

Cheshire Police and Crime Panel

Date of Meeting: 04 February 2022

**Report of: Brian Reed, Head of Democratic Services of Governance,
Cheshire East Council**

**Subject: Police and Crime Commissioner's Proposed Precept for
2022/23**

1. Report Summary

1.1 This report outlines the process for reviewing the Police and Crime Commissioner's proposed Precept for 2022/23.

2. Recommendation

2.1 That the Panel reviews the Police and Crime Commissioner's proposed Precept for 2023/23.

3. Precept 2022/23

3.1 The arrangements for determining the Police Precept are set out in Section 26 and Schedule 5 of the Police Reform and Social Responsibility Act 2011 and Part 2 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012.

3.2 Having considered the Precept, the Panel must either:

- Support the Precept without qualification or comment;
- Support the Precept and make recommendations to the Police and Crime Commissioner; or
- Veto the proposed Precept (by the required majority of at least two thirds of the persons who are members of the Panel at the time the decision is made).

- 3.3 If the Panel vetoes the proposed Precept, the report that is made to the Commissioner must include a clear statement that the Panel has vetoed the proposed Precept, with the Panel's reasons. The Regulations require that the Panel will receive a response from the Commissioner to such a report and associated recommendations.
- 3.4 A Police Precept is issued annually by the Commissioner under Section 40 of the Local Government Finance Act 1992. The process and timescales are detailed in the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012. The Precept forms part of the Council Tax bills issued by the constituent authorities within the Police Force area. The Commissioner may not issue a Precept for a financial year until the end of the scrutiny process by the Police and Crime Panel is reached. This is when:
- In a case where no veto is imposed, when the Police and Crime Commissioner gives the Police and Crime Panel a response to the Panel's report;
 - In a case where a veto has been imposed, when the end of the veto process is reached;
 - In any case when the Panel neither reviews the proposed Precept nor make a report by 8th February; and
 - In a case when a veto has been imposed but the Panel has failed to review and make a second report on the revised Precept by 22nd February.
- 3.5 The Police and Crime Commissioner must notify the relevant Police and Crime Panel of the Precept which the Commissioner is proposing to issue for the following financial year by 1st February.
- 3.6 The Commissioner is due to consider a report on the 2022/23 Revenue Budget and Council Tax Precept at his Management Board meeting scheduled for the morning of 26th January 2022. Following that meeting it is envisaged that the Commissioner will notify the Panel formally of this proposed Precept (please see paragraph 3.19 below).
- 3.7 A representative of the Commissioner's Office plans to make a presentation on budgetary issues to Panel members at an informal meeting of the Panel on the afternoon of 26th January. The information presented at that meeting will set out the context within which the Precept is to be set.
- 3.8 Following receipt of the formal notice from the Commissioner, the Police and Crime Panel must review the proposed Precept and make a report to the Commissioner on the proposed precept by 8th February. The report may include

recommendations, including recommendations as to the Precept that should be issued for the financial year.

3.9 The Police and Crime Panel may, having reviewed the proposed Precept, veto the Precept. If the Panel vetoes the proposed Precept, the report made to the Commissioner must include a statement that the Panel has vetoed it, and why.

3.10 If the Police and Crime Panel does not veto the proposed Precept, the Police and Crime Commissioner must:

- Have regard to the report made by the Panel, including any recommendations in the report;
- Give the Panel a response to the report (and any recommendations) and
- Publish the response.

3.11 The Police and Crime Commissioner may:

- Issue the proposed Precept for the financial year; or
- Issue a different Precept, but only if it would be in accordance with a recommendation made in the report from the Panel.

3.12 If the Police and Crime Panel vetoes the proposed Precept the Commissioner must not issue the proposed Precept for the financial year, The Commissioner must by 15th February:

- Have regard to the report which must be made by the Panel (including any recommendations);
- Give the Panel a response to the report (and any recommendations) which includes notification of the precept that he now proposes to issue; and
- Publish the response.

3.13 Where the Panel's report indicates that the Panel vetoes the proposed Precept because it is, in its view, too high, the revised Precept proposed shall be lower than the original proposed Precept. Where the Panel's report indicates that the Panel vetoes the proposed Precept because it is too low, the revised Precept proposed shall be higher than the original proposed precept.

3.14 Members of the Panel are requested to note that the use of the veto procedure will necessitate a further meeting and that this would need to be arranged at short notice, and in any event must be held no later than 20th February 2020.

Regulations state that on receiving a response containing notification of a revised precept the Panel shall by 22nd February:

- Review the revised precept, and
- Make a report to the Police and Crime Commissioner on the revised Precept, known as “the second report”.

3.15 The second report may:

- Indicate whether the Panel accepts or rejects the revised Precept (but rejection does not prevent the Commissioner from issuing the revised Precept as the Precept for the financial year), and
- Make recommendations, including recommendations as to the Precept that should be issued for the financial year.

3.16 On receiving the Panel’s second report the Commissioner shall by 1st March of the relevant financial year:

- Have regard to the second report, including any recommendations in the report;
- Give the Panel a response to the second report (and any such recommendations) and;
- Publish the response.

3.17 The Commissioner may then:

- Issue the revised Precept as the Precept for the Financial year;
- Issue a different precept as the Precept for, but this shall not be higher than the revised Precept if the veto was imposed on the grounds of the Precept being too high and should be lower than the revised Precept if the veto was imposed on the grounds of the precept being too low, unless it would be in accordance with the recommendations made by the Panel in the second report

3.18 An extract from the relevant Home Office guidance document is attached as Appendix I.

3.19 At the time of writing details of the Commissioner’s proposed Precept for 2022/23 were not available. Once they are available, they will be immediately forwarded to Panel Members. In addition, they will also be posted on the Police and Crime Panel section of the Cheshire East Council website.

3.20 In considering its decision the Panel may wish to have regard to the priorities included within the Police and Crime Plan and the information provided on the proposed Budget. The Panel is reminded that its statutory duty relates to scrutiny of the Precept alone, not the detail of the revenue budget.

4. Summary and conclusion

4.1 The Panel must review and make a report and or recommendations in connection with the Commissioners proposed Precept.

5. Equality Implications

5.1 There are no specific equality implications related to this report.

6. Financial Considerations

6.1 There are no financial implications for the Panel in considering these matters, except insofar as an additional meeting would need to be arranged if the Precept is vetoed. Any such arrangements could be contained within the Panel's existing budget.

7. Contact Information

Contact details for this report are as follows:-

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Appendix I

PCC PRECEPT APPROVAL (Final Regulations)

