

NORTHAMPTONSHIRE POLICE, FIRE & CRIME PANEL

2 FEBRUARY 2023

Report Title	Northamptonshire Police, Fire & Crime Panel's statutory responsibilities relating to scrutiny of the Police, Fire & Crime Commissioners' proposed Fire Precept 2023/24.
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List of Appendices

None

1. Purpose of Report

- 1.1. The report is intended to set out the statutory requirements on the Northamptonshire Police, Fire & Crime Panel regarding scrutiny of the proposed Fire Precept for 2023/24 produced by the Police, Fire & Crime Commissioner for Northamptonshire.

2. Executive Summary

- 2.1 The report summarises the Northamptonshire Police, Fire & Crime Panel's statutory responsibilities relating to reviewing and making a report on the proposed Fire Precept for 2023/24 produced by the Police, Fire & Crime Commissioner for Northamptonshire. The proposed Fire Precept appears on the agenda for the current Panel meeting as the next item of business.

3. Recommendations

- 3.1 It is recommended that the Northamptonshire Police, Fire & Crime Panel reviews the proposed Fire Precept for 2023/24 produced by the Police, Fire & Crime Commissioner for Northamptonshire.
- 3.2 Reasons for Recommendation(s) – The recommendation is intended to enable the Panel to carry out its statutory responsibilities relating to scrutiny of the proposed Fire Precept effectively at the current meeting.

4. Report Background

- 4.1 A fire and rescue authority is a major precepting authority under the Local Government Finance Act 1992. The Northamptonshire Police, Fire & Crime Commissioner is the fire and rescue authority for the county under the Police, Fire & Crime Commissioner for Northamptonshire (Fire and Rescue Authority) Order 2018. A Police, Fire & Crime Commissioner may not issue a precept under Section 40 of the 1992 Act until it has been subject to scrutiny by the relevant Police, Fire & Crime Panel according to the process specified in Schedule 5 of the Police Reform & Social Responsibility Act 2011, as amended by the Policing & Crime Act 2017.
- 4.2 Schedule 5 of the 2011 Act, supporting Regulations, and the Rules of Procedure for the Northamptonshire Police, Fire & Crime Panel require:
 - a) The Commissioner to notify the Panel of the Commissioner's proposed precept by 1st February of the relevant financial year
 - b) The Panel to review the proposed precept
 - c) The Panel to resolve to:
 - i) Support the proposed precept without additional qualification or comment; or
 - ii) Support the proposed precept and make additional recommendations on it; or
 - iii) Veto the proposed precept provided that the Panel makes that decision by the required majority, which is that at least two thirds of the persons who are members of the Panel at the time when the decision is made vote for it.
 - d) The Panel to make a report to the Commissioner on the proposed precept, setting out the results of its review, by 8th February of the relevant financial year. If the Panel votes to veto the proposed precept the report must state that the Panel has done so and set out its reasons for doing so.
- 4.3 If the Panel does not veto the proposed precept the Commissioner must:
 - a) Have regard to the report made by the Panel
 - b) Give the Panel a response to its report and to any recommendations in the report
 - c) Publish the response in a manner determined by the Panel.
- 4.4 The scrutiny process concludes at this point. The Commissioner may then issue the proposed precept as the precept for the next financial year or issue a different precept but only if it would be in accordance with a recommendation made in the Panel's report.

- 4.5 If the Panel vetoes the proposed precept the Commissioner must not issue it as the precept for the next year. By 15th February of the relevant financial year the Commissioner must:
- a) Have regard to the report by the Panel
 - b) Give the Panel a response to its report setting out the precept that the Commissioner now proposes to issue (referred to as the 'revised precept'). If the Panel vetoed the original proposed precept because it was considered to be too high the revised precept shall be lower; if the Panel vetoed the original proposed precept because it was considered to be too low the revised precept shall be higher.
 - c) Publish the response in a matter determined by the Panel.
- 4.6 The Panel is required to review the revised precept and to make a report on it to the Commissioner (referred to as the 'second report'). The second report may indicate whether the Panel accepts or rejects the revised precept and may make recommendations on it, including recommendations as to the precept that should be issued for the next year. The Panel must complete these actions by 22nd February of the relevant financial year. A reserve meeting of the Panel is scheduled if required for this purpose. The Panel does not have the power to veto the revised precept.
- 4.7 If the Commissioner receives a second report from the Panel, by 1st March of the relevant financial year the Commissioner must:
- a) Have regard to the second report by the Panel
 - b) Give the Panel a response to the second report
 - c) Publish the response.
- 4.8 The scrutiny process concludes at this point. The Commissioner may then issue the revised precept as the precept for the next financial year or issue a different precept but only if in accordance with a recommendation made in the Panel's second report.

5. Issues and Choices

- 5.1 Reviewing and reporting on the proposed Fire Precept is a statutory task for the Panel. The Panel should seek to carry it out in accordance with its overall role of scrutinising and supporting the effective exercise by the Police, Fire & Crime Commissioner of his responsibilities.
- 5.2 Local Government Association guidance for panels on policing and fire governance gives advice on good practice in relation to scrutiny of a proposed Police Precept that is also applicable to scrutiny of the proposed Fire Precept:

A panel's questioning plan in relation to the commissioner's precept should focus on strategy, not numerical details and be used to seek clarification, test evidence and assumptions and explore options best able to deliver [the fire and rescue plan] through the proposed precept. Questions panels might ask their commissioner could include whether the precept enables funding to follow priorities; whether value for money is being secured; and whether there is a robust monitoring framework.

Panels have the power of veto over the precept. However, this a longstop, use of which should be very rare and needs to be justified. Panels should also recognise that the veto can only act as a delay; it will not prevent the commissioner from being able to re-present, and enact, a precept that is not materially different from that to which the veto has been applied.

If the veto is used, the panel should be prepared to provide detailed reasoning to back up why.

6. Implications (including financial implications)

6.1 Resources and Financial

6.1.1 There are no resources or financial implications arising from the proposal.

6.2 Legal

6.2.1 There are no legal implications arising from the proposal.

6.3 Risk

6.3.1 There are no significant risks arising from the proposed recommendation in this report.

7. Background Papers

Police Reform & Social Responsibility Act 2011

Northamptonshire Police, Fire & Crime Panel Terms of Reference.

Policing and fire governance – Local Government Association guidance for police and crime panels (2019)