

DEVON AND CORNWALL POLICE AND CRIME PANEL

Subject: Consideration of the Police and Crime Commissioner's Proposed Level of Precept 2015/16

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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 7 February 2014 the PCC presented to the Panel his proposal for the precept (2014/15) 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 1.99% with a further recommendation that the Police and Crime Commissioner keeps the Panel informed of his 'Estate Strategy and Review' developments.

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 2015/16, which it must do by 6 February 2015.

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:

- The PCCs report on rationale and recommendations for the proposed level of precept (Appendix 1) which includes the budget, and Medium Term Financial Strategy 2015/16–2018/19.

Background Papers

None.

¹ <http://www.legislation.gov.uk/uksi/2012/2271/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 2015/16.
- makes a report (which may include recommendations) to the PCC on the proposed level of precept on 6 February 2015.
- determines whether PCP vetoes the proposed precept which can only be approved by at least two thirds of the membership of the PCP and not just those present (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 6 February 2015 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 30 January 2015.
- I.2 The PCP has to review that proposal by 6 February 2015. The PCP must then make a report to the PCC on 6 February 2015 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 Panel agrees the PCC's proposed level of precept:

- I.3 If the PCP agrees the proposed level of precept, the PCP must make a report to the PCC by 6 February 2015, who must then have regard to the report and any recommendations, and give a response to the PCP's report by 13 February 2015 and publish that response. The PCC must then issue the proposed precept or amend it in line with any recommendations made by the PCP.
- I.4 If the panel fails to make a report to the PCC by 6 February 2015, the scrutiny process comes to an end, even if the panel have voted to veto the proposed precept, and the PCC may issue the proposed precept.

If the PCP vetoes the PCC's proposed level of precept:

- I.5 The PCP may veto the proposed precept and must make a report to the PCC by 6 February 2015. The PCP can only make a decision to veto by the required majority of at least two thirds of the membership of the PCP (that means 14 of the 20 members, and not just those present, must vote in favour of a veto).

- 1.6 If the PCP does veto the proposed precept the PCC must not issue that precept and must respond to the PCP's report by 13 February 2015. The response must indicate what precept is now proposed.
- 1.7 Where the PCP report indicates that the PCP has vetoed the proposed level of precept 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.
- 1.8 On receipt of a response from the PCC notifying the PCP of the revised precept proposal, the panel must review the revised precept proposal by 20 February 2015 and make a second report to the PCC on the revised precept by 20 February. This report may:
- indicate whether the panel accepts or rejects the revised precept (although rejection does not prevent the PCC from issuing the revised precept); and make recommendations, including recommendations on the precept that should be issued.
 - 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 27 February 2015 and can then issue the precept which must be either as proposed in the second response or amended in line with a recommendation of the PCP.
- 1.9 If the panel fails to make a second report to the PCC by 20 February, the PCC may issue the revised precept.
- 1.10 Excluding where the panel fails to report on the proposed precept by 6 February 2015 or make a second report on the revised precept by 20 February, the scrutiny process ends when the PCC gives the panel his/her response to their second report. The PCC may then:
- issue the revised precept; or
 - issue a different precept, although:
 - they must not issue a precept that is higher than the revised precept if the revised precept was lowered following the panel's initial report on the first proposed precept indicating it was vetoed because it was too high;
 - they must not issue a precept which is lower than the revised precept if the revised precept was raised following the panel's initial report on the first proposed precept indicating it was vetoed because it was too low.