

DECISION MAKING FRAMEWORK FOR THE MAYOR'S POLICE AND CRIME FUNCTIONS

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Principles

The principles of good governance in public life require that the Mayor, Deputy Mayor for Policing and Crime (DMPC) and staff supporting them 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 information needed to review value for money and performance is available;
- 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 Mayor's PCC functions are set out in Section 1 of the Police Reform and Social Responsibility Act (2011), modified by the West Yorkshire Combined Authority (Election of Mayor and Functions) Order (2021).

The Mayor has approved a Scheme of Delegation which sets out those powers which they are content to allow others to exercise on their behalf. The Scheme also sets out limitations on and other conditions in relation to the exercise of those powers by others.

The Scheme of Delegation is complemented by Financial Regulations and Contract Standing Orders which set out the conditions under which control is exercised over financial resources throughout the organisation and prescribes in what circumstances 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 Mayor remains publicly accountable for the decisions taken.

Publication of information relating to decisions

The Elected Local Policing Bodies (Specified Information) Order 2011, amended in 2012 and 2021, sets out statutory requirements for the publication of information relating to decisions taken by the Mayor (as the elected local policing body) or on the Mayor'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 decisions will normally be regarded as decisions of significant public interest:

- Any decision to issue or vary a Police and Crime Plan, or to consult the Chief Constable regarding a draft of such a Plan, to submit a draft to the Police and Crime Panel ("the Panel") or to respond to any report or recommendation of the Panel.
- Any decision to submit an Annual Report as required by Section 12 of the Police Reform and Social Responsibility Act (2011) (the 'Act') to the Police and Crime Panel or to respond to any report or recommendation of the Panel regarding an annual report.
- Any decision to supply or withhold any information requested by the Police and Crime Panel under Section 13 of the Act, but if the decision is to withhold information, neither the information nor the reasons for withholding it will be disclosed.
- Any decision regarding arrangements for obtaining the views of the community under section 96 of the Police Act 1996 as amended.
- Any decision to appoint any person to any other body, or to designate any person as having specified duties or responsibilities under Section 16 of the Act.
- Any decision to appoint any person as Deputy Mayor for Policing and Crime under Section 18 of the Act.
- Any decision to approve a Scheme of Delegations/Consent, Finance Regulations or Contract Standing Orders.
- Any decision to appoint remove or suspend the Chief Constable under Section 38 of the Act, save that in the case of suspension, reasons for the decision may not be published in full or at all.
- Any response to a consultation initiated by the Chief Constable under Section 39 or 40 of the Act regarding the number of Deputy Chief Constables and Assistant Chief Constables to be appointed by him/her or the appointment of any person to such office.
- Any decision to enter into, withdraw from, or vary any collaboration agreement entered into under Section 22A of the Police Act 1996.
- Any decision to direct the Chief Constable to comply with his/her obligations in regard to complaints (schedule 14, para 7 of the Act).
- Any decision to enter into, withdraw from, or vary any combination agreement under the Crime and Disorder Act 1998 (schedule 11 of the Act).

Other decisions may be published outside of this list after assessment on a case-by-case basis.

The following will not normally be regarded as matters of significant public interest:

- Any decision taken in the course of developing any budget strategy policy report or plan prior to consultation with the Chief Constable or submission to the Panel.
- Day-to-day internal management decisions.
- Decisions relating to the appointment, suspension or dismissal of staff or any disciplinary proceedings against them or any determination relating to their terms and conditions of appointment except in so far as may be required under Part 1 of the Schedule to the Order.
- Decisions relating to complaints and conduct matters concerning the Chief Constable are recorded in a separate 'Complaints/Conduct Register'

Arrangements for making decisions

The following outlines the arrangements for 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. |
| 2. All decisions by the DMPC or officers exercising the powers of the PCC functions (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 Mayor/DMPC will be sent to Executive Support Officer at least 5 working days before the need for the decision, to enable the Mayor/DMPC to take advice and consult with senior officers, including via meetings of the Executive Team. |
| 4. All decision forms requiring an officer decision under the Scheme of Delegation should be sent to the Executive Support Officer at least 5 working days before a decision is needed, to enable the officer to take advice and consult with senior officers, including via meetings of the Senior Leadership Team, Directorate Management Team and MCA Board. |
| 5. 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 <ol style="list-style-type: none">a summary of the issue and a clear recommendation;the financial, staffing, commissioning/procurement, risk analysis, equality and diversity and data protection implications of the recommendation;relevance to the Mayor's Police and Crime Plan;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;risks and mitigations;if appropriate, details of all interested parties consulted and their views. |
| 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. |
| 9. Subject to 10 below, all signed decisions will be published on the Policing and Crime web page 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 Policing and Crime webpage unless it falls <u>properly</u> within the categories of 'Sensitive' under the Government Security Classification Scheme or if that material falls within the description at 2(2) of The Elected Local Policing Bodies (Specified Information) Order 2011. |
| 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 Policing and Crime web page. |

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