

## North Yorkshire Police, Fire and Crime Panel

6 February 2023

### Panel Scrutiny of the Commissioner's Precept Proposals

#### 1 Purpose of Report

- 1.1 To outline the key statutory provisions for the Panel's scrutiny of the Commissioner's Council Tax precept proposals.

- 2 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 set out the statutory process for scrutiny of the Commissioner's Council Tax precept proposals. The guidance note below sets out the key provisions and timescales from the governing legislation.
- 3 The Commissioner must notify the Panel of her proposed precepts for both policing and fire and rescue by 1<sup>st</sup> February.
- 4 The Panel must review the proposals and make a report to the Commissioner by 8<sup>th</sup> February. The report may include recommendations, including recommendations as to the precept that should be issued for the financial year.
- 5 The Panel may, having reviewed the proposed precept, choose to exercise its power of veto. This can only be done where the decision to veto is made by at least two-thirds of voting members of the Panel (that is, 9 members).
- 6 It is for the Panel to determine how a response from the Commissioner to a report or recommendations is to be published.

#### Where the Panel does not exercise the veto

- 7 The Commissioner must have regard to the Panel's report and any recommendations made therein. The Commissioner must provide a response to the Panel's report and publish this response.
- 8 The Commissioner may subsequently:
- (a) issue the proposed precept as the precept for the financial year; or
  - (b) issue a different precept, but only if this would be in accordance with a recommendation made in the Panel's report to do so.
- 9 If the Panel fails to make a report to the Commissioner by 8<sup>th</sup> February then the scrutiny process effectively comes to an end and the Commissioner may issue the proposed precept.

## Where the Panel does exercise the veto

- 10 Where the requisite majority vote is passed in favour of a veto of the proposed precept (see paragraph 5), the Panel must include a statement within its report that it has vetoed the proposal.
- 11 The Commissioner must not issue the proposed precept as the precept for the financial year.
- 12 The Commissioner must have regard to and respond to the Panel's report (including any recommendations therein), and publish her response, including her revised precept proposal, by 15<sup>th</sup> February.
- 13 Where the panel's report indicates that they vetoed the precept because it was:
  - too high, the revised precept must be lower than the previously proposed precept.
  - too low, the revised precept must be higher than the previously proposed precept.
- 14 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 Commissioner by 22<sup>nd</sup> February. The Panel may indicate whether it accepts or rejects the revised proposal (although there is no further power of veto) and may make recommendations on the revised precept.
- 15 The Commissioner must have regard and respond to the Panel's second report and any recommendations – and publish this response – by 1<sup>st</sup> March 2022.
- 16 The Commissioner may then:
  - (a) issue the revised precept as proposed; or
  - (b) 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.
- 17 Where the Panel fails to make a second report to the Commissioner by 22<sup>nd</sup> February, the Commissioner may issue the revised precept proposal.

## **18 Recommendation**

- 18.1 The Panel is asked to note the report.

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27<sup>th</sup> January 2023

**Background Documents:**

None.