

# OFFICE OF POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE

## DECISION MAKING FRAMEWORK

The principles of good governance in public life require that the Police and Crime Commissioner (PCC) and staff supporting the PCC's functions should:

- maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based;
- ensure that those making decisions are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications;
- ensure that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately;
- actively recognise the limits of lawful activity placed on them by, for example, the beyond their powers (ultra vires) doctrine but also strive to utilise their powers to the full benefit of their communities;
- decide how value for money is to be measured and make sure that the PCC has the information needed to review value for money and performance effectively;
- measure the environmental and equality impact of policies, plans and decisions;
- determine a scheme of delegation and reserve powers within the constitution, and ensure that it is monitored and updated when required.

The PCC has approved a Scheme of Delegation which sets out those powers which he is content to allow others to exercise on his behalf. The Scheme also sets out limitations on and other conditions in relation to the exercise of those powers by others. Unless specifically delegated to an officer in the Scheme of Delegation, the PCC will expect to exercise powers and take decisions personally.

The Scheme of Delegation is complemented by Financial and Contract Regulations which set out the conditions under which control is exercised over financial resources throughout the organisation and prescribes in what circumstances the PCC's financial resources can be committed and contractual liabilities entered into.

This framework therefore prescribes who can and cannot make decisions on what matters and in what circumstances.

However, the above principles of good governance require that clear arrangements, which satisfy those principles, are established for how decisions are made and how those decisions are recorded and published, to ensure that the PCC remains publically accountable for the decisions he takes or which are taken on his behalf.

### **Publication of information relating to decisions**

The Elected Local Policing Bodies (Specified Information) Order 2011 sets out statutory requirements for the publication of information relating to decisions taken by the PCC (local policing body) or on the PCC's behalf. In particular, this requires

*In relation to the decisions of the elected local policing body—*

- (a) *the date, time and place of each public meeting to be held by the elected local policing body;*
- (b) *a copy of the agenda for each public meeting held by the elected local policing body, and any report or other document that is the subject matter of an item on the agenda;*
- (c) *a copy of the minutes of each public meeting held by the elected local policing body, and of each meeting which is not a public meeting but at which matters of significant public interest arising from the exercise of the body's functions are discussed; and*
- (d) *a record of each decision of significant public interest arising from the exercise of the elected local policing body's functions, whether made by the body at or as a result of a meeting or otherwise.*

The following outlines the arrangements that the Police and Crime Commissioner requires to be adhered to in connection with the taking of decisions:

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| 1. All decisions of significant public interest will be sought and approved by way of a completed decision form (See Appendix A).   |
| 2. All decisions by officers exercising the powers of the PCC (if, in the opinion of that officer such a decision is of significant public interest), will be sought and approved by way of a completed decision form.  |
| 3. All decision forms requiring a decision of the PCC will be sent to the Office of PCC at least 5 working days before the need for the decision, to enable the PCC to take advice and to publish an agenda for the meeting at which those decisions will be taken. Such decision forms requesting a decision of the PCC will be published as part of an agenda for such meetings.  |
| 4. In the majority of cases, the PCC will require the presence of officers to present their proposals to enable the PCC to probe and challenge the information presented to them.   |
| 5. All decision forms requiring an officer decision under the Scheme of Delegation should be sent to the Office of PCC at least 5 working days before a decision is needed, to enable the PCC to 'call in' that decision for scrutiny, or decide to make it personally.   |
| 6. Any decision that needs to be made outside these timescales by reason of urgency shall record on the decision form the reason for such urgency.  |
| 7. All decision forms will incorporate <ul style="list-style-type: none"> <li>a. a summary of the issue and a clear recommendation;</li> <li>b. the financial and equalities/human rights analysis of the impact of the recommendation;</li> <li>c. full consideration of why the decision is needed. How detailed this will need to be will depend on the circumstances of the matter in question;</li> <li>d. details of options considered but discarded, and reasons;</li> <li>e. if appropriate, details of all interested parties consulted and their views.</li> </ul> |
| 8. Once a decision has been taken, the decision form will be accompanied by a cover sheet, numbered appropriately and signed by whoever made the decision (Appendix B).   |
| 9. Subject to 10 below, all signed decisions will be published on the PCC's web site as soon as possible after the decision has been taken.   |
| 10. All information upon which the decision maker relied when making the decision will also be published on the PCC's web site unless it falls <u>properly</u> within the categories of 'Restricted' under the Government Protective Marking Scheme or if that material falls within the description at 2(2) of The Elected Local Policing Bodies (Specified Information) Order 2011. The Office of the PCC will strictly scrutinise any information so classified to ensure  |

that it properly falls within that description.

Information that falls within either of the above two exemptions should be clearly annotated as such on the decision form. Where there is a mixture of exempt information and non-exempt information included on a decision form, only the non-exempt information will be published on the PCC's web site.

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**Decision template**

**From:**

**Date:**

**Circulation list:**

|                    |                          |
|--------------------|--------------------------|
| <b>Timing:</b>     | Urgent/Pressing/Routine. |
| <b>Purpose:</b>    |                          |
| <b>Cleared by:</b> |                          |

**SUBJECT OF ADVICE:**

**Summary:**

**Recommendation:**

**Consideration:** *[Background for what is being recommended, the available options and the rationale.]*

**Affordability:** *[Assessment of costs, including opportunity costs, and how they will be met.]*

**Supporting and dissenting Views:**

**APPENDICES:**

**OFFICE OF POLICE AND CRIME COMMISSIONER FOR WEST YORKSHIRE**

**Record of decision made by/on behalf of the Police and Crime Commissioner**

Decision Notice Number/Date (e.g. 01/2012)

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|--|
| <b>Title/Subject:</b>  |
| <b>Summary and recommendations:</b>  |
| <b>Police and Crime Commissioner decision*</b><br><br><u>or</u><br><b>Officer decision under delegated powers*</b><br><br>(*delete as appropriate) |
| <b>Signature:</b><br><br><b>Title:</b><br><b>Date:</b>   |