

Councillor Chris Batters
Chair of the Police and Crime Panel
The Council House
Plymouth City Council
Armada Way
Plymouth
PL1 2AA

Sent by email

14 February 2020

Dear Councillor Batters

Police and Crime Commissioner's Response to the Panel's Report on the Precept

Thank you for putting in writing the lack of clarity that ensued around the Police and Crime Panel's decision making on Friday. I found the process deeply disturbing for the police officers in attendance, for my team and the public who may have been watching.

The lack of respect shown to all of those present, including the Chief Constable and a retiring Assistant Chief Constable, was not of the standard I expect from those holding public office.

The tone of the meeting was determined at the start when the panel refused to consider the factual inaccuracies identified in the previous minutes. After waiting for over two hours to present two reports which had been twice deferred by the panel senior police officers were then dismissed without the opportunity to present their reports, which were noted by the panel with no discussion.

Moving on to the matter of the precept and the issues raised in your letter.

I have considered your letter and I do not intend to make any alterations to my precept proposal which I am confirming at £9.36 for an average Band D property.

I will address the comments raised by the panel below but before I do I would like to address the matter of the recorded votes for the precept veto.

I wish to clarify an important point of public record and I am somewhat confused and concerned as to how this has arisen. The information contained in your report regarding the voting record of the panel is incorrect. There were 15 members of the panel seated in the chamber at the time of the vote and all 15 exercised their vote (either through a yes, a no or an abstention). The panel's report incorrectly states that the votes were 10 for, 2 against and 1 abstention.

We believe that the correct voting record was 12 for, 2 against and 1 abstention. This is particularly important as the subsequent media activity centred on there not being enough panel members present to exercise the veto. This is not correct. There were enough panel members present (15) but not enough of those present voted in support of the veto for it to pass as it would have needed 14 votes in favour to provide a two thirds majority of all members.

Comments raised by the panel in its precept report

The report states that there was a majority of panel members who were not satisfied with the listed issues. There is no public record of the panel having a majority view in relation to any of these items, although I do accept that a number of the panel members raised issues concerning PCSO numbers. All of the other items identified below were raised by a single individual and there was no discussion or seconding of those views in public. If there was a discussion within the adjournment period which established a clear majority on each point then this should have been documented in the meeting.

Comment 1: The manner in which the budget was presented to the panel

I and my team provided detailed financial reports, supported by a Medium Term Financial Strategy, to the panel on Friday 31st January. These were supplemented on the day with a speech and presentation by myself and my statutory 151 officer, who is the OPCC Treasurer. A high degree of transparency was provided, as has been the case in previous years.

At no time during the questions or discussion in the public meeting on the budget was the manner of the presentation or the level of information called into question, either by an individual panel member or a majority of the panel. On that basis I am wholly unclear as to what this statement refers to.

Comment 2: The lack of evidence of consultation with the public on the specific matters required by law

I have carried out extensive public engagement and sought the views of our communities throughout the year. Last year my communications and engagement team attended over 160 public events, of various sizes, and talked to people from across the area and spoke directly to more than 14,000 people. The 2019 PCC Survey was specifically focused on seeking the public's view on investment priorities. It was available to complete online as well as at face to face events. There were 8,875 respondents to the survey, with the strongest support voiced for investment in crime prevention and neighbourhood policing.

The final grant settlement which also set the precept level (which is the basis upon which all PCCs are to seek views in the legislation) was not published until 22 January and allowed a greater level of precept flexibility than had been assumed. In consultation with my monitoring officer I took the decision to rely upon the extensive summer survey which took place prior to that announcement to discharge my obligations under the Police Reform and Social Responsibility Act 2011. This is in line with the approach adopted by many other police and crime commissioners who also decided to rely upon consultations and surveys they carried out prior to the £10 precept level being set.

There is no requirement in the legislation to carry out a specific consultation with the public and the format in which a police and crime commissioner chooses to undertake to seek views is a matter for local determination. The information regarding the results of the survey was made available to the panel at the meeting and has been previously reported to the panel at its meeting in September 2019.

Comment 3: The degree of misrepresentation in the number of extra police officers reported (176) during this term of office

The increase in police officer numbers has not been misrepresented. It is 176. The officer numbers have been included in every precept report and accompanying documents considered by the panel since the start of my term of office and make this very clear.

The final budget put in place by the previous PCC made financial provision for there to be 2,924 police officers by end 2016/17. My first budget, in respect of the financial year 2017/18, reversed this and allocated funding to increase police officer numbers up to 3,000 by 2020/21. This is 76 police officers.

In subsequent budgets I have been able to go further and we will reach the level of 3,100 police officers by the end of 2020/21 just from local budgets (i.e. not including the national uplift of 141). This is a further 100 officers and combined with the 76 from the commitment in 2017/18 budget this results in 176 police officers. This has been clearly documented in all of our budget papers over the years and is verified by my section 151 officer.

Comment 4: The high level of financial risk associated with the reduction in the reserves

The OPCC Treasurer is the statutory section 151 officer under the Local Government and Finance Act 1972. She provided a clear and unequivocal statement to the panel that the financial proposal was a robust and balanced budget. This expert advice was disregarded by the panel without any clear evidence or explanation as to why.

The published Reserve Strategy specifies that the reserve levels should be within 3%-5% of the net revenue budget. This Reserve Strategy is considered annually by the Independent Audit Committee who provide feedback and representations to me and my statutory 151 officer. The £12.6M forecast for end 2023/24 represents a reserve fund of 3.4% of our assumed net revenue budget for 2023/24 which is fully compliant with the published strategy.

Reserve levels were artificially high in 2016/17 as police and crime commissioners across the country accumulated large reserves to deal with uncertainty over austerity with a view to using those funds to support revenue budgets. This is not an appropriate use of reserves and police and crime commissioners are all taking steps to reduce (over time) their reserves to appropriate levels. In our case this gradual reduction is through targeted investments in infrastructure, estates and technology. This is in accordance with government requirements.

Fundamentally it is not the reduction in reserve levels that should be focused upon but rather the percentage comparison to net revenue budget. That ratio is firmly within agreed levels as explained by my statutory section 151 officer in her response to the panel's question but this has been disregarded.

Comment 5: The reduction in the number of Police Community Support Officers, which is of concern to the panel and the public

The reduction of PCSO numbers was not a new matter of consideration in determining the precept for 2020/21. The decision to reduce the number of PCSOs over time was made in previous years and was therefore not material to the consideration of the precept. The figure of 150 PCSOs was set out in the budget and precept proposal for 2019/20 which was considered by the panel in February 2019.

Furthermore any decisions as to workforce mix and the allocation of available resource between police officers, PCSOs or other police staff are a matter for the chief constable to determine, in consultation with me, as the chief constable has operational independence under the legislation. The panel does not have any legal power or duty to scrutinise the chief constable.

Comment 6: That full powers to increase the precept had not been exercised by the police and crime commissioner and the contrary position this takes to the Summer Policing Bid

The 2020/21 policing settlement announced by the government on 22 January 2020 gave all police and crime commissioners the ability to increase the precept by up to £10 for a Band D equivalent property. In consultation with the chief constable I proposed a precept increase of £9.36 and detailed how that additional money would be invested in Devon, Cornwall and the Isles of Scilly. If the panel had agreed on their position on this matter then the power of veto should have been exercised, which would have required me to reconsider my position.

Conclusion

In summary I am deeply concerned at the way in which the meeting last Friday was conducted, in particular the factual inaccuracy of the voting record, the total disregard of the expert views of my two statutory officers and the treatment of senior police officers who had left important operational matters to attend at the request of the panel. There is no requirement for any of these officers to attend the panel.

I do hope that in future and to avoid confusion for the public that members of the panel take up any training that is offered to them by Plymouth City Council and provide robust and accurate records of their considerations. The training is an important opportunity to ensure that panel members are familiar with the rules under which the panel operates and of their own duties and responsibilities as members of this statutory panel representing their local authority.

In pursuance to the legislation I will be publishing my response on my website today.

Regards

A handwritten signature in black ink, appearing to read 'Alison Hernandez', with a stylized flourish at the end.

Alison Hernandez

Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly