

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE DECISION RECORD

To be completed in cases where a decision is required

DECISION OF POLICE AND CRIME COMMISSIONER

Date: 19/9/17

Officers present: Helen King / Angela Ferry

Received in OPCC Date:

OPCC Ref:

EX20023/17.

Title: Police Property Act – Transfer of Balance for use on PCC Prevention Fund Grants

Summary of Issue:

The Police (Property) Act 1897, as amended by the Police (Property) Act 1997 allows regulations to be made in relation to the disposal of property that has come into Police possession. This is where it is in connection with their investigations, where the property is unclaimed, perishable, or where it is too expensive or inconvenient to keep.

The regulations apply to:-

- a) Property which has come into the possession of the Police in connection with their investigation of a suspected offence where the owner of the property has not been ascertained and no order of a competent court has been made in respect of it.
- b) Property which has been forfeited by convicted persons by order of a court under the Powers of Criminal Courts Act 1973 being property used or intended for use for the purposes of crime.

The regulations direct that the property that they apply to may be either:

- Sold
- Retained or
- Destroyed.

However, the exception to this is where the property is perishable or its retention involves unreasonable expense or inconvenience.

In relation to a) above; the action decided upon cannot be taken in respect of property until it has remained in the possession of the Police for one year.

In relation to b) above; the action decided upon cannot be taken in respect of property until 6 months from the date of the court order. Alternatively where an application by a claimant of the property has been made within 6 months of the

order or where the offender has appealed against conviction or sentence (up until the point that the application or appeal has been determined), whichever is the longer.

The regulations allow property, as described above, to be to be utilised for Police purposes. For example, where it would be economically and practically unsound to sell an article on the one hand and then subsequently purchase a similar article at full market price or to be sold at public auction. Where property subject to the Police (Property) Act 1987 is sold, monies raised from the sale must be deposited into the Police Property Act Fund as soon as possible. Net Funds raised by disposal of property will be paid into the Police Property Fund. Items destined for disposal via auction will be managed by Evidential Property Officers and the funds generated there from will be entered in to the centralised fund, used for charitable purposes and distributed in accordance with the Police (Property) Act regulations.

At the Strategic Assurance Board meeting on the 10 January 2017 and as included within the PCC Budget and Precept for 2017/18, it was determined that the balance on the Police Property Act Fund and future receipts from this fund would be transferred to the PCC's Commissioning Reserve to contribute towards the funding of a small grants process to mainly voluntary and charitable organisations.

Together with the PCCs Commissioning Budget, these funds will create the sum of £250,000 per annum to fund grant awards made under the PCC Prevention Fund.

Details of the PCC Prevention Fund criteria, eligibility and grants awarded are provided on the Commissioner's website.

As at the 31/8/17, the balance on the Police Property Act is £115,488.25. It is recommended that the sum of £110,000 is transferred to the Commissioning Reserve for use towards the Prevention Fund Grants.

Future transfers to the Commissioning Reserve will be made later in the year, depending on the balance of the Police Property Act Fund.

Key discussion points at meeting:

The proposed transfer is in line with the agreed Budget and Precept for 2017/18 and future transfer will be made when appropriate.

It was resolved that :

The sum of £110,000 is transferred from the Police Property Act Fund to the Commissioning Reserve to contribute towards the PCC Prevention Fund Grants.

OFFICE OF PCC APPROVAL

Chief Finance Officer:

I have been consulted about the proposal and confirm that appropriate advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner

Signature: 

Name: HELEN KING

Date: 18/9/17

Publication Scheme

Decision of Monitoring Officer:

As Monitoring Officer for the Office of Police and Crime Commissioner for Leicestershire I have determined that :

It is appropriate to publish this record of decision made by the Police and Crime Commissioner : **Yes / Part Redacted / No**

It is appropriate to publish the contents of the assessment of the decision by either of the senior post holders in the Office of the Police and Crime Commissioner for Leicestershire (i.e. either the Chief Executive or Chief Finance Officer) : **Yes / Part Redacted / No**

It is appropriate to publish details of the decision by the Police and Crime Commissioner for Leicestershire : **Yes / Part Redacted / No**

Reasons for any non Publication (referencing appropriate legislation):

Not applicable

Signature 

Name ANGELA PERRY

Date 19.9.17

Police and Crime Commissioner for Leicestershire

Having received the advice set out above and reviewed relevant documentation my decision in regard of this matter is:

Supported / ~~Not Supported~~

Signature 

Date 19/9/17