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Police and Crime  
Commissioner  
for Warwickshire

# DECISION MAKING PROCESS

July 2017

**Office of the Police and Crime  
Commissioner for Warwickshire**



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Process Title	<b>Decision Making Process</b>
Responsible Party	<b>Chief Executive and Monitoring Officer</b>

Security Classification	<b>Public</b>
Disclosable under Freedom of Information Act 2000	Yes

Policy Implementation Date	<b>17 July 2017</b>
Next Review Date Prior To	<b>17 July 2019</b>

#### **Revision record**

Version number and date	Nature of revision
1.0 - July 2017	N/a

# Police and Crime Commissioner for Warwickshire

## Decision Making Process

### 1 Introduction

This Decision making process establishes a framework for facilitating good decision making by the Police and Crime Commissioner (the PCC). The PCC is committed to ensuring that decisions are made in a consistent, fair, open and transparent way, with due regard to the statutory framework within which the PCC operates and good practice governance principles. The PCC is committed to a robust decision making process so as to achieve consistent, reliable and objectively sustainable decisions.

This Decision making process outlines the decision making process and provides information on how decisions will be recorded and published. This Decision making process will be subject to periodic review.

### 2 Statutory Framework

The PCC operates within a statutory framework consisting of:

- **The Police Reform and Social Responsibility Act 2011** created the PCC as a corporation sole, assigning functions, giving ancillary powers to facilitate the principal functions and requiring that the PCC's decisions and actions are reviewed and scrutinised by the Police and Crime Panel.
- **Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012** requires the PCC to swear an oath of impartiality. It commits the PCC to serve local people without fear or favour and to set out publicly their commitment to tackling their role with integrity, impartiality and fairness.

- **The Policing Protocol Order 2011** requires the PCC to abide by the seven Nolan principles of governance in public life.
- **The Elected Local Policing Bodies (Specified Information) Order 2011 and the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012** sets out the information that must be published by the PCC relating to, amongst other things, decision making.
- **The Financial Management Code of Practice for the Police Service** provides clarity around the financial governance arrangements and specifies the need to embed the principles of good governance into the way the PCC operates. The Code requires the PCC and Chief Constable to establish a Joint Audit Committee with that Committee recommended to consider internal and external audit reports and advice according to good governance principles and appropriate risk management arrangements.
- **Public law principles of good decision making**

### 3 Good Practice Governance Principles

Decisions taken by the PCC arise from his statutory duties and in exercising his powers, the PCC shall have due regard to:

- **Standards in Public Life, 2005 as amended by the 14<sup>th</sup> report of the Committee on Standards in Public Life (the ‘Nolan principles’);**
- **Good governance principles in accordance with the Chartered Institute of Public Finance & Accountancy (CIPFA) Good Governance Standard for Public Services 2014.** The Standard builds on the Nolan principles for the conduct of individuals in public life, by setting out six core principles for good governance of public service organisations;
- **Good Administrative practice in accordance with the Commission for Local Administration, Good Administrative Practice 2001;**
- The views of the people of Warwickshire and key stakeholders, as appropriate.

### 4 Functions of the Police and Crime Commissioner

The Police and Crime Commissioner exercises a number of functions under the Police Reform and Social Responsibility Act 2011 including as set out below.

The PCC publishes a Police and Crime Plan (the Plan) setting out the aims and objectives to guide the provision of policing services in Warwickshire. The Plan may also contain the Commissioner’s aims and intentions for other aspects of the Commissioner’s statutory responsibilities.

The PCC must present his Plan or any revision of the Plan to the Police and Crime Panel and must have regard to any report or recommendations made by the Panel.

Each year the Police and Crime Commissioner publishes an Annual Report identifying the extent to which the objectives of the Police and Crime Plan are being achieved. The Annual Report is presented to and scrutinised by the Police and Crime Panel.

The PCC publishes a proposed Precept by the 1 February in each year and following review by the Police and Crime Panel shall issue the precept by the prescribed date of 1 March.

## **5 Decision making process**

Through adopting principles of good governance the PCC will ensure that the right climate is set for decision making. Effective decision making is underpinned by the provision of good quality information. Financial performance, risk and equality information will be significant in most decisions the PCC makes and will form part of the decision making process. The basic process to be followed, prior to each decision being made will, depending upon factors such as the complexity, impact, cost and public interest associated with the decision, be as set out below.

- All relevant material, information, and facts will be assembled,
- Consultation with all interested and affected parties,
- Consideration of all available courses of action
- Specialist advice sought,
- Information presented which focuses on core issues, consistent with the PCC's aims and objectives,
- Value for money considerations taken into account as well as the financial implications of the decision

The PCC will ensure that a record of key decisions taken is kept and published on the OPCC website (see Sections 8 and 9 below). The PCC will ensure that all recorded decisions are notified to the Police and Crime Panel.

To ensure an effective and efficient policing service in Warwickshire, the PCC has made arrangements for the delegation of a number of his responsibilities and associated decision making to specified Chief Officers. The framework setting out the delegation of responsibilities and decision making is the Scheme of Delegation which is incorporated into the Joint Corporate Governance Framework. The Governance Framework sets out the parameters within which the delegations are to be exercised and can be found on the PCC's website at <http://www.warwickshire-pcc.gov.uk/wp-content/uploads/2014/06/Corp-Gov-Frwk-with-Financial-Regs-December-2016.pdf>.

The Framework is kept under periodic review.

The PCC may require any action or decision, otherwise authorised by the scheme of delegation, to be authorised by him. Furthermore, any decisions that the PCC is likely to regard as novel, contentious, repercussive or likely to be politically sensitive must be brought to the PCC's attention by the relevant Chief Officer.

All decisions of significant public interest will be published on the OPCC website, unless they are exempt from disclosure by the Freedom of Information Act 2000 or other enactment.

The Chief Executive (Monitoring Officer) and Chief Finance Officers have statutory responsibilities for identifying and reporting any contraventions of law or maladministration. These post holders will

be responsible for ensuring compliance to good governance principles of decision making and this decision making process.

## **6 Consultation**

In formulating policy and strategy appropriate consultation with key stakeholders is undertaken, where appropriate. There are a number of issues on which the PCC has a statutory duty to consult. For example the PCC must consult on precept proposals and consult with victims of crime on the Police and Crime Plan. Consultation increases the accountability of the PCC.

The PCC in exercising any power or discretion shall endeavour to consult the Chief Constable whenever the matter may have an impact on the provision of policing or any operational matter and shall always do so where this is a statutory requirement. At all times the PCC shall respect the operational independence of the Chief Constable.

Reciprocally, in some cases the Chief Constable or other Chief Officer exercising powers under the scheme of delegation or otherwise authorised by general operation of law may consult the PCC.

Such consultations will generally be dealt with at the weekly PCC/Chief Constable meetings. A record of any action or decisions upon which the PCC was consulted and the views expressed by the PCC and the final action or decision taken will be recorded in the weekly meeting minutes.

## **7 Engagement of the Police and Crime Panel**

There are also a number of issues where the PCC must refer matters to the Police and Crime Panel before a final decision takes effect. These issues are:

### *a) Precept setting*

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 governs the process and timescale for the setting of the precept. The Police and Crime Panel have the power to veto the precept proposal on the first occasion.

### *b) Chief Constable appointment*

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 details the process under which for the Police and Crime Panel may veto a Police and Crime Commissioner's proposed appointment of Chief Constable.

### *c) Confirmation of senior appointments*

The PCC must appoint a Chief Executive and a Chief Finance Officer. They may also appointment a Deputy Police and Crime Commissioner. These appointments must be shared with the Police and Crime Panel for confirmation.

#### *d) Police and Crime Plan*

Before issuing the Police and Crime Plan the PCC must share a draft of the Plan with the Police and Crime Panel and have regard to any report or recommendations the Panel may make.

## **8 Decision records**

PCC decisions are recorded in two forms as outlined below:

#### *a) Alliance Governance Group (AGG) Decisions*

AGG is the principal governance meeting for the Alliance between Warwickshire and West Mercia Police. The meetings take place monthly and key decisions are agreed by the PCC's for West Mercia and Warwickshire during the forum.

Business cases or other supporting information are provided by the force(s) in support of any decision to be taken and all decisions must be agreed by both PCC's. Once a decision is made/agreed it will be recorded in the AGG minutes together with the supporting information. The AGG minutes, AGG decisions and supporting documentation/ business case will then be published on the OPCC website, unless any part of the documentation is exempt from disclosure under the Freedom of Information Act 2000 or other enactment.

#### *b) Warwickshire PCC Decisions*

All requests to the PCC for decisions should be made using the decision template form attached as Appendix A so as to provide a record and justification for the decision. The template form requires the relevant considerations taken into account including matters relating to legality, probity, finance and equality impacts to be recorded. For complex decisions it is anticipated that the template form will be supported with additional information at an appropriate level of detail for the PCC to make the decision.

No decision will be made unless accompanied by the appropriate decision template form.

#### *c) Police and Crime Commissioner / Chief Constable weekly meetings*

The PCC holds regular meetings with the Chief Constable in which a wide range of subjects are discussed. A summary of the discussions held in open session is published on the PCC's website <http://www.warwickshire-pcc.gov.uk/your-pcc/holding-the-chief-constable-to-account/> including any decisions taken and details of any matters that have been subject to consultation.

## **9 Publication of decisions**

With the exception of exempt decisions, under the Freedom of Information Act 2000 or other enactment, a copy of all the decision making as outlined in (a) and (b) above, will be published on the OPCC's website at <http://www.warwickshire-pcc.gov.uk/key-information/policies-procedures/decision-making/>.

This will enable members of the public and the Police and Crime Panel members to have access to all key decisions made by the PCC.



## Police and Crime Commissioner - Decision Application

### Title of Application

<b>Application Date:</b>		<b>Name of Applicant:</b>	
<b>Application Decision Reference:</b>			
<b>1. Executive Summary of the application</b>			
<b>2. Background information:</b>			
<b>3. Whether additional information/report is attached to support this decision application</b> <p style="text-align: right;"><b>YES/NO</b></p> <b>List of additional information/report</b> a) b) c)			
<b>4. Expected benefits (non financial)</b>			

<b>5. Impact of not approving the application</b>
<b>6. Costs</b>  <b>Revenue:</b>   <b>Capital:</b>
<b>7. Savings:</b>
<b>8. Equality and Diversity Implications:</b>
<b>9. Treasurer's comments</b>
<b>10. Legal/Monitoring Officer comments</b>
<b>Decision made</b>
<b>PCC Signature:</b>
<b>Date of Decision:</b>