



# **The Police and Crime Commissioner for Cleveland**

## **Decision Making Structure & Recording Decisions**

### **DECISION MAKING STRUCTURE**

#### **Introduction**

The political focus on the PCC will mean that decisions are likely to be subject to external scrutiny in a way that the Police Authority has not seen in the past. It is vital therefore that:

- The persons making decisions must have the powers to do so;
- The decision must be procedurally proper;
- Wednesbury reasonableness must be applied – i.e. The decision must not be one which no reasonable person would have come to.

The PCC will make all decisions unless specifically delegated within the Scheme of Consent/Delegation. He/she will however, need to demonstrate that decisions are soundly based on relevant information and that the decision making process is open and transparent.

Good governance is essential to decision-making and will require:

- **Openness** – publication of decisions, background information.
- **Engagement** - the ability of the public/stakeholders to influence.
- **Recording** – being able to show what decisions were taken and why.
- **Held to account** – being able to demonstrate that a decision was appropriate, especially if challenged or when reporting to the Police & Crime Panel.
- **Support and advice** – from experts including financial, legal, stakeholders or specialist. Whilst decisions will be a matter for the PCC they will still have to be legal, auditable, reasonable and based on accurate relevant information (and not based on irrelevant information).

Many (important) decisions will have to be taken and at specific times. For example, the budget/precept process will have clearly set timeframes and processes that will involve various actions and decisions in the 'run up' to the main decisions. The PCC will then have to (publically) justify this decision to the Police & Crime Panel (P&CP). Indeed one of the principal responsibilities

of the P&CP is to scrutinise decisions of the PCC – hence the need to ensure good governance in all decision making.

Governance processes must be balanced with the need for the PCC's decision making to be dynamic and involve the least possible bureaucracy.

As a general rule, all decision-making meetings will be open to the Chief Executive to attend.

### **Recording Decisions**

All significant decisions of the PCC (or of those delegated with the authority to make such decisions) will be recorded either in the minutes of a meeting (and held within the PCC's Office) or on a decision notice. Such records will be held in the PCC's Office and published on the PCC's website unless deemed to be exempt (see below) – in which case a record of the exemption shall be recorded.

Information that supports a decision shall be kept with the decision record and made available on request (subject to any exemption).

### **Public/Private**

As a general rule the decisions and decision-making procedures of the PCC will be a matter of public record and open to scrutiny by the public and in particular the Police & Crime Panel. The PCC will use as general guidelines the exemptions provided in:

- The Freedom of Information Act 2000
- Schedule 12A of the Local Government Act 1972

Meetings of the PCC will not be in public unless specifically directed by the PCC.

## **RECORDING OF DECISIONS**

### **Background**

This procedure document sets out how decisions will be made and the procedures that should be followed to ensure that the businesses processes of the Police & Crime Commissioner (PCC) are efficient, transparent and accountable to local people. Some of these processes are required by law whilst others, are a matter for the PCC to choose.

Nothing in this procedure fetters the right of the PCC to make a decision at any time and by whatever means he/she thinks appropriate.

The Authority to make certain decisions may be delegated to specific individuals by the PCC. These delegations will be set out in the PCC's Scheme of Delegation/Consent.

## **Scheme of Delegation/Consent**

Set out within the PCC's Scheme of Delegation/Consent is the authority (or the permissions) to which decisions are delegated to the Deputy PCC or Officers.

The main aim of the Scheme of Delegation/Consent is to ensure a process that allows others to make certain decisions without the need for the PCC to be involved, (although many such decisions will still require the PCC to be consulted or informed). These delegations are a way of ensuring more efficient decision-making and also prevent the PCC from becoming overwhelmed by a large volume of very detailed, managerial, operational and professional matters.

There are 6 different types of decisions. Which is applicable will be set out in the PCC's Scheme of Delegation/Consent:

- Decisions made by the PCC
- Decisions made by the Deputy PCC
- Key Officer Decisions in Consultation with the PCC or Deputy PCC (or other specified person e.g. the Chief Executive)
- Non Key Officer Decisions in Consultation with the PCC or Deputy PCC (or other specified person e.g. the Chief Executive)
- Significant Officer Decisions
- Other Officer Decisions

Each decision type has set criteria/actions that must be followed, together with the completion of a decision record form (**see appendix 1**).

## **Completing Decision Forms and Documentation for PCC, Deputy PCC and Officer *Key Decisions***

*The following references to publishing decisions will not apply to 'exempt information' (see esp Schedule 12A of the Local Government Act 1972)*

**Forward Plan** - The PCC will have a forward plan that is reviewed on a monthly basis and provides details of PCC, Deputy PCC and Officer '**Key Decisions**' that are planned to be taken over the next four month period. This plan will be published on the PCC's website. If decisions are to be taken as a matter of urgency such that they would not be 'picked up' in the monthly review then they should be added as soon as practicable after it is determined that a decision is to be taken.

**Recording Decisions** - Once a decision has been made and signed by the PCC/relevant officer, details of the decision must be entered on to the Decision Summary Register (**appendix 2**), which will be published on the PCCs website. This will be referenced to supporting information/documentation and to the decision notice. Decisions relating to

'exempt' matters will be recorded, however it may be appropriate that full details are not published.

### **Police & Crime Panel (P&CP) Scrutiny and 'Call In' Provision**

The Police and Crime Panel (P&CP) has a statutory responsibility to 'scrutinise decisions made' by the PCC (s 28(6) Police Reform & Social Responsibility Act 2011) and as such will require access to records of decisions taken. To do this the PCC and officer key decisions will need to be fully recorded and reported/published. The P&CP's scrutiny of decisions will generally fall into two categories namely:

- General scrutiny/questioning of the PCC and his/her decisions at a scheduled P&CP meeting.
- Specific and focused scrutiny of a PCC's decision, referred to here as 'call in'.

The scrutiny by the P&CP of PCC decisions will generally be limited to key decisions made by the PCC or his/her deputy, although the P&CP may scrutinise any decisions including those made under the PCC's Scheme of Delegation/Consent. To do this the P&CP will have regular access to the Decision Summary Register as published on the PCC's website.

Decisions relating to 'exempt' matters will be recorded, however it may be appropriate that full details are not published. This may also apply to the matters listed in s13(2) of the Police Reform & Social Responsibilities Act 2011 as being information that the PCC is not required to report to the Panel. If the Panel wishes to enquire or discuss such matters then in the first instance these will be dealt with on an individual basis by discussion between the Commissioner's office and the Panel administrator.

**General Scrutiny** - The PCC's decisions may be questioned and scrutinised by the Panel at any time however as a general rule:

- If a member wishes to discuss/question a decision they will give notice to the Office of the Commissioner at least 5 days before the Panel meeting so that the PCC can be fully prepared/briefed.
- Only those decisions taken since the last panel meeting will be subject to scrutiny/questions.

**THE POLICE and CRIME COMMISSIONER FOR  
CLEVELAND**

DECISION RECORD FORM

<b>REQUEST:</b>		
<b>Title:</b>		
<b>Executive Summary:</b>		
<b>Decision:</b>		
<b>Implications:</b>		
Has consideration been taken of the following:	Yes	No
Financial	<input type="checkbox"/>	<input type="checkbox"/>
Legal	<input type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input type="checkbox"/>	<input type="checkbox"/>
Risk	<input type="checkbox"/>	<input type="checkbox"/>
(If yes please provide further details)		

**Decision Required – Supporting Information**

*Financial Implications (Must include comments of the PCC’s CFO where the decision has financial implications)*

*Legal Implications (Must include comments of the Monitoring Officer where the decision has legal implications)*

*Equality and Diversity Implications*

*Human Rights Implications*

*Risk Management Implications*

**OFFICER APPROVAL**  
**Chief Executive**

I have been consulted about the proposal and confirm that financial, legal, equalities advice has been taken into account. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signature:

Date:

**Police and Crime Commissioner:**

The above request HAS / DOES NOT HAVE my approval.

Signature:

Date:

## Appendix 2

### Decision Summary Register

DECISION REF NO.	DECISION MADE BY	DETAILS OF DECISION (& AUTHORITY IF APPLICABLE)	DATE AUTHORISED	DATE ON FORWARD PLAN	DATE ON DECISION SUMMARY REGISTER