

Police Accountability

Purpose of report

For discussion.

Summary

The government announced in the coalition agreement that they would be looking to reform police accountability by replacing police authorities with directly elected individuals. The Home Office's consultation paper 'Policing in the 21st century' published at the end of July provided more detail on how Police and Crime Commissioners would strengthen police accountability. This report outlines the government's proposals around Police and Crime Commissioners and the response to them by the LGA and WLGA.

Recommendation(s)

Members are asked to note the Policing in the 21st century consultation and discuss the LGA and WLGA approach.

Action

As directed by the Forum.

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Background

1. The agreement that established the coalition government included a commitment to replace police authorities with oversight of the police by directly elected individuals. Subsequently the government's legislative programme outlined in the Queen's Speech included a commitment to introducing a Police Reform and Social Responsibility Bill in the autumn, which will include provisions for reforming police accountability.
2. At the end of July the Home Office published 'Policing in the 21st century', which sets out in more detail the government's proposals for strengthening the link between the police and the public. This consultation document does not seek views on the best means of increasing police accountability. Rather it starts from the premise that police authorities should be replaced by directly elected Police and Crime Commissioners (PCCs), and sets out details on what this would mean, and seeks views on the architecture and structures surrounding the commissioners.

Police and crime commissioners

3. The Home Office proposes that commissioners are elected for each force in England and Wales in May 2012, apart from the Metropolitan Police and the City of London Police. Their role will be to hold chief constables to account, setting priorities in a local strategic plan for the force (which will have to comply with the Human Rights Act), setting the force budget and precept (though this would be subject to referendums as increases in local authority council tax are proposed to be), and appointing and removing chief constables. Other proposals around the PCCs include:
 - 3.1 Commissioners appointing a support team to assist them;
 - 3.2 Four year terms for PCCs, with term limits of two terms;
 - 3.3 A preferential voting system for the elections for PCCs;
 - 3.4 A duty to collaborate with other forces;
 - 3.5 Enabling powers to bring Community Safety Partnerships together at a force level;
 - 3.6 A role for PCCs in commissioning community safety work;
 - 3.7 Creating Crime and Policing Panels to provide checks and balances to PCCs drawn from councillors and independent and lay members;
 - 3.8 Subjecting PCCs to a power of recall where the Independent Police Complaints Commission (IPCC) has ruled that serious misconduct has taken place.

The LGA response

4. The LGA responded to the 'Policing in the 21st century' consultation on behalf of English authorities outside London as both the WLGA and London Councils submitted their own responses to the proposals. We have since 2008 argued for greater police accountability and the removal of centrally set targets so the police could concentrate on local crime and anti-social behaviour priorities. Our response therefore agreed with the government's intention of giving the public a greater say in how their streets and neighbourhoods are policed. However the LGA does not believe the best way of strengthening police accountability is through the introduction of directly elected individuals, and has developed an alternative model for improving police accountability which was published in July and can be found on the LGA website at:
<http://www.lga.gov.uk/lga/aio/12504618>
5. The LGA's main concern is that changing police accountability structures in this way will fragment local partnerships and make the local budgets the LGA has been lobbying for more difficult to operate. Both are necessary in the LGA's view to reduce crime and reduce policing and community safety costs. Our response also expressed concerns at the ability of PCCs to hold chief constables to account given that they will have no greater powers than police authorities and the Home Office is committed to protecting police operational independence.
6. Other concerns raised in the LGA response to the consultation included the ability of the Police and Crime Panels to hold PCCs to account, with their only power being to trigger a referendum on the PCC's budget, and the limited ability of the public to recall a PCC, as the recall could only be exercised after an IPCC investigation. In addition the LGA argued against the PCC having a separate role in commissioning community safety activity, calling instead for joint commissioning through local budgets, and also called for the existing crime and disorder scrutiny provisions to apply to PCCs so that councils and councillors have a means of holding the PCC to account for policing in their communities and neighbourhoods. The full LGA response can be found at:
<http://www.lga.gov.uk/lga/aio/13876205>

The WLGA response

7. The Welsh LGA submitted their own response to the 'Policing in the 21st century' consultation. Like the LGA the WLGA is supportive of moves to increase police accountability and make the police more responsive to local people. The WLGA though in their response have strongly opposed the plans to replace police authorities with PCCs, taking the view that in Wales there is already a strong connection between the police and the public and the PCCs will not deliver improved accountability as the current system of accountability is not broken. With the impending spending cuts the WLGA also argue that it is not an appropriate time to undertake such fundamental change.
8. Again like the LGA the WLGA have concerns about the impact PCCs will have on partnership working and the possibility that this could undermine work to

tackle crime. Other WLGA concerns include the cost of electing the PCCs, the costs of referendums on police precepts, and the fact that in Wales, police authorities have a high degree of recognition amongst the public. A recent survey by the Police Authorities of Wales found that 97 per cent of those surveyed either agreed or strongly agreed that they had heard of police authorities, with 82 per cent agreeing they knew what a police authority does. Additionally WLGA are concerned at the powers and responsibilities that will be placed in the hands of one individual, and would like to see the Police and Crime Panels have responsibility for setting the police precept and budget. WLGA have also raised questions over the ability of one individual to engage with the public in contrast to the number of members on police authorities especially when it comes to the more rural areas of Wales. The WLGA response can be found in full at:

<http://www.wlga.gov.uk/english/equalitypublications/wlga-consultation-response-policing-in-the-21st-century/>

Conclusion and next steps

9. Having submitted a response to the Policing in the 21st century the LG Group will be looking to influence the government's proposals for improving police accountability through parliamentary lobbying around the Police Reform and Social Responsibility Bill when this is introduced this autumn.

Financial Implications

10. There are no additional financial implications arising from this report.