

<b>CAMBRIDGESHIRE POLICE AND CRIME PANEL</b>	<b>Agenda Item No. 8</b>
<b>2 FEBRUARY 2022</b>	<b>Public Report</b>

## **Report of Police and Crime Commissioner for Cambridgeshire and Peterborough**

**Contact Officer – Jim Haylett**

**Contact Details – [cambs-pcc@cambs.pnn.police.uk](mailto:cambs-pcc@cambs.pnn.police.uk) 0300 333 3456**

### **DECISIONS BY THE POLICE AND CRIME COMMISSIONER FOR CAMBRIDGESHIRE AND PETERBOROUGH**

#### **1. PURPOSE**

- 1.1 This report is being presented to the Cambridgeshire Police and Crime Panel (the “Panel”) in response to a recommendation from the Panel meeting of 15 November 2021 as follows:

“The Panel AGREED that it would like to receive advance notification of important areas of decision making (particularly in transformation) and asked that the OPCC (Office of the Police and Crime Commissioner) bring a new recommendation on this back to the next Panel meeting.”

#### **2. RECOMMENDATIONS**

- 2.1 The Panel is recommended to note the legal position and Monitoring Officers’ views regarding the routine reporting to the Panel of future decisions.
- 2.2 The Panel is recommended to support the Commissioner’s proposal for seeking Panel support in decision making where the Commissioner considers it beneficial.

#### **3. TERMS OF REFERENCE**

- 3.1 Item 6 - To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner’s functions.

#### **4. BACKGROUND**

- 4.1 This report is presented to enable the Panel to carry out its functions to review or scrutinise decisions made and to support the effective exercise of the functions of the Commissioner.

#### **5. KEY ISSUES**

- 5.1 The Police Reform and Social Responsibility Act 2011 replaced Police Authorities with a single elected decision maker, the Police and Crime Commissioner. There are a small number of specific decisions in which the Panel has a role to consider the Commissioner’s proposed course of action before the Commissioner makes a final decision: setting the precept, setting the Police and Crime Plan, making appointments to statutory posts (Deputy Commissioner, Chief Executive/Monitoring Officer, s151 officer). The way in which this consideration is to take place is also defined in the legislation.

There is no provision within the Act for any form of review or pre-scrutiny of other future decisions by any other bodies. Indeed, it could strongly be argued that this would be against the intention of Parliament for there to be any pre-scrutiny as a matter of course.

5.2 With regard to wider decision making, section 28(6) of the Act specifies the Panel role with respect to decision making as follows,  
- that a Panel must:

*(a) review or scrutinise decisions made, or other action taken, by the relevant police and crime commissioner in connection with the discharge of the commissioner's functions.*

5.3 The legislative role of the Panel on these wider decisions is retrospective, relating to decisions already taken.

5.4 All papers relating to Decision Records are sent to Panel members and are also available on the Commissioner's website. Business Coordination Board papers where decisions are taken are also published on the Commissioner's website. The Panel can, therefore, fulfil their statutory role of reviewing decisions made at Panel meetings using this material or additional material requested of the Commissioner.

5.5 The Monitoring Officer and Chief Executive for the Commissioner is responsible for running the Commissioner's office, including the effective use of resources in the fulfilment of the full range of statutory duties and responsibilities. This includes ensuring that governance activity is effective and proportionate. In that vein, he considers that the routine reporting of likely areas for future decisions to facilitate Panel discussions concerning them, is both inappropriate as regards the legislative framework and not an effective use of resources within the Commissioner's office.

5.6 There are various means by which the Panel are already made aware of future decision areas for the Commissioner:

The Commissioner's Police and Crime Plan (submitted to the Panel at their November 2021 meeting) will provide the future direction for decision making.

The Medium Term Financial Strategy, which aims to draw together the strategic planning priorities, demand and resource forecasts and likely impact of changes in the wider service delivery environment also provides the backdrop to future decision making, a draft will be presented to the Panel at their 2 February 2022 meeting.

The capital programme includes significant planned projects, this will be presented to the Panel meeting on 2 February 2022.

The Commissioner's approach to Commissioning and Grants was presented to the Panel at their November 2021 meeting and again this informs the Panel of areas of future decision making.

5.7 The Commissioner does, however, recognise the value of the support role of the Panel. The Commissioner would, therefore, request that where he feels that the support of the Panel would be beneficial, that he is able to give the Panel advanced notification of a decision for discussion with the Panel. The Monitoring Officer for the Commissioner considers this approach to be within both the legislative framework and enhance the effectiveness of decision making.

## **6. CONSULTATION**

6.1 The Monitoring Officer for the Police and Crime Panel has been consulted regarding the content of this report and supports the recommendations.

## **7. BACKGROUND DOCUMENTS**

7.1 Police Reform and Social Responsibility Act 2011  
<https://www.legislation.gov.uk/ukpga/2011/13/contents>

The Elected Local Policing Bodies (Specified Information) Order 2011  
<https://www.legislation.gov.uk/uksi/2011/3050/contents/made>