

Governance arrangements - Board Remit and Member Protocol

31 January 2011

Purpose of Report

- 1 This report presents a Remit for the Board, together with a Member Protocol outlining the key responsibilities of Members on the Board.

Main Report

- 2 Members will recall that it was agreed at the last Board meeting, under consideration of the report on Scrutiny Arrangements, that a short report should be prepared containing a statement of the overall function, duties and responsibilities of the Board.
- 3 The remit, powers and responsibilities of the Board are contained in the Board's Standing Orders, Financial Regulations and Scheme of Delegation. These rules are based on various pieces of legislation, guidance (statutory and non-statutory) and standards. The condensed remit presented in Appendix 1 sets out the key responsibilities of the Board, and is presented to promote good governance. It is intended to publish the remit on the Board's website.
- 4 Matters that have been delegated to other Committees are detailed separately in the remits for those Committees. Details of those remits were reported to the last Board meeting.
- 5 Following the Best Value self assessment exercise reported to the Board at its last meeting, it was agreed that as part of the Improvement Action Plan, a protocol to further define member and officer roles and responsibilities should be prepared. A draft protocol is presented in Appendix 2.
- 6 Detailed statutory guidance is available separately for members through the Board's website. The proposed protocol brings together the key points from this guidance, together with Best Value and governance guidance into a single statement.
- 7 One of the good governance standards for public services requires that 'members and officers work together to achieve a common purpose with clearly defined functions and roles'. The Remit and Protocol will assist Members in this regard.

Recommendations

- 8 It is recommended that the Board:
- approves the Remit presented in Appendix 1; and
 - approves the Protocol in Appendix 2.

Sue Bruce
Chief Executive and Clerk

Appendices	Appendix 1 Board Remit Appendix 2 Member Protocol
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Wards affected	All
Background papers	Report to Police Board 16 August 2010 'Scrutiny Arrangements'

LOTHIAN & BORDERS POLICE BOARD**BOARD REMIT**

The remit, powers and responsibilities of the Board are contained in the Board's Standing Orders, Financial Regulations and Scheme of Delegation. These can be found at

<http://www.lothianandborderspoliceboard.co.uk/publications/publications.html>

This summary statement sets out the key responsibilities of the Board, and is presented to promote good governance. Matters that have been delegated to other Committees are detailed separately in the remits for those Committees.

Remit

- 1 To secure Best Value in line with the Board's statutory duty, working jointly with the Chief Constable.
- 2 To fulfil the duty to secure continuous improvement in the use of resources by the Force.
- 3 Achieve an appropriate balance between quality of performance and the cost of that performance.
- 4 Set, monitor and scrutinize the budget for the Force and so provide the Chief Constable with the resources necessary to police the area efficiently and effectively.
- 5 Agree strategic priorities for policing through review and approval of the Force Strategic Plan
- 6 Report publicly on performance.
- 7 Participate in Community Planning in accordance with statutory guidance.
- 8 To be informed of policing in its area and call for reports from the Chief Constable in relation to particular policing policies in its area.
- 9 Maintain an overview of complaints about police officers made by members of the public and how these are dealt with.
- 10 Oversee, advise and hold the Chief Constable to account on the activities of the Force.
- 11 Approve financial transactions which exceed thresholds set in the standing orders relating to contracts or financial instructions.
- 12 To delegate other matters to appropriate Committees, for example:

- appointment of senior police officers, and set the terms of such appointments to the ranks of Chief Constable, Deputy Chief Constable and Assistant Chief Constable;
 - detailed scrutiny of service delivery, performance and use of resources; and
 - complaints about senior police officers, such as the Assistant Chief Constable, Deputy Chief Constable or Chief Constable.
- 13 To delegate the discharge of its functions to its own official or to the Chief Constable. The functions that are delegated are contained in the Scheme of Delegation and include:
- finance and administrative matters;
 - procurement and contractual matters; and
 - personnel and employment matters.

Note: the full statutory basis of the Board's remit is contained in the Guidance from the Scottish Government referred to above, which can be accessed from the link on the following page:

<http://www.lothianandborderspoliceboard.co.uk/about/about.html>

The summary statement above is largely based on statutory powers; however items 3 and 8 are based on Scottish Government Guidance, item 10 is based partly on statutory powers and partly on the above guidance, and item 6 is based on best practice implicit in the Best Value regime.

LOTHIAN & BORDERS POLICE BOARD

PROTOCOL FOR BOARD MEMBERS

This protocol sets out a role description for Board members and provides guidance to clarify Members' relationships with the Chief Constable and the Force Executive.

Detailed guidance on members' roles and responsibilities is available (see <http://www.lothianandborderspoliceboard.co.uk/about/about.html#roles>). This protocol summarises the key points for ease of Members' reference, and is intended to promote good governance.

Members' Role and Responsibilities

The key purpose/role of Members of the Board is:

- to represent the views and interests of the community as a whole;
- to contribute actively to the formation of the Force's priorities, budgets, and policies;
- to scrutinise and hold the Chief Constable to account with regard to service delivery and financial performance;

with regard to the Board:

- to promote the best interests of the Board;
- to represent and act as an advocate for the interests of the Board with each respective Council and with other stakeholders and communities;

with regard to the Police Force:

- to support the development of an effective working relationship with officers and staff of Lothian and Borders Police;
- to engage actively with the Force on the development and review of vision and strategic priorities, including financial and budget priorities;
- to be informed about, maintain a dialogue on, scrutinise and if required to challenge key aspects of service delivery, policing performance and use of resources;

with regard to constituent Councils:

- to maintain a dialogue between the Board and Members' own constituent authority and associated bodies;

- to convey key aspects of Board business to Members' own constituent authority;

with regard to Partnerships:

- to participate in other bodies or partnership forums e.g. Community Planning Partnerships;
- to liaise with Community Safety Partnerships and promote joined-up planning and problem-solving;

with regard to communities:

- to ensure that the needs of communities are fully taken into account by the Force;
- to represent issues raised by communities and stakeholders at an appropriate strategic level;
- to liaise and work with local organisations and representative groups to further the interests of the Board;

other:

- to undertake appropriate training and development;
- to fulfil the statutory code of conduct and standards for Elected Members; and
- to observe and comply with the Board's Standing Orders relating to the Conduct of Meetings and the Scheme of Delegation and Administration to Committees, Sub-Committees and officers.

Joint Responsibilities with Chief Constable

The Local Government in Scotland Act 2003 imposes a duty on Police Authorities to secure Best Value. Police Circular 11/2003 offers additional guidance on the implementation of Best Value in the Scottish Police Service. This circular affirms that the Board has a responsibility to secure an efficient and effective police force in its area. Members of the Board should therefore take joint responsibility for the overarching plan for the achievement of Best Value by the Force, and work with the Chief Constable to fulfil this.

The Police Board's statutory duty to secure Best Value should therefore be seen as complementary to the Chief Constable's responsibilities.

Therefore, members of the Police Board and the Chief Constable need to work in partnership in respect of the main components of Best Value ie leadership and planning, the use of resources, responsiveness to citizens and efficiency.

Operational and Strategic Responsibilities

The Board oversees the work of the Chief Constable and holds him/her to account for the policing of the Force area – this goes to the heart of the Board's Best Value duties.

The Chief Constable retains sole discretion in respect of operational activity, deployment of police resources, and tactical decisions. The Board cannot *direct* the Chief Constable in these matters.

However, the Board can influence operational policy and management through *dialogue*, and is required to hold the Chief Constable to *account* for operational decisions.

This means that Board members have the right to be informed of policing in their area, to call for reports from the Chief Constable in relation to particular policing policies in their area; and can ask for specific reports from the Chief Constable at any time on any matters connected with the policing of the area for which the Force is maintained.

In order for scrutiny to be effective therefore, Board members may seek information, question or challenge a policy or operational decision, although they cannot direct the Chief Constable in this regard.

Power of Well-Being

The Power to Advance Well-Being, introduced by the Local Government in Scotland Act 2003, gives police authorities considerable flexibility in how they deploy their funds and other resources in the pursuit of their statutory aims. In particular it may underpin collaborative initiatives with other organisations.

Board Officials

The Board is supported by the Chief Executive and Clerk, Treasurer, Solicitor and Monitoring Officer. The role of these officials is to advise the Board and provide support as required in the performance of the Board's duties.

They must represent solely the interests and wishes of the Board and be independent of the constituent authorities, even if they are employed in another capacity by a constituent authority.