

DEVON AND CORNWALL POLICE AND CRIME PANEL

Subject: Consideration of the Police and Crime Commissioner's Proposed Level of Precept 2014/15

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Executive summary

The Police and Crime Panels (Precept and Chief Constable Appointments) Regulations 2012¹ came into force on 22nd November 2012 and made provision for the scrutiny, by the Devon and Cornwall Police and Crime Panel (PCP), of a proposal from the Police and Crime Commissioner (PCC) as to the issuing of a precept.

At the PCP meeting of 8 February 2013 the PCC presented to the Panel his proposal for the precept (2013/14) which the Panel considered in line with the PCC's Police and Crime Plan. After consideration of the evidence and the reasoning behind that proposal, the PCP agreed to increase the precept by 2% without further recommendation.

This report sets out the process for carrying out the PCP's statutory function with regards discussing, reviewing (and vetoing), and making a report and any recommendations to the PCC on the proposed level of precept for 2014/15, which it must do by 7 February 2014.

As has been previously reported, 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 PCC's precept. It also has implications for Council's Budget Setting timelines.

The Police and Crime Commissioner has provided the following reports to assist with the Panel's consideration which are:

- **Final Council Tax Increase Recommendation (Appendix 1)**
- **Medium Term Financial Strategy 2014/15 – 2017/18 and Annual Budget 2014/15 (Appendix 2)**

Background Papers

- Final Council Tax Increase Recommendation (Appendix 1)
 - Medium Term Financial Strategy 2014/15–2017/18 and Annual Budget 2014/15(Appendix 2)
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¹ <http://legislation.gov.uk/uksi/2012/2271/contents/made>

Recommendations & Reasons for recommended action:

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

- reviews the PCCs proposed level of precept for 2014/15.
- makes a report (which may include recommendations) to the PCC on the proposed level of precept on 7 February 2014.
- determines whether it vetoes the proposed precept (which can only be approved by at least two thirds of the membership of the PCP (that means 14 of the 20 members must vote in favour of a veto).

Agreeing these recommendations will ensure the Panel meets fully the requirements of the Police Reform and Social Responsibility Act 2011 and the Regulations whilst considering practical implications.

Alternative options considered, and reasons for recommended action

Failure to agree to the recommendations and meet the timeline as laid out in the Regulation would mean that the Devon and Cornwall Police and Crime Panel is not meeting the requirements of the Police Reform and Social Responsibility Act 2011 and the Regulations. Failure to review and make a report and any recommendations on the proposed level of Precept on 7 February 2014 will mean the precept is approved by default.

I. Precept Setting Process

- I.1 The PCC, under the Police and Crime Panels (Precept and Chief Constable Appointments) Regulations 2012, has a duty to issue a proposed precept to the PCP by 31 January 2014.
- I.2 The PCP has to review that proposal by 7 February 2014. The PCP must then make a report to the PCC on 7 February 2014 which may include recommendations as to the precept that should be issued. The report must be published and sent to each of the constituent councils.

If the PCP vetoes the proposed precept

- I.3 The PCP may veto the proposed precept (by 7 February 2014). The veto must be approved by at least two thirds of the membership of the PCP (that means 14 of the 20 members must vote in favour of a veto).
- I.4 If the PCP does not veto the precept the PCC must then have regard to the report, give a response to the PCP's report by 14 February 2014 and publish that response. The PCC must then issue the proposed precept or amend it in line with the PCP's recommendations.
- I.5 If the PCP does veto the proposed precept the PCC must not issue that precept and must respond to the PCP's report by 14 February 2014. The response must indicate what precept is now proposed.
- I.6 Where the PCP report indicates that the veto has been approved because the precept is too low the PCC's new proposal must be higher, and where it is indicated it is too high it must be lower, but how much higher or lower is up to the PCC.

- 1.7 The Panel must review the revised precept and report to the PCC by 21 February 2014. The report may accept or reject the revised precept and may make recommendations. However, the PCP may not veto the revised precept. The PCC must then respond to the report by 28 February 2014 and can then issue the precept.
- 1.8 The PCC may then issue the precept which must be either as proposed in the second response or amended in line with a recommendation of the PCP.