



Councillor Fiona Chapman
Chair
Bedfordshire Police and Crime Panel
Bedford Borough Council
Borough Hall
Bedford
MK42 9AP

18 February 2015

Fiona
Dear Councillor Chapman

Re: Response to Bedfordshire Police and Crime Panel's report and recommendations in respect of the proposed precept for 2015/2016

Thank you for your letter of 06 February and accompanying report with respect to the proposed precept for 2015/2016.

I would also like to thank the Panel for its acknowledgement that the information provided in my budget report to the Panel on 05 February 2015 and the responses provided to its questions demonstrated that the increased level of funding requested in my budget is required to continue to maximise the effort in delivering effective policing to Bedfordshire and to increase the number of Officers by 100 during 2015/2016.

Attached is my response to your recommendations which I will endeavour to adopt within the legal restrictions imposed on me as Commissioner. These legal restrictions are further elaborated upon in the report.

Also, as requested, we will today be notifying the three billing authorities, Bedford Borough, Central Bedfordshire and Luton Borough Councils that my precept is excessive and will necessitate the triggering of a referendum.

Yours sincerely

Olly Martins
Olly Martins

Enc

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REPORT OF THE POLICE AND CRIME COMMISSIONER FOR BEDFORDSHIRE

Date	18 February 2015	Report No	1
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Title

Response to the 06 February 2015 Bedfordshire Police and Crime Panel Report and recommendations to the Police and Crime Commissioner on the proposed precept for 2015/2016.

Purpose

Respond to the 06 February 2015 report and recommendations to the Police and Crime Commissioner on the proposed precept for 2015/2016 by the 19 February 2015.

Executive Summary

The Commissioner proposed a budget on the 05 February which requires a 15.84% increase in the police precept for 2015/2016. Although the Panel has the power to veto the proposed precept if two thirds of the membership votes to veto, they chose not to do so. Instead, the Panel has resolved that it understands the funding difficulties facing Bedfordshire Police and notes the PCC's proposals to address this. This report is in response to the Commissioner's choosing to set an excessive budget which the Panel chose to support. However, in supporting the budget, the Panel requested that the Commissioner publish a report in response to their report and recommendations.

Recommendations

That the Police and Crime Panel note this report.

Background/Supporting papers

1. Report of the Head of Members' Services, Bedford Borough Council to the Bedfordshire Police and Crime Panel on 05 February 2015
2. The Local Government Finance Act of 1992
3. The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012/444
4. Note by the Local Government Finance (England) Council Tax Referendums 2015-16

Contribution to the Police and Crime Plan

100 extra police officers would contribute to the Plan's objectives to develop confident communities and to prevent crime by restoring neighbourhood policing and by increasing the number of police dedicated to tackling Child Sexual Exploitation

and Cybercrime, two significant emerging threats that the Plan seeks to address.

More specifically, 100 extra police officers with warranted powers will provide the force and the communities with greater problem solving capability at neighbourhood level. This means that there will be a better response to anti-social behaviour and a greater ability to deal with volume crime issues within our communities; this over time having an impact on the level of volume crime demand within the Force area. The officers will provide greater visibility at community level, thus providing greater public access to the Force. The additional capability will also provide for a more proactive approach in obtaining community intelligence and acting on it which will enhance the Force's capability of dealing with all crimes across the spectrum, from at one end counter terrorism to anti-social behaviour. In addition to the community element of policing, the Force will also be able to enhance its safeguarding and preventative capabilities, thus providing a greater ability to protect the public and being even more robust within its offender management activity.

Implications

1. Strategic Risk Implications:---None

2. Financial Implications:---None

3. Equality and Human Rights Implications:---None

4. Legal Implications---Upon seeking legal advice with respect to the Local Government Finance Act of 1992, the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012/444, and the Note published by the Local Government Finance (England) Council Tax Referendums 2015-2016, once the PCC has officially submitted a tax precept which will trigger a referendum, in this case the 18 February will be when the Commissioner submits his precept and announces it is excessive, there is a *period of restriction* that will prohibit the PCC or the Office of the PCC from taking steps that could be seen as promoting a 'Yes' vote during the referendum period.

The referendum period of restriction begins with the notification date, or in this instance the 18 February and ends on the date of the referendum, which in this instance coincides with the General Election on 07 May 2015.

Regulation 10 of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012/444 prohibits the precepting authority from publishing any material about the referendum that puts forward arguments for or against a particular answer to the question being voted on in the referendum during the period of restriction.

However, the PCC and his office will be able to provide factual information to inform the public about the referendum, but will have to be careful not to publish anything that could be construed as an argument to support a 'Yes' vote in the referendum.

5. Regional/Collaborative Working Implications:--None

Report

1. Introduction

The Commissioner presented his proposed 2015/16 budget to the Police and Crime Panel on 05 February 2015. The Police and Crime Panel noted the budget and submitted a report on 06 February with respect to the Commissioner's proposed precept for the financial year 2015/16. The Panel requested that the Commissioner submit and publish his formal response to the report and the Panel's recommendations no later than 19 February 2015. This report sets out the Commissioner's response to the report and the three recommendations made by the Panel.

2. Background Papers

- a) The Local Government Finance Act of 1992
- b) The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012/444
- c) Information Note for Local Government Finance (England) Council Tax Referendums 2015-16

3. Issues for consideration: Three resolutions by the Panel in their 06 February 2015 report

3.1 The Commissioner notes the report of the Panel and would like to thank them for their understanding and support with respect to the financial difficulties facing Bedfordshire Police and for acknowledging his proposals to overcome these difficulties by recommending increased funding for 100 additional police officers who would be used to restore neighbourhood policing throughout the County. As mentioned in the Commissioner's budget report that he submitted to the Panel on the 05 of February 2015, in order to fund these additional 100 officers, the Commissioner plans to increase the precept by 15.84% which amounts to an increase in council tax of £24.80 per annum per band D property. This increase is an excessive increase in council tax and therefore necessitates a local referendum be held and a 'yes' vote be obtained before being able to maintain the increase.

3.2 Within the legal constraints imposed on him by the Local Government Finance Act of 1992, the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012/444, and the Information Note for Local Government Finance (England) Council Tax Referendums 2015-16, the PCC will seek to inform the public about how the funds raised by the precept will contribute to a safer Bedfordshire through increasing the number of police officers by

100.

- 3.2.1 As noted in the report, 75 of these officers will go towards restoring neighbourhood policing; with 20 new officers being allocated to Bedford, 25 to Luton and 30 to Central Bedfordshire. Additionally, 25 new officers will be allocated to addressing the emerging threats of CSE and Cybercrime.
- 3.2.2 100 extra police officers with warranted powers will provide the force and the communities with greater problem solving capability at neighbourhood level. This means that there will be a better response to anti-social behaviour and a greater ability to deal with volume crime issues within our communities; this over time having an impact on the level of volume crime demand within the Force area. The officers will provide greater visibility at community level, thus providing greater public access to the Force. The additional capability will also provide for a more proactive approach in obtaining community intelligence and acting on it which will enhance the Forces capability of dealing with all crimes across the spectrum, from one end counter terrorism to anti-social behaviour. In addition to the community element of policing the Force will also be able to enhance its safeguarding and preventative capabilities thus providing a greater ability to protect the public and being even more robust within its offender management activity.
- 3.2.3 However, once the period of restriction commences, when the Commissioner notifies the billing authorities that his precept is excessive (18 February), according to Regulation 10 of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012/444, the Commissioner is unable to comply with the Panel's recommendation that he "produce a plan which will convince the public to support the proposals, including the improved performance he expects to deliver with the increased numbers of officers." He has no powers to do so and is unable to use public funds to do so. Indeed, he is expressly prohibited from doing so by the regulations.
- 3.2.4 Although under public law the PCC is unable to comply with the Panel's recommendation, according to Regulation 5(5)(a) of the The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012/444, he can assist in putting together information that can be included in a statutory notice.
- 3.2.5 "The notice published under paragraph (2) may also include – *Any other factual information relating to the authority's council tax or the referendum so far as it is presented fairly.*"

3.3 In the event that the referendum supports the increase the PCC will implement the Panel's recommendation to revise the Police and Crime Plan to reflect the revised performance targets he expects given an increase of 100 police officers.

4. Recommendations

The panel note the PCC's response to their report and recommendations.

Information in this report is subject to publication under the Freedom of Information Act 2000 and other legislation. Any information that should not be made publically available should be included in an appendix to this report and the reason for restriction given.

Is any 'restricted' information appended to this report?
If 'yes' please advise reason for restriction.

Report Author	Chief of Staff
Date of report	18 February 2015