

ITEM 5(i)

North Yorkshire Police, Fire and Crime Panel

21 February 2019

Scrutiny of the Revised Precept

1 Purpose of Report

- 1.1 To outline the process and remit for the Panel in reviewing the Commissioner's revised proposal for the policing precept for 2019/20.

2 Background

- 2.1 On 5th February 2019, the Panel exercised its power under paragraph 4 of Schedule 5 of the Police Reform and Social Responsibility Act 2011 to veto the Commissioner's policing precept proposal for 2019/20.
- 2.2 A report confirming this decision - and which provided a number of recommendations for the Commissioner to consider - was published in accordance with legal requirements on 7th February 2019 (see copy at Appendix A).
- 2.3 The Commissioner must legally have regard – and respond - to the Panel's report and publish her response, including the revised precept, by 15th February 2019.
- 2.4 On receipt of a response from the Commissioner notifying them of her revised precept, the Panel must review the revised precept and make a second report to the PCC by 22nd February 2019.
- 2.5 The Panel has scheduled a meeting at 10:30am on Thursday 21st February 2019 to be able to review the revised precept proposal.

3 Review of the revised proposal

- 3.1 In the Commissioner's response to the Panel's report on the original precept proposal, the Commissioner must notify the Panel of the revised precept that she intends to issue.
- 3.2 The Panel's report of 7th February 2019 advised the Commissioner that a lack of justification had been given in increasing the precept to the level proposed (£23.95 for a Band D property). The legislation presupposes that a "revised precept" will therefore be put forward by the Commissioner where a veto has been used.
- 3.3 The Panel must now review the revised proposal put forward by the Commissioner and make a second report. This report may:

- (a) indicate whether the Panel accepts or rejects the revised precept (although rejection does not prevent the Commissioner from issuing the revised precept);
 - (b) make recommendations, including recommendations on the precept that should be issued.
- 3.4 On receiving the Panel's second report the Commissioner shall, by 1st March:
- (a) have regard to the second report (including any recommendations in the report);
 - (b) give the panel a response to the second report (and any such recommendations); and
 - (c) publish the response.
- 3.5 The Commissioner may then issue the revised precept or issue a different precept, although this must not be higher than the revised precept.
- 3.6 If the Panel fails to make a second report by 22nd February then the Commissioner may issue the revised precept. Where a report has been submitted to the Commissioner in line with the statutory timescales, then the legal process ends when the Commissioner responds to this report.

4 Recommendation

- 4.1 The Panel is asked to note the report provided.

Diane Parsons
Principal Scrutiny Officer
North Yorkshire County Council

13th February 2019

Background Documents:

Appendix A – Report of the Police, Fire and Crime Panel to the Police, Fire and Crime Commissioner regarding the precept proposals for 2019/20 (7 February 2019)

NORTH YORKSHIRE POLICE, FIRE AND CRIME PANEL
REPORT TO THE NORTH YORKSHIRE POLICE, FIRE AND CRIME
COMMISSIONER

Precept Proposals for Policing and Fire and Rescue - 2019/20

On 31 January 2019 the North Yorkshire Police, Fire and Crime Commissioner (“the Commissioner”) formally notified the North Yorkshire Police, Fire and Crime Panel (“the Panel”) of her proposed precepts for policing and for the fire and rescue service for 2019/20. The Panel is required to review the proposed precepts and report on its decision, including any recommendations, to the Police, Fire and Crime Commissioner by 8 February of the relevant financial year.

The Panel met on Tuesday, 5 February 2019. Membership of the Panel at the meeting was:

Hambleton District Council	Cllr Peter Wilkinson
Harrogate Borough Council	Cllr Michael Chambers MBE
North Yorkshire County Council	Cllr Carl Les
Richmondshire District Council	Cllr Russell Lord
Ryedale District Council	Cllr Val Arnold
Scarborough Borough Council	Cllr Sandra Turner
City of York Council	Cllr Chris Steward
Community Co-opted	Paula Stott

The Panel would like to thank the Commissioner, her staff and Deputy Chief Constable Phil Cain, for attending the meeting on 5 February and for the responses that were provided to some of the questions and issues that the Panel members raised.

Fire precept proposal

The Commissioner presented a proposal to set the fire element of the Council Tax precept at £71.27 for 2019/20, which represents a 2.99% increase (or £2.07) over the 2018/19 level for a Band D property. This level of increase is at the maximum permissible to the Commissioner without triggering a referendum.

The Panel considered that the fire and rescue services (FRS) budget continues to be balanced by reserves but that by 2021/22 there would be an unfunded balance of over £1m, without savings being made. However, the Panel also took into account the progress already being made on savings plans within the FRS and that the newly-appointed Interim Chief Fire Officer will be providing an assessment of the FRS for the Commissioner in due course to help develop the FRS and make it more efficient.

Decision – Fire precept proposal

The Police, Fire and Crime Panel supported the Commissioner's proposal for a precept increase of £2.07 (for a Band D property) for 2019/20.

As far as the Panel is concerned, this ends its scrutiny process of the Commissioner's proposed precept for fire and rescue for 2019/20.

Policing precept proposal

The Commissioner presented a proposal to the Panel to set the police element of the council tax for 2019/20 at £256.77 for a Band D property. This is an increase of £23.95 over the 2018/19 level (in percentage terms, just under 10.3%).

The Commissioner presented this proposal to the Panel in the context of the findings of the neighbourhood policing survey, which she had undertaken in the summer of 2018. This identified that as investment in local policing had declined, so had communities' confidence in the policing service. The Commissioner therefore wishes to recruit 50 additional police officers and 20 PCSOs and Community Safety Staff to boost visible local policing; to give more focus to prevention and early intervention around crime.

The Panel were advised that these new recruits would be posted across a number of areas including community resilience teams, as mental health co-ordinators and into a city task force.

The Panel also heard about the national context for police funding and the risks to the police force locally over the next few years including; the police funding formula, the potential for further pressures in relation to police pay increases, police pension changes and a cut in government grant in real terms over the next year of £2.2m.

The Panel agreed with the principle of providing greater – much needed – investment in visible local policing and expressed disappointment that neighbourhood policing had declined. However, in the course of giving consideration to the Commissioner's proposal and outline plans, the Panel wished to express their particular concern on the following points:

Level of detail provided

- a) The paperwork provided to the Panel did not contain adequate detail, particularly in relation to staff numbers and costings, for how the additional police recruits will be deployed in accordance with the proposed plans. The Commissioner and DCC Cain presented an outline vision or methodology for connecting the police to communities more effectively. However, the Panel felt there was scant illustration provided in the paperwork – or during the meeting discussions – to indicate how this would be enacted and the staffing required for each element of the plan.

Appendix A

- b) A greater level of context to this vision was provided to the Panel in the very lengthy presentation which was delivered at the Panel meeting. The Panel wishes to note that this information was provided outside of the statutory timescales and that it would have been beneficial to have a copy in advance of the meeting to enable members sufficient time to review the documents and to support adequate scrutiny to take place.
- c) The Commissioner advised the Panel that the police force will be tasked with developing a comprehensive plan for delivery against this vision after the precept has been agreed. However, the Panel felt it unacceptable that in view of the high increase being sought that this detail was lacking to enable a balanced decision to be made through the scrutiny process.

Lack of assurance around recruitment of additional staff

- d) A key concern for the Panel centred around the fact that the planned additional recruitment of police officers, PCSOs and Community Safety Officers had not been factored into the draft staffing budget provided within the Commissioner's Medium Term Financial Plan. As a consequence the additional funding raised from the precept will sit in the Policing Priorities Fund 'pot' ("the PPF").
- e) The Commissioner advised that she felt it critical that the police force produce a comprehensive plan of how to deploy the additional staff before she makes any such funding available to them and that by factoring these figures into the staffing budget now may commit funding without proper planning behind this. The Panel agreed with the principle of a clear business case being sought from the force and also that money is only released from the PPF when clear plans have been agreed. However, in the circumstances, the Panel felt that this renders it particularly critical that staffing plans of this level should be appropriately earmarked – at least in draft - within the projected budget to communicate a clear message to the police force and the public that this is how the funding will be utilised.
- f) The Panel felt that during the course of discussions on this point, an inadequate level of assurance was provided to them that this funding will not therefore be used for alternative purposes, particularly in view of the earlier risks identified to the policing budget. In view of the high level of increase being proposed, the Panel felt it reasonable that these figures be factored in so that the public had reassurance that they would see the visible difference to local policing that the Commissioner has committed to delivering.
- g) It should also be noted that the Panel highlighted a concern regarding the potential for the planned recruitment to not be successfully achieved, bearing

in mind the challenge presented in recent years in attempting to reach target recruitment levels.

Public consultation

- h) The Panel felt the Commissioner's public consultation undertaken on the precept, and the interpretation of the results, to be flawed. This was particularly due to the fact that those individuals who had elected for a freeze to the precept had been effectively taken out of the equation for the assumptions presented to the Panel. The Panel heard that the consultation is just one part of the decision-making process for the Commissioner and that the Commissioner felt the message in the consultation had been clear; namely that an increase was being sought. However, members of the Panel did not consider that the quantum of an increase had been clear.

Decision – Policing precept proposal

In view of the significant concerns identified and the lack of detail or assurance provided to enable a balanced decision to be taken, the Panel unanimously voted (and by the required majority) to **exercise their veto of the policing precept proposal** in respect of the Commissioner's proposal for a precept increase of £23.95 (for a Band D property) for 2019/20. This was in accordance with paragraph 4 of Schedule 5 of the Police Reform and Social Responsibility Act 2011.

This decision was not taken lightly by the Panel who fully appreciate the significance of passing a veto and that this should be a "last resort" mechanism. However, while the Panel agree the principle of delivering more visible local policing, the members feel that an increase in the order of £23.95 (for a Band D property) is not acceptable for the public without sufficient detail to confirm how this will be achieved.

The Panel recognises that it has a role to play in ensuring that there is an appropriate check and balance on the level of precept set by the Commissioner. It is the Panel's view that precept should not be set too low to risk public safety nor should it be set unnecessarily high and needlessly take money from the public. For the views identified in this report, the Panel do not consider that appropriate justification has been given in setting the precept at the proposed level.

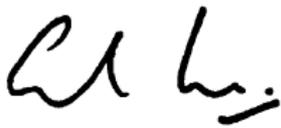
The Commissioner will be aware that a revised precept proposal must now be submitted to the Panel no later than 15 February 2019 and the Panel must meet to consider this (and report) by no later than 22 February 2019. We have therefore agreed a special meeting of the Panel to review the revised precept proposal on Thursday 21 February 2019 at 10:30am at County Hall, Northallerton.

The Panel would like to recommend that the Commissioner take the following recommendations into consideration when presenting a revised precept on 21 February.

Recommendations

1. The Panel would like to see further clarity around how the Policing Priorities Fund will be used (estimated at £6.2m for 2019/20), including a breakdown of how the Commissioner envisages costs and officer numbers split across the initiatives identified, such as the City Task Force, Online PCSOs, etc.
2. Specifically, in relation to the projected spend of £3.3m on additional staffing, the Panel would like to receive an estimated breakdown of how this figure was arrived at in terms of salary costs and on-costs.
3. The Panel feel the £3.3m forecast should be part of the staffing budget rather than the Policing Priorities Fund. As a minimum the Panel would recommend that an extra line is added within the Policing Priorities section of the budget projection which outlines how much is earmarked for Reinforcing the Frontline and how much is available to invest in other areas. This would ensure an element of 'ring-fencing' for more visible policing.
4. The Panel would be grateful to understand how much of the £3.3m is envisaged will be required during 2019/20 due to the timing of recruiting new officers and how will the remainder of the Policing Priorities Fund be used.
5. The Panel would be grateful to see further detail on the Commissioner's savings plans, as highlighted at the Panel meeting and would recommend that this identifies where plans are at risk.

Finally, the Panel request that copies of the presentation material delivered at the meeting of 5 February 2019 be made available without delay to the Panel and to ensure that this can be shared with the wider public.



Councillor Carl Les
Chair, North Yorkshire Police, Fire and Crime Panel

7 February 2019