



Lincolnshire
POLICE & CRIME COMMISSIONER

SAFER TOGETHER

**Making and Publication of Decisions of
Significant Public Interest**

Policy Statement

1. This policy applies to any decision taken by me in relation to the discharge of any of my functions as Police and Crime Commissioner (PCC) for Lincolnshire.
2. Every decision shall be taken on its individual merits, having regard to this policy and the duty on me in exercising public functions to act lawfully, fairly and reasonably. My Chief Executive is designated as Monitoring Officer under Sch 16, para 202 of the Police Reform and Social Responsibility Act 2011 ("the Act"). The role of the Monitoring Officer (Local Government and Housing Act 1989) is to ensure lawful and fair decision making and to report if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. The Monitoring Officer/Chief Executive is therefore consulted in respect of all my decisions.
3. In making any substantive decision consideration is given as to whether that decision is or is not of significant public interest. This will require me first to determine whether the matter is of any public interest. If so, consideration will then be given as to whether the public interest in that decision is significant.
4. In determining whether a decision is of public interest regard will be had to the public interest test under the Freedom of Information Act 2000 and the guidance relating to that test issued by the Information Commissioner's Office. As the guidance states, there is a distinction to be drawn between what is in the public interest and what interests the public.
5. A Register is kept of all decisions which are considered to be of significant public interest. Each decision made by me is published on my website within one full working day of its approval.
6. A Forward Plan is published on a monthly basis giving advance notice of key decisions that are scheduled to be taken over a three month period. An electronic version of the current Forward Plan is published on my website (www.lincolnshire-pcc.gov.uk).

7. The following decisions will normally be regarded as decisions of significant public interest:
- 7.1 Decisions leading to a requirement to publish any item of specified information by the Elected Local Policing Bodies (Specified Information) Order 2011 ("the Order").
 - 7.2 Any decision to issue or vary a Police and Crime Plan under section 5 of the Act, 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") for Lincolnshire or to respond to any report or recommendation of the Panel.
 - 7.3 Any decision to submit an Annual Report to the Police and Crime Panel as required by Section 12 of the Act, or to respond to any report or recommendation of the Panel regarding an annual report.
 - 7.4 Any decision to supply or withhold any information requested by the 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.
 - 7.5 Any decision regarding arrangements for obtaining the views of the community under section 96 of the Police Act 1996 as amended.
 - 7.6 Any decision to appoint any person (whether or not employed by me) to any other body, or to designate any person as having specified duties or responsibilities under Section 16 of the Act.
 - 7.7 Any decision to appoint any person as Deputy Police and Crime Commissioner under Section 18 of the Act.
 - 7.8 Any decision to approve a Scheme of Delegations/Consent, Finance or Contract Regulations.
 - 7.9 Any decision to appoint remove or suspend the Chief Constable of Lincolnshire Police 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.
 - 7.10 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.
 - 7.11 Any decision to enter into, withdraw from, or vary any collaboration agreement entered into under Section 22A of the Police Act 1996.
 - 7.12 Any decision to direct the Chief Constable to comply with his/her obligations in regard to complaints (schedule 14, para 7 of the Act).

- 7.13 Any decision to enter into, withdraw from, or vary any combination agreement under the Crime and Disorder Act 1998 (schedule 11 of the Act).
- 7.14 Decisions will be published on the Commissioner's website using a standard template report within one full working day of the decision.
8. The following will not normally be regarded as matters of significant public interest:
- 8.1 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 and/or publication following its approval or adoption.
- 8.2 Day-to-day internal management decisions.
- 8.3 Decisions relating to the appointment, suspension or dismissal of my 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.
- 8.4 Decisions relating to complaints and conduct matters concerning the Chief Constable are recorded in a separate 'Complaints/Conduct Register'.
9. A decision that a matter is not of **significant** public interest should not be taken to mean that it is of **no** public interest. The intention in restricting the register to decisions of significant public interest is merely to avoid the need to record every decision made in the normal course of business, however minor. Any freedom of information request for information that would require disclosure of a decision not recorded on the register will be dealt with on its merits. However, all decisions of a nature which could be deemed to be novel or contentious will be recorded
10. The 'Scheme of Arrangements for the Discharge of Functions' outlines those decisions that I have chosen to delegate to my own officers or to the Chief Constable and officers under his/her direction and control. I will publish only those decisions which I have reserved for myself and those which I cannot legally delegate to another individual or body.
11. Section 11 of the Act requires a local policing body to publish the information which the body considers to be necessary to enable the persons who live in the body's area to assess:
- (a) the performance of the body in exercising the body's functions; and
- (b) the performance of the relevant chief officer of police in exercising the chief officer's functions.

Such information will be published on my website at the end of each quarter.

12. As a matter of law, no decision may be published if the Chief Constable is of the view that publication would be against the interests of national security, or would jeopardise the safety of any person, or would prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice.
13. This policy may be revised at any time and will be subject to formal review bi-annually.

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