

DERBYSHIRE POLICE AUTHORITY
CORPORATE GOVERNANCE COMMITTEE
17 JUNE 2010

REPORT OF THE CHIEF EXECUTIVE

5a DERBYSHIRE POLICE AUTHORITY – THE NEED FOR A WRITTEN CONSTITUTION

PURPOSE OF THE REPORT

1. To bring to the attention of Derbyshire Police Authority Members the rationale for not having a written constitution.

INFORMATION AND ANALYSIS

2. A member of the Derbyshire Police Authority has recently questioned whether there is a need for a written constitution to support the workings of the Police Authority. This response has been produced following consultation with APACE and with the Authority Legal Adviser (Force Solicitor).

3. Under the Local Government Act 2000 and the Constitutions Direction of 2000, a local authority (which could include a police authority) which is operating 'executive arrangements' or 'alternative arrangements' must prepare and keep up to date a document (the 'constitution').

a. Executive Arrangements. 'Executive arrangements' are set out in section 11 but essentially one is looking at local authorities such as Hartlepool who have an executive i.e with an elected mayor or a councillor who has been elected as an executive leader or a body of Councillors acting as an executive or cabinet and under which certain functions of the authority are the responsibility of the executive.

b. Alternative Arrangements. 'Alternative arrangements' apply where the secretary of state has by regulations specified arrangements ('alternative arrangements') by a local authority with respect to the discharge of its functions.

It is understood that the only regulations that have been issued in this regard relate to education or the health service.

4. As the Authority operates neither executive nor alternative arrangements, we do not legally need to have a constitution. However, if it was decided that we wanted to produce a constitution then it would need to contain:

- a. Such information as the Secretary of State may direct; (not applicable).
- b. A copy of the authority's standing orders.
- c. A copy of the authority's code of conduct.
- d. Such other information, if any, as the authority considers appropriate.

5. The purpose of the Constitution is to set out everything anyone who has dealings with the local authority would need to know demonstrating how the local authority conducts its business, who takes which decisions and how to work with the local authority. The Derbyshire Police Authority, like other police authorities, achieves this through its Code of Governance which is reported upon through its Annual Governance Statement.

6. Given that the Secretary of State has not made any direction which would fall within 4a for Police Authorities and that we already have produced 4b and 4c which are published on the internet, it is felt that the benefit of a constitution would be limited and that this is unnecessary.

FINANCIAL, LEGAL, EQUALITY AND RISK ISSUES INCLUDING HEALTH AND SAFETY CONSIDERATIONS

7. There are no additional considerations to those contained within the report.

OFFICER RECOMMENDATION

8. That the Derbyshire Police Authority does not produce a separate constitution and that it relies on its Code of Corporate Governance in describing how it conducts its business.

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