

9th July 2013

I write following your FOI request dated 10.6.13 in which you request;

*Before the public pronouncement of the decision to axe the police horse section of Cleveland Constabulary by the Chief Constable, Jacqui Cheers were you either a party to that decision, or at least made aware of her intentions to take the decision to axe that section, as the case may be, and exactly on what date did you therefore either acquiesce in that decision or become aware of it?
Thank you.*

This request has been handled under the Freedom of Information Act 2000.

Regarding your request I can now inform you that I have completed my enquiries and that my reply on behalf of the Office of the Police and Crime Commissioner for Cleveland is as follows.

I can confirm that the Office of the Police and Crime Commissioner for Cleveland does not hold this information.

The FOIA provides public access to information held by public authorities.

The FOIA covers **recorded** information that is held by a public authority. Recorded information includes printed documentation, computer files, letters, e-mails, photographs, sound and or video recordings.

Under the FOIA we are not required to answer a question if we do not have the relevant information in recorded form.

Whilst the FOIA does not prevent us from voluntarily answering a question outside of its provisions, we are not required to make up an answer or find out information from elsewhere if we do not already have the information in recorded form.

That said I am content to inform you that the Chief Constable made the decision on operational grounds before informing the Commissioner. The Commissioner was informed on the 3rd June 2013, the same day the Chief Constable announced her decision publicly.

The position of the PCC

The allocation of responsibilities between the PCC and the Chief Constable (and for that matter all parties with a professional interest in policing) is strictly governed by law pursuant to the Policing Protocol Order 2011, a legal document made under Section 79 of the Police Reform and Social Responsibility Act 2011.

Under the terms of the protocol the Chief Constable has direction and control over the Force's officers and staff (para 21) and the PCC '*must not fetter the operational independence of the police force and the Chief Constable who leads it*' (para 18).

The PCC, is therefore, as a matter of law, unable to interfere with the operational business of the force.

I can confirm that the Office of the Police and Crime Commissioner for Cleveland has a complaints procedure.

If you are unhappy with the way your request for information has been handled, you can request a review by writing to:

Chief of Staff
Office of the Police and Crime Commissioner for Cleveland
Police Headquarters
Ladgate Lane
Middlesbrough
TS8 9EH

or you can follow the complaints procedure found on our website at:

www.cleveland.pcc.police.uk

If you remain dissatisfied with the handling of your request or complaint, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Telephone: 08456 30 60 60 or 01625 54 57 45 Website: www.ico.gov.uk

There is no charge for making an appeal.

John Bage
Office of the Police and Crime Commissioner for Cleveland