

DEVON AND CORNWALL POLICE AND CRIME PANEL

Subject: Precept Regulation and Report Timeline

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Executive Summary:

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 come into force on 22 November 2012 and make provision for the scrutiny, by the Police and Crime Panel, of a proposal from the Police and Crime Commissioner (PCC) as to the issuing of a Precept and the appointment of a Chief Constable.

This report focuses on how the Panel should exercise its responsibilities regarding the proposed Precept in the light of these regulations and the associated timetable announced nationally. It also describes how the Host Authority will manage the provision of reports to the Panel in order to accommodate this extremely tight timetable.

Implications: Police and Crime Plan, Annual Report, Peninsula Partnership Strategic Assessment, Panel Functions, Panel Arrangements and Rules of Procedure:

The precept-setting timetable has implications with specific regards to the timescale for issuing reports (see para 18.1 in Panel Arrangements and Rules of Procedure) and the process for scrutinising the Police and Crime Commissioner's proposed Precept.

Implications: resources including finance, human and IT:

The PCC is required to notify the Panel of his/her proposed level of Precept by 1 February 2013 and the Panel needs to review/respond by 8 February 2013. This has implications for the Host Authority which (unless the proposal is received early) will have less than five working days to prepare a report about the Police and Crime Commissioner's proposed level of Precept and submit this to the Panel. The Panel Arrangements and Rules of Procedure state that agendas must be published and distributed at least five clear working days in advance of the meeting.

If the Panel does not veto the Precept, the timetable following this decision is unlikely to be problematic. However, if the Panel decides to exercise its power of veto, and the PCC takes the maximum time to respond to the Panel's view, the PCC's revised Precept will not be known until 1 March 2013. This is likely to have implications for most, if not all councils' budget setting timelines.

Recommendations & Reasons for recommended action:

It is recommended that the Devon and Cornwall Police and Crime Panel:

- Notes the requirements of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012. (this report only refers to the precept setting part of the Regulation, not Chief Constable appointments)
- Agrees to hold a meeting on 8 February 2013 in order to consider the PCC's proposed precept
- Agrees to a provisional meeting date of 22 February 2013, to consider the PCC's revised proposed level of precept, if required.
- Notes that the Host Authority will issue a report regarding both the Police and Crime Commissioner's proposed and, if needed, revised Precept less than five working days in advance of relevant meetings.
- Agrees to seek talks between the Police and Crime Panel Chair and the Police and Crime Commissioner with the view to maximising opportunities for co-operation over the Precept-setting timetable.

Agreeing these recommendations would ensure the Panel meets fully the requirements of the Regulation whilst considering practical implications.

Alternative options considered, and reasons for recommended action:

If the Panel does not agree to the recommendations, this may result in the Precept being agreed by default and the Panel would be unable to adequately fulfill its functions and would lose the opportunity to influence key decisions to be taken by the new Police and Crime Commissioner.

Background Papers:

1. Police Reform and Social Responsibility Act 2011
 2. Draft Panel Arrangements and Rules of Procedure
 3. Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012
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1.0 Introduction

- 1.1 The Home Office has recently announced the deadlines for precept-setting for Police and Crime Commissioners. This is later than first advised and presents some risks for Local Authorities' budget-setting timetables.
- 1.2 The timetable now leaves just one week for the Police and Crime Panel to respond to the PCC's proposed level of precept. The PCC is required to notify the Panel of his/her proposal by 1 February (each year) and the Panel needs to review/respond by 8 February (each year). In practical terms, this means the Panel will need to schedule a meeting for Friday 8 February 2013.
- 1.3 If the precept is not vetoed by the Panel at this meeting, the level required will be known on this date, ie in time to inform the budget-setting meetings of most, if not all, councils across Devon and Cornwall.
- 1.4 If, however, the Panel decides on 8 February 2013 to veto the proposed precept, the PCC needs to issue a revised precept by 15 February 2013. In these circumstances, the Panel would need to meet again to consider and respond to this by 22 February. In practical terms a meeting will need to be provisionally set for 22 February.
- 1.5 If the PCC subsequently takes the maximum time to respond to the Panel's view on the revised Precept (whether the Panel accepts or rejects this), the final decision does not have to be provided until 1 March 2013. This is unlikely to be known in time for most, if not all councils' budget-setting timetables.
- 1.6 In order to allow sufficient time to enable the Host Authority to prepare and issue reports on the Police and Crime Commissioner's proposed Precept, and any revision thereafter, the timescale set by the regulation will mean that these reports will have to be issued less than five clear working days in advance of the meeting.
- 1.7 The Host Authority will, however, do its utmost to provide sufficient time for Panel members to receive and consider the report(s) prior to the proposed meeting(s).