

DEVON AND CORNWALL POLICE AND CRIME PANEL

Subject: Consideration of the Police and Crime Commissioner's Proposed Level of Precept 2016/17

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Executive Summary:

The Police and Crime Panels (Precept and Chief Constable Appointments) Regulations 2012¹ came into force on 22 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 6 February 2015 the PCC presented to the PCP his proposal for the precept (2015/16) which the PCP 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% and made a number of further recommendations as recorded in the minutes of the meeting².

This report sets out the process for carrying out the PCP's statutory function with regard to discussing, reviewing (and vetoing) and making a report and any recommendations to the PCC on the proposed level of precept for 2016/17, which it must do so no later than 8 February 2016.

As has been previously reported, the precept-setting timetable has implications with specific regards to the timescale for issuing reports (see para 22.3 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 PCC 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 I) which includes the budget, and Medium Term Financial Strategy 2016/17–2019/20.

Recommendations & Reasons for recommended action:

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

¹ <http://www.legislation.gov.uk/ukxi/2012/2271/made>

² <http://democracy.plymouth.gov.uk/documents/g5806/Printed%20minutes%20Friday%2006-Feb-2015%2010.30%20Devon%20and%20Cornwall%20Police%20and%20Crime%20Panel.pdf?T=1>

- reviews the PCCs proposed level of precept for 2016/17.
- makes a report (which may include recommendations) to the PCC on the proposed level of precept no later than 8 February 2016.
- determines whether the 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 no later than 8 February 2016 will mean the precept is approved by default.

Background Papers

None.

1. Precept Setting Process

- 1.1 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 1 February 2016.
- 1.2 The PCP has to review that proposal by 5 February 2016. The PCP must then make a report to the PCC no later than 8 February 2016 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:

- 1.3 If the PCP agrees the proposed level of precept, the PCP must make a report to the PCC no later than 8 February 2016, who must then have regard to the report and any recommendations, and give a response to the PCP's report by 15 February 2016 and publish that response. The PCC must then issue the proposed precept or amend it in line with any recommendations made by the PCP.
- 1.4 If the PCP fails to make a report to the PCC no later than 8 February 2016, the scrutiny process comes to an end, even if the PCP has 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 8 February 2016. 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).
- I.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 15 February 2016. The response must indicate what precept is now proposed.
- I.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.
- I.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 22 February 2016 and make a second report to the PCC on the revised precept by 22 February 2016. This report may:
- indicate whether the PCP 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.
 - 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 1 March 2016 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.
- I.9 If the PCP fails to make a second report to the PCC by 22 February 2016, the PCC may issue the revised precept.
- I.10 Excluding where the PCP fails to report on the proposed precept by 8 February 2016 or make a second report on the revised precept by 22 February 2016, the scrutiny process ends when the PCC gives the PCP his/her response to its second report. The PCC may then:
- issue the revised precept; or
 - issue a different precept, although:
 - o the PCC must not issue a precept that is higher than the revised precept if the revised precept was lowered following the PCP's initial report on the first proposed precept indicating it was vetoed because it was too high;
 - o the PCC must not issue a precept which is lower than the revised precept if the revised precept was raised following the PCP's initial report on the first proposed precept indicating it was vetoed because it was too low.