

**POLICE AND CRIME COMMISSIONER FOR NORTH YORKSHIRE  
CHIEF CONSTABLE OF NORTH YORKSHIRE POLICE**

**JOINT CORPORATE SCHEME OF DELEGATION & CONSENT**

**THESE ARRANGEMENTS ARE TO HAVE EFFECT FROM 00.01 HOURS ON 1 APRIL 2014**

**INTRODUCTION**

**Principles for the Arrangement of Functions by the Commissioner**

The functions of a Police and Crime Commissioner are set out in s1 of the Police Reform and Social Responsibility Act 2011 (the Act). In addition, by virtue of paragraph 14 of Schedule 1 to the Act, subject to the other provisions of the Act and to any other law about powers and duties, a Police and Crime Commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of those functions.

The statutory powers of the Police and Crime Commissioner to arrange for persons other than the Commissioner to exercise those functions are set out in s18 of the Act. This allows the Commissioner to delegate functions – other than those specified in s18(7) of the Act and subject to s18(3) – to

- a Deputy Commissioner;
- a Member of the Commissioner's staff, or
- to any other person not listed in s18(6) to the Act. In practical terms this means that the Commissioner cannot delegate to
  - anyone holding the office of constable or a member of staff of any such person
  - another Police and Crime Commissioner, or a member of another Commissioner's staff

The specific functions of the Commissioner which the Commissioner must exercise personally and cannot delegate, are

- issuing a police and crime plan
- appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign;
- calculating a council tax requirement

This Scheme of Delegation & Consent sets out the arrangements made by the Commissioner for

- persons to carry out functions on behalf of the Commissioner.
- such consents as may be from time to time afforded to the Chief Constable to exercise his contracting powers

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In carrying out the functions of the Commissioner, the Commissioner, or any person who she has arranged to carry out those functions on her behalf, must have regard to

- the statutory protocol.
- the statutory financial management code of practice.
- the views of the people in the Commissioner's area about policing in that area.
- any report or recommendations made by the relevant police and crime panel on the annual report for the previous financial year.
- the police and crime plan.

### **Principles for the Arrangement of Functions by the Chief Constable**

The Chief Constable has a general power of competency to exercise his own functions, by virtue of Paragraph 7(1) of Schedule 2 to the 2011 Act, which empowers him to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of [his] functions".

The statutory powers of the Chief Constable to exercise certain specific powers only with the consent of the Police & Crime Commissioner, are set out on paragraph 7(2)(a) and (b) of the Act.

Arrangements for persons to exercise powers on behalf of the Chief Constable are set out in Section C of this Scheme.

## **DEFINITIONS**

In this document the following specific expressions shall have the following meanings unless inconsistent with the context:

"the Act" or "the 2011 Act"	The Police Reform & Social Responsibility Act 2011
"Commissioner"	the person occupying the office of Police and Crime Commissioner for North Yorkshire
"Deputy Commissioner"	any person appointed by the Commissioner under s18 (1)(a) of the Act.
"Commissioner Staff" or "Police Staff employed by the Commissioner"	persons employed by the Commissioner.
"Chief Constable's staff" or "Police Staff employed by the Chief Constable"	persons employed by the Chief Constable
"Commissioner's Chief Executive Officer"	the head of the Commissioner's staff appointed under paragraph 6(1)(a) of Schedule 1 to the Act and the Commissioner's Monitoring Officer under s5 Local Government and Housing Act 1989
"Commissioner's Chief Finance Officer"	the officer with responsibility for the proper administration of the Commissioner's financial affairs appointed under

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	paragraph 6(1)(b) of Schedule 1 to the Act
“Chief Constable”	the person appointed under s2 of the Act.
“Chief Constable’s Chief Finance Officer”	the person responsible for the proper administration of the police force’s financial affairs under paragraph 4(2)(1) of Schedule 2 to the Act.
“Force Solicitor & Head of Legal Services”	The person designated as such and who has been appointed as legal advisor to the Commissioner and the office of Chief Constable.

In this Scheme (except where the context otherwise requires) the clause headings are included for convenience only and shall not affect the interpretation of the Scheme, use of the singular includes the plural and vice versa and the use of any gender includes the other genders.

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### GENERAL CONDITIONS OF THE SCHEMES

#### General

The Commissioner has in place the following framework for the Scheme of Delegation. The framework is intended to ensure the efficient discharge of the Commissioner's functions by providing for decision making to be carried out through the most appropriate structure and at the appropriate level, i.e. the Commissioner's staff being able to carry out their responsibility for managerial matters and the Commissioner being able to concentrate on carrying out her main statutory functions and dealing with issues of strategic importance.

Throughout this scheme of delegation, the Commissioner expects that any person carrying out functions of the Commissioner, or making any decision relating thereto, will act within policies and strategies approved by the Commissioner and will take appropriate professional advice as necessary, particularly legal and financial advice and where appropriate, operational advice from the Chief Constable.

Guidance will be issued from time to time by the Commissioner in relation to the approach to be taken to assessing whether a particular matter is of 'significant public interest' within the meaning of the law and of this Scheme.

Matters which are of significant public interest (whether decisions of the Commissioner, or of the Chief Executive Officer under delegated powers) must always be set out in a Decision Notice and published in accordance with this Scheme.

In addition (and in any event) the Commissioner expects the Chief Constable and persons exercising these delegated powers, to draw to her attention issues which

- are, or are in the professional judgement of the delegate likely to be, sensitive, contentious, novel or repercussive; or
- there is a real risk that the Commissioner and/or the Chief Constable could be exposed to public criticism; or
- reveal serious weakness in the efficiency and effectiveness of policing; or
- it is otherwise considered prudent to do so,

and to seek the views of the Commissioner on the issue in question.

No decision shall be taken on behalf of the Commissioner unless

- it is a function which is properly exercised by the Deputy Commissioner, if there is one; or
- this Scheme of Delegation makes provision for a person to make the decision; or
- the Commissioner makes specific arrangements for the exercise of their respective particular function(s) (where permitted by law) by person(s) on a temporary basis

The Commissioner's Chief Executive Officer (as Monitoring Officer) is responsible for overall

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adherence to this Scheme of Delegation.

The Scheme of Delegation is complementary to the Financial and Contract Regulations and Property Procedure Rules adopted by the Commissioner and persons exercising delegated powers should do so in accordance with their provisions.

### Sub-Delegation

Persons to whom functions are delegated or consented under this scheme may make such arrangements as are necessary so as to ensure that those functions can be exercised properly by other qualified and/or experienced persons and they shall make such arrangements to cater for their absence, whether planned or unplanned. Any such arrangements shall be made known to the Commissioner.

### Review

Both the Commissioner's Chief Executive Officer and the Commissioner's Chief Finance Officer have a duty to monitor the effectiveness of this scheme and to recommend changes, as necessary, to the Commissioner. It will be reviewed on an annual basis by the Commissioner's Chief Executive Officer, the Commissioner's Chief Finance Officer and the Chief Constable's Chief Finance Officer as part of the annual review of the Governance Environment as required by the Accounts and Audit Regulations 2011 and the Financial Management Code of Practice.

For the avoidance of doubt, any of the Commissioner's statutory functions may be exercised directly by the Commissioner at any time, irrespective of whether those functions, or matters ancillary to them, have been delegated to any other person.

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### **A. DELEGATIONS TO THE COMMISSIONER'S CHIEF EXECUTIVE OFFICER**

*The Chief Executive Officer is the Commissioner's Chief Executive appointed pursuant to Paragraph 6 of Schedule 1 to the 2011 Act and is the principle advisor and monitoring officer to the Commissioner and has a statutory responsibility for ensuring effective use of resources and to carry out the functions of the Monitoring Officer under section 5(1) of the Local Government and Housing Act 1989, ensuring that the Commissioner and anyone acting on the Commissioner's behalf acts lawfully and in such a way as not to constitute maladministration. Designated staff of the Chief Executive Officer are authorised to undertake the functions of the Chief Executive Officer in his/her absence.*

*The Commissioner's Financial Regulations (and/or Contract Regulations/Property Procedure Rules) authorise the Chief Executive Officer to take various decisions on behalf of the Commissioner and otherwise specify how the Chief Executive Officer shall exercise responsibility for the proper administration of the Commissioner's affairs.*

**In addition to the authorisation in the Commissioner's Financial Regulations (and/or Contract Regulations/Property Procedure Rules) the Chief Executive Officer has the following delegated powers:**

#### **1. General Urgency Power**

1.1. In consultation with the Commissioner's Chief Finance Officer where appropriate, to determine any matter falling to be determined by the Commissioner or any Deputy Commissioner (other than those matters described in s18(7) of the Act) where it is necessary to do so in urgent circumstances or where the Commissioner and any Deputy Commissioner is absent or where the Commissioner has given specific authority for the Chief Executive Officer so to act. Any matter so determined will be reported to the Commissioner as soon as is practicable.

#### **2. Statutory Plans, Reports and other Functions**

2.1. To prepare a draft of the police and crime plan in consultation with the Chief Constable of North Yorkshire for approval by the Commissioner  
2.2. To produce a draft of the Commissioner's annual report for approval by the Commissioner.

#### **3. Signing & Executing Legal Documents**

3.1. To sign on behalf of the Commissioner any indemnity required to enable the Commissioner or to exercise any of the Commissioner's functions, provided that where the giving of an indemnity could have significant financial implications not covered by the Commissioner's insurance policies, such indemnity shall be signed only with the approval of the Commissioner's Chief Finance Officer  
3.2. In addition to the powers set out in the Contract Regulations and Property Procedure Rules, to sign, execute and issue all legal documents necessary to implement decisions made by the

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Commissioner or persons exercising the Commissioner's functions.

### 4. Financial

4.1. In consultation with the Commissioner's Chief Finance Officer, to exercise responsibility for the corporate budgets allocated to those functions that report directly to the Chief Executive Officer provided that such responsibility shall be exercised in accordance with the law and with the Financial and Contract Regulations and any relevant statutory guidance and codes of practice.

### 5. Complaints

5.1. In connection with complaints and conduct issues against the Chief Constable:

5.1.1. to determine (and respond to the complainant accordingly) wherever possible within 5 days of a complaint being received whether or not the Commissioner is the appropriate authority to consider such a complaint;

5.1.2. Wherever possible and appropriate in consultation with the Commissioner, to make decisions in dealing with complaints and conduct matters against the Chief Constable including:

5.1.2.1. Recording decisions (for conduct matters);

5.1.2.2. Initial assessments;

5.1.2.3. Suitability for local resolution;

5.1.2.4. Referral to the IPCC;

5.1.2.5. Referral to the Crown Prosecution Service;

5.1.2.6. Application to the IPCC for dispensation or discontinuance;

5.1.2.7. Appointment and briefing of the investigator;

5.1.2.8. Appointment of misconduct hearing or meeting members (and related determinations);

5.1.2.9. Settling the terms of the Commissioner's representations (or the decision not to make representations) to misconduct proceedings in accordance with regulation 35(10) of the Police Conduct Regulations 2008;

5.1.2.10. Securing representation at proceedings, meetings, appeals, hearings and for other such related matters.

5.2. To consider and determine complaints against all Commissioner staff (except the Chief Executive Officer and any Deputy Commissioner) and to consider grievances made by such staff against other such staff.

5.3. To review complaints of maladministration against the Commissioner and to approve the provision of any remedy, financial or otherwise, should the complaint be found to have substance and should the complainant be found to have suffered injustice as a result.

### 6. Employment Law Matters

6.1. To exercise all powers of employer in respect of Commissioner Staff including determination of all issues relating to the conditions of service of Commissioner Staff, provided that any such decisions are made in accordance with the law and with policies adopted by the Commissioner.

**7. Other Legal Matters**

7.1. In conjunction with the Force Solicitor & Head of Legal Services (and apart from those responsibilities delegated to the Chief of Staff) to exercise all the Commissioner's powers and duties in connection with Health & Safety, Equalities, Human Rights, Freedom of Information and Data Protection legislation, with the exception of those powers and duties which relate to the oversight of the Chief Constable's arrangements for those matters.



**B. DELEGATIONS TO THE COMMISSIONER'S CHIEF FINANCE OFFICER**

*The Commissioners Chief Finance Officer is the financial adviser to the Commissioner and has a statutory responsibility to carry out the functions of the Commissioners Chief Finance Officer under section 151 of the Local Government Act 1972, and section 114 of the Local Government Finance Act 1988, ensuring that the financial affairs of the Commissioner and the North Yorkshire Chief Constable are properly administered having regard to their probity, legality and appropriate standards. Designated staff of the Commissioners Chief Finance Officer are authorised to undertake the functions of the Commissioners Chief Finance Officer in his/her absence.*

*The Commissioner's Financial Regulations (and/or Contract Regulations/Property Procedure Rules) authorise the Commissioners Chief Finance Officer to take various expenditure and other financial decisions on behalf of the Commissioner and otherwise specify how the Commissioners Chief Finance Officer shall exercise responsibility for the proper administration of the Commissioner's financial affairs.*

*Arrangements for cooperation between the Chief Finance Officers and the provision of in-house joint corporate finance services are set out in the Chief Finance Officer Protocol & Information Sharing Protocol*

***Note: The complimentary powers and duties of the Chief Constable's Chief Finance Officer which are also set out within Statutory Code of Practice and Financial Regulations***

**1. Financial**

- 1.1. After consultation with the Commissioner and the Chief Constable, to determine
  - 1.1.1. sums to be paid from the Police Property Fund towards charitable purposes; and
  - 1.1.2. pursuant to regulation 7 Police (Property) Regulations 1997 the question of whether property to which the Regulations apply should be retained for police purposes.
- 1.2. To exercise overall responsibility for Commissioner's budget (in other words that part of the police fund which is not provided to the Chief Constable or Chief Executive Officer) provided that such responsibility shall be exercised in accordance with the law and with the Commissioner's financial and contract regulations and any relevant statutory guidance and codes of practice, including
  - 1.2.1. to commit expenditure within the approved budget for the Commissioner
  - 1.2.2. in accordance with the requirements of Financial Regulations to vire or move money or budgets between budget headings
  - 1.2.3. to accept income and grants

**C CONSENTS TO THE CHIEF CONSTABLE, DELEGATIONS AND AUTHORISATIONS FROM THE CHIEF CONSTABLE AND ARRANGEMENTS FOR THE EXERCISE OF THE POWERS AND DUTIES OF THE CHIEF CONSTABLE'S CHIEF FINANCE OFFICER**

By virtue of s18 of the 2011 Act, the Commissioner may not arrange for the delegation of any of her functions to a constable (including, by definition, the Chief Constable) or to a person employed by the Chief Constable.

The practical effect of this is that upon the taking effect of this Scheme of Delegation & Consent, neither the Chief Constable nor the Chief Constable's Chief Finance Officer can exercise any delegated power on behalf of the Commissioner.

**1 Powers of the Chief Constable**

The Chief Constable has a general power of competency to exercise his own functions, by virtue of Paragraph 7(1) of Schedule 2 to the 2011 Act, which empowers him to "do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of [his] functions". This includes, but is not limited to, the power of engagement and dismissal of staff in his employ.

The Commissioner and the Chief Constable have agreed between them (and have refreshed, alongside this Scheme) a Memorandum of Understanding setting out the way in which their relationship will operate so as to ensure that

- key decisions are reached together, in a collegiate manner; and that by doing so
- the Chief Constable exercises his functions in a way which assists the Commissioner with the exercise of her functions
- the Commissioner exercises her functions in a way which respects and underpins the operational independence of the Chief Constable

This approach will be taken throughout their relationship; but in particular, will be the fundamental governing principles for formal decision making at the Joint Executive Board.

To complement the collegiate decision making and scrutiny conventions adopted in North Yorkshire, for the purposes of financial corporate governance arrangements the Commissioner and the Chief Constable have agreed that contracts entered into for the use or benefit of any part of the organisation, should be entered into in the name of the Commissioner. It follows that the Commissioner does not, in this Scheme, formally declare standing consents under Paragraphs 7(2)(a) & (b) of Schedule 2 to the 2011 Act.

However, the Commissioner and the Chief Constable recognise that in the absence of such consents it will usually be appropriate for there to be presumptions in favour of

- a) the Commissioner (or a delegate on her behalf) executing a contract upon the recommendation of the Chief Constable, where that transaction is considered to be a matter of operational direction and control and where the expenditure is within the Chief Constable's budget.

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- b) income derived from the provision of services under ss24 and 25 Police Act 1996, although payable to the Commissioner, being made available to the Chief Constable for the provision of operational policing services

### **2 Delegations from the Chief Constable**

The Chief Constable delegates his responsibilities as follows

1. To the Chief Constable's Chief Finance Officer, for the management of his financial responsibilities; and in particular to exercise overall responsibility for force expenditure (in other words that part of the police fund which is provided to the Chief Constable) provided that such responsibility shall be exercised in accordance with the law and with the Financial and Contract Regulations and any relevant statutory guidance and codes of practice, including:
  - 1.1.1. to commit expenditure within the approved budget for the Chief Constable;
  - 1.1.2. in accordance with the requirements of Financial Regulations to vire or move money or budgets between budget headings;
  - 1.1.3. acceptance of income and specific grants intended to cover the costs of particular operational policing initiatives or demands

Arrangements for cooperation between the Chief Finance Officers and the provision of in-house joint corporate finance services are set out in the *Chief Finance Officer Protocol & Information Sharing Protocol*

2. To the Force Solicitor & Head of Legal Services, as set out in this Scheme
3. To other persons, as set out from time to time in
  - 3.1. the Financial Regulations; and/or
  - 3.2. the Scheme of Authorisation
4. Otherwise in writing or as required by and in accordance with any enactment

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### **D. DELEGATIONS TO THE FORCE SOLICITOR & HEAD OF LEGAL SERVICES**

The following delegations (from the Commissioner or the Chief Constable, as the context dictates) set out the basis upon which the Force Solicitor & Head of Legal Services provides legal advice and representation to both corporations sole.

#### **1. Financial**

- 1.1. In consultation with the Commissioner's Chief Finance Officer, to exercise responsibility for the corporate budget allocated to Joint Corporate Legal Services provided that such responsibility shall be exercised in accordance with the law and with the Financial and Contract Regulations and any relevant statutory guidance and codes of practice

#### **2. Legal Representation**

- 2.1. To authorise, pursuant to s223 Local Government Act 1972 (as amended), any member of Commissioner Staff to prosecute or defend or to appear in proceedings before a magistrates court or to conduct any such proceedings.
- 2.2. To determine all requests for legal representation (or financial assistance toward the cost of such representation) to officers and staff involved in legal proceedings or inquests.

#### **3. Litigation**

- 3.1. To determine ex gratia payments in respect of loss or damage to the personal property of Commissioner Staff and Police Civilians and Police Officers
- 3.2. To deal with
  - 3.2.1. all claims asserted against the office of Chief Constable; and
  - 3.2.2. all claims asserted against the Commissioner
- 3.3. In consultation where necessary and as the case may be with either the Commissioner's Chief Finance Officer or the Chief Constable's Chief Finance Officer, to approve the financial settlement of such claims
- 3.4. To institute such proceedings or take such steps as he may consider necessary to secure the payment of any debt due to the Commissioner
- 3.5. To take such steps as he may consider necessary to enforce any judgment obtained in any proceedings

#### **4. Signing and Sealing of documents**

- 4.1. To apply the common seal of the Commissioner or the Chief Constable where necessary and where so instructed and to take such formal steps in civil proceedings as shall appear to him to be in the best interests of the Commissioner and/or the office of Chief Constable as the case may be, including but not limited to
  - 4.1.1. signing forms, summonses, complaints, statements of case and other pleadings
  - 4.1.2. selecting and instructing Counsel and expert witnesses
  - 4.1.3. settling or compromising litigation including in accordance with 3.3 above

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### **E. DELEGATIONS TO THE CHIEF OF STAFF**

- 1.1. To exercise day to day responsibility for the management of the Office of the Police & Crime Commissioner, including
  - 1.1.1. allocation of duties to and managing the performance of, the staff of the Office of the Police & Crime Commissioner
  - 1.1.2. discharging the Commissioner's responsibility for the health and safety of staff and visitors to the Office of the Police & Crime Commissioner
  - 1.1.3. in consultation with the Commissioner's Chief Finance Officer, to exercise responsibility for the corporate budget allocated to the Office of the Police & Crime Commissioner, provided that such responsibility shall be exercised in accordance with the law and with the Financial and Contract Regulations and any relevant statutory guidance and codes of practice
- 1.2. To administer on the Commissioner's behalf the Independent Custody Visiting Scheme, to determine the appointment and removal of Custody Visitors, and to monitor service quality issues raised through the operation of the scheme for report to the Commissioner.

**F. DELEGATIONS TO THE HEAD OF PARTNERSHIPS & COMMISSIONING**

- 1.1. In consultation with the Commissioner's Chief Finance Officer, to exercise responsibility for the corporate budget allocated to the Partnerships & Commissioning, provided that such responsibility shall be exercised in accordance with the law and with the Financial and Contract Regulations and any relevant statutory guidance and codes of practice

## 5. DECISION MAKING AND REPORTING PROCESS

Annex A to this Scheme describes the way in which the Police and Crime Commissioner requires decisions to be reached by individuals acting under delegated powers.

Annex B to this Scheme describes the way in which the Commissioner will reach decisions herself.

### 5.1 General Principles

The Principles of good governance in public life require that the Commissioner and staff supporting the Commissioner'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 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 Commissioner 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.



## 5.2 Recording of Decisions

Decisions taken by persons under delegated powers must be recorded in writing in such format as the delegate considers appropriate and (in the case of decisions other than those taken under the Urgency Power) may at the discretion of the delegate subsequently be reported to the Commissioner.

Decisions which are considered by the delegate to be of significant public interest must be referred to the Commissioner and when determined by the Commissioner, recorded in the form of a Decision Notice.

Decisions of significant public interest taken under the Urgency Power must be recorded by the delegate in the form of a Decision Notice.

Decisions of significant public interest taken by the Commissioner will be recorded in the form of a Decision Notice.

Decisions not of significant public interest taken by the Commissioner will be recorded in the form of a minute of the Executive Board.

## 5.3 Transparency

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

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

- *the date, time and place of each public meeting to be held by the elected local policing body;*
- *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;*
- *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.*
- *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 exemptions from publication provided for by Regulation 2(2) of the Elected Local Policing Bodies (Specified Information) Order 2011 are as follows

*.....information if publication of that information—*

- *would, in the view of the chief officer of police, be against the interests of national security;*
- *might, in the view of the chief officer of police, jeopardise the safety of any person;*

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- *might, in the view of the chief officer of police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or*
- *is prohibited by or under any enactment.*

In practice, information which is classified as RESTRICTED or above within the strict meaning of the Government Protective Marking Scheme will be taken to be covered by the Regulation 2(2) exemptions.

**DECISION MAKING PROCESS – DECISIONS OF DELEGATES**

Persons exercising functions of the Commissioner shall

- make such arrangements and adopt such procedures as they consider appropriate for the proper and lawful exercise of their delegated decision making and in doing so shall adhere to the General Conditions of the Scheme of Delegation.
- in the case of a decision considered to be of significant public interest, not take the decision themselves but instead refer the matter to the Commissioner for a decision at the next Executive Board or in case of urgency to the Commissioner's Chief Executive Officer to be determined under the Urgency Power.
- in any event record their decisions and the reasons for them in writing.
- (in the case of the Commissioner's Chief Executive Officer) arrange for Decision Notices which record decisions taken under the Urgency Power and considered to be of significant public interest, to be published in accordance with the Elected Local Policing Bodies (Specified Information) Order 2011 save to the extent that it is subject to a common law duty of confidence or falls within one of the categories set out at regulation 2(2) of the Elected Local Policing Bodies (Specified Information) Order 2011.

**DECISION MAKING PROCESS – DECISIONS OF THE COMMISSIONER**

The Commissioner and the Chief Constable expect that, in the absence of a good reason to the contrary, matters which are likely to require a decision of the Commissioner are drawn to her attention by way of a report to the Executive Board as soon as reasonably practicable.

**Pre-Decision Matters – Development of Concepts & Initiatives**

Personnel wishing to seek approval of a particular initiative or proposal should, as soon as reasonably practicable, submit a Discussion Document on the matter to the Executive Board in the form specified from time to time by the Commissioner.

Save where the concept or initiative is a matter of operational direction and control, it shall be for the Commissioner in consultation with the Executive Board to determine whether the matter is either

- of significant public interest, in which case at the Commissioner's discretion arrangements shall be made for there to be public consultation upon it; or
- suitable for progression to a decision in the form of a Report without such public consultation.

Where a concept or initiative has been the subject of public consultation, any Decision Notice seeking a decision from the Commissioner must set out the manner in which the results of public consultation have been taken into account in the final development of the proposals.

**Decisions**

Requests for decisions from the Commissioner that have a significant public interest will be sought and approved by way of a Decision Notice in the form specified from time to time by the Commissioner.

Requests for decisions from the Commissioner that do not have a significant public interest will be sought and approved by way of a Report in the form specified from time to time by the Commissioner.

Decisions taken by the Commissioner will, unless the Commissioner considers it appropriate to do otherwise, be made at a meeting of the Executive Board.

Decision Notices seeking a decision from the Commissioner shall be sent to the Office of the Police and Crime Commissioner at least 3 working days before the meeting of the Executive Board at which the decision is to be made.

Decision Notices will be published on the Commissioner's web site within 2 days of the decision being taken and at the same time will be sent to the Police and Crime Panel.

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All information upon which the decision maker relied when making the decision will also be published unless it is subject to a common law duty of confidence or falls within one of the categories set out at regulation 2(2) of the Elected Local Policing Bodies (Specified Information) Order 2011.

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