authority has power or which affects the Police Authority.
3. A motion or amendment shall not be discussed unless it has been proposed and seconded, and it shall, if required by the Chair, be put into writing and handed to the Chair before it is further discussed or put to the meeting.
4. A member may not propose or second a motion or amendment on which he/she is disqualified from voting.

## **7. Procedural Motions Which May Be Moved Without Notice**

The following procedural Motions may be moved without notice:

- (a) Appointment of a Chair of the meeting.
- (b) Motions relating to the accuracy of the minutes of the previous meeting, the closure, postponement of consideration of any matter, adjournment of the meeting or the debate.
- (c) Motion under Section 100A(4) of the Local Government Act 1972 to exclude the public and press on the grounds that exempt information is likely to be disclosed.
- (d) Receiving minutes, and the adoption of recommendations of committees.
- (e) An amendment to a recommendation of a committee or report before the Authority.
- (f) Variation of the order of business.
- (g) Suspending Standing Orders.
- (h) That a member named under Standing Order 12(2) be not further heard or do leave the meeting.

- (i) A closure Motion i.e.: "That the question be now put".

## **8. Rules of Debate**

The rules of debate are as follows:

- (a) A Motion or amendment shall not be discussed unless it has been seconded.
- (b) When a Motion is under debate, no other Motion or amendment shall be moved except one of the Procedural Motions specified in Standing Order 7.
- (c) The Chair shall control the order of debate.
- (d) While a member is speaking, other members shall not interrupt, unless on a point of order or in personal explanation. The Chair's ruling on a point of order or the admissibility of a personal explanation shall not be open to discussion.
- (e) A member shall direct his/her speech to the question under discussion, a personal explanation or a point of order.
- (f) All other procedural matters shall be determined by the Chair.

## **9. Voting**

1. Voting at meetings of the Police Authority shall be determined by a show of hands.
2. The names and votes of members shall not normally be recorded in the minutes but any member may request that his or her abstention or dissent be recorded.
3. On the requisition of any member of the Police Authority (made before the vote on any question is taken), and immediately supported by five other members who signify their support by raising their hands, the voting shall be by roll call and recorded in the minutes so as to show whether each member gave his or her vote for or against that question or abstained from voting.
4. In the case of an equality of votes, the Chair of the meeting shall have a second or casting vote.

## **10. Appointments by the Authority**

1. Every candidate nominated to represent the Authority in any capacity or for any position to be filled by the Authority shall be openly proposed and seconded.
2. At the close on nominations the Chair shall state the names of the candidates who have been duly proposed and seconded and the number of vacancies to be filled if the number is limited.
3. If the number of nominations does not exceed the number of vacancies or if the number of vacancies is not limited the Chair shall immediately put the appointment of the duly nominated candidates collectively as a substantive motion upon which no amendment may be moved.

4. If the number of nominations exceeds the number of vacancies there shall be a secret ballot of the members present at the meeting in which each member of the Authority may vote for as many candidates as there are vacancies to be filled.
5. Any ballot shall be conducted by the Clerk whose return shall be final and conclusive
6. Provided that no candidate shall be appointed unless the number of votes cast in his/her favour exceeds half the number of persons voting. If in any ballot no candidate receives the number of votes entitling him to be appointed, the names of those who receive no votes and the name of the one who receives the least number of votes shall be struck off the list and a fresh ballot be taken, and so on, until all the vacancies are filled.
7. Provided also that in the event of there being an equality of votes at any level the Clerk shall draw the name(s) of the candidate(s) who will proceed to a further ballot or shall be declared elected as the case may be.

## **11. Urgent Business**

1. If a matter is of so urgent a nature that it cannot await the next meeting of the Authority or appropriate Committee:
  - (a) It can be referred to a pending meeting of an alternative executive Committee or added to the agenda of such a meeting if the Chair decides that it should be considered as a matter of urgency pursuant to Section 100 B(4)b of the Local Government Act 1972; or
  - (b) The Commissioner, Clerk and/or the Treasurer (following consultation with the other named officers) may take the necessary action, provided he/she has first obtained the written support of the Chair of the Authority. In very exceptional circumstances, because of critical timing, the requirement to first obtain the Chair's support may be waived, subject to endorsement being sought after the event.
  - (c) Alternatively, and in any event in the absence of the Chair, the matter should be referred to the Urgency Committee;
  - (d) Alternatively, where there is a need, or it is considered desirable, to involve all members, a special meeting of the Authority be called.
2. The Clerk shall be notified of any action taken under this Standing Order and shall report on the matter to the next meeting of the Authority.

## **12. Maintaining Order in Meetings**

### **1. Members of the Police Authority**

1. If at a meeting any Member of the Authority, who in the opinion of the Chair, misconducts him or herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly or offensively, or who willfully obstructs the business of the Police Authority, the Chair or any other Member may move “that the Member be not further heard”, and the motion, if seconded, shall be put and determined without discussion.
2. If the Member named continues his or her misconduct after a motion under the above standing order has been carried, the Chair shall either move “that the Member do leave the meeting”, (in which case the motion shall be put and determined without seconding or discussion), or adjourn the meeting of the Police Authority for such period as the Chair shall consider expedient.
3. In the event of a general disturbance which, in the opinion of the Chair, renders the orderly despatch of business impossible, the Chair, in addition to any other statutory and common law power vested in him or her, may adjourn the meeting for such period as he or she shall consider expedient.

### **2. Members of the Public**

4. If a member of the public interrupts the proceedings of any meeting, the Chair shall warn him or her of the consequence of continuing that course of conduct and if he or she continues the interruption, the Chair shall order his or her removal from the meeting.
5. In the case of general disturbance by members of the public in any part of the meeting room, the Chair shall order that part occupied by persons causing the disturbance to be cleared.

## **13. Signing of Minutes**

Where in relation to any meeting of the Authority the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next ordinary meeting of the Authority shall be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) (signing of minutes) of that Schedule.

## **14. Matters Affecting Persons Employed by the Authority and Other Exempt Information**

If any matter arises where it is considered that “exempt information”, as defined in Schedule 12A of the Local Government Act 1972, is likely to be disclosed, such matters shall not be discussed until the Authority has decided whether or not the power of exclusion of the public under Section 100A of the Local Government Act 1972 shall be exercised.



## **15. Questions from the Public**

1. Any member of the public may ask questions of the Police Authority which are relevant to its business. However, to allow an opportunity to obtain any information sought in order that a meaningful response may be given, written notice should be given to the Clerk to the Police Authority not less than 14 days before a meeting of the Authority.
2. As soon as such questions are received, the appropriate officer(s) involved in responding should be given a copy and requested to prepare an answer. Every reasonable effort should be made to ensure that questions are answered fully but concisely.
3. Any question(s) shall be included on the agenda for the meeting, in the order of receipt, as the next item of business after the approval of the minutes of the last meeting, and must be addressed to the Chairman. The Chairman will then invite the appropriate officer or Member of the Authority to respond. All questions shall be put and answered without discussion. Arising from such questions if Members want a report, or an issue to be debated, then they must use existing procedures to ensure that at the following meeting the item is raised.
4. With regard to those questions that involve the disclosure of exempt information, if part of the answer can be given in public, then that should be done. However, if that is not the case or the answer is clearly inadequate, then the questioner must be told that there will be no answer available and why, prior to the meeting, and the question will not be put on the agenda.
5. The person asking the question shall be given the opportunity of attending the meeting to put the question, but if not present the answer as reported to the Authority shall be sent to such persons following the meeting. If the questioner is in attendance the appropriate officer and/or Member shall meet, him or her the questioner to discuss any further concerns he or she may have and to clarify any answer given, if necessary.
6. The Chairman may use discretion to limit the number of questions asked by members of the public in order to avoid disruption of the business of the Police Authority. In any event the total time allowed for public question and answers shall not exceed 30 minutes. A maximum of three questions per person per year may be heard. Any questions that remain unanswered within the timescale shall receive written responses only.

## **16. Presentation of Petitions**

1. At a meeting of the Authority any local government elector, Council Tax payer or ratepayer for the area of the Authority may present a petition containing a minimum of 100 signatures, which is relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or the inhabitants of that area.

2. However, no petition relating to the following roles of the Authority shall be heard:
  - as an employer;
  - as discipline authority under the Police (Senior Officers) (Discipline) Regulations;
  - under the Police Pensions Regulations; and
  - in respect of requests for financial assistance to officers under Section 88 of the Police Act 1996.
3. At least ten days before the meeting at which the petition is to be presented, the person wishing to present it shall give notice of his or her intention to do so to the Clerk and shall produce the petition to him or his authorised representative.
4. The notice of intention to present a petition will not be accepted unless the Clerk is satisfied that it meets the above criteria.
5. The presentation of a petition will be limited to not more than five minutes.
6. Petitions will be presented in the order in which the Clerk received notice, and there will be a maximum of three petitions received at any one meeting of the Authority.

## **2. PART 2 – MEETINGS OF COMMITTEES**

### **General**

17. The Police Authority may establish and determine the Terms of Reference of such committees and sub-committees of the Authority, as it considers appropriate. These bodies shall, unless otherwise determined, continue until the next Annual meeting of the Authority.
18. The Police Authority may appoint the Chairs and Deputy Chairs for each of its committees and sub-committees. In the event of this option not being exercised, each committee, at their first meeting after the Annual meeting of the Authority, shall appoint a Chair and Deputy Chair. The appointments shall be conducted in the same way as an appointment is required to be made by the Authority under Standing Order 10.
19. Committees and sub-committees shall meet for the transaction of general business on dates agreed by the Annual meeting or as the Chair may determine.
20. Appointments to fill vacancies on committees caused by the resignation therefrom of existing members of the Police Authority shall be made by the Police Authority at the first opportunity.
21. The Chair and Deputy Chair of the Police Authority shall be ex-officio members of all committees and sub-committees of the Police Authority of which they are not otherwise members (without the right to vote).
22. The Authority may dissolve or change the membership or Terms of Reference of any committee or sub-committee as it sees fit.
23. All meetings of committees or sub-committees shall be summoned by or through the Clerk, who, after consultation with the appropriate Chair, may also convene a special meeting at any time.

### **24 Chair to Preside**

At any meeting of a committee or sub-committee the Chair of the committee or sub-committee, if present, shall preside. If both the Chair and Deputy Chair are absent then the members present shall appoint one of their number to act as Chair of the meeting.

### **25. Special Meetings**

1. A Special meeting of a committee may be called by the Chair at any time or on the requisition of any three members of the committee, delivered in writing to the Clerk.
2. If the Chair refuses to call a Special meeting of a committee after a requisition for that purpose has been presented to him or her, or without refusing, does not call a Special meeting within seven days, then any three members of the committee may forthwith call a Special meeting of the committee.

3. The summons to a Special meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at the meeting, subject to the Chair's power to consider matters of an urgent nature.

**26. Quorum**

1. Business shall not be transacted at a meeting unless half of the total number of members is present, and in no case shall the quorum be less than three.
2. No business shall be transacted by a committee / sub-committee unless there is a quorum, and a meeting which ceases to be quorate shall stand adjourned, and the provisions relating to inquorate meetings of the Police Authority shall apply (Standing Order 3).

**27. Attendance by Other Members at Committees and Sub-Committees**

Any member of the Authority shall be entitled to attend meetings of committees and sub-committees, and may speak (but not vote) with the agreement of the Chair.

**28. Order of Business**

The order of business specified in Standing Order 4 for meetings of the Authority shall apply, as appropriate, to meetings of committees and sub-committees.

**29. Voting**

1. Voting at meetings of committees and sub-committees shall be determined by a show of hands. The names and votes of members shall not normally be recorded in the minutes, but any member may request that his / her abstention or dissension be recorded. On the requisition of any member (made before a vote is taken) and immediately supported by two other members, voting shall be determined by roll call and recorded so as to show votes for or against that question or abstention from voting.
2. In the case of an equality of votes, the Chair or person presiding shall have a second or casting vote.

**30. Calling-in of Decisions**

The Police Authority shall retain the ability to call in any Committee decision irrespective of the extent and terms of delegation of functions to Committees.

**31. Maintaining Order in Meetings**

The regulations specified in Standing Order 12 regarding the maintenance of order in Police Authority meetings shall apply to meetings of committees and sub-committees.

**32. Matters Affecting Persons Employed by the Authority and Other Exempt Information**

The regulations specified in Standing Order 14 regarding matters affecting persons employed by the Authority and other exempt information shall apply to meetings of committees and sub-committees.

**33 Public Questions**

The with regard to the Consultation, Diversity and Outreach Committee at each meeting an item be placed on the agenda to allow public questions and that this item be no longer than 30 minutes.

**PART 3 – GENERAL MATTERS**

**34. Interests in Contracts and Other Matters**

1. If any member of the Authority has any pecuniary interest direct or indirect within the meaning of Section 94 of the Local Government Act 1972 (other than an indirect interest described in sub-section 97 (6)) in any contract, proposed contract, or other matter, that member shall withdraw from the meeting while the contract, proposed contract, or other matter is under consideration by the Authority unless the disability to discuss that matter imposed upon him by that Section has been removed by the Secretary of State under Section 97 of the Act.
2. In respect of non-pecuniary interests, all Members of the Police Authority are required to abide by the National Code of Local Government Conduct and any replacement thereof as proposed under the Local Government Bill.

**35. Pecuniary Interests of Officers**

1. The Clerk shall record, in a book to be kept for the purpose, particulars of any notice of a pecuniary interest in a contract given by an officer of the Police Authority under Section 117 of the Local Government Act 1972.
2. The book shall be open during office hours to the inspection of members of the Police Authority.

**36. Canvassing of, or by, Members for Appointment**

1. Canvassing of members of the Authority, or any Committee or Sub-Committee of the Authority, directly or indirectly for any appointment under the Authority or as a police officer, shall disqualify the candidate concerned for that appointment.
2. A member of the Authority shall not solicit for any person any appointment under the Authority or as a police officer, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience or character for submission to the Authority or the Commissioner with an application for appointment.

### **37. Relatives of Members or Employees**

1. A candidate for any appointment under the Authority who knows that he/she is related to any member or officer of the Authority shall, when making application, disclose the relationship. A candidate who fails to disclose such a relationship shall be disqualified for the appointment, and if appointed, shall be liable to dismissal without notice.
2. Every member and officer of the Authority shall disclose to the Clerk any relationship known to him to exist between himself and any person whom he /she knows is a candidate for an appointment under the Authority.
3. The Clerk shall report to the Authority or to the appropriate committee or sub-committee any such disclosure made to him.
4. For the purpose of this standing order, persons shall be deemed to be related if they are husband or wife or partner, or if either of them or the spouse or partner of either of them, is the son or daughter, or grandson or granddaughter, or brother or sister, or nephew or niece of the other, or of the spouse or partner of the other.

### **38. Record of Attendance**

1. Every member attending a meeting of the Authority, or of any of its Committees or Sub-Committees of which he/she is a member, shall sign his/her name on the attendance sheet provided for that purpose.
2. An annual summary of member attendance shall be prepared for consideration by the Authority or any of its Committees or Sub-Committees, as appropriate.

### **39. Removal from Office**

The Police Authority may remove a member from office by notice in writing if he/she has been absent from meetings of the Police Authority for a period longer than three consecutive months without the consent of the Authority.

### **40. Inspection of Documents**

1. In accordance with Section 100(F) of the Local Government Act 1972, except in cases where it appears to the Clerk that disclosure of exempt information of a description falling within any of Paragraphs 1 to 6,9,11,12 and 14 of Part 1 of Schedule 12A to the Act would be involved, a member of the Police Authority may, on application to the Clerk, inspect any document which is in the possession, or under the control of the Police Authority, relating to any business which is to be or has been transacted at a meeting of the Police Authority or of one of its committees.

2. A member may make, or ask to be supplied with, copies of or extracts from the documents, provided that a member shall not knowingly inspect nor ask to be supplied with a copy of any document relating to a matter in which he or she is professionally interested, or in which he or she has directly or indirectly any pecuniary interest within the meaning of Section 94 of the Local Government Act 1972.
3. This standing order shall not preclude the Clerk from declining to allow inspection of any document, which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

#### **41. Common Seal, Sealing and Signing of Documents**

1. The Common Seal of the Police Authority shall be kept in a safe place in the custody of the Clerk.
2. The Common Seal of the Police Authority shall not be affixed to any document unless the sealing has been authorised by resolution of the Police Authority or of a committee to which the Police Authority have delegated their powers. A resolution of the Police Authority (or of a committee where that committee has the power) authorising the taking of any action shall be sufficient authority for sealing any document necessary to give effect to the resolution.
3. The seal shall be attested by the Clerk or such other officer whom he or she may appoint for this purpose who is present at the sealing, and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose, and shall be initialled by that person who has attested the seal.
4. Where any document will be a necessary step in legal proceedings on behalf of the Police Authority, it shall be signed by the Clerk, or his or her appointed representative, unless any enactment otherwise requires or authorises, or the Police Authority gives the necessary authority to some other person for the purpose of such proceedings.

#### **42. Suspension of Standing Orders**

Any of these standing orders other than those which are statutory requirements may be suspended in relation to the conduct of any business at a meeting, provided that a motion shall not be moved without notice unless at least twelve members are present.

#### **43. Variation and Revocation of Standing Orders**

Any motion at a meeting of the Police Authority to add to the standing orders or to vary or revoke any of the existing standing orders, shall, when proposed and seconded, be referred without discussion to the next meeting of the Police Authority for consideration.

#### 44. **Interpretation of Standing Orders**

The ruling of the Chair of the Police Authority, in respect of the conduct of meetings of the Police Authority, and of the Chairs of committees with regard to their respective committees, (or in their absence, the persons presiding at those meetings), as to the construction or application of these standing orders, shall be final.





Metropolitan Police Authority

## **FINANCIAL AND CONTRACT REGULATIONS**

### **PART B AND C**

#### **METROPOLITAN POLICE AUTHORITY**

#### **FINANCIAL REGULATIONS**

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## INTRODUCTION

### 3. Status

These Regulations meet the requirement under section 127 of the Greater London Authority Act 1999 for the Metropolitan Police Authority (MPA), as a functional body of the Greater London Authority, to 'make arrangements for the proper administration of its financial affairs'. They have been prepared in accordance with the requirements of the Code of Practice on Financial Management, which is made by the Home Secretary under section 39 of the Police Act 1996. Reference to the "Authority" or "Police Authority" shall mean Metropolitan Police Authority, reference to Chair shall mean the Chairman of the Authority or, as the case may be, of a Committee or Sub-Committee of the Authority, reference to the Deputy Chair shall mean the member appointed to act as the chair in the absence of the Chair, reference to the "Clerk" shall mean the Clerk to the Authority, and reference to the "Treasurer" shall mean the Treasurer to the ~~Police~~ Authority.

### Purpose

3.4. Financial Regulations are a key element in the financial control framework within which the financial management of the MPA and the Metropolitan Police Service (MPS) takes place. They sit within a hierarchy of documents, which set out the governance arrangements in relation to finance, as follows:

- Standing Orders
- Contract Regulations
- Financial Regulations
- Schemes of Delegation
- Financial Instructions
- Approved by the Authority
- Approved by the Authority
- Approved by the Authority
- Approved by the Authority/Commissioner
- Approved by the Treasurer/Commissioner

4.5. The Treasurer is responsible, after consultation with the Commissioner (or the Director of Resources (Force Finance Director as defined by the Code) on his/her behalf), for recommending the Financial Regulations, and any subsequent amendments, for approval by the Authority.

The Treasurer, with the support of the Director of Resources and finance staff, is responsible for promoting the Financial Regulations, but **it is management's responsibility to ensure that financial controls are in place and are complied with.**

3.6. Financial control contributes to the achievement of the organisation's overall objectives and specifically to securing the following objectives in relation to financial management to:

- maintain effective budgetary control over the financial resources allocated to provide an efficient and effective police service;
- comply with all legal requirements in relation to financial transactions and procedures;
- provide accurate, complete and valid accounts and financial information;
- prevent and detect fraud and corruption, misuse of assets and illegal transactions;

- ensure the security of financial and physical assets;
- manage the Authority's finances in an efficient, economical and effective manner.

## **ROLES AND RESPONSIBILITIES**

### **The Authority**

The MPA has the ultimate responsibility for making arrangements for the proper administration of its finances. It has to appoint a chief financial officer (the Treasurer) to carry that responsibility.

Subject to the role of the Mayor and Assembly, the Authority sets the resource framework within which the police service operates.

The Authority approves the financial control framework, including Financial Regulations.

Under the Accounts and Audit Regulations 1996 the Authority is specifically responsible for:

- Approving the Authority's annual accounts prior to audit
- Securing an adequate and effective internal audit

The Authority will establish appropriate committees to assist in the discharge of its financial responsibilities, including an Audit ~~Committee~~Panel.

The Authority will delegate to the Commissioner as much day-to-day responsibility for financial management as it considers appropriate.

### **The Mayor and Assembly**

The Mayor is responsible for preparing the draft annual budget for the Metropolitan Police Authority, after consultation with the Authority, for presentation (together with the component budgets of the GLA and other functional bodies) to the Assembly. The final budget will be approved by the Mayor and/or Assembly depending on circumstances and subject to the Home Secretary exercising reserve powers.

The MPA is responsible for management of the approved budget.

### **The Treasurer**

The Treasurer is the financial adviser to the MPA and is responsible for ensuring that the financial affairs of the Authority and the MPS are properly administered having regard to probity, legality and appropriate standards.

The Treasurer is accountable to the Authority and independent of the Commissioner.

The Treasurer's responsibilities are to:

- provide financial advice to the Police Authority on all aspects of its activity, including the strategic planning and policy making process;

- advise the Authority on the content and implications of the budget and medium term financial plans;
- support the Authority in presenting budget proposals to the Mayor for approval through the Greater London Assembly;
- assist the Authority in seeking to obtain value for money especially through the Best Value process;
- ensure that accurate, complete and timely financial management information is provided to the Authority and the Commissioner;
- advise the Authority on financial propriety;
- provide, under delegation from the Authority, an adequate and effective internal audit and assistance in securing safe and efficient financial arrangements;
- secure the preparation of statutory and other accounts;
- secure appropriate banking arrangements and treasury management including loans and investments;
- advise on risk management and insurance;
- work with the Clerk to the Authority to ensure effective corporate management of the Authority's resources.

### **The Commissioner**

The Commissioner will have responsibility for the financial management of the Metropolitan Police Service under delegation from the MPA determined on advice from the Treasurer.

The Commissioner will devolve financial management responsibility within the Force in accordance with a devolved budget scheme agreed with the Treasurer.

The Commissioner will appoint a Director of Resources with a professional finance qualification to take responsibility for the finance function and for ensuring appropriate financial policies and procedures.

### **The Director of Resources**

The Director of Resources is responsible for providing strategic financial advice to the Commissioner and the management board and for ensuring that the management of finance effectively supports the Commissioner's delegated responsibilities.

The Director of Resources' main responsibilities in relation to finance are to:

- provide the strategic financial perspective on the main management board of the MPS;

- provide financial expertise, advice and information directly to the Commissioner to enable him to fulfil his/her delegated responsibility from the MPA for the financial management of the MPS;
- provide professional leadership of the finance function within the MPS, ensuring that high standards of financial management are maintained; that financial systems and procedures promote the effective conduct of business; and that financial considerations are fully taken into account in all policy decisions;
- take the key role in identifying and leading implementation of strategic, practical and cultural changes in the finance function to enable the MPS to make a successful transition from a central to a local government environment;
- work closely with the Treasurer of the MPA to make proposals for and agree the framework for delegation of financial authority within which the MPS will operate. To ensure that managers at all levels are aware of their responsibilities within the framework and that they adhere to them;
- support the Treasurer of the MPA in his/her statutory responsibilities for the financial affairs of the MPS by ensuring probity, legality and appropriate standards in all financial dealings;
- act as the main point of contact with the Treasurer in providing, receiving and interpreting information on the financial affairs of the MPS;
- ensure effective control of financial planning, budgeting and monitoring in respect of all MPS expenditure;
- take the lead in developing, refining and implementing the strategy for the provision of financial services in the MPS;

- facilitate internal audit's working relationship with the MPS.;

### **Internal Audit**

~~The role of internal audit is to provide the Authority, the Treasurer and MPS management with an independent view of the control environment operating within the MPS.~~

~~Internal audit reports to the Treasurer and has independent access to Authority members via the Audit Committee.~~

Internal Audit is an independent, objective assurance and consulting activity designed to add value and help improve the effectiveness of MPS operations and fulfilment of MPA responsibilities. It enables the MPA and MPS to accomplish their objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

### **External Audit**

The external auditor's responsibilities include reporting on whether the Authority's accounts present fairly the financial position. To do this he/she needs to review the effectiveness of the financial control in the organisation.

## 1. **Budgeting and Financial Planning**

### **Financial Planning**

1. The Commissioner will produce annually a Draft Policing and Performance Plan (encompassing the Best Value Performance Plan and the Efficiency Plan) for submission to the Authority including:
  - a statement of the Authority's priorities and objectives for the year;
  - the planned use of resources to reflect these priorities and achieve the objectives;
  - the financial implications of the planned use of resources;
  - performance targets established by the Authority and/or directed by the Home Secretary.
2. The annual Draft Policing and Performance Plan will reflect the Corporate Plan established by the Commissioner setting down the ways in which the Commissioner intends to meet Force objectives and identifying, in consultation with the Treasurer, the financial and resource implications of the Corporate Plan.
3. The Treasurer, in consultation with the Commissioner, will produce a Medium Term Financial **ProjectionStrategy** taking into account the financial implications of the Corporate Plan, the Authority's financial position and relevant projections in respect of government support, other sources of funding, reserves and expenditure. The Medium Term Financial **Projectionlan** will serve as the basis for advice on the maximisation of resources available to the Authority and offer options for and general assumptions affecting the medium-term resource position of the Authority.

### **Annual Revenue Budget**

4. The Treasurer, in consultation with the Commissioner and the Greater London Authority, will determine the detailed form and timetable for the production of an annual revenue estimate for consideration by the Authority and submission to the Mayor as the component budget for the Authority as part of the consolidated budget.
5. The Director of Resources, on behalf of the Commissioner, shall be responsible for preparing detailed information for the production of the annual revenue estimate, which shall reflect the priorities, objectives and assumptions upon which the Corporate Plan and the Medium Term Financial **ProjectionStrategy** are based.
6. The Authority's revenue budget shall be that proposed by the Mayor and approved by the Greater London Assembly subject to:
  - the provisions of Schedule 6 to the Greater London Authority Act 1999 in relation to the setting of the consolidated budget and approval by the Greater London Assembly;
  - the provisions of Section 95 of the Greater London Authority Act, allowing the Home Secretary to set a minimum component budget.

7. The Treasurer in consultation with the Commissioner shall prepare a report to the Authority, setting out the material differences and their implications for efficient and effective policing, where there is a material difference between the annual revenue estimate considered by the Authority and either:
  - the component budget approved under the provisions of Schedule 6 to the Greater London Authority Act 1999; or
  - a minimum component budget set by the Home Secretary.
8. The Commissioner shall be responsible for the day to day management and control of the annual revenue budget, through a devolved system of budgetary control determined in consultation with the Treasurer. Such day to day management and control shall be subject to the provisions of Standing Orders, Contract Regulations, Financial Regulations and Schemes of Delegation approved by the Authority on advice from the Treasurer.
9. The Commissioner has authority to commit expenditure or to vire between budget headings within the overall approved budget to meet the policies and objectives agreed with the ~~Police~~ Authority and reflected in the Policing and Performance Plan. ~~Expenditure in excess of £1 million on a significant change of policy must be the subject of separate approval by the Authority. Finance Committee will approve budget virements over £1 million. Virements below £1 million will be reported to members through the budget monitoring mechanism. Budget virements should only be made when permanent shifts of priorities or resources are planned.~~

### **Annual Capital Budget**

10. Under the provisions of the Greater London Authority Act 1999, the Mayor is responsible for preparing an annual capital spending plan for the functional bodies, including the Authority, setting out the sources of capital funding available to the Authority and the total capital spending which is expected to be incurred.
11. The Treasurer, in consultation with the Commissioner and the Greater London Authority, will determine the detailed form and timetable for the production of ~~an~~ five year capital programme and annual capital estimate for consideration by the Authority and submission to the Mayor in the preparation of the annual capital spending plan.
12. The Director of Resources, on behalf of the Commissioner, shall be responsible for preparing the detailed information for the production of the five year capital programme and annual capital estimate, which shall reflect the priorities, objectives and assumptions upon which the Corporate Plan and the Medium Term Financial Projection Strategy are based.
13. ~~Upon receipt of the draft capital spending plan prepared by the Mayor the Treasurer shall, in consultation with the Commissioner, advise the Authority on the draft capital spending plan and submit comments in writing to the Mayor. Following consideration of these comments by the Mayor and upon receipt of the capital spending plan from the Mayor the Treasurer will, in consultation with the Commissioner, finalise the annual capital budget and associated capital~~



~~programme. The Treasurer shall, in conjunction with the Commissioner, present the five year capital programme and annual capital budget for approval by the Authority, having regard to the Mayor's annual capital spending plan.~~

14. ~~The Treasurer shall, in consultation with the Commissioner, report on the annual capital budget and associated capital programme to the Authority or a designated Committee of the Authority. The Commissioner has the delegated authority to proceed with all projects in the approved capital programme up to the value of £1 million, subject to the expenditure limits set for overall programme.~~
15. The Commissioner shall be responsible for the day to day management and control of the annual capital budget subject to the provisions of Standing Orders, Contracts Regulations, Financial Regulations and Schemes of Delegation approved by the Authority on advice from the Treasurer.
16. The Treasurer, in consultation with the Commissioner, shall advise the Authority on the most appropriate method of financing proposed capital schemes, taking into account the capital spending plan prepared by the Mayor.

### ~~3.7.~~ ~~2.~~ — **Accounts**

1. The Authority's annual accounts will be prepared under the direction of the Treasurer and on the basis of accounting policies determined by the Treasurer, consistent with any statutory requirements and in compliance with accepted accounting practice.
2. The Treasurer, in consultation with the Director of Resources, will determine the timetable for the preparation of the annual accounts and their submission for audit.
3. The Director of Resources will prepare the annual accounts on behalf of and in consultation with the Treasurer.
4. The annual accounts will be presented to the Audit Committee, and subsequently the Authority, for approval.
5. The Treasurer shall provide to the Greater London Authority financial statements to be consolidated into the summary statement of accounts, required under section 134 of the Greater London Authority Act 1999.
6. The Treasurer, in consultation with the Director of Resources, will determine all accounting procedures and records of the Authority, having regard to all statutory requirements and in compliance with recognised accounting principles, promoting the probity and accuracy of the Authority's accounts.
7. The accounting procedures and records of the Authority will be regulated in a more detailed form through Financial Instructions prepared by the Director of Resources and approved by the Treasurer.

### **3. Financial Systems and Procedures**

1. The Treasurer will authorise the financial systems and procedures for the receipt and payment of all Authority monies and, in consultation with the Director of

Resources on behalf of the Commissioner, will determine procedures and work practices to ensure there is adequate internal control and internal check. The Director of Resources, on behalf of the Commissioner, will not change or amend any financial systems or procedures without the approval of the Treasurer.

2. The Director of Resources, on behalf of the Commissioner, will be responsible for the day to day operation and control of the systems and procedures required to:
  - order goods and services;
  - pay creditors, allowances and expenses;
  - collect and bank all income due to the Authority;
  - provide, safeguard and subsequently dispose of Authority assets.
  - account for taxes and make necessary payments to the appropriate authorities

2.3. The Director of Human Resources Personnel, in consultation with the Director of Resources, will be responsible for the day to day operation and control of the systems and procedures required to pay salaries, wages and pensions.

4. The financial systems and procedures in operation and guidance on their operation will be regulated in a more detailed form through Financial Instructions prepared by the Director of Resources and approved by the Treasurer.

#### **4. Treasury Management**

1. The Treasurer will be responsible for advising the Authority on all matters related to treasury management, investments and borrowing, and for ensuring that treasury management arrangements are in compliance with the CIPFA Code of Practice for Treasury Management in Local Authorities
2. The Treasurer will produce a Treasury Management Policy Statement setting out the principles, policies and management arrangements for approval by the Authority.
3. The Treasurer will produce annually a strategy report setting out the requirements for the forthcoming year and the proposals to meet them, for approval by the Authority or a designated Committee of the Authority.
4. All executive decisions on borrowing, investments or financing (including leasing arrangements) shall be delegated by the Authority to the Treasurer who shall be required to act in accordance with the CIPFA Code of Practice for Treasury Management in Local Authorities.
5. The Treasurer will, in consultation with the Director of Resources, make arrangements for the day to day operation of the treasury management function.
6. The Treasurer will report to the Authority, or a designated Committee of the Authority, on treasury management operations on a quarterly basis. An annual report on treasury management will be presented by 30 September of the succeeding financial year.

#### **5. Banking**

1. The Treasurer will be responsible for advising the Authority on all banking and related arrangements. All arrangements with the Authority's bankers shall be made by or in accordance with principles approved by the Treasurer, who shall authorise the Director of Resources to operate bank accounts on behalf of the Authority.
2. All bank accounts (other than covert accounts) which contain monies that form part of the Authority's police fund shall bear an official title that shall include the name of the Authority. In no circumstances shall an account be opened in the name of an individual or with other than the Authority's official banker(s) as determined by the Treasurer.
3. Covert accounts (i.e. those required for police operations in which the connection of the account with the police needs to be concealed) shall be managed in accordance with principles determined by the Treasurer.
4. The consent of the Treasurer is required before any officer of the Authority or of the Metropolitan Police Service opens or maintains any account which contains monies which do not form part of the Authority's police fund and the title of which includes reference to the Metropolitan Police.
5. The arrangements for authorising and making payments from the Authority's bank accounts will be determined by the Treasurer, in consultation with the Director of Resources, who shall be responsible for their day to day operation.
6. The Director of Resources shall be responsible for arranging for the ordering, control and despatch of the cheques drawn on the Authority's bank accounts, including arrangements for safe custody and the maintenance of a cheque register in a form approved by the Treasurer.
7. The Director of Resources will undertake regular reconciliations of all Authority bank accounts in accordance with arrangements determined by the Treasurer.

## **6. Contracts and Procurement**

The Authority is the legal party for all contracts entered into for the purchase of goods and services, for the provision of works and for the purchase of assets, including land and buildings. Such contracts and the process through which they are procured must comply with the Contract Regulations approved by the Authority and all statutory requirements relating to procurement by a local authority.

## **7. Risk Management and Insurance**

1. The Treasurer shall be responsible for advising the authority on risk management and in conjunction with the Commissioner shall ensure that periodic reviews of risk management are undertaken in order to identify appropriate risk management strategies, including any requirement for insurance cover where no statutory requirement exists.
2. The Commissioner shall, with the advice of the Treasurer, and upon the basis of the periodic reviews of risk management prepare an annual Risk Management

Programme, which the Commissioner and the Treasurer shall report upon to the Authority or a designated Committee of the Authority.

3. The Commissioner shall implement and monitor the measures included in the Risk Management Programme. The Treasurer, in consultation with the Director of Resources, will identify proposals for external insurance cover for approval by the Authority or a designated Committee of the Authority where this is considered appropriate.

## **8. Income**

1. The Treasurer, in consultation with the Director of Resources shall determine the arrangements for the collection, custody, control and deposit of all monies due to the Authority. The Director of Resources will have the day to day operational responsibility for compliance with these arrangements.
2. All monies received on behalf of the Authority shall be banked without delay in the Authority's name.
3. All documentation relating to income receivable by the Authority shall be in the name of the Authority, including agreements for the provision of services, invoices and receipts.
4. All agreements for the provision of services will be subject to the approval of the Authority and will be on the basis of full-cost recovery except with the specific approval of the Authority.
5. The Commissioner shall, in consultation with the Treasurer, and as part of the annual budget cycle review all rents, fees and charges for services provided, for approval by the Authority as part of the budget approval process.
6. The Commissioner shall have all necessary powers of debt recovery including the taking of legal action. Providing appropriate steps have been taken to recover monies due to the Authority, the Commissioner shall be authorised to write off debts considered to be irrecoverable up to an individual maximum amount of £10,000, except where write-off action results from theft or fraud.
7. A schedule of such debts written off, showing their individual and the aggregate value will be reported to the Authority or a designated Committee of the Authority on a periodic basis determined by the Treasurer.
8. Approval from the Authority or a designated Committee of the Authority is required for all debts written off with a value higher than £10,000.
9. All cases where write-off action results from theft or fraud shall be referred to the Treasurer for approval up to an individual maximum amount of £10,000 or for onward reference to the Authority or a designated Committee of the Authority for a debt with a value in excess of £10,000.

## **9. Asset Management**

1. All property utilised in achieving an effective and efficient police service, is in the ownership of the Authority, except where a loan of property is made to the Authority for this purpose.
2. The Treasurer shall, in consultation with the Commissioner, determine the systems and procedures for the management of the Authority's assets and those assets on loan to the Authority encompassing:
  - an Asset Management Plan, which should reflect strategies for key assets, for example the Estates Strategy;
  - the recording and custody of evidence of title;
  - the form of asset registers and inventories;
  - the security of the Authority's assets and those on loan to the Authority;
  - the arrangements for the management and control of the use of the Authority's assets;
  - the arrangements for the reconciliation of asset registers and inventories to physical assets and stocks.
3. The Commissioner shall, in consultation with the Director of Property Services, be responsible for the day to day management of the Authority's assets in compliance with these systems and procedures, subject to the provisions of Standing Orders, Contract Regulations, Financial Regulations and Schemes of Delegation approved by the Authority on advice from the Treasurer.

#### **10. Sponsorship**

1. Gifts, loans of property and sponsorship must comply with conditions approved by the Authority and shall not exceed a maximum equivalent value of one percent of the MPA annual revenue budget.
2. The Director of Resources, on behalf of the Commissioner, must be informed of all offers of gifts, loans of property and sponsorship and shall maintain a record of the market value of all gifts, loans of property and sponsorship received. A report to the Authority will be produced at the end of each financial year.
3. Individual gifts, loans of property or sponsorship with an equivalent market value in excess of £50,000 must be referred to the Treasurer who shall seek approval for acceptance from the Authority or a designated Committee of the Authority.

#### **11. Grants to Voluntary Organisations/Outside Bodies**

Grants made to voluntary organisations shall comply with the conditions of grant aid approved by the Authority and shall not exceed the annual budget agreed by the Authority. The Treasurer shall maintain a register of grants made each year.

#### **12. Voluntary Unofficial Funds**

1. Voluntary unofficial funds for benevolent and other purposes shall only be established with the approval of the Commissioner or an officer authorised by the Commissioner.
2. The Director of Resources shall be made aware of the existence of all such funds and ensure that arrangements are in place for their proper administration and that they are properly audited.
3. The Director of Resources will provide assurance to the Treasurer that such arrangements are in place and ensure a right of access to Internal Audit.

### **13. Grant Funding**

1. Any bid for additional grant funding shall be subject to financial advice from local finance managers, who shall fully participate in the the preparation of the grant submission.
2. The draft grant bid shall be subject to quality assurance assessment by the MPS Finance Department, who shall ensure that full account is taken of the conditions of grant and that all available grant is maximised.
3. The Director of Resources shall ensure that information on all grant submissions is supplied to the Treasurer at the earliest opportunity.

### **143. Audit**

#### **Audit ~~Committee~~Panel**

1. The Authority will establish an Audit ~~Committee~~Panel to oversee the arrangements for internal and external audit, and to review the final accounts prior to approval by the Authority. The Committee may take other responsibilities consistent with its independent role.
2. The Chair of the MPA shall not be the Chair of the Audit ~~Panel~~Committee.

#### **Internal Audit**

3. The responsibility of internal audit is to provide opinions on the adequacy and effectiveness of control systems to:
  - ensure adherence to management policies and directives in order to achieve the organisation's objectives;
  - safeguard assets;
  - secure the relevance, reliability and integrity of information, so ensuring as far as possible the completeness and accuracy of records;
  - ensure compliance with statutory requirements, procedures, laws and regulations;

- ensure the economy, efficiency and effectiveness with which resources are employed.
4. Internal audit will report to the Treasurer and have independent access to members through the Audit Committee. Internal audit will also liaise closely with the Commissioner and his/her staff especially the Director of Resources. The Director of Internal Audit will report to the Treasurer and have independent access to members through the Audit Panel. The Director of Internal Audit will also liaise closely with the Director of Resources and have a right of direct access to the Commissioner.
  5. Internal audit shall have authority to:
    - enter at a reasonable time any Authority premises or land;
    - have access to records, documents and correspondence relating to any transaction of the Authority;
    - review any activity of the Authority and the MPS;
    - require and receive such explanations as are necessary concerning any matter under examination;
    - require any employee of the Authority or officer of the MPS to produce cash, stores or any other asset under his/her control. require any employee or contractor of the Authority or officer of the MPS to produce any asset under his/her control for which the Authority is responsible.
  6. The Director of Internal Audit, on behalf of the Treasurer, shall be informed immediately by the Commissioner, irrespective of whether the matter is the subject of a criminal investigation, of any loss or financial irregularity or suspected irregularity, or of any circumstance which may suggest the possibility of losses or irregularities, including those affecting cash, stores and other property of the Authority for which the Authority is responsible.
  7. The Treasurer shall ensure that serious losses and irregularities are reported to the Audit ~~Committee~~Panel.
  - ~~88.~~ The Treasurer will agree with the Director of Resources, on behalf of the Commissioner, the annual internal audit plan for approval by the Audit ~~Committee~~Panel.
  9. The Commissioner will have the responsibility for identifying and leading implementation of recommendations from internal audit reviews. The Treasurer will report progress in implementation to the Audit Panel.

## External Audit



109. The Audit Commission appoints the external auditor after consultation with the Authority.

110. The external auditor carries out an annual audit to assess:

- whether the Financial Statements present fairly the financial position of the Authority, and have been prepared in accordance with appropriate legislation;
- the adequacy of the Authority's arrangements to secure economy, efficiency and effectiveness in the use of resources
- the general financial standing of the Authority;
- the adequacy of financial systems;
- the adequacy of arrangements for preventing and detecting fraud and corruption;
- the adequacy of arrangements for ensuring the legality of transactions that might have a financial consequence;
- the adequacy of the Authority's Best Value Performance Plan.

124. The Audit Committee will approve the external audit annual programme and fees and receive the external auditor's management letter and other reports.

132. Internal audit will seek to work to standards that will allow external audit to rely on internal audit findings. Internal audit should also seek to co-ordinate their activity with that of external audit.

14. The Commissioner will have responsibility for identifying and leading implementation of recommendations from External Audit Reviews. The Treasurer will report progress in implementation to the Audit Panel.





Metropolitan Police Authority

**METROPOLITAN POLICE AUTHORITY**

**CONTRACT REGULATIONS**

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### **3.8. INTRODUCTION**

These regulations have been prepared in accordance with the requirements of the Code of Practice on Financial Management, which is made by the Home Secretary under section 39 of the Police Act 1996.

Reference to the “Authority” or “Police Authority” shall mean Metropolitan Police Authority, reference to Chair shall mean the Chairman of the Authority or, as the case may be, of a Committee or Sub-Committee of the Authority, reference to the Deputy Chair shall mean the member appointed to act as the chair in the absence of the Chair, reference to the “Clerk” shall mean the Clerk to the Authority, and reference to the “Treasurer” shall mean the Treasurer to the Police Authority.

The main aims of these regulations are to:

- (a) Outline the manner in which contracts are handled and managed within the Authority to ensure compliance with all relevant legislation including EC Directives;
- (b) Outline the relative responsibilities of the Authority, its officers and the Commissioner in this process.

Although the Authority remains the legal party for contracts, it is the aim of these regulations to delegate responsibility for the day to day management and control of contracts to the Commissioner, subject to the provisions of these regulations, and provided that the Authority is satisfied that the Commissioner has adequate systems, procedures, personnel and expertise to discharge these responsibilities.

The Commissioner shall manage the tendering and contracting process in accordance with these regulations, and is authorised to make instructions that govern the management of contracts, purchase goods or services, acquisition and disposal of land and buildings, make contracts for the provision of works, assign a contract to a third party, and identify a purchase and contract management advisor on behalf of the Authority.

The Authority shall be the contracting party for the purposes of these regulations.

These regulations are supplemented by both Financial Regulations and the Purchasing Policies and EC Directives Manual, and should be read in conjunction with these documents.

These regulations will be kept under review by the Clerk, Treasurer and Commissioner to ensure that the working arrangements for both the Authority and the Service are conducted in accordance with the relevant legislation and latest best practice. They can only be varied with the approval of the Authority.

The financial values identified within these regulations will also be kept under review and updated as appropriate.

#### **4.9. 1. Definitions**

In these regulations,

- (a) The expression “the Authority” shall be deemed to include reference to a committee or sub-committee or person acting in accordance with delegated authority on behalf of the Authority.
- (b) The expression “appropriate officer” shall mean any officer who is duly authorised in writing by the Clerk, Treasurer or Commissioner.
- (c) The expression “contract” shall unless otherwise specified, relate to a contract for the supply or disposal of goods or materials or for the execution of works or the provision of services.
- (d) Reference to the contract sum in relation to a contract to be performed over a specified period shall be to the aggregated estimate for the whole of that period. Any transaction for the supply or disposal of goods or materials, the provision of services, or for the execution of works which forms part of a larger transaction, shall not be regarded as a separate contract in the calculation of the contract sum.
- (e) Reference to any statute, enactment, regulation or other similar instrument shall be construed as a reference to the statute, enactment, order, regulation or instruments as amended by any subsequent legislation.

#### **5.10. 2. Compliance with Standing Orders**

- 1. Every contract made by the Authority and the procedures relating to them shall comply with these regulations and the financial regulations with all supplementary codes of practice, and no exception from any of these provisions shall be made, otherwise than with the approval of the Authority.
- 2. A record of any exception to any of these provisions shall be included in the minutes of the Authority.
- 3. Any failure to comply with any of the requirements of these regulations shall be reported to the Clerk as soon as such failure is discovered. The Clerk shall consult the Treasurer and the Commissioner before determining such action as he or she may deem necessary in the circumstances.
- 4. Every contract shall comply with any relevant EC Directives relating to contracts by public authorities.
- 5. Every contract with the exception of contracts arranged by a purchasing consortium, a central government department or another government agency shall comply with these instructions.

### **6.11. 3. Restrictions on Contracts with Certain Persons**

Members of the Authority, civilian employees of the Authority and police officers shall not enter into contract with the Authority to supply goods or services, execute works or in relation to the acquisition of land and buildings unless the contract has been won through competitive tender.

This prohibition applies equally to:

- A company, partnership or firm in which the member of the Authority, civilian employee of the Authority or police officer is interested; and
- An employer, nominee or spouse/partner of a member of the Authority, civilian employee of the Authority or police officer.

### **7.12. 4. Tender or Quotation**

Purchases require certain quotations or tenders depending on the value involved. Goods, services and works must be acquired by open and fair competition unless there are convincing reasons to the contrary. The form of competition should be appropriate to the value, risk and complexity of the goods, services or works to be acquired.

The estimated values involved are:

#### **Purchases under £1000**

An order may be placed with a selected firm without competition, subject to the price being established as fair and reasonable.  
Budget controller can approve.

#### **Purchases between £1000 - £10 000**

Written quotations must be sought from not less than three suppliers.  
Budget controller can approve.

#### **Purchases between £10 000 - £25 000**

The appropriate officer designated by the Commissioner decides whether written quotations or formal contract action is required.

Budget controller can approve quotation and the appropriate officer from the relevant purchasing department has committal authority to award a formal contract.

#### **Purchases above £25 000**

Full formal tender procedure required.

Tenders shall be recorded by the appropriate officer in a register kept for this purpose.

**[Note : An MPS pilot is currently running within PSD whereby selected firm orders may be placed up to a level of £3,000, as opposed to the norm of £1,000. A full assessment will be undertaken at the completion of the pilot and will be reported to members later in the year.]**

## **5. Acceptance of the Most Economically Advantageous Offer**

1. Offers should only be accepted from suppliers and contractors which are technically, commercially and financially qualified to provide the requirement, and whose services, works or product is fit for purpose, is the most economically advantageous and offers best value for the Authority. The approval of the Authority must be sought for all contract action above the Commissioner's delegated authority (currently 0.3% of net revenue expenditure), and for any proposed expenditure, which is of special significance because:
  - it raises questions of principle or financial policy;
  - it possesses unusual features or involves particular difficulty;
  - it might arouse particular public interest or publicity;
  - it concerns a matter of particular importance or sensitivity, or
  - it concerns proposals for outsourcing contracts or is connected with a public/private partnership or a private finance initiative.
2. It is expected that discussions about contracts, which fall within the definitions set out above, will be determined between the Treasurer and the Director of Resources. Such liaison will also establish the roles to be played by the Authority's officers and the reporting arrangements in respect of specific contracts/procurements.

## **6. Exceptions from Quotation or Tender**

1. In exceptional circumstances purchase may be justified without competition. The invitation of a single tender may be considered when one or more of the following circumstances applies:
  - (a) there is only one source of supply, as distinct from one manufacturer;
  - (b) the proposed supplier has proprietary rights in an article or is the sole outlet;
  - (c) the firm possesses "unique" technology, expertise or facilities;
  - (d) there is a justifiable case to use an existing contractor / supplier to maintain continuity of supply or site experience;
  - (e) security considerations make the use of a particular contractor essential;
  - (f) a genuine unforeseeable operational need arises and competition is impracticable;
  - (g) the Home Office, and/or a consortium of police authorities have specified a particular supply of goods;
  - (h) the price for the supply of goods or services or works is fixed by a trade organisation or other government department and no alternative is available; and
  - (i) the purchase or sale of goods is to take place by auction.

2. Any of the above exemptions shall require the approval of the Commissioner or an appropriate officer and shall be recorded in a book kept for the purpose.

### **8.13. 7. Select and Standing Lists**

Where the Commissioner or appropriate officer considers it necessary, tenders may be invited from either a select or standing list of approved contractors or suppliers in a particular category of works, supply or service, so long as the specific contract falls below the EC thresholds or is otherwise compliant with EC Directives. Select or standing lists of approved contractors or suppliers may be created and received under procedures approved by the Commissioner or appropriate officer in consultation with the Treasurer.

### **9.14. 8. Advertising**

Tenders shall be invited by placing advertisements in appropriate and relevant publications in compliance with Advertising Guidelines drawn up by the Director of Resources, in consultation with the Directors of Procurement and Property Services

## **9. Acceptance and Opening of Tenders**

### **Receipt of Tenders**

1. No tender shall be accepted unless:
  - (a) it is received within the time stated;
  - (b) it is contained within a plain sealed envelope with the official address label on it which does not identify the tenderer;
  - (c) the envelope has the word "tender" on it, and also the nature of the contract.
2. Tender envelopes shall be sent to the appropriate officer and kept secure until they are opened. The date and time of receipt of the tender must be recorded on the envelope.

### **Opening of Tenders**

3. Tenders shall be opened together in the presence of two (2) officers duly authorised to open tenders by the appropriate officer, and who shall not be involved in the direct management or supervision of the contract.
4. The appropriate officer shall ensure that records are kept of all tenders received, and must make arrangements for all tenders to be retained for seven (7) years.

### **Acceptance of Tenders**

5. The Commissioner, or the appropriate officer holding the relevant delegated authority to enter into contracts on behalf of the Authority, shall award the contract to the successful tenderer(s), provided he or she is satisfied in respect of the provisions of these regulations.

6. The Commissioner or appropriate officer is not bound to accept any tender.

### **Late Tenders**

7. Late tenders will not normally be accepted and should be placed unopened on the contract file. However, in exceptional circumstances the Commissioner, or appropriate officer, may accept a late tender with the agreement of the Clerk and Treasurer in every case.

### **Errors in Tenders**

8. Where not in breach of statutory codes or regulations and where a tender has an error or discrepancy, which may affect the offer, the tenderer shall be given details of the error or discrepancy and offered an opportunity to confirm or withdraw the offer.
9. If the tenderer withdraws, the remaining tenders shall be considered for acceptance in the normal manner.
10. Tenders sought from building works should conform with the construction industry board codes of practice for the selection of main contractors and in the relevant code of procedure for either single stage or two stage selection tendering as appropriate
11. The procedure shall be recorded by the appropriate officer.

## **10. Content of Contract**

1. The Commissioner shall approve the conditions of a contract and procedures for entering into and recording such contracts, in consultation with the Clerk and Treasurer to the Police Authority.
2. A contract shall be in writing and:
  - (a) signed by the Commissioner or appropriate officer on behalf of the Police Authority, or
  - (b) in the case of acquiring or selling real property be sealed with the Common Seal of the Police Authority.
3. A contract shall include:
  - (a) the work to be done, the goods to be supplied or the services to be carried out;
  - (b) the price to be paid with a statement of discounts available or other deductions;
  - (c) the time or times within which the contract is to be carried out; and
  - (d) the acceptable standard required or the minimum compliance required.
4. A contract shall provide, if appropriate, for liquidated and ascertained damages to be paid by the contractor in a case where the terms of the contract are not fulfilled.

## 11. Assignment

Each contract shall state that the contractor will not be allowed to transfer or assign directly or indirectly any portion of the contract without the written consent of the Commissioner or appropriate officer.

## 12. Sale and Purchase of Property or Land

1. The Commissioner or appropriate officer is authorised to dispose or purchase of property on behalf of the Police Authority, in accordance with the Estates Strategy agreed by the Authority.
2. Plans for the significant rationalisation or expansion of the estate and provision for its maintenance should be included in the budget and the Policing and Performance Plan.
3. Where a significant transaction is not included in the budget and the Policing Plan, the Commissioner shall:
  - (a) consult with the Treasurer
  - (b) include the transaction in a report to the Police Authority.
  - (c) disposal of real property generally will either be by auction or by completion . When disposal is by negotiation:
    - there will be an independent evaluation of the property
    - the Commissioner shall consult the Treasurer where disposal is less than the market value
    - it will be included in a report to the Authority (but residential sales may be aggregated)

## 13. Disposal of Surplus or Obsolete Goods

The Commissioner or appropriate officer is authorised to:

- (a) determine what goods are surplus or obsolete
- (b) dispose of surplus or obsolete goods either by:
  - destruction or disposal as appropriate (e.g.: for charitable or educational purposes) where there is no residual value
  - by auction or competition where the estimated value is less than £10 000, or
  - by competition where the estimated value is more than £10 000.



#### 14. **Corrupt Practices**

The Commissioner or appropriate officer may cancel the contract and recover any loss from cancellation if the contractor or any person employed by or acting on the contractor's behalf has:

- (a) offered, given, agreed to give to any person any gift or consideration of any kind as an inducement or reward for having done or not done any action in relation to any contract with the Police Authority;
- (b) given any fee or reward, the receipt of which is a criminal offence, or
- (c) committed any offence under the Prevention of Corruption Acts 1889-1916.



## **Introduction**

Reference to the “Authority” or “Police Authority” shall mean Metropolitan Police Authority, reference to the “Clerk” shall mean the Clerk to the Authority, and reference to the “Treasurer” shall mean the Treasurer to the Police Authority.

Whilst a number of powers will be reserved to the Police Authority itself, a large proportion of its business will be carried out via a structure of Committees and Sub-Groups; or by delegation to Officers. This is recognised as being the most efficient way of conducting business to ensure that matters are considered at the appropriate level.

This section refers to the delegation by the Police Authority to the Commissioner, the Clerk and the Treasurer, which should be exercised in accordance with the Procedural Standing Orders and Contract and Financial Regulations.

The Commissioner, Clerk and Treasurer are unlikely to be able to undertake all duties delegated to them personally, and accordingly provision has been made so that other officers as may be authorised by them are able to act on their behalf.

In addition, the Local Government Act 1972, the Local Government (Miscellaneous Provisions) Act 1976 and the Local Government and Housing Act 1989 contain provisions that require the Authority to identify “the Proper Officer” responsible for specific matters; and Section 5(1) of the Local Government and Housing Act 1989 requires the nomination of a “Monitoring Officer”, with responsibility for ensuring the legality of the actions of the Authority and its officers.

## **Overriding Principle**

In exercising any delegations listed within the scheme of delegation, financial regulations or contract regulations all officers will have due regard to the absolute need to consult each other when a matter falls within what might reasonably be regarded as a colleague’s or the Authority’s sphere of interest.

## **Devolved Delegated Authority**

The Commissioner, Clerk and Treasurer may authorise, in writing, named police officers and civil staff who are under their direction and control, either generally or specifically for the purpose to exercise any or all of the powers delegated.

### **A PROPER OFFICER PROVISIONS**

The Clerk shall be nominated as the Proper Officer for the following:

#### **Local Government Act 1972**

1. Section 96(1) – Receipt of notices of pecuniary interest
2. Section 96(2) – Keeping records of disclosures of pecuniary interest under section 94 and of notices under section 96(1)
3. Section 100B – Determination of which reports or parts of reports should not be disclosed on the grounds that they include exempt information which is likely to be considered in private

4. Section 100C – Minuting of meetings and preparing where necessary written summary of such parts of meetings at which the public are not present
5. Section 100F – Determination of which documents should not be disclosed to members on the grounds that they include confidential or exempt information
6. Section 229 (5) – Certification of photographic copies of documents
7. Section 231 (1) & (2) – Authentication of documents
8. Schedule 12 paragraph 4 (2) (b) – Signature of summonses to Police Authority meetings
9. Schedule 12 paragraph 4 (3) – Receipt of notices regarding address at which summonses to meetings are to be sent

Local Government (Miscellaneous Provisions) Act 1976

10. Section 41 (1) & (3) – Certification of resolutions and minutes etc. for evidential purposes

Local Government and Housing Act 1989

11. Section 19 (1) (a) – Receipt of notices of members’ interest

In accordance with the Local Government Act 1972, the Treasurer shall be nominated as the Proper Officer for the following:

1. Section 115 (2) – Receipt of monies due from officers
2. Section 228 (3) – Inspection of accounts

The Clerk, Treasurer and Commissioner shall be nominated as the Proper Officers in respect of Section 100D of the Local Government Act 1972 which relates to the preparation of the list of background papers for reports.

**B MONITORING OFFICER**

The Clerk shall be nominated as “Monitoring Officer” under Section 5(1) of the Local Government and Housing Act 1989.

**C PROCEDURE/ADMINISTRATION**

1. The Clerk shall affix the Common Seal of the Police Authority to and sign on behalf of the Authority any document to give effect to any decisions made by the Authority or by a Committee to which the Authority have delegated their powers; and shall make a consecutively numbered entry of every sealing of a document in a book kept for the purpose.
2. The Clerk shall sign any document where it will be a necessary step in legal proceedings, unless any enactment otherwise requires or authorises.
3. The Clerk shall fix fees for copies of documents and extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985.

4. The Clerk may approve, for the payment of members' allowances, the attendance of members at conferences, seminars and other events, after consultation with the Chair of the Authority; and subject to details of each approval being submitted to the next meeting of the Authority.

## **D FINANCE**

The Commissioner and Treasurer will arrange for the financial management of the service in accordance with the details and delegations set out in financial regulations (part B of this document). The following delegations apply:

(The statutory responsibilities of a "Chief Finance Officer" are set out in Sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations. The Financial Management Code of Practice recommends that, wherever possible, the financial management of the force takes place within that force.)

1. The Treasurer shall be responsible for the administration of the Authority's financial affairs as set out in Sections 112 and 114 of the Local Government Finance Act 1988 and the Accounts and Audit Regulations. His/her responsibilities are :
  - provide financial advice to the Police Authority on all aspects of its activity, including the strategic planning and policy making process;
  - advise the Authority on the content and implications of the budget and medium term financial plans;
  - support the Authority in presenting budget proposals to the Mayor for approval through the Greater London Assembly;
  - assist the Authority in seeking to obtain value for money especially through the Best Value process;
  - ensure that accurate, complete and timely financial management information is provided to the Authority and the Commissioner;
  - advise the Authority on financial propriety;
  - provide, under delegation from the Authority, an adequate and effective internal audit and assistance in securing safe and efficient financial arrangements;
  - secure the preparation of statutory and other accounts;
  - secure appropriate banking arrangements and treasury management including loans and investments;
  - advise on risk management and insurance;
  - Work with the Clerk to the Authority to ensure effective corporate management of the Authority's resources.

2. The Commissioner shall undertake the day to day financial management of the MPS and should devolve financial management responsibility within the Force in accordance with the devolved budget scheme agreed with the Treasurer.
3. The Commissioner shall appoint a Director of Resources with a professional qualification to take responsibility for the finance function and for ensuring appropriate financial policies and procedures.
4. The Commissioner shall be authorised to commit expenditure or to vire money between budget headings within the overall approved budget to meet the policies and objectives agreed with the Police Authority and reflected in the Policing and Performance Plan. Expenditure in excess of £1m on a significant change of policy must be the subject of separate approval by the Authority.
5. The Commissioner shall be authorised to write-off debts considered to be irrecoverable up to an individual maximum amount of £10,000, except where write-off action results from theft or fraud. All cases where write-off action results from theft or fraud shall be referred to the Treasurer for approval up to an individual maximum amount of £10,000 .
6. The Director of Resources shall :
  - provide the strategic financial perspective on the main management board of the MPS;
  - provide financial expertise, advice and information directly to the Commissioner to enable him to fulfil his/her delegated responsibility from the MPA for the financial management of the MPS;
  - provide professional leadership of the finance function within the MPS, ensuring that high standards of financial management are maintained; that financial systems and procedures promote the effective conduct of business; and that financial considerations are fully taken into account in all policy decisions;
  - take the key role in identifying and leading implementation of strategic, practical and cultural changes in the finance function to enable the MPS to make a successful transition from a central to a local government environment;
  - work closely with the Treasurer of the MPA to make proposals for and agree the framework for delegation of financial authority within which the MPS will operate. To ensure that managers at all levels are aware of their responsibilities within the framework and that they adhere to them;
  - support the Treasurer of the MPA in his/her statutory responsibilities for the financial affairs of the MPS by ensuring probity, legality and appropriate standards in all financial dealings;
  - act as the main point of contact with the Treasurer in providing, receiving and interpreting information on the financial affairs of the MPS;

- ensure effective control of financial planning, budgeting and monitoring in respect of all MPS expenditure;
- take the lead in developing, refining and implementing the strategy for the provision of financial services in the MPS.
- be authorised by the Treasurer to operate bank accounts on behalf of the Authority.

## **E CONTRACTS**

The Commissioner and Treasurer will manage the acquisition of goods and services in accordance with the details and delegations set out in contract regulations (part C of this document). The following delegations apply:

1. The Commissioner shall undertake the day to day management and control of contracts, subject to the provisions contained within Contract Regulations.
2. The Commissioner shall manage the tendering and contracting process in accordance with Contract Regulations, and shall make instructions that govern the management of contracts, purchase goods or services, acquisition and disposal of land and buildings, make contracts for the provision of works, assign a contract to a third party, and identify a purchase and contract management advisor.
3. The Commissioner shall seek the approval of the Authority for all contract action above 0.3%, and for any proposed expenditure that is of special significance because:
  - it raises questions of principle or financial policy;
  - it possesses unusual features or involves particular difficulty;
  - it might arouse particular public interest or publicity;
  - it concerns a matter of particular importance or sensitivity, or
  - it concerns proposals for outsourcing contracts or is connected with a public / private partnership or a private finance initiative.
4. The Commissioner shall consult with the Treasurer with regard to the approval of procedures for the creation and receipt of select and standing lists of approved contractors or suppliers
5. The Commissioner shall seek the agreement of the Treasurer and the Clerk in every case where it is intended to accept a late tender.
6. The Commissioner shall consult with the Clerk on the conditions of a contract and procedures for entering into and recording such contracts.
7. The Commissioner shall sign contracts on behalf of the Authority except in the case of land and buildings, which require the affixing of the Common Seal of the Authority.
8. The Commissioner shall dispose of property in accordance with the Estates Strategy.

9. Any significant transaction that has not been included in the budget and the Policing Plan shall be subject to consultation with the Treasurer and reported to the Authority
10. The Commissioner shall declare goods surplus to requirements or obsolete and arrange for disposal.

## **F PERSONNEL**

### **Police Authority functions :**

#### 1. Appointment of Chief Officers

The Metropolitan Police Authority will appoint the Chief (ACPO) Officers of the MPS, i.e. Commander and above, including Deputy Assistant Commissioners, subject to the role of the Home Secretary and Mayor in appointments to the posts of Commissioner and Deputy Commissioner.

#### 2. Dismissal/Discipline of Chief Officers

The Metropolitan Police Authority is the disciplinary body for the Chief (ACPO) Officers and will deal with any such cases/complaints in accordance with Regulations.

#### 3. Appointment of Senior Civil Staff

The Metropolitan Police Authority will be included in the appointment process for all senior civil staff posts at grade 5 and above.

#### 4. Dismissals of Senior Civil Staff

**The subject of a further report to the MPA.**

#### 5. Role as Civil Staff Employer

**The subject of a further report to the MPA.**

#### 6. Grievances, Capability and Discipline

**The subject of a further report to the MPA.**

#### 7. Police Pensions Regulations

Under the provisions of the Police Pensions Regulations 1987, the Police Authority may determine that a pension may be forfeited totally or partially if an officer or a widow is convicted of :

- Treason
- One or more offences under the Official Secrets Act which result in imprisonment for 10 or more years



- An offence that is certified by the Secretary of State as gravely injurious to the interests of the state or is liable to lead to a serious loss of confidence in the public service.

8. Direction and Control of Civil Staff

The MPA and Commissioner will jointly agree what staff are under each other's direction and control.

9. Politically Restricted MPA Posts

The MPA will determine which, if any, of the posts under its direction and control will be politically restricted within the meaning of the Local Government and Housing Act 1989.

**Delegations to officers:**

1. Discharge of the functions, and exercise of the powers, of the Authority under:

- (i) the following provisions of the Police Act 1996 are delegated to the Commissioner:

s.28 Employment of Police Cadets

s.31 Grant of rewards for diligence

s.97 Police Officers engaged on service outside their force

- (ii) the following Acts are delegated to the Commissioner :

Police (Overseas Service) Act 1945

Overseas Development and Co-operation Act 1980

- (iii) the following Regulations, including any subsequent or future amendments, are delegated to the Commissioner:

1987 Police Regulations (49) – Rent Allowance

1995 Police Regulations (52) – Removal Allowance

1995 Police Regulations (61) – Allowance for Recurring Escort Duty, etc.

2. In relation to those staff deemed to be under the direction and control of either the Clerk of the Treasurer the power of direction and control shall include :

- The appointment and dismissal of staff
- The management and implementation of disciplinary and grievance procedures
- The approval of the extension of service for non-superannuable employees
- The approval of the extension of service for staff over normal retiring age
- The approval of the payment of all allowances payable under national or local conditions of service

- The approval of leave of absence without pay beyond that provided for
- The approval of the payment of honoraria to officers who have undertaken additional duties over an extended period in the absence of a more senior officer
- The grant of one merit increment in any year in salary
- The discharge of any civilian employee whom the Police Surgeon has certified as being permanently medically unfit from performing his/her duties

## **G**     **LEGAL**

1. Where calculated to facilitate, or conducive or incidental to, the discharge of any of the functions of the Authority, the Commissioner shall, in consultation with the Clerk, be authorised to prosecute or defend or appear in any legal proceedings. **This is subject to the requirement for the Clerk to keep the Treasurer informed of potentially expensive cases.**
2. The Commissioner and Clerk shall act as the authorised officers of the Authority in connection with Section 223 of the Local Government Act 1972 (as amended) which relates to appearance on behalf of the Authority in legal proceedings.
3. The Commissioner and Clerk shall be authorised to make representations on behalf of the Authority at any public inquiry held by or on behalf of any Minister or public body under any enactment
4. The Commissioner shall issue and serve notices and impose requirements under any legislation relating to the functions administered by the MPS.
5. The Clerk be authorised to arrange for independent legal advice and representation for the Authority, should the need arise.
6. The Clerk be authorised to execute or authorise the execution of legal agreements having regard to Financial and Contract Regulations.
7. The Clerk be authorised to exercise any powers granted to the Authority by statute to authorise entry on land and premises

## **H**     **OTHER MATTERS**

Discharge of the functions, and exercise of the powers, of the Authority under the following provisions of the Police Act 1996 are delegated to the Commissioner:

- s.24    Agreeing payments for assistance between forces
- s.25    Determination of charges for special services
- s.26    Provision of advice and assistance to international organisations etc.