



west midlands
police and crime
commissioner



**West Midlands Police and Crime
Commissioner**

and

West Midlands Police Chief Constable

CORPORATE GOVERNANCE FRAMEWORK

December 2025

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DEFINITIONS

In this document, the following specific expressions, will have the following meanings, unless inconsistent with the context:

'Accountability and Governance Board' (AGB)	The Board is where the Commissioner formally and publicly holds the Chief Constable and West Midlands Police to account, on behalf of the people of the West Midlands.
'The 2011 Act'	The Police Reform and Social Responsibility Act 2011.
'Commissioner' (PCC)	The person democratically elected to the Office of the Police and Crime Commissioner for the West Midlands.
'Deputy Commissioner' (DPCC)	Any person appointed by the Commissioner under section 18(1)(a) of the 2011 Act.
'Chief Executive' (CE)	The person appointed under Paragraph 6(1)(a) of Schedule 1 to the 2011 Act.
'Commissioner's Chief Finance Officer' (CFO)	The officer having responsibility for the proper administration of the Commissioner's financial affairs under Paragraph 6(1)(b) of Schedule 1 to the 2011 Act.
'The Commissioner's Staff'	People employed by the Commissioner and not under the direction and control of the Chief Constable.
'The Force'	The police force maintained for the West Midlands police area.
'Chief Constable' (CC)	The person appointed by the Commissioner pursuant to section 2 of the 2011 Act.
'Force Chief Finance Officer' (FCFO)	The Director of Commercial Services is the person responsible for the proper administration of the police force's financial affairs under Paragraph 4(2)(1) of Schedule 2 to the Act.
Director of Legal Services (CLO)	Chief Legal Officer
'Chief Constable's Staff'	People employed by and under the direction of control of the Chief Constable in accordance with Paragraph 7(10)(b) of Schedule 15 to the Act.
'Chief Officers'	The Chief Executive, Commissioner's Chief Finance Officer, Chief Constable, Force Chief Finance Officer and all other members of the CC's Management Team.
Joint Audit Committee	Audit Committee appointed jointly by the Chief Constable and the Commissioner
'Police and Crime Panel' (PCP)	Appointed in accordance with Part 2 of Schedule 6 to the Act, to scrutinise the actions and decisions of the Commissioner, providing both support and challenge, acting as a critical friend. .
'Statutory Officers'	The CE, CFO and the FCFO.
'The Police Fund'	The fund kept by the Commissioner under section 21 of the 2011 Act.

Joint Statement of Corporate Governance

1. Introduction

- 1.1 The purpose of this statement is to give clarity to the way the two corporations' sole, the Police and Crime Commissioner and the Chief Constable, will govern both jointly and separately, to do business in the right way, for the right reason and at the right time, to secure the maintenance of the police force and secure that the police force is efficient and effective.

2. Context

- 2.1 The statutory and regulatory framework, within which the corporations sole will operate includes:
- the Police Reform and Social Responsibility Act 2011
 - the Policing Protocol Order 2023
 - the Home Office's Financial Management Code of Practice, July 2018
 - the Home Office's Strategic Policing Requirement, February 2023
- 2.2 This framework creates a public sector relationship, based upon the commissioner-provider arrangement, but with unique elements, such as the single elected Commissioner and the operational independence of the police service.

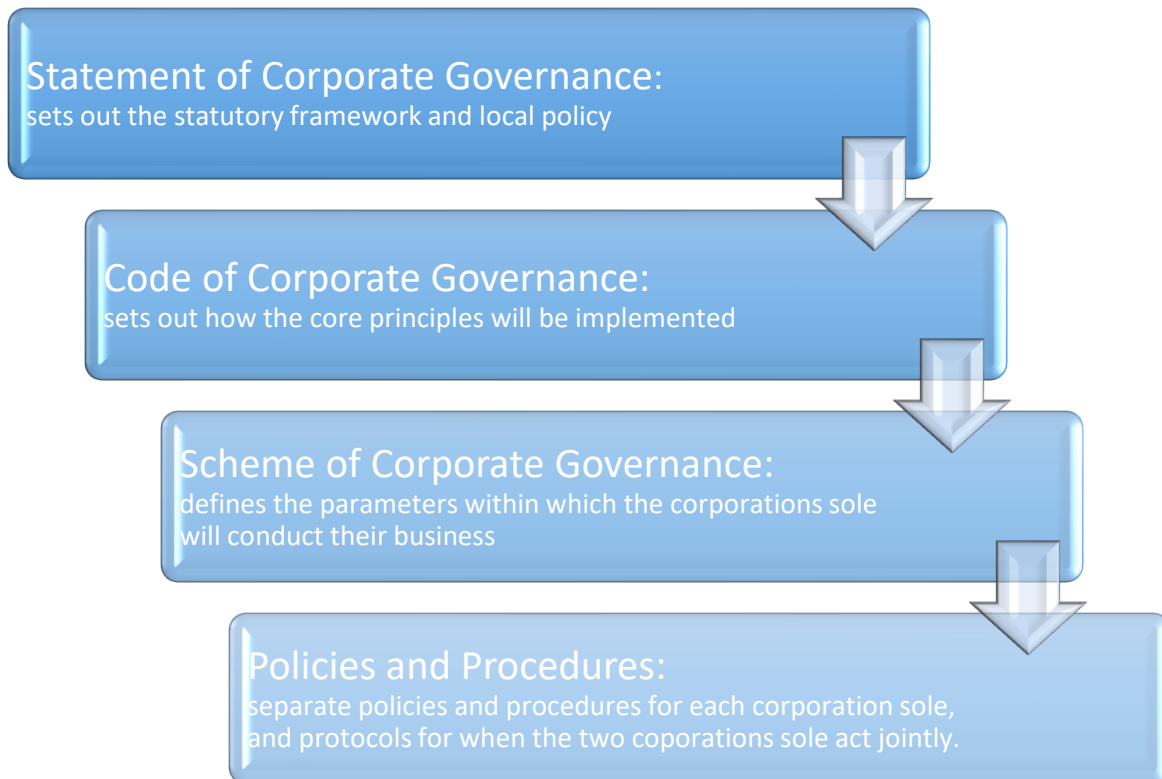
3. Principles

- 3.1 The core principles to be adopted by both corporations' sole, will be those highlighted by the CIPFA Delivering Good Governance in Local Government: Framework (April 2016):
- Behave with integrity, demonstrate strong commitment to ethical values and respect the rule of law
 - Ensure openness and comprehensive stakeholder engagement
 - Define outcomes in terms of sustainable economic, social and environmental benefits
 - Develop the entity's capacity, including the capability of its leadership and the individuals within it
 - Manage risks and performance, through robust internal control and strong public financial management
 - Determine the interventions necessary, to optimize the achievement of the intended outcomes

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

4. Framework of Governance

4.1 The Corporate Governance Framework, within which both corporations sole will govern, operates as follows:



5. Leadership

5.1 A corporate governance working group (Joint Governance Board), will review the framework on an annual basis and oversee its implementation. Membership will consist of senior staff, representing both the Commissioner and the Chief Constable.

Joint Code of Corporate Governance

1. Introduction

- 1.1 Governance is about how organisations ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems, processes, culture and values by which organisations are directed and controlled, and through which they account to, engage with, empower and, where appropriate, lead their communities.
- 1.2 This Code of Corporate Governance sets out how the Commissioner and the Chief Constable conduct their organisations, both jointly and separately, in accordance with policy contained within the Statement of Corporate Governance. It will do this by highlighting the key enablers, for ensuring good governance.
- 1.3 The seven core principles set out in the 2016 CIPFA guidance 'Delivering Good Governance: Guidance Notes for Policing Bodies in England and Wales' ("the Good Governance Framework"), form the basis on which effective governance should be built. The principles are set out in Annex A to this Joint Code of Corporate Governance, together with the expected behaviours, to show how each principle will be implemented.

2. Monitoring and Reporting

- 2.1 The Commissioner and the Chief Constable will undertake regular reviews of governance arrangements, to ensure continuing compliance with best practice, as set out in the CIPFA/SOLACE Delivering Good Governance in Local Government Framework, so as to provide assurance that:
 - corporate governance arrangements are adequate and operating effectively in practice; or
 - where reviews of the corporate governance arrangements have revealed gaps, action is planned that will ensure effective governance in future.
- 2.2 The Commissioner and the Chief Constable will prepare Annual Governance Statements and in so doing, will recognise that the work of the Joint Governance Board in preparing the Statements, should itself add value to corporate governance and internal control frameworks. The Annual Governance Statements, will highlight areas of significant weakness in corporate governance and these will be monitored for progress over the subsequent year.
- 2.3 The Annual Governance Statements, will include the following information:
 - an acknowledgement of responsibility, for ensuring there is an effective system of governance, including in particular the system of internal control.

- an indication of the level of assurance, that the systems and processes that comprise the Commissioner's and the Chief Constable's governance arrangements can provide.
- a brief description of:
 - the key elements of the governance arrangements;
 - the process that has been applied, in maintaining and reviewing the effectiveness of the governance arrangements, including comment on the role of the Commissioner, the Joint Audit Committee, Internal Audit, risk management and other explicit review/assurance mechanisms;
 - an outline of the actions taken, or proposed, to deal with significant governance and internal control issues.

2.4 The Commissioner and the Chief Constable recognise, that the Annual Governance Statements should cover all significant corporate systems, processes and controls, across the whole range of the Commissioner's activities, including in particular those designed to ensure:

- policies are implemented;
- values are met;
- compliance with laws and regulations;
- adherence to required processes;
- financial statements and other published information are accurate and reliable;
- human, financial and other resources are managed efficiently and effectively;
- high quality services are delivered efficiently and effectively.

2.5 The production of the Annual Governance Statements is a corporate responsibility.

2.6 In reviewing and approving the Annual Governance Statements, the Commissioner and the Chief Constable will be provided with assurance on the effectiveness of the governance framework, and in particular the system of internal control, and how this addresses the key risks faced. These assurances will be available from a wide range of sources, including internal and external audit, a range of external inspectorates and key officers and staff from across the Force.

Joint Code of Corporate Governance

Annex: Core Principles of Effective Governance

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

Behaving with Integrity

- Ensuring that the Commissioner, Chief Officers and staff behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated, thereby promoting and upholding the reputation of the organisation among its stakeholders.
- Ensuring the Commissioner and Chief Officers, lead in establishing specific standard operating principles or values for their organisations and staff and that they are communicated and understood. The values should build on the Nolan Principles and the College of Policing's Code of Ethics.
- Leading by example and using the above standard operating principles or values, as a framework for decision making and other actions.
- Demonstrating, communicating and embedding, the standard operating principles or values, through appropriate policies and processes which are reviewed on a regular basis, to ensure that they are operating effectively.

Demonstrating strong commitment to ethical values

- Seeking to understand, monitor and maintain, the organisation's ethical performance.
- Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation.
- Developing and maintaining robust policies and procedures, which place emphasis on agreed ethical values.
- Ensuring that external providers of services on behalf of the organisation, are required to act with integrity and in compliance with ethical standards expected by the organisation.

Respecting the rule of law

- Ensuring the Commissioner, Chief Officers and staff demonstrate a strong commitment to the rule of law, as well as adhering to relevant laws and regulations.

- Creating the conditions to ensure that Statutory Officers, other key post holders and where appropriate statutory committees, are able to fulfil their responsibilities in accordance with best practice.
- Striving to use full powers for the benefit of citizens, communities and other stakeholders.
- Dealing with breaches of legal and regulatory provisions effectively.
- Ensuring corruption and misuse of power, are dealt with effectively.

Principle Two: Ensuring openness and comprehensive stakeholder engagement

Openness

- Ensuring that the Commissioner, Chief Officers and staff behave with integrity and lead a culture, where acting in the public interest, is visibly and consistently demonstrated, thereby promoting and upholding the reputation of the organisation among its stakeholders.
- Ensuring the Commissioner and Chief Officers, lead in establishing specific standard operating principles or values for their organisations and staff and that they are communicated and understood. The values should build on the Nolan Principles and the Code of Ethics.
- Leading by example and using above standard operating principles or values, as a framework for decision making and other actions.
- Demonstrating, communicating and embedding, the standard operating principles or values through appropriate policies and processes, which are reviewed on a regular basis, to ensure that they are operating effectively.

Engaging comprehensively with institutional stakeholders

- Effectively engaging with institutional stakeholders, to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear, so that outcomes are achieved successfully and sustainably.
- Developing formal and informal partnerships, to allow for resources to be used more efficiently and outcomes achieved more effectively.
- Ensuring that partnerships, including collaborations, are based on trust, a shared commitment to change and a culture, which promotes and accepts challenge among partners and that the added value of partnership working is explicit.

Engaging with individual citizens and service users

- Establishing a clear policy, about the type of issues on which the organisation will meaningfully consult with, or involve, individual communities, citizens, service users and other stakeholders, to ensure that a service or other provision, is contributing towards the achievement of intended outcomes.
- Ensuring that communication methods are effective and that the Commissioner and officers are clear about their roles, with regard to community engagement.
- Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds, including reference to future needs.
- Implementing effective feedback mechanisms for those consultees, in order to demonstrate how their views, have been taken into account.
- Balancing feedback from more active stakeholder groups with other stakeholder groups, to ensure inclusivity.
- Taking account of the interests of future generations of taxpayers and service users

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

Defining outcomes

- Having a clear vision – an agreed formal statement of the organisation’s purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the organisation’s overall strategy, planning and other decisions.
- Specifying the intended impact on, or changes for, stakeholders, including individual citizens and service users. It could be immediately, or over the course of a year or longer.
- Delivering defined outcomes on a sustainable basis, within the resources that will be available, while recognising that changing and unforeseen demands, will place additional pressure on financial resources.
- Identifying and managing risks, to the achievement of outcomes, as part of delivering goods and services.
- Managing expectations effectively, with regard to determining priorities and making the best use of the resources available.

Sustainable economic, social and environmental benefits

- Considering and balancing the combined economic, social and environmental impact of policies, plans and decisions, when taking decisions about services.
- Taking a long term view with regard to decision making, taking account of risk and acting transparently, where there are potential conflicts between the Commissioner and the chief officer's intended outcomes and short term factors, such as the political cycle or financial constraints
- Ensuring fair access to services.

Principle Four: Determining the interventions necessary to optimise the achievement of the intended outcomes

Determining interventions

- Ensuring that decision makers receive objective and rigorous analysis of a variety of options, indicating how intended outcomes would be achieved and including the risks associated with those options, so that best value is achieved, however services are provided.
- Considering feedback from citizens and service users, when making decisions about service improvements, or where services are no longer required, in order to prioritise competing demands within limited resources available, including people, skills, land and assets, and bearing in mind future impacts.

Planning interventions

- Establishing and implementing robust planning and control cycles, that cover strategic and operational plans, priorities and targets.
- Engaging with internal and external stakeholders, in determining how services and other courses of action should be planned and delivered.
- Considering and monitoring risks facing each partner, when working collaboratively, including shared risks.
- Ensuring arrangements are flexible and agile, so that the mechanisms for delivering outputs, can be adapted to changing circumstances.
- Establishing appropriate performance measures, as part of the planning process, in order to assess and inform how the performance of the services and projects is to be measured.

- Ensuring capacity exists to generate the information required, to review service quality regularly.
- Preparing budgets, in accordance with government funding announcements, organisational objectives, strategies and the medium-term financial plan.
- Informing medium and long-term resource planning, by drawing up realistic estimates of revenue and capital expenditure, together with estimates of grant, precept, and other income streams, aimed at developing a sustainable funding strategy.

Optimising achievement of intended outcomes

- Ensuring the medium term financial strategy, integrates and trades off service priorities, affordability, and other resource constraints.
- Ensuring that the budgeting process is all inclusive, taking account of the full cost of operations, over the medium and longer term.
- Ensuring the medium-term financial strategy, sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment, that may arise during the budgetary period, in order for the outcomes to be achieved, while optimising resource usage.
- Ensuring the achievement of 'social value', through service planning and commissioning

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

Developing the entity's capacity

- Reviewing operations, performance and asset management on a regular basis, to ensure their continuing effectiveness.
- Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how policing resources are allocated, so that defined outcomes are achieved effectively and efficiently.
- Recognising and promoting the benefits of collaborative working, where added value can be achieved through partnerships.
- Developing and maintaining an effective workforce plan, to enhance the strategic allocation of resources.

Developing the capability of the entity's leadership and other individuals

- Developing protocols to ensure that elected and appointed leaders, negotiate their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained.
- Publishing a statement that specifies the types of decisions delegated and those reserved for the collective decision making of the governing body.
- Ensuring the Commissioner and Chief Officers have clearly defined and distinctive leadership roles within a structure, whereby the Chief Officers lead by implementing strategy and managing the delivery of services and other outputs, set by the Commissioner and/or the CC, and each provides a check and balance for each other's responsibility.
- Developing the capabilities of the Commissioner and Chief Officers, to achieve effective shared leadership where appropriate, and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks.
- Ensuring the Commissioner, Chief Officers and staff receive appropriate induction tailored to their role and that ongoing training and development, matching individual and organisational requirements, is available and encouraged.
- Ensuring that the Commissioner, Chief Officers and staff have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring, that they are able to update their knowledge on a continuing basis.
- Ensuring personal, organisation and system-wide development through shared learning, including lessons learnt from governance failures both internal and external.
- Ensuring the Commissioner is independent of management and free from relationships, that would materially interfere with its role.
- The Office of the PCC, in conjunction with the Force, should ensure that appropriate information is available, for potential Commissioner candidates.
- Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback, from peer review and inspections.
- Holding staff to account through regular performance reviews, which take account of training or development needs.
- Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals, in maintaining their own physical and mental wellbeing.

Principle Six: Managing risks and performance through robust internal control and strong public financial management

Managing risk

- Recognising that risk management is an integral part of all activities and must be regarded as a continuous process.
- Implementing robust and integrated risk management arrangements and ensuring they are working effectively.
- Ensuring that responsibilities for managing individual risks are clearly allocated.
- Ensuring that the organisation is risk aware and that its risk appetite is defined and communicated clearly, to those responsible for making decisions.

Managing performance

- Monitoring service delivery effectively including planning, specification, execution and independent post implementation review.
- Making decisions based on relevant, clear, objective analysis and advice, pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook.
- Ensuring an effective scrutiny or oversight function is in place, which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made, thereby enhancing the organisation's performance and that of any organisation for which it is responsible.
- Providing the Commissioner and Chief Officers with regular reports on service delivery plans and on progress towards outcome achievement.
- Ensuring there is consistency between specification stages, such as budgets and post implementation reporting, for example, financial statements).

Robust internal control

- Aligning the risk management strategy and policies on internal control, with achieving the organisation's objectives.
- Evaluating and monitoring the organisation's risk management and internal control on a regular basis.
- Ensuring effective counter fraud and anti-corruption arrangements are in place.

- Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control, is provided by the internal auditor.
- Ensuring an independent audit committee or equivalent group or function, which is independent of the executive and accountable to the Commissioner and the Chief Constable, provides a further source of effective assurance regarding arrangements for managing risks and maintaining an effective control environment and that its recommendations are listened to and acted upon.

Managing data

- Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data.
- Ensuring effective arrangements are in place and operating effectively, when sharing data with other bodies.
- Reviewing and auditing regularly the quality and accuracy of data, used in decision making and performance monitoring.
- Operation of an ethics committee, to advise the PCC and Chief Constable on data science projects, being proposed by WMP's Data Analytics Lab.

Strong public financial management

- Ensuring financial management supports both long-term achievement of outcomes and short term financial and operational performance.
- Ensuring well developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.

Principle Seven: Implementing good practices in transparency, reporting, and audit to deliver effective accountability

Implementing good practice in transparency

- Writing and communicating reports for the public and other stakeholders, in an understandable style appropriate to the intended audience and ensuring they are easy to access and interrogate.
- Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny, while not being too onerous to provide and for users to understand.

Implementing good practices in reporting

- Reporting at least annually on performance, value for money, and the stewardship of resources to stakeholders, in a timely and understandable way.
- Ensuring the Commissioner and Chief Officers own the results.
- Assessing the extent to which the organisation is applying the principles contained in the Framework and publishing the results of this assessment, including an action plan for improvement and evidence, to demonstrate good governance in action, the Annual Governance Statements.
- Ensuring the performance information that accompanies the financial statements, is prepared on a consistent and timely basis and the statements allow for comparison with other similar entities.
- Ensuring that the Framework is applied, to jointly managed functions as appropriate.

Assurance and effective accountability

- Ensuring that recommendations for corrective action made by external audit are acted upon.
- Ensuring an effective internal audit service, with direct access to the Commissioner, the Chief Constable and audit committee, provides assurance with regard to the organisation's governance arrangements, and produces recommendations which are acted upon.
- Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations as appropriate.
- Gaining assurance on risks associated with delivering services through third party suppliers and that this is evidenced in the Annual Governance Statements.
- Ensuring that when working in partnerships, arrangements for accountability are clear and that the need for wider public accountability, has been recognised and met.

Joint Scheme of Corporate Governance

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1. Introduction

- 1.1 This Scheme of Corporate Governance ('the Scheme'), has been prepared in accordance with the requirements of the Home Office Code of Practice on Financial Management, which is made by the Secretary of State under section 17 of the Police Reform and Social Responsibility Act 2011 ('the Act') and section 39A of the Police Act 1996.
- 1.2 The Scheme has been drawn up in consultation with the Chief Executive ('CE'), the Commissioner's Chief Finance Officer ('CFO'), the Chief Constable ('CC') and the Chief Constable's Chief Finance Officer ('FCFO') and was approved and adopted by the Police and Crime Commissioner ('the Commissioner') and the Chief Constable in 2012, and updated in October 2019, January 2021 and October 2025.
- 1.3 The Scheme provides a framework which ensures business is carried out lawfully, efficiently and effectively, ensuring that decisions are not unnecessarily delayed and are taken at the appropriate level. It forms part of the overall corporate governance framework of the two corporations sole and should be read alongside the Joint Statement of Corporate Governance and the Code of Corporate Governance.
- 1.4 The primary purpose of the Scheme is to:
 - Set out in detail the terms on which the respective functions of the Commissioner and CC will be exercised, in order to comply with the Act, the Policing Protocol Order 2011 and all other legislation and achieve the objectives, set out in the Commissioner's Police and Crime Plan.
 - Set out all significant decisions, which are consented/delegated and which are of a statutory, financial or managerial nature.
 - Set out the extent and any associated conditions, attaching to the Commissioner's consent to the CC's exercise of the powers to enter into contracts and acquire or dispose of assets, excluding land and property.
 - Set out the extent and details attaching to the delegations to their staff and officers, which the Commissioner and CC can exercise.
- 1.5 The Commissioner and CC have a number of statutory responsibilities which they will either discharge directly, or via delegated/consented responsibilities, as outlined in this scheme.
- 1.6 The Scheme sets out those functions and decisions for which the Commissioner has given the Deputy Commissioner, if one is appointed, delegated responsibility.
- 1.7 The Scheme is without prejudice to, and does not in any way affect, the Commissioner's and CC's respective powers to make/withdraw specific delegations/consents from time to time on any powers delegated. It is a record of those formal delegations granted by

the Commissioner and CC, which are in effect at the time of the publication of the Scheme.

- 1.8 The Scheme forms part of the Commissioner's and CC's Operating Framework ,including contract standing orders, financial regulations, working protocols and associated service-level agreements as from time to time in place, and should be read in conjunction with these other documents as they contain further detail, including the approved process for making decisions and further detailed delegations.
- 1.9 The CE, the CFO and the FCFO have statutory powers and duties inherent to their positions, and do not rely on matters being delegated to them, when exercising those functions.
- 1.10 Delegation under the Scheme provides a member of the Commissioner's or CC's staff with the legal power to exercise, respectively, the function of the Commissioner or CC. In exercising the function, the member of staff must still comply with all other statutory and regulatory requirements and relevant professional guidance.
- 1.11 For the avoidance of doubt, this Scheme does not apply to the following functions, which the Commissioner may not delegate under section 18 of the Act:
 - Issuing a Police and Crime Plan;
 - Determining police and crime objectives;
 - Attendance at a meeting of the Police and Crime Panel ('PCP');
 - Preparing an annual report to the PCP;
 - The appointment, suspension, or the calling upon to retire or resign, of the CC;
 - Calculating a budget requirement and setting the precept.
- 1.12 The Scheme allows any person to whom a power has been delegated, to sub-delegate that power to an officer or member of staff, of either the Commissioner or CC.
- 1.13 The PCP scrutinises and supports the decisions of the Commissioner. The Commissioner holds the CC to account, for the exercise of his functions.
- 1.14 None of the consents/delegations in this Scheme, constrains the Commissioner's power to hold the CC to account under section 1 of the Act or the Commissioner's power to require the CC to provide the Commissioner with information, on policing matters under section 36 of the Act.
- 1.15 For the avoidance of doubt, nothing in this scheme is intended to fetter the CC's operational independence.

2. Roles

Role of the Police and Crime Commissioner

2.1 The West Midlands Police and Crime Commissioner is the local governing body for policing in the West Midlands police area, covering metropolitan districts of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton.

2.2 The Commissioner has an over-arching duty, to secure an effective and efficient police force. The Commissioner has three main roles, which are to:

- Determine the priorities for policing;
- Decide the budget for West Midlands Police;
- Hold the Chief Constable of West Midlands Police to account.

2.3 In order to fulfil these roles, the Commissioner has a range of duties, powers and responsibilities. These include that the Commissioner:

- Must issue a Police and Crime Plan that sets out:
 - Their policing objectives
 - The policing that is to be provided
 - The financial resources that are to be available for policing
 - How policing performance will be measured
- Must set the policing "precept", which is the part of local council tax allocated to policing;
- Can appoint and, if necessary, dismiss the Chief Constable;
- Can make Crime and Disorder Reduction Grants;
- Has an oversight role in how complaints against the police are managed;
- Must keep under review opportunities for collaboration;
- Has duties relating to value for money, equality and diversity, safeguarding, promoting the welfare of children, consulting the public and having regard to the Strategic Policing Requirement;
- Has a role in ensuring the effectiveness of the wider criminal justice system.

A police and crime commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner.

- 2.4 The Commissioner will receive government grants and the council tax precept. Other sources of income received by the Force, will be paid into the Police Fund. How this funding is allocated to operational activities is for the CC to decide, in consultation with the Commissioner and in accordance with the objectives set out in the Police and Crime Plan, the Strategic Policing Requirement or in accordance with any Government grant terms and conditions.
- 2.5 The Commissioner has wider community safety, crime reduction and criminal justice responsibilities, than those solely relating to the responsibilities and activities of the police force and this is referred to in the Code of Corporate Governance.

Role of the Chief Constable

- 2.6 The role and primary responsibilities of the CC include:
- Maintaining the King's Peace;
 - Delivery of efficient and effective policing;
 - Efficient management of resources and expenditure which delivers value for money;
 - Having regard to the strategic direction and objectives outlined in the Police and Crime Plan, the Strategic Policing Requirement and codes of practice issued by the Secretary of State;
 - Maintain effective and efficient arrangements in respect to:
 - Collaboration Agreements Section 22A of the Police Act 1996
 - Engaging with local people (Section 34)
 - Value for money (Section 35)
 - Duties relating to equality and diversity
 - Safeguarding of Children and the promotion of child welfare.
 - Maintaining operational independence in the service of the public;
 - Impartial direction and control of all constables and staff within the police force.

Role of the Accountability and Governance Board (AGB)

The purpose of the AGB is to enable the Commissioner to fulfil his duties and functions, in formally and publicly, holding the Chief Constable and West Midlands Police (WMP) to account.

In particular, the AGB shall:

- Assist the Commissioner, to facilitate and monitor, the implementation of the aims and objectives set out within the Police and Crime Plan and support the Commissioner, in any work required to vary the Plan, during his term of office.

- Maintain an overview of the implementation of the aims and objectives set out within the Police and Crime Plan, in order to ensure consistency and fairness, having regard to the differing and wide-ranging needs within the West Midlands.
- Scrutinise, support and challenge, the overall performance of the Force, including as against the aims, objectives and priorities, set out within the Plan.
- Advise the Commissioner, in exercising his duties and functions, when setting the WMP budget and local Council Tax precept.
- Scrutinise and provide oversight of the effectiveness, efficiency, quality and implementation of Force strategies and workplans.
- Support the Commissioner, in his work with the Advisory Panel, including attendance at meetings of the Advisory Panel.
- Advise and support the Commissioner, in his decision-making role and in holding the Chief Constable and WMP to account.
- Support the Commissioner, more generally, in the fulfilment of his statutory duties and functions, pursuant to the Police, Reform and Social Responsibility Act 2011 and to comply with and have regard to, equalities and human rights obligations and requirements.

Role of the Police and Crime Panel (PCP)

The PCP's statutory functions are set out in section 28 of the Act as follows:

- Reviewing the draft Police and Crime Plan, to ensure local priorities have been considered;
- Scrutinising the Commissioner's Annual Report;
- Scrutinising the decisions and actions of the Commissioner;
- Reviewing, and potentially vetoing, the Commissioner's proposed policing precept (the money collected from Council Tax for policing);
- Holding confirmation hearings for the proposed appointment of a Chief Constable, Deputy Police and Crime Commissioner and senior support staff;
- Consideration of non-criminal complaints against the Commissioner or the Deputy Commissioner.

Role of the Data, Technology and Operational Ethics Panel

The Panel has been established to:

- provide independent expert advice and recommendations around implications to the CC and the PCC regarding the ethical issues arising from their work.
- be responsible for providing the CC and PCC with advice – through the appropriate operational leads – around all ethical implications accompanying the use of new policing approaches, technology, and data insights in live projects.

Consents

- 3.1 The Commissioner may give consent to the CC, to enter into contracts and to acquire or dispose of assets, other than land and buildings, subject to the requirements of the Financial Regulations and the Contract Standing Orders. However, in order to simplify systems of internal control, contracts will continue to be issued in the name of the Commissioner.
- 3.2 The Commissioner also consents to the CC managing land and buildings, in accordance with the approved Estates Strategy and Financial Regulations and Contract Standing Orders.
- 3.3 The Commissioner consents to the CC entering into agreements under section 23 of the Police Act 1996 where agreed and to enter into Memorandums of Understanding and Memorandums of Agreement, where necessary in the discharge of his duties and functions as the CC.

3. Delegations

- 4.1 Throughout this Scheme the Commissioner and the CC expect that any person carrying out functions or powers on the Commissioner's/CC's behalf, or making any related decision, will act within policies and strategies approved by the Commissioner and/or CC as appropriate and will take appropriate professional advice as necessary, particularly legal and financial advice and where appropriate, operational advice from the CC.
- 4.2 Before any financial liability affecting the Police Fund that is novel, contentious or repercussive is incurred, the appropriate Chief Officer should consult with the Commissioner, who may then decide that a formal written approval is required.
- 4.3 The Scheme is intended to complement the remaining documents of the Commissioner's operating framework, namely the Contract Standing Orders and the Financial Regulations and any other relevant arrangements adopted by the Commissioner and CC. In the event of a conflict, the provisions of this Scheme shall have precedence.
- 4.4 In the absence of the CE, the CFO, the CC or the FCFO respectively, officers designated as deputising, may exercise delegated/consented powers.

- 4.5 The Commissioner and/or the CC, may require that a specific matter be referred to them for a decision and not dealt with under powers of delegation.
- 4.6 Giving delegation to officers or staff under this scheme, does not prevent an officer/member of staff from referring the matter to the Commissioner and/or CC for a decision, if they think that this is appropriate, for example, because of sensitive community and stakeholder issues, or any matter which may have significant operational or financial implications.
- 4.7 All Commissioner decisions should be recorded and be available for inspection.
- 4.8 The Commissioner and/or CC may set out their reporting arrangements on actions undertaken by their own staff, in respect of the use of powers delegated to them.

4. Delegations by the Commissioner

Delegations to the Deputy Commissioner

- 5.1 The Act provides for a PCC to appoint a Deputy Police and Crime Commissioner. Where a Deputy Commissioner has been appointed and in the absence of the Commissioner, the Deputy Commissioner may exercise any function of the Commissioner, other than those functions listed in sections 18(7)(a) (issuing a police and crime plan), 18(7)(e) (appointing the chief constable, suspending the chief constable or calling upon the chief constable to retire or resign) and 18(7)(f) (calculating a budget requirement) of the Act.
- 5.2 The decision as to whether or not the Commissioner is absent in the first instance rests with the Commissioner, or if required rests with the CE.

Delegations to the Chief Executive

- 5.3 The CE is the Head of the Commissioner's staff and the Monitoring Officer for the Commissioner. The delegations below are a record of those formal delegations granted by the Commissioner to the Chief Executive, which are in effect at the time of publication of this Scheme.
- 5.4 General delegations:
- To prepare and deliver the Police and Crime Plan (PCP), in consultation with the CC and his Management Team, for submission to the PCC:
 - To provide information to the Police and Crime Panel as reasonably required, in accordance with PRSRA 2011 Section 13 to enable the Panel to undertake its functions;
 - In addition to the powers set out in the Contract Standing Orders to sign, execute and issue all legal documents necessary, to implement decisions made by the Commissioner, or anyone exercising the Commissioner's functions.
- 5.5 Financial administration delegations:
- To agree any fees for copies of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985, the Freedom of Information Act 2000, or the Data Protection Act 2018.
 - To approve, after consultation with the PCC, the provision of police expertise, advice and assistance, to international agencies or other non UK bodies under Section 26 of the Police Act 1996:

5.6 Management / Human Resources delegations:

- To approve restructurings of establishment, in relation to the Office of the Commissioner, in conjunction with the CFO, subject to:
 - there being budget provision and account taken of equalities considerations for the proposals
 - consultation with the trade unions, and
 - that the Chief Executive will consult with the CC and **seek approval from the independent Chair of the Joint Audit Committee**, on any proposed changes to the personnel resource heading the internal audit function.
- To undertake all aspects of the management of staff, and in particular to ensure the implementation of the approved HR policies and the staff handbook. This includes all appointments, suspensions and dismissals, other than Statutory Officers, providing support to the Commissioner, including all traditional personnel and establishment control functions;
- To exercise all the powers of employer, including determination of all issues relating to the conditions of service of those staff, provided that any such decisions are made in accordance with the law and with policies adopted by the Commissioner;
- To sign on behalf of the Commissioner any indemnity required, to enable the Commissioner to exercise any of his/her functions, provided that where the giving of an indemnity could have financial implications, such indemnity shall only be signed following consultation with the CFO;

5.7 Delegations regarding Custody Visitors and other volunteers:

- To appoint custody visitors and other volunteers where appropriate;
- To remove custody visitors or other volunteers, who fail to comply with the Commissioner's guidelines and procedures.

5.8 Delegations regarding Complaints:

5.9 In connection with complaints and conduct issues, specifically against the CC:

- In relation to complaints, to determine and respond to the complainant accordingly, wherever possible within 5 days of the complaint being received, whether or not the Commissioner is the appropriate authority to consider such a complaint;

5.10 Other delegations:

- To act on behalf of the Commissioner, to ensure compliance with all Health and Safety requirements and legislation;
- To authorise the institution, defence, withdrawal or settlement of any claims or participate in any legal proceedings, on behalf of the Commissioner having considered legal advice and consulted with the CFO about the financial implications, where such action is necessary to give effect to the decisions of the Commissioner or in any case where the Chief Executive considers that such action is necessary to protect the Commissioner's interests. Any decision taken under this provision where novel, contentious or repercussive, must be reported to the Commissioner;
- To authorise, pursuant to section 223 of the Local Government Act 1972 as amended, any member of the Commissioner's Staff, to prosecute or defend or to appear in proceedings before a court or tribunal or to conduct any such proceedings;
- To arrange for the provision of all legal or other expert advice and/or representation required for and on behalf of the Commissioner, including to seek Counsel's opinion or other expert advice and to retain Counsel, whenever this is considered to be in the interest and benefit of the Commissioner
- To exercise all the Commissioner's powers and duties in connection with equalities, human rights, health and safety, freedom of information and data protection legislation, with the exception of those powers and duties, which relate to the oversight of the CC's arrangements for those matters;
- To consider and determine complaints against the Commissioner's Staff, except the Chief Executive and the Deputy Commissioner, where separate policies apply, and to consider grievances made by such staff against other such staff;
- To review complaints of maladministration against the Commissioner and to approve the provision of any remedy, financial or otherwise;
- To ensure appropriate arrangements are made, to meet the consultation duties required of the Commissioner;
- To provide guidance and advice, in relation to the operation of the Confidential Reporting Policy and to instigate appropriate action;
- To carry out the duties of Monitoring Officer, under Section 5 of the Local Government and Housing Act 1989;
- The custody of all title deeds under secure arrangements and the maintenance of a register of all properties owned by the Commissioner, recording the purpose for which held, locations, extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted;

- With the Commissioner's consent, to represent the Commissioner in collaborative arrangements, as governed by section 23(a) of the Police Act 1996.

Powers delegated to the CFO

5.11 The CFO is the financial adviser to the Commissioner and has a statutory responsibility to carry out the functions of the Chief Finance Officer under sections 112 and 114 of the Local Government Finance Act 1988, section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations 2015, ensuring that the financial affairs of the Commissioner and the Force are properly administered, having regard to their probity, legality and appropriate standards.

5.12 The delegations below are a record of those formal delegations granted by the Commissioner, which are in effect at the time of the publication of this Scheme.

5.13 Financial administration delegations:

- To manage the Commissioner's budget in consultation with the Deputy Chief Executive and in particular to:
 - place orders for goods and services and to incur expenditure, for which provision has been made in the revenue budget, and
 - invite and accept quotations and tenders for goods and services, for which provision is included in the revenue budget.
-
- To approve the arrangements for the Treasury management function, including the day-to-day management, production of Treasury management strategy and supporting policies and procedures.
- To approve the arrangements for securing and preparing the Commissioner's group accounts and seek assurances, that there are appropriate arrangements in place, for the preparation of the CC's accounts.
- To seek assurances there are appropriate arrangements in place, within the Force for the proper financial management of the Force.
- To approve the opening of all bank accounts.
- To prepare, from time to time, draft Financial Regulations and Contract Standing Orders, in consultation with the CC, for approval by the Commissioner.
- To maintain an adequate and effective shared Internal Audit provision, in consultation with the FCFO.

- To maintain effective Risk Management and Insurance arrangements, seeking assurances that appropriate arrangements are in place within the Force, for the proper and effective risk management of the Force.
- To amend the levels at which approvals are sought internally for OPCC spend in Contract Standing Orders on an annual basis, to align with those published by the Cabinet Office regarding procurement thresholds.

5.14 Other delegations:

- To develop and maintain an appropriate Assurance Framework for the Commissioner.
- To exercise all the powers of employer of staff regarding pension matters.
- To act as Money Laundering Officer under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2019.
- Pursuant to any decision of the Commissioner or the Deputy Commissioner, to sign all contracts on behalf of the Commissioner, which require the Commissioner's approval under this Scheme,
- To affix the seal of the Commissioner to all contracts, agreements or transactions requiring execution as a deed, [where the contract management will be undertaken by the OPCC](#) ,unless otherwise agreed with the Director of Joint Legal Services;

Delegations to the Deputy Chief Executive

- To deputise for the Chief Executive in their absence, in the full performance of their responsibilities.
- To manage the Commissioner's budget, in consultation with the CFO and in particular to:
 - place orders for goods and services and to incur expenditure, for which provision has been made in the revenue budget
 - manage and administer the award of grants and awards by the Commissioner, in accordance with agreed protocols and arrangements
 - ensure that the budget is informed by evidence led commissioning strategies, informed by the Police and Crime Plan
- Authority to act as Safeguarding and Equality, Diversity and Inclusion (EDI) lead where delegated.
- To produce an annual report for Police and Crime Panel, on the progress in delivering the Police and Crime Plan.

Delegations to the Head of Business Services

- To arrange for the exercise all functions and decisions related to the review of police complaints, as conferred by the Police Complaints and Misconduct Regulations 2020.
- to act as the Data Protection Officer for the PCC. In this role they will, on behalf of the PCC:
 - monitor internal compliance with data governance and information security requirements
 - inform and advise on data protection obligations, and provide advice regarding Data Protection Impact Assessments (DPIAs), and appropriate information sharing arrangements with other organisations.
 - act as a contact point for data subjects and the Information Commissioner's Office (ICO).

5. Delegations by the Chief Constable

Delegations to the Deputy Chief Constable

- 6.1 To approve the financial settlement of all claims or requests for compensation or damages against the Chief Constable as set out in the Financial Regulations, to include multiple or linked claims/claimants, in consultation with the CE, where the matter is novel contentious or repercussive

Delegations to the CC's Chief Finance Officer ('FCFO')

- 6.2 The Director of Commercial Services is the Force Chief Finance Officer ('FCFO') and financial adviser to the CC and has a statutory responsibility to carry out the functions of the Chief Finance Officer as set out in the Act and sections 112 and 114 of the Local Government Finance Act 1988, section 151 of the Local Government Act 1972 and the Accounts and Audit Regulations 2015, ensuring that the financial affairs of the Force are properly administered having regard to probity, legality and appropriate standards.
- 6.3 Before any financial liability affecting the Police Fund that is novel, contentious or repercussive is incurred, the Commissioner should be consulted, who may then decide that a decision notice is required.
- 6.4 The delegations below are a record of those formal delegations granted by the CC to the FCFO, which are in effect at the time of publication of this scheme.
- 6.5 Financial administration delegations:
- To exercise responsibility for Force expenditure, in other words that part of the Police Fund which is provided to the CC, provided that such responsibility shall be exercised in accordance with the law and as set out within the Commissioner's/CC's Financial Regulations and Contract Standing Orders and any relevant statutory guidance and codes of practice;
 - Where the approval of the Commissioner is not required by Financial Regulations or this Scheme and within the limitations prescribed by Financial Regulations and in pursuit of the policies and objectives agreed with the Commissioner and reflected in the West Midlands Police and Crime Plan:
 - to approve business cases for revenue and capital expenditure, to commit expenditure within the approved budget for the CC;
 - in accordance with the requirements of Financial Regulations, to vire or move money or budgets between budget headings;
 - To accept income, grants, offers of sponsorship and gifts for police purposes on behalf of the Commissioner provided that decisions taken in this regard are in accordance

with the law, within the delegations in this document in relation to standing orders and with any guidance or policy which the Commissioner may from time to time determine;

- To determine the rates of charges for policing services to external bodies and give approval to charge for or not to charge for such services, in accordance with the law and with any guidance or policy, which the Commissioner may from time to time determine;
- To sign on behalf of the CC any indemnity required to enable the CC to exercise any of the CC's functions, provided that where the giving of an indemnity could have significant financial implications, not covered by the CC's insurance policies, such indemnity shall be signed only with the approval of the CFO;
- The Force CFO may amend the levels at which approvals are sought internally in Contract Standing Orders on an annual basis, to align with those published by the Cabinet Office regarding procurement thresholds.
-
- The FCFO may write off debts considered to be irrecoverable up to the amount set out in Financial Regulations, subject to periodical reports to the Commissioner. Any individual write-off above the amount set out in Financial Regulations, must be agreed by the Joint Governance Board.
- To exercise the CC's powers under the following provisions of the Police Act 1996:
 - section 24 agreeing payments for assistance between forces;
 - section 25 determination of charges for special services;
 - section 26 provision of advice and assistance to international organisations.

6.6 Procurement delegations:

- The day to day management and control of contracts is delegated, subject to the provisions of the Financial Regulations and Contract Standing Orders and provided that the Commissioner is satisfied that the CC has in place adequate systems, procedures and expertise to discharge these responsibilities;
- To sign all contracts irrespective of value, [where the contract management will be undertaken by WMP](#) once they have been properly approved, except for those which are required to be executed under the Common Seal of the Commissioner. In these cases, the Director and Assistant Director of Joint Legal Services is authorised to affix the Seal;
- Where required by Contract Regulations or this Scheme and within the limitations prescribed by Financial Regulations, and in pursuit of the policies and objectives

agreed with the Commissioner and reflected in the West Midlands Police and Crime Plan:

- to approve contract exemptions;
- to approve all requests to go out to tender;
- to approve the award of contracts and to sign contracts;
- to approve all variations, extensions or terminations of contracts.

6.7 Property delegations:

- In accordance with the Consent of the Commissioner to the CC, as set out in section 3 of this Scheme, the FCFO shall undertake the day to day management of the property function, subject to the provision of Financial Regulations.
- Undertake the management of the Commissioner's Estate, in accordance with the Estate Strategy, including the maintenance of his property. All purchases and sales of property, shall be in accordance with the Commissioner's Standing Orders and the approval of the Commissioner obtained.

Delegations to the Director of Joint Legal Services (CLO)

6.8 The Director of Joint Legal Services is the CC's Chief Legal Officer (CLO) and also provides legal advice and support, where appropriate to the Commissioner. The delegations below are a record of those formal delegations granted by the CC to the Director of Legal Services, which are in effect at the time of publication of the Schem.

- To institute, defend or participate in any legal proceedings in any case where such action is necessary, to protect the interest of the CC, subject to prior consultation with the CE and CFO, in cases of a novel, contentious or repercussive nature.
- To arrange for the provision of all legal or other expert advice and/or representation, required for and on behalf of the CC.
- To approve the financial settlement of all claims or requests for compensation or damages against the CC, as set out in the Financial Regulations, to include multiple or linked claims/claimants. This should be done in consultation with the CE, where the matter is novel, contentious or repercussive.
-
- To approve the financial settlement of all legal costs at the most economic level possible, reporting any settlements that may be novel contentious or repercussive to the CE.
- To sign all contracts and agreements, irrespective of value, once they have been properly approved, including those requiring execution by affixing the common seal.

6.9 Delegations to the Director of Commercial Services (FCFO) (People and Organisational Development).

- To exercise all the powers of employer of Police Staff, including determination of all issues relating to the conditions of service of those staff, provided that any such decisions are made in accordance with the law and with policies adopted by the West Midlands Police and that the Chief Constable will consult the Commissioner on **any proposed changes to the personnel resource** dedicated to support the work of the recognised trade unions, or to the role of the Crime Registrar.
- To exercise all the powers of employer of police officers and Police Staff regarding pension matters.
- To determine ex gratia payments, in respect of loss or damage to the personal property of anyone, under the direction and control of the CC. To be reported to Joint Governance Board on a quarterly basis.

6. Urgency Powers

Commissioner

- 7.1 The CE, in consultation with the Commissioner's CFO, may where appropriate, determine any matter falling to be determined by the Commissioner, other than those matters described in section 18(7) of the Act, where it is necessary to do so in urgent circumstances or where the Commissioner is absent or where the Commissioner has given specific authority for the CE so to act.
- 7.2 Any matter so determined, will be reported to the Commissioner, as soon as is reasonably practicable to do so.

Chief Constable

- 7.3 If any matter, which would normally be referred to the CC or DCC for a decision arises and cannot be delayed, the matter may be decided by the appropriate Chief Officer, that is to say, any member of the CC's Management Team.
- 7.4 Urgent decisions taken must be reported to the CC, as soon as reasonably practicable to do so.

7. Key Principles

- 8.1 Officers and Staff of the CC may be used to assist the Commissioner to exercise his functions: indeed, the CC is under a statutory duty to exercise direction and control in such a way, as is reasonable to give that assistance (section 2(5) of the Act). The Scheme sets out some of the ways in which that assistance will be given. For the avoidance of doubt, these are not delegations from the Commissioner.
- 8.2 The Statutory Officers are responsible for ensuring, that members of staff they supervise, are aware of and comply with the provisions and obligations of the Scheme.
- 8.3 The Commissioner must not fetter the operational independence of the police force and/or the CC.
- 8.4 To enable the Commissioner to exercise the functions of his office effectively, he will need reasonable access to information held by the Force and police officers and civilian staff employed by the CC. This access must not be unreasonably withheld, obstructed or delayed by the CC.

Annex A: Contract Standing Orders

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1. Definitions

- 1.1 "Appropriate Officer" or "Chief Officer" means any officer who is duly authorised or delegated in writing by the Chief Executive or CC.
- 1.2 "Approved Budget" means the budget for any scheme, as contained in the approved capital programme or approved revenue budget which, shall include the budget for fees, furniture and equipment and other incidental costs.
- 1.3 "Best Value" means the general duty to secure efficient, effective, economic and continuous improvement
- 1.4 "Central Contract" means an agreement for the supply of goods or services, arranged by the Appropriate Officer, which is based on expenditure by more than one department of the Force or office of the PCC.
- 1.5 "Chief Constable" or "CC" shall mean the Chief Constable of West Midlands Police.
- 1.6 "Chief Executive" and/or "CE" means Chief Executive for the Office of the Police and Crime Commissioner.
- 1.7 "Chief Financial Officer" and/or "CFO" means S151 Officer for the Office of the Police and Crime Commissioner.
- 1.8 "Chief Legal Officer" and/or CLO means the Joint Head of Legal Services for the Chief Constable and Police and Crime Commissioner
- 1.9 "Collaboration Agreement" means an agreement made in accordance with S22A-S23I of the Police Act 1996 (as amended).
- 1.10 "Contract" means any agreement which is intended to be enforceable by law between the Commissioner and any other party, for the supply or disposal of goods and materials, the provision of services, or the execution of works and shall, where the context so admits, include sub-contracts and/or any other commitment ,including purchase orders, memoranda of understanding, leases and service level agreements to acquire, purchase or sell goods or services.
- 1.11 "Contractor" means any individual or organisation which enters into a Contract with the Commissioner, for the supply or purchase of goods and/or materials

and/or services and/ or the execution of work for the Commissioner under a Contract.

- 1.12 “Contract Standing Orders” and/or “CSOs”: means this document, being the contract standing orders for contracts made or entered into on the PCC’s behalf, in accordance with section 135 of the Local Government 1972.
- 1.13 "the Commissioner" means the Police and Crime Commissioner and where the context allows, is deemed to include reference to a person acting with delegated authority on behalf of the Commissioner.
- 1.14 "Estimate" and "Estimated Contract Value" means the probable total value (excluding VAT) of goods, services or works provided under a contract over its lifetime, including the value of any extensions, options, renewals or additional phases or consideration that may be included in the contract scope, which is to be calculated before the commencement of any contract by a suitably qualified employee, agent or office of or consultant to the Commissioner and which is recorded in writing.
- 1.15 “Finance Governance Board” means the board set up to enable the statutory finance officers of West Midlands Police and of the Commissioner’s office, to use their delegated powers in a coordinated manner, which is in keeping with the advice given in CIPFA’s “The Role of CFOs in Policing”.
- 1.16 “Financial Regulations” means the relevant Regulations, which form part of the Corporate Scheme of Governance for West Midlands Police.
- 1.17 “Force” shall mean West Midlands Police force.
- 1.18 “Force Chief Financial Officer” or “FCFO” means S151 Officer for the Chief Constable.
- 1.19 "Framework(s)" means a Contract with one or more Contractor, the purpose of which is to establish the terms governing a Contract or Contracts to be awarded, during the period for which the framework agreement applies, in particular with regard to price and, where appropriate, quality and quantity of goods or services are envisaged.
- 1.20 “Head of Contracts and Procurement” means the CC’s Head of Contracts and Procurement.
- 1.21 "Negotiation" means any formative discussion on the terms of a Contract, including prices, other than competitors' prices, with either an existing or potential contractor, undertaken always in accordance with the relevant Procurement Legislation.
- 1.22 "Procurement Legislation" means the Public Contracts Regulations 2015, the Procurement Act 2023 and the Procurement Regulations 2024, as amended (the use of the word “relevant” shall mean the procurement legislation that applies, depending upon which procurement regime the Contract was/is to be procured under).

- 1.23 "Policy Statements" means the National Procurement Policy Statement, which outlines the government's strategic priorities for procurement and any other policy that may come into force.
- 1.24 "Other Close Relative" shall mean a person cohabiting on a similar basis to a spouse, civil partner, a parent, grandparent, uncle, aunt, son, daughter, grandson, grand- daughter, brother, sister, niece or nephew or in law.
- 1.25 "Quotation" means an offer in writing made by a prospective contractor to the Commissioner, including any such offer made to a direct service organisation of the Commissioner and will be applicable, where the Estimated Contract Value is less than £100,000 excluding VAT.
- 1.26 "Tender" means an offer made as a result of an advertised opportunity made by a prospective contractor to the Commissioner, on the Commissioner's form of Tender and which is submitted and accepted in accordance with the procedure set out in Contract Standing Order 29, 30 and 31.
- 1.27 "Scheme of Consent and Delegations" means the relevant scheme, which forms part of the Corporate Scheme of Governance for West Midlands Police.
- 1.28 "Social Value" means the benefit to the community, from a commissioning or procurement process, over and above the direct purchasing of goods, services and outcomes'

Part I: Contract Standing Orders applicable to all contracts for the supply or disposal of goods and materials, the provision of services and the execution of works

2. Introduction

- 2.1 These Contract Standing Orders have been prepared in accordance with the requirements of Section 135 of the Local Government Act 1972.
- 2.2 They were drawn up jointly by the Chief Executive, the CFO, the Director of Joint Legal Services, the FCFO and by the CC, and approved by the Commissioner on (date to be inserted).
- 2.3 The main aims of these Contract Standing Orders are to: -
- (iii) outline the manner in which contracts are procured and managed, to ensure compliance with all relevant Procurement Legislation and Policy Statements; outline the relative responsibilities of the Commissioner, his Chief Officers, the Chief Constable and his Chief Officers in this process.
- 2.4 Although the Commissioner is responsible for all Contracts, it is the aim of these Contract Standing Orders to acknowledge that responsibility for the day to day

procurement, management and control of contracts rests with the CC, subject to the provisions of these Contract Standing Orders and provided that the Commissioner is satisfied that the CC has adequate systems, procedures, personnel and expertise to discharge these responsibilities.

- 2.5 The CC shall manage the tendering and contracting process, in accordance with these Contract Standing Orders.
- 2.6 The Commissioner shall be the contracting party, for the purposes of entering into Contracts.
- 2.7 These Contract Standing Orders are part of the Corporate Scheme of Governance, including the Scheme of Consents and Delegations and Financial Regulations, and should be read in conjunction with these documents.
- 2.8 For all procurements referred to under these Contract Standing Orders, the Commissioner must comply with the 'relevant Procurement Legislation and dependent upon which apply, to the particular Contract in question. 'Relevance' being determined by the date on which the procurement of the Contract, Framework or dynamic purchasing system was commenced. In complying with the relevant Procurement Legislation, Appropriate Officers must have regard to the Objectives, defined under S12 Procurement Act 2023, and apply the principles of non-discrimination, equal treatment, transparency and proportionality.
- 2.9 The Appropriate Officer shall ensure that action taken at all stages of the tendering procurement or disposal process, shall be with a view to the Commissioner obtaining the most advantageous Contract.
- 2.10 These Contract Standing Orders will be kept under review by the CE, the CFO, the CLO, the FCFO, at least once a year through the Joint Governance Board, to ensure that the working arrangements for both the Commissioner and the CC are conducted in accordance with the relevant legislation and latest best practice. They can only be varied with the approval of the Commissioner.
- 2.11 The financial values identified within these Contract Standing Orders will also be kept under review and updated as appropriate, subject to the approval of the Commissioner.
- 2.12 All values referred to in these Contract Standing Orders are exclusive of VAT.

3. Application of Contract Standing Orders

- 3.1 Subject to the remainder of this Standing Order, the provisions in this Part 1 of these Contract Standing Orders apply to all Contracts, unless exempted by legislation and subject to advice from the Head of Contracts and Procurement. Some examples of exemptions include:
 - i. Vertical arrangements;
 - ii. Horizontal arrangements;
 - iii. Subject matter exemptions, including certain legal advice, financial advice, employment contracts, auctions, land, and grants.

- 3.2 The provisions of these Contract Standing Orders shall not apply to procurement undertaken in accordance with regulations under sections 53 and 57 of the Police Act 1996, mandated supply arrangements and common services, or where agreed in a section 22 Collaboration Agreement or other regional or national arrangement, whereby there are other bodies or boards responsible for procurement.
- 3.3 In the event that there is a discrepancy between this Standing Order and the relevant Procurement Legislation, the relevant Procurement Legislation will apply.

4 Compliance with Contract Standing Orders

- 4.1 This Standing Order should be read in conjunction with Standing Order 3.
- 4.2 Any exceptions to the provisions of these Contract Standing Orders, shall only be made with the approval of the Commissioner in writing.
- 4.3 A record of such exceptions shall be maintained by the Commissioner, which shall specify the circumstances and justifications for the exception.
- 4.4 All exceptions to these Contract Standing Orders and any failures to adhere to these Contract Standing Orders, shall be presented by the FCFO at the Joint Governance Board on a quarterly basis and if any concerns are raised, they shall be brought to the attention of the Chief Executive as Monitoring Officer, to determine any such follow up action that may be required.
- 4.5 Where external consultants or agents are appointed to act on behalf of the Commissioner, to prepare and invite quotations/ tenders, they shall be provided with a copy of these Contract Standing Orders and of the Commissioner's Financial Regulations by the Appropriate Officer and it shall be a condition of the engagement of any such external consultants or agents, that these Contract Standing Orders and the Financial Regulations are strictly observed.
- 4.6 The Head of Contracts and Procurement shall ensure that standard operating procedures are maintained at all times and all Appropriate Officers shall comply with these standard operating procedures in the tendering of all Contracts.
- 4.7 Contracts shall not be packaged in such a way that results in the Estimated Contract Value falling into a lower value band, so as to evade any requirements of the Relevant Legislation.
- 4.8 Advice and guidance on whether a particular procurement is subject to the relevant Procurement Legislation, can be obtained from the Head of Contracts and Procurement.
- 4.9 Work streams that fall under CTU, ROCU, NABIS, CBRN, may be exempt under Schedule 2 of the Procurement Act 2023. However, each matter must be reviewed on a case by case basis, properly documented in writing and presented to Joint Governance Board, for the avoidance of doubt.

5 Terms and Conditions of Contracts

- 5.1 All Contracts shall be in writing and shall contain appropriate terms and conditions.
- 5.2 In the first instance and only if appropriate to the Contract in question, West Midlands Police standard form contracts shall be used.
- 5.3 Notwithstanding Standing Order 5.2, where applicable to the Contract, an appropriate standard form of contract shall be used. For example, those published by the Joint Contracts Tribunal (JCT) or New Engineering Contracts (NEC). Any amendments to a standard form of contract, which have not been approved by the appropriate body, shall be approved in writing, in advance, by the Head of Contracts and Procurement, in the first instance.
- 5.4 All contracts for the supply of goods or services, which has the potential to commit the Commissioner to long term financial commitment, shall not be entered into without prior approval from the relevant approving Board or officeholder, according to the Financial Regulations in place at the time, as per Section 2.1 of Contract Standing Orders.

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6 Nominated and named sub-contractors

- 6.1 Where a sub-contractor is to be nominated to a main contractor, the procedures contained in these Contract Standing Orders for the tendering of Contracts, shall apply.
- 6.2 When sub-contractors are "Named", the selection and/or tendering of the sub-contract shall be in accordance with the Contract Standing Orders, applicable to the tendering of main Contracts.

4. Restrictions on Contracts with certain persons

- 6.3 No member of the Commissioner's Office or officer, agent, consultant, employee of the Commissioner, employee of the Chief Constable or servants of the Crown, working under the Chief Constable for West Midlands, nor any company, partnership, or firm in which any member of the Commissioner's Office, or officer, agent, consultant or employee of the Commissioner/Chief Constable is interested, nor any employer, nominee, spouse or Other Close Relative of a member of the Commissioner's Office or officer, shall undertake the execution of works on behalf of the Commissioner, or shall accept an order for the supply or disposal of goods or materials from the Commissioner, or shall provide services for the Commissioner, unless such works or order for goods or materials or services, have been offered or secured or provided, by competitive Tender or Quotation.
- 6.4 Where **7.1** applies to a Contract, the rules on conflict of interest and improper behaviour, within the relevant Procurement Legislation, must be complied with.
- 6.5 All staff, officers, consultants and any other individuals employed or instructed by the Chief Constable, in the procurement or management of Contracts, must take

reasonable steps to identify, declare and manage any actual, potential or perceived conflicts of interest and should declare such, by completing the conflict of interest form and providing it to the Appropriate Officer for the Contract.

- 6.6 All staff, officers, consultants and any other individuals, employed or instructed by the Chief Constable in the procurement or management of Contracts, must take reasonable steps to ensure that a check of the Supplier Debarment List has been carried out. If a supplier appears on the list they will be excluded and no contract will be awarded, unless there are exceptional legal grounds which must be obtained in writing, from the Head of Contracts and Procurement. The debarment list is published centrally on gov.uk and updated regularly. Further information can be obtained, by contacting the Contracts and Procurement Unit.

7 Cancellation/Termination of Contracts in case of corruption

- 7.1 All Contracts shall include a provision, entitling the Commissioner to cancel the Contract and be entitled to recover from the Contractor the amount of any loss resulting from such cancellation, if the Contractor, or his/her employees or persons acting on his/her behalf, shall have committed an offence under the Prevention of Corruption Acts 1906 and 1916, or the Bribery Act 2010, or under Sections 117(2) and 117(3) of the Local Government Act, 1972 or any re-enactment thereof.
- 7.2 All Contracts shall include a provision, to entitle the Commissioner to terminate the contract for breach of the Procurement Act 2023, or should a Contractor become an excluded supplier as defined in the Procurement Act after award and shall be entitled to recover from the Contractor, the amount of any loss resulting from the cancellation.

8 Central Contracts

- 8.1 Before inviting Quotations or Tenders in respect of any Contract, it must be established whether a Central Contract or a national agreement exists covering the proposals. A list of all central and national agreements, is available on the Contracts and Procurement intranet page. If one does exist then the Central Contract must be used, unless the Head of Contracts and Procurement is satisfied, that there are special factors justifying a different course of action. Such special factors shall be recorded in writing and copied to and agreed by, the Head of Contracts and Procurement.

9 Negotiation

- 9.1 The following procedures shall be adopted in all negotiations for all Contracts, taking into consideration conflicts of interest and what has been stated, in the relevant invitation to tender and ancillary documents:
- 9.2 Depending upon which Procurement Legislation is applicable to the Contract determines how negotiations can take place, as all negotiations must be undertaken, in accordance with the relevant Procurement Legislation.

- 9.3 Officers and staff conducting Negotiations in respect of individual Contracts shall be permitted to do so, if authorised by their departmental Appropriate Officer in writing and the process must be overseen and managed by the Head of Contracts and Procurement.
- 9.4 In addition to the requirements under 6.5, all officers and staff involved in Negotiations under these Contract Standing Orders shall make a declaration, in accordance with Section 117 of the Local Government Act 1972, as to pecuniary interest, in writing, prior to commencement of Negotiations, to their appropriate line manager and no officer with any pecuniary interest in any prospective Contractor involved in the Negotiations under this part shall be involved, at any stage, in the negotiations.
- 9.5 No information concerning a prospective Contractor's offer, shall be disclosed to other bidders or third parties.
- 9.6 A written record of the negotiations held with prospective Contractors and terms agreed, shall be kept and shall be signed, by all participating in the Negotiations.
- 9.7 Before any Contract is entered into the Appropriate Officer must satisfy himself, that the result of negotiations represents good value for money.
- 9.8 Negotiations made within a procurement process, must take into consideration the relevant principles within the Procurement Legislation.
- 9.9 Where preliminary market engagement activities have been undertaken, in compliance with Procurement Legislation, a preliminary market engagement notice must be published before the relevant tender notice, or reasons for not publishing a preliminary market engagement notice must be stipulated.
- 9.10 Any preliminary market engagement should be co-ordinated through the Contracts and Procurement Team, to ensure the requirements within the Procurement Legislation are met.

10 Best value in respect of all Contracts

- 10.1 The Appropriate Officer shall, in respect of all Contracts, be obliged to demonstrate, if so requested, that best value in respect of overall price, quality and social value where relevant was obtained. Notwithstanding the procedures set out in these Contract Standing Orders, in respect of Contracts where the Estimated Contract Value is less than £100,000 excluding VAT, the Appropriate Officer may tender such Contracts in accordance with the procedures contained in Part II and Part II of these Contract Standing Orders.
- 10.2 The Appropriate Officer shall ensure that before any Quotations are sought or Tenders invited, an Estimated Contract Value shall be determined, which shall not be disclosed to third parties, save that an indicative range may be disclosed to prospective Contractors, who request an indication of the prospective scale of the Contract. The Estimated Contract Value shall be recorded in writing and such record

shall include the name of the estimator and shall be duly signed by him and retained on the scheme file, or on the tender evaluation record.

- 10.3 Where appropriate, a Tender evaluation shall be carried out and duly recorded in writing. Such Tender evaluation shall include the procedure contained in Contract Standing Order 31 and shall include a comparison with the Estimated Contract Value and a recommendation, as to which Tender is considered Value for Money.
- 10.4 In the case where the Estimated Contract Value is over £30,000, three written Quotations, or less if there are insufficient prospective Contractors available to quote or tender, supported by suitable evaluation of the offers received, shall be deemed to be sufficient evidence of value for money. Where the Appropriate Officer does not deem it reasonable to obtain three Quotations or Tenders, they shall record in writing the reasons for this decision and shall provide a copy of their reasons to the Head of Contracts and Procurement, via the Oracle system or equivalent.
- 10.5 The Commissioner and CC shall jointly publish a Social Value Policy and Environmental Strategy and the tender evaluation shall have due regard to these, in the measurement of overall Best Value.

11 Alternative Contractors

- 11.1 Where Contracts are being let for the supply of goods or materials, the provision of services or the execution of works which are essential to maintain services, it shall be the duty of the Head of Contracts and Procurement to consider whether it would be in the best interests of the Commissioner, to award the Contract to two or more Contractors, in order to ensure continuity of supply or to maintain competition.
- 11.2 Where an Order is placed with an additional Contractor, the reasons for placing that work with that Contractor, shall be recorded in writing.

12 Liquidated and ascertained damages

- 12.1 Where considered appropriate for Contracts over £100,000, a clause should be included specifying that liquidated and ascertained damages will be payable by the Contractor, if the Contract is not completed by the relevant overall milestone completion date or the relevant extension, as amended by any duly authorised variations. In the instance of poor performance or breach of contract, a relevant notice will need to be published, pursuant to section 71 of the Procurement Act 2023, in accordance with Procurement Legislation.
- 12.2 Any sum assessed for the purpose of Standing Order 13.1, shall be calculated by the Appropriate Officer in a reasonable and justifiable manner, to represent a reasonable pre-estimate of all pecuniary losses that shall be incurred by the Commissioner, if the Contract is not completed by the Contract completion date and must be verified by the CFO or the FCFO.
- 12.3 The recovery of liquidated and ascertained damages may only be waived, with the approval of the CFO, or the FCFO.

13 Security for due performance of Contracts

13.1 Where the Estimated Value of a Contract exceeds £500,000, consideration shall be given to requiring sufficient security for the due performance of any Contract, unless otherwise required by statute and the following shall determine general practice:

- (ii) The following shall be sufficient security:
 - A surety approved by the FCFO in a sum equal to 10% of the Contract price.
 - A deposit of cash or negotiable bonds to the value of 10% of the Contract price.
 - A deposit by way of charge on the property where the value in the equity after any prior charges is equal to at least 10% of the Contract price; or
 - Such other security as shall otherwise be approved by the CFO, or the FCFO.

- (ii) The security shall be held until the date of issue of the certificate of practical completion or such other date as may be agreed in writing, by the Appropriate Officer and the Head of Contracts and Procurement.

13.2 The provisions of Standing Order 14.1, shall apply to any Contract where so determined by the FCFO.

14 Specifications

14.1 To accord with the requirements of the relevant Procurement Legislation and the desire to obtain Value for Money for the Commissioner, when specifications are given in Negotiations, invitations for Quotations or Tenders, they are to be functional performance specifications unless, in the view of the Appropriate Officer, it is impractical, in which case a proprietary name or description may be used, provided it is made clear that equivalents may be permitted.

15 Circumstances where quotations or tenders need not be obtained

15.1 The invitation of a single Tender/Quotation may only be considered, when one or more of the following circumstances apply:

- a. The sale or purchase is to be effected at an auction, and any such sales or purchases should be approved in advance and in writing, by the FCFO or the Head of Contracts and Procurement.

- b. The execution of works or the purchase of goods or materials, required for urgent major incidents or necessary for urgent repairs to buildings or plant, to prevent danger to authorised users or the general public, or to prevent rapid and progressive deterioration, or to maintain essential services (Section 41 of the Procurement Act 2023). Such purchases should require the prior approval, of the FCFO or the Head of Contracts and Procurement. Any relevant publication notice under Procurement Legislation must be followed.

- c. Work undertaken by Solicitors or Barristers, provided that the hourly or global fee or rate for payment has been agreed before it begins, and the process is benchmarked and assessed annually. Any relevant public sector rates and/or Frameworks must be considered to obtain Best Value.
- d. The items are or relate to proprietary articles or those sold only at fixed prices or the work to be executed, consists of repairs to existing proprietary articles and there is no reasonable satisfactorily alternative available, from any other source (Section 41 of the Procurement Act 2023). Such purchases should require the prior approval of the FCFO, or the Head of Contracts and Procurement.
- e. Contracts in respect of which genuine security considerations make the use of a particular firm, business or organisation essential and/or where the nature or purpose or content of the Contract/Framework is classified as secret or where the performance of the Contract must be accompanied by specific security measures in accordance with the laws, regulations or administrative provisions of any part of the UK or when the protection of the essential interests of the security of the UK require it, (Section 41 of the Procurement Act 2023). Such purchases shall require the prior written approval of the FCFO, or the Head of Contracts and Procurement.
- f. There is a genuinely justifiable case to use an existing Contractor/Supplier, to maintain continuity of supply or site experience, where a change of Contractor/Supplier would cause (Schedule 5, paragraph 7 of the Procurement Act 2023):
 - a. a change in supplier and would result in the contracting authority receiving goods, services or works that are different from, or incompatible with, the existing goods, services or works, and
 - b. the difference or incompatibility, would result in disproportionate technical difficulties, in operation or maintenance.

15.2 For the avoidance of doubt, where goods, services or works are obtained through Framework or other contractual arrangements established by other police and crime commissioners, local authorities, specified public bodies or persons where it represents best value to the Commissioner, subject to the advice, guidance and approval of the Head of Contracts and Procurement, the process of the relevant Framework must be observed. Where Tenders have been invited on behalf of any consortium, association, or similar body of which the Commissioner is a member, provided that the Tenders are invited in accordance with the method prescribed by such body and the Procurement Legislation, where appropriate.

15.3 It is strongly recommended that the advice and approval of the Head of Contracts and Procurement or the FCFO is sought, before exercising any of the options above.

15.4 Single tender actions will be reported to Joint Governance Board on a quarterly basis.

16 Sealing / signing of Contracts

16.1 All Contracts above £100,000 where the contract management lies with WMP, shall, unless sealed, be signed by the Assistant Director of Finance, Head of Contracts and Procurement or the CLO, on behalf of the Commissioner, or any other officer or member of staff designated and authorised in writing by the FCFO or the CLO.

16.2 All Contracts above £100,000 where the contract management lies with OPCC, shall, unless sealed, be signed by the CFO, on behalf of the Commissioner, or any other officer or member of staff designated and authorised in writing by the CFO.

16.3 All contracts greater than £10,000, but not exceeding £100,000 shall be signed on behalf of the Commissioner, by the Appropriate Officer as designated by the FCFO or CFO.

17 Commencement of Contracts

17.1 No work included within a Contract shall be commenced, unless and until the FCFO or the Head of Contracts and Procurement, has duly notified the Appropriate Officer that the Contract has been entered into and that work under the Contract can commence.

18 Performance Management

19.1 In line with the provisions of the Procurement Act 2023, all Contracts with a value of £5m and above, should have a minimum of 3 KPI's set and monitored.

PART II Standing Orders applicable to contracts up to £179,000 in value for the supply or disposal of goods or materials, the provision of services and the execution of works

19 Application

19.1 This Part II of these Contract Standing Orders applies to Contracts, where the Estimated Contract Value does not exceed £179,000.

19.2 The appropriate procurement procedures are based on the total estimated value of the contract (this is the total cost over the full contract term – not just the initial purchase cost), or aggregated value of the contract. Where total value based on the life of the purchase cannot be determined, it should be deemed an ‘above threshold’ as stated in the relevant Procurement Legislation.

19.3 The procedures followed are determined by contract value, threshold and regime within the Procurement Legislation and are summarised in section 21 below, with details provided in Appendix A below. Where a Contract is later modified and, as a result, its value exceeds the applicable threshold under the Procurement Act 2023, it becomes a convertible contract and the relevant provisions of the Act will then apply.

5. Contract values not exceeding £2,000 (excluding VAT)

19.4 The provision of goods, services and the execution of works with an Estimated Contract Value of below £2,000, requires at least one **verbal quote**, to demonstrate the appropriate steps have been taken, to obtain Value for Money.

19.5 Where the supply of goods or materials or the provision of services can be obtained from a Central Contract, this standing Order shall not apply.

6. Contract values between £2,001 and £10,000 (excluding VAT)

19.6 The provision of goods, services and the execution of works with an Estimated Contract Value of below £10,000, requires at least **two quotes** in writing, to demonstrate the appropriate steps have been taken, to obtain Value for Money and must be prepared to justify the method of Contractor selection, for example, appropriate market testing has been completed prior to purchase.

19.7 Where the supply of goods or materials or the provision of services can be obtained from a Central Contract, Standing Order 9.1 shall apply.

20 Contract values between £10,001 and £25,000 (excluding VAT)

20.1 The provision of goods, services and the execution of works with an Estimated Contract Value greater than £10,000, but not exceeding £25,000, must either be ordered under a Central Contract or, where there is no existing and approved Central Contract, a minimum of three written Quotations must be obtained and evidenced, unless otherwise agreed in writing by the Head of Contracts and Procurement. Officers and staff must also keep a written record, to demonstrate that they have taken appropriate steps to obtain value for money and must be prepared to justify the method of Contractor selection.

20.2 Where this is not possible, for whatever reason, officers and staff must keep records as to why three Quotations were not invited. Copies of Quotations and all and any reasons for not inviting three Quotations, must be forwarded to the Head of Contracts and Procurement for approval.

- 20.3 Officers and staff inviting Quotations must do so in writing on a like for like basis, with a defined specification to a minimum of three suppliers. Where the opportunity is to be advertised, then this must be undertaken via the CC's e-tendering system, which can be accessed via the Contracts and Procurement Department.
- 20.4 Where the supply of goods or materials or the provision of services can be obtained from a Central Contract, Standing Order 9.1 shall apply.

21 Contract values between £25,001 and £100,000 (excluding VAT)

- 21.1 The provision of goods, services and the execution of works with an Estimated Contract Value greater than £25,000, but not exceeding £100,000, must either be ordered under a Central Contract or, where there is no existing and approved Central Contract, at least three written Quotations must be invited with engagement with the procurement team.
- 21.2 Where this is not possible, for whatever reason, officers and staff must keep records as to why three Quotations were not invited. Copies of Quotations and all and any reasons for not inviting three Quotations, must be forwarded to the Head of Contracts and Procurement for approval.
- 21.3 Officers and staff inviting Quotations must do so in writing on a like for like basis, with a defined specification to a minimum of three suppliers. Where the opportunity is to be advertised, then this must be undertaken via the CC's e-tendering system, which can be accessed via the Contracts and Procurement Department.
- 23.4 Any contract with a value in excess of £30,000 inclusive of VAT, is a notifiable contract and a contracts details notice will be released by the Contracts and Procurement Team, via the Central Digital Platform.

22 Contract values between £100,001 and £179,000 (excluding VAT)

- 22.1 The provision of goods, services and the execution of works with an Estimated Contract Value greater than £100,000, but not exceeding £179,000 must either be ordered under a Central Contract or the Appropriate Officer shall work with the procurement team to run the procurement, compliant with Procurement Legislation.
- 22.2 Officers and staff inviting Tenders must do so via the Chief Constable's electronic tendering system, which can be accessed via the Contracts and Procurement Department.
- 22.3 The Head of Contracts and Procurement, or a nominated deputy will open all the Tenders at one time, via the Chief Constable's electronic tendering system. No tender shall be considered if received after the closing time and date, unless approved in writing by the Head of Contracts and Procurement. The Contracts and Procurement Department, shall retain written records of all Quotations invited and received.

22.4 Subject to Standing Order 25 below, following analysis where appropriate of Tenders by the Head of Contracts and Procurement, or a nominated deputy, in conjunction with the relevant officer or staff member, a written record must be made detailing in full, the reasons for acceptance of the preferred Tender.

23 Contract values > £179,000 (excluding VAT)

25.1 The provision of goods, services and the execution of works with an Estimated Contract Value greater than £179,000, must either be ordered under a Central Contract or the Appropriate Officer shall work with the procurement team, to run the procurement exercise. The procurement team will run a full tender process compliant with the Procurement Act or call off under an available Framework Agreement, unless exempt or below threshold for the specific procurement. The application and procedures are detailed in **PART III and Appendix A.**

PART III Standing Orders applicable to contracts over £179,000 for the supply or disposal of goods or materials for the provision of services and the execution of works

24 Application

24.1 This Part III of these Contract Standing Orders applies to Contracts for the purchase of goods or materials, the provision of services and the execution of works, where the Estimated Contract Value is £179,000 and over. The tendering of these Contracts will be conducted, in full accordance with the requirements of the relevant Procurement Legislation.

25 Procurement Procedure

25.1 Before any Contract is let/tendered, a detailed assessment shall have been undertaken by the Appropriate Officer, in accordance with Contract Standing Orders 27.2 and 27.3.

25.2 The project initiation process, shall establish justification for the preferred option and determine priorities. It shall also aim to ensure, that all Contracts are consistent with the objectives, policies and strategies agreed by the Commissioner and Chief Constable.

25.3 The scale of the appraisal should be sufficiently detailed, to establish the definition of objectives, the explicit consideration of options and the identification, evaluation and timing of the costs, including future revenue costs and benefits of each option. Any other considerations, including uncertainties should be considered for example: using lots, removing barriers for SMEs, preliminary market engagement, conflicts of interest and most advantageous tender.

25.4 The outcome of the appraisal is used to inform the recommended procurement route, which is presented and approved at the Contract Review Approval Board.

7. Procurement Route

25.5 Contracts shall be let by way of the following procurement routes, unless they are below threshold for the relevant Procurement Legislation: -

- (iv) Open Tender;
- (iv) Competitive Flexible;
- (iv) Framework Agreement;
- (iv) Single Tender Action (Direct Award); or

Light Touch Services, as defined in Schedule 1 of the Procurement Regulations

25.6 This Contract Standing Order 28, shall have effect where:

- (ii) A Contract is to be let, by way of the above routes in 28.1; and
- (ii) The Estimated Contract Value is within available resources. Such value needs to include all possible extensions of time or scope, to mitigate not being able to make the modification later.

25.7 In such cases, advertising will be conducted by the Procurement Team, through the Find a Tender Service or the Central Digital Platform.

26 Submission of tenders

26.1 Where in pursuance of these Contract Standing Orders invitation to tender is required, every notice of such invitation shall be received, via the Chief Constable's electronic tendering system.

27 Opening and registration of tenders

27.1 Subject to Contract Standing Order 31 below, Tenders submitted in accordance with Contract Standing Order 30, shall be administered by a member of the Contracts and Procurement Department, via the Chief Constable's electronic tendering system, whereby the portal shall not allow responses to be opened until the Tender closing date and time have passed. The Chief Constable's electronic tendering system, shall keep an audit record of all activities, including tendering openings.

28 Checking and acceptance of tenders

Recommendations and acceptances of tenders

28.1 Contracts will be awarded. under 'the most advantageous tender' criterion (Procurement Act 2023). The criteria for evaluation must be set out in the Invitation to Tender, in descending order of priority, with the weightings to be given to each

criterion as stipulated in the Procurement Legislation. subject to the specific regime of the respective procurement.

- 28.2 The Procurement Team must then submit a written report to the Contract Review Approval Board. recommending the award and the outcome of the evaluation.
- 28.3 In all cases of Contracts with a value in excess of £1,000,000 excluding VAT, following the formal tendering process. the Appropriate Officer will submit a report to the Commissioner, seeking his approval to award the Contract to the specified Contractor. The Commissioner will publish his or her decision as a formal decision notice.
- 28.4 Where examination of a Tender reveals any error or omission, the tenderer submitting the Tender shall be informed and given an opportunity, either of confirming or withdrawing the Tender, provided that in these instances of an arithmetical error, the tenderer shall be given the opportunity to correct the said arithmetical error. The principle of equal treatment, must be considered in this provision.
- 28.5 If the basis of the evaluation is 'most advantageous', the criteria for evaluation must be set out in the Invitation to Tender, in descending order of priority, with the weightings to be given to each criterion, as stipulated in the Regulations.

1. Thresholds

- 1.1 The provisions in the Procurement Act 2023 apply to a public contract where it is not exempted, as defined by the Act, which has an Estimated Contract Value defining the procedures as either Above Threshold or Below Threshold, based on the published threshold amounts.
- a.1.1 The published thresholds ensure the UK remain compliant with its international obligations, by aligning relevant thresholds in the Procurement Act 2023, to the UK Government Procurement Agreement (GPA) thresholds.
- 1.3 Thresholds from 01 January 2025:

Goods and Services	£179,000
Works	£4,477,000
Light Touch Regime	£552,000

These are subject to change on an annual basis. In the event of a change, these regulations will be updated to match the new levels through a delegation of responsibility to the Force CFO.

Thresholds are in place for the following: Utilities Contracts / Concessions Contracts/ Defence and Security Public Contracts

2. How we Procure

2.1 For Goods and Services where the contract will be managed by West Midlands Police

2.1.1 For any Contract which requires a signed or sealed agreement, as opposed to just a Purchase Order, regardless of the value the Procurement team must be engaged, before any Supplier is approached.

2.1.2 All procurements will be undertaken by the Procurement team where stipulated, to ensure compliance with the relevant Procurement Regulations.

2.1.3 To ensure budget availability, no Contract for the supply of goods or services, where the value of the agreement exceeds £30,000 (including VAT, or contracts that cover more than 12 months, can be entered into without:

- A decision that has been made at the relevant Board, with the approval documentation or relevant minutes being disseminated to Commercial Services.

Publication of relevant Notices is undertaken by Procurement team Contract Value *All values below are excluding VAT	Process	Notice Publication Requirement	Documentation Storage	Budget Holder need to engage Procurement	Governance / Approval Route
Up to £2,000	Budgetholder to ensure there is at least one verbal quote	No	No, however if available, it can be attached to the requisition on Oracle	No	Requires a Purchase Order to be raised, via the financial accounting system.
£2,001 to £10,000	Budget Holder to ensure that at least two quotes are obtained in writing	No	The Budget Holder must ensure that records are kept of the quote, attached to the requisition on Oracle	No, unless there is an ongoing commitment or a contract needs to be signed.	Requires a Purchase Order to be raised, via the financial accounting system.

Publication of relevant Notices is undertaken by Procurement team Contract Value *All values below are excluding VAT	Process	Notice Publication Requirement	Documentation Storage	Budget Holder need to engage Procurement	Governance / Approval Route
£10,001 - £25,000	Budget Holder to obtain at least three quotes in writing and retain as record of decision making.	No	The Budget Holder must ensure that records are kept of the quote, attached to the requisition on Oracle	No, unless there is an ongoing commitment or a contract needs to be signed.	<p>The Budget Holder will seek a minimum of three formal quotes. Once the evaluation of the received quotes is completed and the successful Supplier informed, a Purchase Order must be raised by the Budget Holder via the financial accounting system.</p> <p>If a contract is being entered into or the agreement has an ongoing commitment, the Procurement team must be engaged before quotes are requested, as a compliant procurement may be required.</p> <p>Copies of quotes should be retained as part of the decision-making process.</p>
£25,001 - £100,000 (needs to aligned to the number above)	Budget Holder must engage Procurement team to seek approval to obtain 3 quotes, if approved, quotes should be retained as a record of decision making.	Yes, on the Central Digital Platform together with relevant notices, compliant with current Procurement Legislation.	The Appropriate Officer must keep records of the procurement and any relevant decisions made and shall attach to the PO request.	Yes	<p>The Budget Holder must engage Procurement team, to determine the correct process for the requirement.</p> <p>If a contract is being entered into or the agreement has an ongoing commitment, a compliant procurement may be required. The Procurement team will lead this process.</p>

Publication of relevant Notices is undertaken by Procurement team Contract Value *All values below are excluding VAT	Process	Notice Publication Requirement	Documentation Storage	Budget Holder need to engage Procurement	Governance / Approval Route
£100,001 - £179,000	Budget Holder must engage Procurement team to run the procurement, compliant with Procurement Regulations.	Yes, on Central Digital Platform, together with relevant notices compliant with Procurement Legislation and on the e-procurement system.	Commercial Services must keep records of the procurement and any relevant decisions made. All unsuccessful tender responses must be retained for 1 year. Any successful responses must be kept for 6 years, if signed as a simple contract and 12 years, if signed as a deed.	Yes	The Budget Holder must engage Procurement team to initiate a procurement process, compliant with the Public Procurement Regulations and in particular the Below Threshold regulations. This may include the use of a pre-established framework agreement. A CRAB Lite governance paper will need to be approved by the Head of Procurement or nominated deputy, before this process can commence or any contract be awarded. The Budget Holder and Procurement team must be involved in assessing the responses.

Publication of relevant Notices is undertaken by Procurement team Contract Value *All values below are excluding VAT	Process	Notice Publication Requirement	Documentation Storage	Budget Holder need to engage Procurement	Governance / Approval Route
> £179,001	<p>Budget Holder must engage Procurement team to run the procurement.</p> <p>Procurement team will run a full tender process, compliant with Procurement Act 2023, or call off under an available Framework Agreement.</p>	<p>Yes, on Central Digital Platform, together with relevant notices compliant with current legislation, and the e-procurement system and as required in the 'above threshold' procedures.</p> <p>Redacted copy of contract and KPI's to be published, if contract value is over £5m.</p>	<p>Commercial Services must keep records of the procurement and any relevant decisions made.</p> <p>All unsuccessful tender responses, must be retained for 1 year.</p> <p>Any successful responses must be kept for 6 years, if signed as a simple contract and 12 years if signed as a deed.</p>	Yes	<p>The Budget Holder, must engage Procurement team to initiate a full compliant tender or framework call off process through Commercial Services, which is subject to the Current Procurement Regulations.</p> <p>The Budget Holder and Procurement team must be involved, in assessing the tender submissions.</p> <p>All procurement route to market and award papers must be approved through the Contract Review and Approval Board. (CRAB).</p> <p>If the value of the contract to be awarded is £1m and over this requires a PCC decision paper and PCC approval.</p>

Publication of relevant Notices is undertaken by Procurement team Contract Value *All values below are excluding VAT	Process	Notice Publication Requirement	Documentation Storage	Budget Holder need to engage Procurement	Governance / Approval Route
Light Touch Regime >£552,000 (including Defence & Security) > £732,000 (Utilities Contract)	Budget Holder must engage Procurement team to run the procurement. Procurement team will run a light touch tender process, compliant with Procurement Act 2023, or call off under an available Framework Agreement.	Yes, on Central Digital Platform, together with relevant notices compliant with current legislation and e-procurement system, as required for Light Touch Services	Commercial Services must keep records of the procurement and any relevant decisions made.	Yes	The Budget Holder must engage procurement Team, to initiate the correct Light Touch compliant process or call off framework process, which is subject to the Current procurement Regulations. Where spend is over £1,000,000 excl VAT a decision, published as a decision notice, is required from the Commissioner
£4,477,000 (Concession Contract)	Budget Holder must engage Procurement team to run the procurement. Procurement team will run a light touch tender process, compliant with Procurement Act 2023, or call off under an available Framework Agreement.	Yes, on Central Digital Platform, together with relevant notices compliant with current legislation and e-procurement system, as required for Light Touch Services	Commercial Services must keep records of the procurement and any relevant decisions made.	Yes	The Budget Holder must engage procurement Team, to initiate the correct Light Touch compliant process or call off framework process, which is subject to the Current procurement Regulations. The Budget Holder and Procurement Team, must be involved in assessing the tender submissions. A decision, published as a decision notice, is required from the Commissioner

How we Procure

2.2 For Goods and Services where the contract will be managed by the West Midlands Office of the Police and Crime Commissioner

2.2.1 For any Contract which requires a signed or sealed agreement, as opposed to just a Purchase Order, regardless of the value the Procurement team must be engaged, before any Supplier is approached.

2.2.3 To ensure budget availability, no Contract for the supply of goods or services, where the value of the agreement exceeds £30,000 (excluding VAT) or contracts that cover more than 12 months, can be entered into without:

- A decision that has been made at the relevant Board, with the approval documentation or relevant minutes being disseminated to Commissioning.
- This table assumes that a budget has already been confirmed and is available prior to the commissioning activity taking place.
- All values are for the aggregated purchase amount across all financial years

Publication of relevant Notices is undertaken by Procurement team Contract Value *All values below are excluding VAT	Process	Notice Publication Requirement	Documentation Storage	Budget Holder need to engage Procurement	Governance / Approval Route
Up to £2,000	Budgetholder to ensure there is at least one verbal quote	No	No, however if available, it can be attached to the requisition on Oracle	No	Requires a Purchase Order to be raised, via the financial accounting system.
£2,001 to £10,000	Budget Holder to ensure that at least two quotes are obtained in writing	No	The Budget Holder must ensure that records are kept of the quote, attached to the requisition on Oracle	No, unless there is an ongoing commitment or a contract needs to be signed.	Requires a Purchase Order to be raised, via the financial accounting system.

Publication of relevant Notices is undertaken by Procurement team Contract Value *All values below are excluding VAT	Process	Notice Publication Requirement	Documentation Storage	Budget Holder need to engage Procurement	Governance / Approval Route
£10,001 - £25,000	Budget Holder to obtain at least three quotes in writing and retain as record of decision making.	No	The Budget Holder must keep records of the quote.	No, unless there is an ongoing commitment or a contract needs to be signed.	The Budget Holder will seek a minimum of three formal quotes. Once the evaluation of the received quotes is completed and the successful Supplier informed, a Purchase Order must be raised by the Budget Holder via the financial accounting system. If a contract is being entered into or the agreement has an ongoing commitment, the commissioning team must be engaged before quotes are requested, as a compliant procurement may be required. Copies of quotes should be retained as part of the decision-making process.
£25,001 - £100,000	Budget Holder must engage Procurement team to seek approval to obtain 3 quotes, if approved, quotes should be retained as a record of decision making.	Yes, on the Central Digital Platform together with relevant notices, compliant with current Procurement Legislation.	Commissioning team will keep records of the procurement and any relevant decisions made.	Yes	All procurement route to market and award papers must be approved through the Commissioning Governance Board (CGB).
£100,001 - £179,000	Budget Holder must engage Procurement team to run the procurement, compliant with Procurement Regulations.	Yes, on Central Digital Platform, together with relevant notices compliant with	Commissioning team will keep records of the procurement and any	Yes	All procurement route to market and award papers must be approved through the Commissioning Governance Board (CGB).

Publication of relevant Notices is undertaken by Procurement team Contract Value *All values below are excluding VAT	Process	Notice Publication Requirement	Documentation Storage	Budget Holder need to engage Procurement	Governance / Approval Route
		Procurement Legislation and on the e-procurement system.	relevant decisions made. All unsuccessful tender responses must be retained for 1 year. Any successful responses must be kept for 6 years, if signed as a simple contract and 12 years, if signed as a deed.		

Publication of relevant Notices is undertaken by Procurement team Contract Value *All values below are excluding VAT	Process	Notice Publication Requirement	Documentation Storage	Budget Holder need to engage Procurement	Governance / Approval Route
> £179,001	<p>Budget Holder must engage Procurement team to run the procurement.</p> <p>Procurement team will run a full tender process, compliant with Procurement Act 2023, or call off under an available Framework Agreement.</p>	<p>Yes, on Central Digital Platform, together with relevant notices compliant with current legislation, and the e-procurement system and as required in the 'above threshold' procedures.</p> <p>Redacted copy of contract and KPI's to be published, if contract value is over £5m.</p>	<p>Commissioning team will keep records of the procurement and any relevant decisions made.</p> <p>All unsuccessful tender responses, must be retained for 1 year.</p> <p>Any successful responses must be kept for 6 years, if signed as a simple contract and 12 years if signed as a deed.</p>	Yes	<p>The Budget Holder, must engage Commissioning team to initiate a full compliant tender or framework call off process which is subject to the Current Procurement Regulations.</p> <p>The Budget Holder and Commissioning team must be involved, in assessing the tender submissions.</p> <p>All procurement route to market and award papers must be approved through the Commissioning Governance Board (CGB).</p> <p>If the value of the contract to be awarded is £1m and over this requires a PCC decision paper and PCC approval.</p>

2.2 For Works

2.1 For any Contract which requires a signed or sealed agreement, as opposed to just a Purchase Order regardless of the value, Procurement team must be engaged before any Supplier is approached. All Works contracts, regardless of value must be agreed by the Assistant Director for Corporate Asset Management and the Procurement Team.

Contract Value *All values below are excluding VAT	Process	Contract to be Published	Documentation Storage	Budget Holder need to engage Procurement team	Governance / Approval Route
– UP TO £10,000	Budget Holder to obtain at least two quotes in writing	No	The Budget Holder must keep records of the quote.	No, unless there is an ongoing commitment or a contract needs to be signed.	Requires a Purchase Order to be raised, via the financial accounting system.
£10,001 - £25,000	Budget Holder to obtain at least three quotes in writing and retain as record of decision making.	No	All unsuccessful tender responses must be retained for 1 year. Any successful responses must be kept for 6 years, if signed as a simple contract and 12 years if signed as a deed.	No, unless there is an ongoing commitment or a contract needs to be signed.	<p>The Budget Holder will seek a minimum of three formal quotes. Once the evaluation of the received quotes is completed and the successful Supplier informed, a Purchase Order must be raised by the Budget Holder, via the financial accounting system.</p> <p>If a contract is being entered into or the agreement has an ongoing commitment, Procurement team must be engaged before quotes are requested, a compliant procurement may be required.</p> <p>Copies of quotes should be retained as part of the decision-making process.</p>

Contract Value *All values below are excluding VAT	Process	Contract to be Published	Documentation Storage	Budget Holder need to engage Procurement team	Governance / Approval Route
£25,001 - £100,000	Budget Holder must engage procurement Team to seek approval to obtain 3 quotes, or for procurement to assist with the quotation exercise or call off from an approved framework. If approved, quotes should be retained as a record of decision making.	Yes, on the Central Digital Platform, together with relevant notices compliant with current legislation.	Procurement team must keep records of the procurement and any relevant decisions made. All unsuccessful tender responses must be retained for 1 year. Any successful responses must be kept for 6 years if signed as a simple contract and 12 years if signed as a deed.	Yes	The Budget Holder must engage Procurement team, to determine the correct process for the requirement. If a contract is being entered into or the agreement has an ongoing commitment a compliant procurement may be required. Procurement team will lead this process. The Budget Holder, when approved, will seek a minimum of three formal quotes. Once the evaluation of the received quotes is completed and the successful Supplier informed, a Purchase Order must be raised by the Budget Holder, via the financial accounting system. Copies of quotes should be retained as part of the decision-making process.
£100,001 - £4,477,000	Budget Holder must engage Procurement team, to run a compliant procurement. Procurement team will run a tender, or call off under an available Framework Agreement.	Yes, on Central Digital Platform and on the e-procurement system	Procurement team must keep records of the procurement and any relevant decisions made. All unsuccessful tender responses must be retained for 1 year. Any successful responses must be kept for 6 years if signed as a simple	Yes	The Budget Holder must engage Procurement team to initiate a full tendering or framework call off procedure. The Budget Holder and Procurement team must involve the Head of Estates in assessing the tender submissions. Where spend is over £1,000,000 excl VAT a decision, published as a decision notice, is required from the Commissioner

Contract Value *All values below are excluding VAT	Process	Contract to be Published	Documentation Storage	Budget Holder need to engage Procurement team	Governance / Approval Route
		DRAFT	contract and 12 years if signed as a deed.		
> £4,477,000	Budget Holder must engage Procurement team to run the procurement. Procurement team will run a full tender process compliant with procurements Regulations, or call off under an available Framework Agreement	Yes, on Central Digital Platform, e-procurement system as required in the 'above threshold' procedures Redacted copy of contract and KPI's to be published.	Procurement team must keep records of the procurement and any relevant decisions made. All unsuccessful tender responses must be retained for 1 year. Any successful responses must be kept for 6 years if signed as a simple contract and 12 years if signed as a deed.	Yes	The Budget Holder must engage Procurement team. Procurement team to initiate a full compliant tender or framework call off process through Commercial Services, which is subject to the current Procurement Regulations. The Budget Holder and Procurement team must involve the Head of Estates in the assessing the tender submissions. A decision and published decision notice is required from the Commissioner.

Annex B: PCC/CC Financial Regulations

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1. Introduction

- 1.1 These Financial Regulations have been prepared, in accordance with the requirements of the Home Office Code of Practice on Financial Management, which is made, by the Secretary of State under section 17 of the Police Reform and Social Responsibility Act 2011('the Act') and section 39A of the Police Act 1996.
- 1.2 These Financial Regulations have been drawn up, in consultation with the Chief Executive (CE), the Chief Finance Officer (CFO), the Chief Constable (CC) and the Chief Constable's Chief Finance Officer (FCFO) and were approved and adopted by the Police and Crime Commissioner (the Commissioner) on [INSERT DATE]
- 1.3 The main aims of these Financial Regulations are to:
- (i) Ensure the financial dealings of the Commissioner and the CC, are conducted properly and in accordance with best practice.
 - (ii) Provide sufficient safeguards for the CFO and the FCFO, to formally discharge their statutory obligations and responsibilities.
 - (iii) Encourage delegation of financial matters to the lowest possible level, both between the Commissioner and the CC and by the CC within the Force, and at the same time maintain adequate control.
- 1.4 It is an overriding requirement of these Financial Regulations that the Commissioner, being advised by the CFO, will be satisfied that the CC has adequate systems, procedures, personnel and expertise in his Force, to handle the delegated responsibilities.
- 1.5 These Financial Regulations are complementary to Force working practices and should also be read in conjunction with the Contract Standing Orders.
- 1.6 These Financial Regulations will be kept under review by the CE, the CFO, the FCFO and the CC, to ensure that the working arrangements for both the Commissioner and the CC are conducted in accordance with latest best practice generally and local prevailing conditions. They can only be varied with the approval of the Commissioner.
- 1.7 The financial values identified within these Financial Regulations, will also be kept under review by the CFO and the FCFO, and updated as appropriate.

2. Roles and Responsibilities

- 2.1 The CFO, for the purposes of Section 151 of the Local Government Act 1972, Section 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulation, is the financial adviser to the Commissioner and has a statutory responsibility to carry out the functions of the CFO, ensuring that the financial affairs of the Commissioner and the CC are properly administered having regard to their probity, legality and appropriate standards.

2.2 The CFO has a statutory responsibility, for ensuring that adequate systems and procedures exist to account for all income due and expenditure disbursements made on behalf of the Commissioner and the CC, and that controls operate to protect the Commissioner's assets from loss, waste, fraud or other impropriety. The CFO also has a statutory responsibility to report to the Commissioner and the External Auditor if:

- (i) It appears that the Commissioner's expenditure, is likely to exceed the resources available to meet this expenditure.
- (ii) Decisions or actions have been made or taken, or are about to be made or taken, which involve unlawful expenditure, or are likely to cause a loss or deficiency or an unlawful entry in the accounts.

2.3 The CFO is also the Commissioner 's professional adviser on all financial matters and will be responsible for :

- (i) providing financial advice to the Commissioner on all aspects of activity, including the strategic planning and policy making process;
- (ii) advising the Commissioner on the content and implications of the budget and medium-term financial plans;
- (iii) assisting the Commissioner, in seeking to obtain value for money;
- (iv) ensuring that accurate, complete and timely financial management information, is provided to the Commissioner and the CC;
- (v) advising the Commissioner on financial propriety;
- (vi) securing the preparation of statutory and other accounts;
- (vii) maintaining an adequate and effective shared Internal Audit provision;
- (viii) securing appropriate banking arrangements and treasury management, including loans and investments;
- (ix) advising on risk management and insurance;
- (x) arranging for the determination, issue and transfer of the precept;
- (xi) advising on budgetary matters including any consequent long-term implications;
- (xii) working with the Chief Executive, to ensure effective corporate management of the Commissioner's resources.

- 2.4 The CC shall have as much day to day responsibility for the financial management and administration of the Force as possible and will be responsible for the day to day operational control of all financial systems and procedures.
- 2.5 The CC, in consultation with the CFO, shall appoint a suitably qualified senior financial officer (the Force Chief Finance Officer / 'FCFO'), who will be responsible to the CC for managing the finance function in the Force.
- 2.6 The Commissioner and the CC operate and encourage a system of devolved financial management to Local Policing Areas ('LPA's) and Departments. These Financial Regulations reflect and complement these arrangements. All LPA/Departmental Heads are individually responsible for the proper financial management and administration of resources allocated to their LPA Departments through the budget-making process, and for the identification of all income arising from activities within their operational areas. This responsibility includes the accountability for and control of staff, and the security, custody and management of assets including plant, equipment, buildings, materials, cash and stores relating to these LPAs/Departments.
- 2.7 Guidance and Accounting Manuals to supplement these Regulations and Force Financial Instructions may be issued by the FCFO, in consultation with the CFO for financial management and administration. These shall comply with best practice, as set out in the relevant provisions of authoritative statements, issued by recognised professional bodies from time to time.
- 2.8 No major changes will be made to any financial systems or procedures, without the prior consultation and agreement of the CFO.
- 2.9 In terms of the actual application of these Financial Regulations, the CE, the CFO, the FCFO, and the CC, although identified herein, will in certain instances delegate their individual responsibilities to nominated officers, who will undertake these duties on their behalf, as outlined in the Scheme of Consents and Delegations.

3. The Chief Constable's Chief Finance Officer ('FCFO')

- 3.1 The CC, in consultation with the CFO, shall appoint a suitably qualified officer, to be his Chief Finance Officer who, for the purposes of Section 151 of the Local Government Act 1972, Section 112 and 114 of the Local Government Finance Act 1988, and the Accounts and Audit Regulation, is the financial advisor to the CC. and will act on behalf of the CC and be responsible for managing the finance function in the Force, providing advice to the CC. This officer shall specifically:
- (i) Ensure that the financial affairs of the Force are properly administered and that Financial Regulations are observed and kept up to date;
 - (ii) Report to the CC, the Commissioner, the CFO and the external auditor, any unlawful, or potentially unlawful, expenditure by the CC or officers of the CC;

- (iii) Report to the CC, the Commissioner, the CFO and the external auditor, when it appears that expenditure of the CC is likely to exceed the resources available to meet that expenditure;
- (iv) Advise the CC on Value for Money, in relation to all aspects of the Force's expenditure;
- (v) Advise the CC and the Commissioner, on the soundness of the budget in relation to the CC's force;
- (vi) Liaise with the external auditor;
- (vii) Produce the statement of accounts, for the CC in consultation with the CFO;
- (viii) Provide information to the CFO as required, to enable the production of group accounts.

3.2 To enable the FCFO to fulfil the duties of being the CC's professional adviser on finance, he/she must:

- (i) Be a key member of the CC's Executive Team, helping it to develop and implement strategy and to resource and deliver the Commissioner's strategic objectives sustainably and in the public interest
- (ii) Be actively involved in, and able to bring influence to bear on, all strategic business decisions of the CC to ensure immediate and longer-term implications, opportunities and risks are fully considered
- (iii) Lead the promotion and delivery by the CC of good financial management, so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively
- (iv) Ensure that the finance function is resourced, to be fit for purpose

4. Financial Plan and Budgets

Police and Crime Plan

4.1 The Commissioner will, in consultation with the CC produce a Police and Crime Plan ('PCP'), setting out the priorities, the financial resources available and the allocation of these resources.

4.2 The FCFO will provide financial input to the preparation of the PCP.

Medium Term Financial Plan

The CFO and the FCFO will produce a Medium-Term Financial Plan reflecting assumptions about expenditure and funding over the medium term. The plan will include

both revenue and capital estimates and will be reported to the Commissioner and Chief Constable. The plan will be reviewed and amended on an annual basis where appropriate.

Revenue and Capital Annual Budget

- 4.3 The CFO shall, in consultation with the FCFO, determine the timetable for and agree the detailed form of the annual revenue and capital budget.
- 4.4 The FCFO on behalf of the CC, with other appropriate designated officers, shall be responsible for preparing and providing detailed information for the production of the revenue and capital budgets. For this purpose, the definition of revenue and capital will be as set out in relevant accounting standards.
- 4.5 The CC, in conjunction with the CFO, will be responsible for the submission of revenue and capital budgets to the Commissioner, in a format such that, once approved, the responsibility for the day to day management and control of the budgets, can be consented to the CC.
- 4.6 Once approved, and subject to the provisions of the Contract Standing Orders and the Financial Regulations, the budgets will give authority to the CC to incur expenditure, without the need for further written approval from the Commissioner, except where:
- (i) the CC proposes a major change in policing policy; and/or
 - (ii) overall revenue or capital expenditure is expected to exceed the approved budget by 1% respectively. In this instance the CFO and FCFO will be required to produce a plan to mitigate the overspend. The plan will require the approval of the Commissioner:
 - (iii) any significant underspends to a similar level (1%), are required to be reported to the Commissioner for their review.
- 4.7 The CC via the FCFO, will produce on a quarterly basis expenditure information against the approved budget at a subjective level. This will include any variances and mitigating actions. This will be reviewed by the Commissioner and discussed in a Holding to Account meeting with the CC.
- 4.8 Where the CC proposes a major change in policing policy, the CC, in conjunction with the CFO, will seek the prior approval of the Commissioner to the changes, so that any additional income or expenditure requirements, can be reviewed and approved accordingly.
- 4.9 The CC will prepare a report to the Commissioner, for all new capital/revenue proposals for expenditure over and above the approved budget, that are in excess of £1,000,000 which provides a financial appraisal of the nature and content of the proposal and the financial implications for the Commissioner.

Financial Implications in Decision Making Reports

- 4.10 All decisionmaking reports to the Commissioner, will include a section where appropriate, setting out the financial implications of the proposals being made, along with any comments and/or advice of the CFO/ the FCFO/ the CC.

Budgetary Control and Virement

- 4.11 The CC and those officers and staff to whom he delegates the responsibility, will manage and control budgets approved by the Commissioner, in accordance with these Financial Regulations and other guidance issued from time to time.
- 4.12 The CC in consultation with the CFO, shall maintain working practices to facilitate the effective management of the Force Budgets, to LPA Commanders and Heads of Department.
- 4.13 The working practices will include provision for
- (i) Redirecting resources between budget heads.
 - (ii) Any carry forward arrangements between financial years.

5. Accounting Procedures

- 5.1 All accounting procedures and records of the Commissioner and its officers and staff shall be determined by the FCFO and approved by the CFO. Where such procedures and records are maintained in the West Midlands Police Force, these shall have regard to the provision of Section 151 of the Local Government Act 1972, the Accounts and Audit Regulations, and such other statutory provision which affect the financial affairs of the Commissioner.
- 5.2 The following principles shall be observed in the allocation of accounting duties:
- (i) The duties of providing information, regarding sums due to or from the Commissioner/CC and of calculating, checking and recording these sums, shall be separated as completely as possible, from the duty of collecting or disbursing them.
 - (ii) Officers and staff charged with the duty of examining and checking the accounts of cash transactions, shall not themselves be engaged in any of these transactions.

6. Financial Systems and Procedures

Introduction

- 6.1 The FCFO, on behalf of the CC, will be responsible for the day to day operation and control of the system and procedures required to:
- (i) order goods and services;
 - (ii) pay salaries, wages and pensions;
 - (iii) pay creditors, allowances and expenses;
 - (iv) collect and bank all income due to the Commissioner;
 - (v) provide, safeguard and subsequently dispose of Commissioner assets.
- 6.2 The FCFO, on behalf of the Chief Constable, will not change or amend any significant financial systems or procedures, without consulting with the CFO.
- 6.3 The CC, in consultation with the FCFO, will issue and keep under review Force Financial Instructions covering the financial systems and procedures outlined above. These instructions contain the detailed procedures to be followed and should be read in conjunction with these regulations, especially where specific reference is made herein.

Risk Management and Insurances

- 6.4 The CFO shall be responsible for advising the Commissioner on insurance matters, and in conjunction with the CC's FCFO, preparing and monitoring a risk management programme and advising on appropriate and/or available options with regard to premiums and/or levels of risk.
- 6.5 The FCFO shall be responsible for the day to day operational control and management of all Insurance Funds established, including identifying the level of associated claims, authorising expenditure from the Fund, and the arrangements with the Commissioner's insurers and brokers, subject to the policy direction of the Commissioner.
- 6.6 The settlement of civil claims, including Employment Tribunal matters, other than those determined by the Commissioner's Insurers, shall be made by the CLO up to an individual limit of £50,000, or £100,000 for multiple or linked claims and the CC up to an individual limit of £250,000. The FCFO will monitor small value settlements and report annually to Joint Governance Board, on the total liability to the Insurance Reserve.

- 6.7 The FCFO will, on behalf of the CFO, review at least annually, the arrangements for insurances and risk management, to ensure that they remain effective.
- 6.8 The CC shall have the power to settle ex-gratia claims for loss of or damage to personal effects, so far as they are not otherwise insured, up to an individual value of £10,000, and within the approved budget. The FCFO will monitor all ex-gratia payments in relation to the budget, insurable risks and cover available and report annually, to the Joint Governance Board on these matters.
- 6.9 The Chief Constable shall seek CE approval above the individual limit, or in cases involving particular sensitivity.

Treasury Management

- 6.10 The CFO, will be responsible for advising the Commissioner on all matters related to Treasury Management, Investments and Borrowing.
- 6.11 The Commissioner shall adopt CIPFA's 'Treasury Management in the Public Services' Code of Practice.
- 6.12 Each year the CFO will produce a Treasury Management Policy Statement, setting out a strategy and relevant principles, for approval by the Commissioner.
- 6.13 All executive decisions on borrowing, investments or financing, shall be delegated to the CFO, who shall be required to act in accordance with the CIPFA Code for Treasury Management.
- 6.14 The CFO will delegate day to day responsibility for the Treasury Management function and borrowing, investment or financial decisions to the FCFO, in accordance with arrangements determined by the CFO.
- 6.15 The CFO will report to the Commissioner, not less than twice in each financial year, on the activities of the Treasury Management operation, and on the exercise of Treasury Management powers so delegated. This should be in accordance with the Code of Practice on Treasury Management applicable at that time.

Banking Arrangements, Cheques and Credit Cards

- 6.16 The CFO will be responsible for advising the Commissioner, on all banking and related arrangements. All arrangements with the Commissioner's bankers shall be made by or in accordance with principles approved by the CFO, who shall authorise the FCFO to operate such banking accounts as the Force, through the FCFO, consider necessary.
- 6.17 Cheques on the Commissioner's main banking accounts, shall bear the facsimile signature of an appropriate officer.

- 6.18 The FCFO shall be responsible for the ordering, control and dispatch of the cheques drawn on the Commissioner's main banking accounts and imprest accounts, relating to the defraying of Commissioner's expenditure.
- 6.19 The FCFO will undertake regular reconciliations of all authorised (bank) accounts, in accordance with arrangements determined by the CFO.
- 6.20 The FCFO will ensure there are appropriate controls, for issuing and administering credit cards.

Imprest Accounts

- 6.21 The FCFO shall provide such advance accounts as he considers appropriate, for such officers of the Commissioner/Chief Constable as may need them, for the purposes of defraying petty cash and other expenses. Such accounts shall be maintained in the imprest system.
- 6.22 Where he considers it appropriate, the FCFO, subject to the agreement of the CFO, shall open an account with the Commissioner's bankers or such other bank as may be authorised in specific cases for use by the imprest holder, who shall not cause such account to be overdrawn. It shall be a standing instruction to the Commissioner's bankers, that the amount of any overdrawn balance of an imprest holder's banking account, shall forthwith be reported to the FCFO.
- 6.23 Those procedures relating to Imprest Accounts, as outlined in the relevant Force Financial Instruction, shall be complied with unless otherwise agreed.

Income: Collection and Banking

- 6.24 The collection of all monies due to the Commissioner, including the raising of accounts, shall be made under arrangements determined by the FCFO and agreed by the CFO. All monies received on behalf of the Commissioner shall without delay, be banked in the Commissioner's name. In no case shall lodgement of cash be less frequent than weekly, except by agreement with the CFO.
- 6.25 The FCFO may write off debts considered to be irrecoverable up to £5,000, subject to periodical reports to the Commissioner. Any individual write-off above the amount set out in Financial Regulations, must be agreed by the Joint Governance Board.
- 6.26 The CC shall have all necessary powers of debt recovery, including the taking of appropriate legal action.
- 6.27 The CC shall notify Internal Audit as soon as possible, of the impending resignation or retirement of any officer under his control, who has cash handling responsibilities.

- 6.28 Those procedures relating to Income, as outlined in the relevant Force Financial Instruction, shall be complied with unless otherwise agreed.

Income: Fees and charges

- 6.29 The Chief Constable shall, at least annually, report to, and seek approval from the Commissioner on a review of all rents, fees and charges for services provided. Commissioner approval should be sought, where significant changes in policy or income are proposed.

Sponsorship

- 6.30 The FCFO shall be informed of all offers of gifts, loans of Property and sponsorship, which must comply with the conditions approved by the Commissioner. The Commissioner has agreed an individual figure of £50,000, above which Commissioner approval is required prior to acceptance. All other gifts, loans or sponsorship, must be arranged in accordance with the appropriate Financial Instruction.
- 6.31 The Chief Constable shall maintain a record of the market value of all gifts, Loans and Sponsorship received. A report will be produced at the end of each financial year and presented to Finance Governance Board. The total value of gifts, Loans and Sponsorship, shall not exceed a maximum equivalent value, of 1% of Force Annual Budget.

Grants to Voluntary Organisations/Outside Bodies

- 6.32 Grants to voluntary organisations made, shall comply with the conditions of grant aid approved by the Commissioner.
- 6.33 The CFO shall maintain a record of these grants, which shall not exceed the agreed budget total.

Unofficial Funds

- 6.34 A private fund shall only be established with the approval of an appropriate senior officer, as set out in the appropriate Financial Instruction.
- 6.35 The FCFO shall be made aware of the existence of all voluntary unofficial funds.
- 6.36 Private funds must be audited every year by Independent Auditors. Copies of the audited accounts must be sent to the appropriate officer, and the FCFO.

7. Internal Control

Internal Audit

- 7.1 An internal audit service, under the shared control and direction of the CFO/the FCFO, operating in accordance with the Public Sector Internal Audit Standards and other

statutory obligations and regulations, shall be arranged. The internal audit service shall provide an independent and objective opinion to the organisation on the risk, governance and internal control environment operating, by evaluating the adequacy and effectiveness of internal controls, that are in place to manage and mitigate financial and non-financial risk. In respect of the financial arrangements of the organisation, internal audit will periodically carry out an examination of accounting, financial and other operations of the Commissioner/CC, thereby reviewing and reporting upon:

- (i) The soundness and adequacy of financial management and other internal control systems and their implementation.
- (ii) The extent of compliance with established policies, plans and procedures.
- (iii) To what extent assets and interests are accounted for and safeguarded from losses due to:
 - Fraud and other offences.
 - Waste, extravagance and inefficiency.
- (iv) The suitability and reliability of financial and other management data, developed within the Commissioner's Office and the Chief Constable's Force.

7.2 The CFO/ the FCFO or their authorised representatives, shall ensure that internal auditors have authority to:

- (i) Enter at all reasonable times, on any Commissioner's premises or land.
- (ii) Have access to all records, documents and correspondence, control systems and appropriate personnel of the Commissioner/CC.
- (iii) Require and receive such explanations as are necessary, concerning any matter under examination.
- (iv) Require any employee of the Commissioner/CC to produce cash, stores or any other asset under this control.
- (v) Attend meetings to give advice or report on matters affecting his/her responsibility.

7.3 The CFO via Internal Audit, shall be informed immediately by the CC, irrespective of whether the matter is the subject of criminal investigation, of any loss or financial irregularity or suspected irregularity, or of any circumstances which may suggest the possibility of losses or irregularities, including those affecting cash, stores, and other property of the Commissioner/CC.

7.4 The CFO/FCFO shall report serious losses and irregularities, to the Joint Audit Committee.

- 7.5 The CC, who has a direct interest in secure, efficient and effective arrangements for Internal Audit, shall receive regular reports on internal audit activity, via the FCFO. The CC will also commission audit reviews on systems and VFM studies, as an essential tool of good management. Such reports will be sent to FCFO and copied to the CFO.
- 7.6 The CFO shall consult with the Commissioner and CC, prior to agreeing which aspects of the financial activity of the Force will be included in the Internal Audit Plan, prior to its submission to the Joint Audit Committee for approval.

External Audit

- 7.7 The External Auditor, shall have full access to Internal Audit reports and plans. This will ensure that no duplication of activity will take place.
- 7.8 The External Auditor shall work closely with the Commissioner and CC, via the CFO/FCFO and will discuss and agree their plans with both.
- 7.9 The Commissioner/CC, via their Joint Audit Committee, shall use the External Auditors Report to aid them in their monitoring role, to ensure that these Regulations are being followed.
- 7.10 All audit plans and reports, including Management Letters, shall be submitted to the Commissioner/CC Joint Audit Committee, for consideration and action where appropriate.

Joint Audit Committees

- 7.11 A Joint Audit Committee shall be established by the Commissioner /CC, chaired by an Independent Member, to review the overall governance and internal control arrangements in respect of the Office of the PCC and the Force. In this regard, the Audit Committee will meet at least quarterly to:
- (i) Oversee the provision of External Audit:
 - To receive and consider the plans and subsequent reports of the External Auditor (Management letter);
 - To review their work, discuss their concerns and resolve any issues arising;
 - To review, on behalf of the Commissioner/CC, the effectiveness of the External Audit provision and recommend changes/improvements where necessary.
 - (ii) Oversee the Internal Control arrangements within the Office of the PCC and the Chief Constable's Force:
 - To assure the Commissioner/CC, that a sufficient and effective review of internal control arrangements takes place; and that any identified weaknesses are corrected.

- To consider any major findings identified periodically by Internal Audit.

(iii) Oversee the process of Internal Audit:

- To consider and approve the Internal Audit Charter, as required by statutory guidance.
- To approve the Internal Audit Strategy and review the planned programme of work of Internal Audit, thereby assessing its appropriateness.
- To review and consider whether the Internal Audit is sufficiently resourced.
- To receive and consider Internal Audit activity reports.
- To consider the Head of Internal Audit statement on the level of conformance, with the Public Sector Internal Audit Standards.

8. Control of Assets

Asset Registers

- 8.1 The FCFO shall maintain a register of information, in relation to all Property and equipment, in accordance with the CIPFA Capital Accounting Guidelines, on behalf of the Commissioner/CC. Information relating to new acquisitions of such property and equipment and disposals, must be notified to the FCFO, within one month of the acquisition or disposal.

Inventories

- 8.2 Inventories of all equipment owned and which is insured by the Commissioner, under the All Risks Insurance Policy, shall be kept by the FCFO in a form agreed with the CFO. The FCFO shall be advised of all additions, deletions and revaluations of equipment affecting these Inventories.
- 8.3 The CFO/the FCFO or their representatives, shall have access to all property of the Commissioner/CC to check inventories.
- 8.4 The Chief Constable shall be responsible for maintaining an annual check of all items on the inventory, for the purpose of taking action in relation to surplus or deficiencies and noting the inventory accordingly.

Security

- 8.5 The Chief Constable shall be responsible for the accountability and control of staff and for maintaining proper security at all times, including for all buildings, stocks, stores, furniture, equipment, cash and so on, under his control.
- 8.6 Departmental/LPA Commanders shall be responsible for the security of confidential information, held in their respective Departments /LPAs. This shall include responsibility for the security of all computer software and the control of access to all records held on micro / mini computers, in accordance with the requirements of the Data Protection Act

2018. Departmental Heads shall be responsible for authorising access to information held in their Department's computer systems, in accordance with approved Information and I.T. Strategies and Procedures.

- 8.7 The FCFO, on behalf of the CC, should notify Internal Audit, of all new computerised systems.

Property

- 8.8 The CC will be responsible for the management of the Commissioner's Estate, including the maintenance of this property. All purchases and sale of property, should be in accordance with the Commissioner's Contract Standing Orders, and the approval of the Commissioner obtained if required. For all purchases and disposals of land and buildings, the Commissioner's approval is required. The Commissioner's approval is required for all new property leases, as well as lease extensions and renewals.
- 8.9 The CC shall have the custody of all title deeds, under secure arrangements.
- 8.10 The CC will maintain a register of all properties owned by the Commissioner, recording the purpose for which held, locations extent and plan reference, purchase details, particulars of nature of interest and rents payable and particulars of tenancies granted. Information relating to the assets and their value, shall be provided for the Commissioner's asset register, in accordance with requirements set out by the FCFO.

Stocks and Stores

- 8.11 The CC shall be responsible for the care and custody of stocks and stores, including regular stocktaking on a continuous basis where possible, and for ensuring that stores are not held in excess of minimum requirements. All stocks should be monitored, in accordance with the appropriate Force Financial Instruction.
- 8.12 Stores, equipment and other property, excluding land and buildings, deemed to be surplus to requirement, and saleable old materials shall not be disposed of, except on written authority of the Chief Constable. Sales of such items shall be made by advertising the invitation of tenders, except where disposal by other means would better serve the PCC's interest. The FCFO shall be informed of all such disposals.

Theft and Burglary

- 8.13 The CC shall bring as a report to Joint Governance Board, all cases of theft of the Commissioner's property, or burglary of Commissioner's premises, arising in his LPAs/Departments, including those where criminal investigations are being undertaken.

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