

Review into the role of Police and Crime Commissioners (part one) – LGA response

September 2020

1. About the Local Government Association (LGA)

- 1.1. The Local Government Association (LGA) is the national voice of local government, and our members include councils and fire and rescue authorities, including Police, Fire and Crime Commissioners. We work with our members to support, promote and improve local government.
- 1.2. We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils, so they are able to deliver local solutions to national problems.

2. Key messages

- 2.1. Two terms after the model was introduced, there continue to be mixed views among the Local Government Association's membership about the merits and value of the Police and Crime Commissioner (PCC)¹ role. However, the LGA welcomes the opportunity to contribute to this review of the PCC model, particularly in light of both the delay to the 2020 elections and the Government's ambitions to broaden the PCC role.
- 2.2. We agree that the focus should be on making sure that there are appropriate and consistent checks and balances in place to ensure the effectiveness of the role. Additionally, more work is needed to raise awareness of the PCC role, give the public the tools to judge performance and by doing so ensure genuine democratic accountability at the ballot box.
- 2.3. The PCC model beyond the core policing role should be flexible, reflecting that what is right for one area may not be appropriate for others, depending on local circumstances and other governance structures. We do not believe that there should be forced mergers of fire and policing governance; transfers of fire governance should only take place where there is local agreement (as in Essex and Northamptonshire). Where there is no local agreement, if the Government still intends to proceed with contested business cases, we believe that the process should include an assessment by an independent panel.
- 2.4. We would support the introduction of an inspection of governance as part of Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) inspection regime, to provide a baseline for assessing the effectiveness of governance within the fire sector.
- 2.5. Police and Crime Panels provide the key scrutiny and accountability mechanism for PCCs outside of the four-yearly election cycle. There is therefore a need to ensure that PCPs are properly supported to fulfil this

¹ In this response, the term Police and Crime Commissioner should be read as including PCCs and where appropriate Police, Fire and Crime Commissioners.

function, in terms of recognition of the importance of the panel's role, ensuring they have the tools to fulfil it, resourcing and wider support. Many councils are subsidising the work of their local panel and, for those panels claiming the full amount of their grant, there should be an increase in funding to enable councils to adequately run, support and train members of PCPs, rather than subsidise this from other budgets. Any underspend in the overall PCP grant budget should be used to fund activity to support the wider network of PCPs.

- 2.6. Although panels have a wide remit of scrutiny, many remain concerned that they do not have the tools to effectively hold their PCC to account, and that there is a case for looking again at the tools available to panels in terms of their complaints role.
- 2.7. However, the key determinant of a panel's influence with the PCC is often the nature of the relationship between the panel and the PCC, alongside the receptiveness of the PCC to the role of the panel. The Home Office should consider how training and membership requirements could be used to help strengthen the work of panels, as well as ensuring that it consistently emphasises the importance of the role of panels rather than downplaying it. The LGA would be pleased to discuss options for strengthening the support provided to panels.
- 2.8. Looking ahead to part two of the review, there is a need to assess and clarify how PCCs are expected to work alongside Community Safety Partnerships and Violence Reduction Units, in an evolving and increasingly complex community safety landscape, particularly given that forthcoming legislation (the Domestic Abuse and Serious Violence Bills) will place a significant emphasis on CSPs, and with CSPs reliant on PCCs for some of their funding.
- 2.9. As part of this assessment of community safety governance, we would welcome further consideration of the balance of statutory responsibilities and expectation, relative to the way in which funding for victim support is routed between councils and PCCs in issues such as domestic abuse. We also urge the review to consider the need to increase the transparency of commissioning/ de-commissioning by PCCs and strengthen approaches to funding, with an emphasis on consistency and longevity of services and sustainable multi-year funding streams. This will help prevent duplication of efforts across different partners in the community safety space while also helping to build resilience in the services delivered by local partners.

3. Detailed response

- 3.1. We have set out below our responses to the key research questions for part one of the review.

How to reinforce and sharpen the accountability of PCCs to the communities they serve, including how to raise the profile of the PCC model and improve the ease with which the public can access information about their PCC.

- How effectively do PCCs engage the public?
- How do we ensure the public can more easily hold their PCC to account at the ballot box, for reducing crime and delivering an effective and efficient police force?

- 3.2. The majority of PCPs report that their local PCCs have worked hard to try to engage the public in their work through a variety of different approaches including public meetings and Q&A sessions, engaging with the local media and extensive use of social media such as Twitter and Facebook: PCC grant schemes were also felt to be a good way to engage the public on the issues they are concerned about, with community groups able to apply for grants to improve community or road safety. However, despite PCCs' clear remit in policing and efforts to ensure the visibility of this role, it was felt that many people are only likely to engage with the role when they have a specific interest in doing so.
- 3.3. While it is the public's democratic right not to engage unless they wish to, low voter turnout for PCC elections remains a concern. The Government should consider the scope for national awareness raising efforts ahead of the rescheduled PCC elections in 2021 to help promote a higher turnout and by extension greater democratic legitimacy.
- 3.4. To support voters in making informed decisions at election time, consideration could also be given to how to make standardised information about the performance of the PCC and local police based on work by HMICRSA, as well as reports from PCPs, more easily accessible to local residents.

How to ensure that PCCs have sufficient resilience in the event that they cannot undertake their role, by considering existing arrangements for appointing Deputies.

- Is the current model resilient enough to hold up when things go wrong?
- 3.5. Some concerns have been raised about the resilience of a PCC model in comparison to an authority model, in the event that the PCC is incapacitated. However, there are different views on whether all PCCs should be required to appoint a deputy PCC. Some panels feel that this is desirable, or that a deputy PCC could be elected alongside the PCC, while others feel that the current model works satisfactorily. The LGA does not have a specific position on this issue.

How to improve the current scrutiny model for PCCs, including the provision of common quality standards and considering the role of Panel chairs.

- Are the right checks and balances in place to make PCC-led accountability work?
 - Do police and crime panels have the right skills, tools and powers to hold PCCs to account?
 - Should a system of recall be introduced for PCCs, and if so, what should be the trigger mechanism?
- 3.6. PCPs provide the main check and balance on PCCs during the course of the four-year PCC term. In many areas, PCCs and PCPs have developed strong, collaborative relationships, to the benefit of the work of the PCC and overall benefit of local communities. However, in other places, there have been challenges, in part relating to the lack of a shared understanding of the role of PCPs. The LGA has previously received queries from members of staff in PCC offices questioning whether a PCP is permitted to question the PCC on a particular issue, or require them to attend a panel meeting, suggesting a lack of understanding of the breadth of the PCP's scrutiny role. The Home Office could do more to reflect and acknowledge the important role of panels

to help ensure there is consistent understanding of this among all stakeholders. HMICFRS should consider how it could engage with panels in carrying out its own work to assess policing governance (matters?).

- 3.7. Alongside this, there are steps that could be taken to help strengthen the work of panels. The requirement for political balance, coupled with differing electoral cycles in councils in panel areas, can lead to regular churn in panel membership, yet in any field of scrutiny – whether local government, policing, or school governance – experience helps to develop skills and competence. The Home Office should consider whether there are options that can blend the need to secure political balance over the duration of the PCC’s term of office while at the same time seeking to reduce this churn.
- 3.8. Consideration could also be given to the development of tools such as consistent training content, guidance and skills audits to help develop and extend panel expertise. In relation to independent panel members, we would also support panels having more flexibility in being able to co-opt additional members to respond to any skills gaps, rather than having to seek Home Office approval to do so.
- 3.9. The handling of police complaints has changed in recent years, but a consistent concern from panels has been that they do not have the tools to adequately manage complaints made against the PCC . Although a Home Office review on this several years ago committed to the development of guidance on complaints handling, this has yet to be produced, and many panels continue to argue that the power to investigate complaints would enable them to undertake their complaints function more effectively.
- 3.10. Although the LGA itself commissioned updated guidance for PCPs in 2019, which covered complaints handling, we urge the Home Office to work with panels to consider how effectively the complaints process is working, and whether further, specific guidance is still necessary.
- 3.11. Although panels have a broad remit to scrutinise the work of the PCC, many have highlighted the limitations in their powers to require PCCs to respond to a panel’s concerns. The panel’s power of veto is a clear illustration of this, with panels able to veto the PCC’s first proposed precept, or proposed appointment of a chief constable, but then powerless to require changes beyond this, even, if in the case of the precept, the PCC makes only minor changes. Some panels have therefore suggested that the power or veto could be strengthened to include a second power of veto, or requirement for majority panel support following an initial veto. The idea of pre-scrutiny of major decisions by the PCC has also been proposed.
- 3.12. Since their inception, panels have consistently raised concerns that the funding provided by the Home Office grant does not support the effective resourcing of panels. While many councils have subsidised the work of panels, typically through the provision of panel support officers, some have also not claimed their full grant entitlement.
- 3.13. The LGA would support consideration of a grant increase for those panels that are claiming their full grant entitlement. However, we also believe that there is a case for using the underspend on the overall grant funding pot to support measures that can be put in place to support all panels. The LGA’s sector led improvement model could be utilised to support the development

of consistent tools and approaches across panels, and we would be happy to work with the Home Office to explore the scope for work in this area.

- 3.14. The LGA supports the objective of ensuring the highest standards of integrity and conduct among all elected officials and works with our member organisations and councillors to promote conduct and leadership that is in line with the seven principles of standards in public life. We believe that there is a strong case for taking a consistent approach in how standards issues are managed across different types of elected officials. There is therefore a rationale for applying the same model of recall to Police and Crime Commissioners as currently applies to Members of Parliament, based on the same set of triggers; however, any recall process for PCCs would also need to reflect the role of PCPs in the existing suspension process.

The effectiveness of the current PCC and Chief Constable oversight dynamic, including consideration of the process for the suspension/dismissal of Chief Constables and reviewing the Policing Protocol.

- Are PCC powers around the removal and appointment of chief constables correctly calibrated?
- Is the balance right in the PCC/CC relationship? And what changes might be needed to the Policing Protocol?

- 3.15. The LGA does not have specific insight on these questions.

Whether any steps are needed to strengthen accountability or clarity of roles within the mayoral PCC model, learning from the transfer of PCC and Fire & Rescue Authority (FRA) functions to mayors. This will lay the foundations for our longer-term ambition to increase the number of mayors with responsibility for public safety, which will be outlined in the forthcoming Local Recovery and Devolution White Paper.

- What do you see as the strategic benefits of having a single, elected and accountable leader, who is responsible for a range of public safety functions?
- What are the opportunities and issues with transferring PCC and FRA functions to mayors?
- What are the lessons learned to date from transferring PCC and FRA functions to mayoral models?

- 3.16. The LGA believes that the mayoral model should be implemented only where there is local agreement to do so. Where the PCC/mayor role is joined up, there is a need to ensure that a single elected representative has appropriate capacity to fulfil their role, and that robust scrutiny mechanisms are maintained: some concerns have been raised about the capacity of PCCs to undertake fire on top of their policing remit, especially if it is expanded into new areas.

How we set out our long-term ambition on fire governance reform ahead of the May 2021 PCC elections.

- What are the benefits and challenges of the current model for transferring fire governance to PCCs?
- How can we strengthen the accountability and transparency of fire governance?

- How can we strengthen and clarify the distinction between strategic and operational planning in fire?
 - Could governance change help maximise collaboration between policing and fire?
 - What are the benefits of having a range of services and strategic planning under one elected individual?
- 3.17. The LGA believes it should be for local areas to determine how they are governed. Transfers of fire governance to PCCs should only be made where there is local agreement to the transfer: we do not agree with mandatory transfers of governance. It is right that there is an opportunity to challenge and discuss the transfer of governance at a local level so that there is assurance that the community will receive the service that is right for them and issues around coterminosity can be considered from the outset.
- 3.18. By ensuring that there is local support for transfers, this will lead to better partnership outcomes and joined up working across a local area. Local determination also allows for consideration to be made of the other partnerships maintained by the fire and rescue services, for instance with adult social care or ambulance services.
- 3.19. Where there is no local agreement and a PCC proceeds to submit a business case to the Home Secretary for determination, there should be clear guidance for how to evidence the tests of economy, efficiency, and effectiveness or public safety. Once the business case has been submitted an independent panel should examine the business case and consider the tests of economy, efficiency and effectiveness or public safety. The panel should include expertise in fire, policing, local government and finance to look at the different elements of the business case. An independent panel with expertise in a range of subjects would ensure that the decision on the business case was robust and less open to challenge, as has been the case previously.
- 3.20. The LGA has welcomed the reintroduction of inspection to provide scrutiny of the role of the fire and rescue services and help to identify further activities to strengthen services. A similar process could be introduced for fire and rescue authorities including PFCCs to ensure greater transparency to local communities. HMICFRS has started to work on the creation of a governance inspection, and we would support this inspection process being rolled out across the fire sector. This would provide a baseline for examining governance and could strengthen transparency for the sector. Although they are not directly elected to the specific role, FRAs are locally accountable politicians and therefore they are accountable through the ballot box, in a similar way to PCCs.
- 3.21. The respective roles of chief fire officers and fire and rescue authorities are clear. Fire and rescue authorities hold the legal responsibility for services, including the assets and budgets as well as being the employer. Chief Fire Officers provide their professional expertise to FRAs to ensure that FRA members can make strategic decisions, and then implement these decisions in the day to day management of the service, in a similar way to council Chief Executives. The LGA and National Fire Chiefs Council are committed to working together on the principles that underpin good decision making in the fire sector, highlighting the distinct roles of both the professional and political leadership. We do not feel that further legislative change is necessary but training would ensure that there is a clear

understanding of how the professional and political leadership work together to run the service.

3.22. Collaboration agreements were a part of the Policing and Crime Act 2017 that introduced the ability for PCCs to take on fire governance. This provision means that FRAs have to keep under consideration all opportunities for collaboration with other blue light services. We understand that a variety of FRAs are already undertaking joint work with the police, regardless of their governance. Examples include joint fire and police stations and headquarters, joint community safety teams, tri-service officers etc.

3.23. The fire and rescue service also collaborates with a wider range of partners as well as the police. The recent tripartite agreements during the Covid-19 pandemic show the broad range of work that fire and rescue services undertake at a local level supporting a broad range of partners, including adult social care, the NHS and the ambulance service. It is important that local areas are able to retain the flexibility to enter into partnerships and collaborations that suit their local areas needs.

4. Other issues

4.1. Although part one of this review is primarily focused on accountability and standards, we would like to highlight two issues which we believe should be a focus in part two of the review. At the strategic level, the review should consider how the links between PCCs and councils should be strengthened. Tackling reoffending does not happen in a vacuum and the relationship to services such as housing, education and skills, mental health services is critical, but could be improved.

Partnership working

4.2. PCCs and Community Safety Partnerships (CSPs) both work on a wide range of community safety issues; including domestic abuse, anti-social behaviour, modern slavery, burglary, county lines, knife crime etc.

4.3. Since PCCs were created, there has been an expectation that CSPs will work closely with their PCC in order to identify local crime types and assess what resources/ actions are needed to address these challenges locally. The Police Reform and Social Responsibility Act 2011 outlines that due regard should be paid to the others' priorities in both PCC and CSP plans and includes a duty to co-operate.

4.4. Ideally, both the PCC annual plan and CSP should be closely aligned, reflecting the key trends/ priorities of the local area. It is important that PCCs work with existing partners and structures when constructing their Police and Crime Plan, crime reduction strategies or specific crime type strategies. Engagement and consultation is key to ensuring consistency, effectiveness, and co-ordination. Where there are existing plans that are fit for purpose, duplication should be avoided.

4.5. In recent years there has been an increasing shift in the focus of CSPs from volume crime to assessing threat, harm and vulnerability. A renewed focus on CSPs, either directly or as related partnerships, has been driven by a mix of central Government priorities and local need around "new" key risks – for example counter terrorism, serious and organised crime, serious violence, modern day slavery, counter extremism, county lines, child sexual

exploitation etc. There have also been some changes in the wider partnership landscape i.e. Children's Safeguarding Boards

- 4.6. In 2019, the Government introduced Violence Reduction Units in 18 police force areas. We understand that some VRUs are closely linked with the PCC and local CSPs, but there is some disparity in areas and partnership working could be stronger.
- 4.7. Through the introduction of the Serious Violence Strategy and during the COVID-19 response, there have been various funding pots made available to PCCs to bid into. There has been an emphasis on working closely with local CSPs when submitting a bid, but this does not happen consistently; the Home Office should reinforce the need for jointly supported local bids.
- 4.8. In this complex and sometimes crowded landscape, there is a need for clarity on how PCCs, CSPs and VRUs are expected to work together, given the overlapping, but diverse range of community safety issues they cover and the varied funding streams available to different partners. The need for guidance on this to support better alignment by VRUs with existing statutory functions and partnerships was also highlighted in the Home Office's recent evaluation of VRUs. With forthcoming legislation expected to amend the role and remit of Community Safety Partnerships in the future, it will be important for PCCs and relevant partnerships to have clearly defined roles and ways of working. There should be an emphasis on strong partnership working and joint decision-making as the default position, including in relation to funding bids.

Funding and commissioning

- 4.9. Following the enactment of the Police Reform and Social Responsibility Act 2011, Government funding of Community Safety Partnerships was moved across to PCCs. This has resulted in a varying picture nationally, with the cessation of grants to many CSPs. From 2014, the majority of support services for victims provided at a local level went via PCC budgets rather than CSPs.
- 4.10. The PCC therefore has a valuable role as the local victims champion, providing grant funding to key areas of crime and disorder reduction. To do this effectively, it is important that PCCs and their offices work closely with local community safety partners to agree shared priorities, collaborative ways of working, and ensure that funding is routed to address local crime issues in a way that builds resilience across local services and partners.
- 4.11. We have some concern that in areas such as domestic abuse, there is a mismatch between the statutory responsibilities which are placed on councils and the fact that funding to support domestic abuse services is typically being routed through Police and Crime Commissioners. As noted above, the level of partnership input to PCC bids for funding is variable, and the Home Office should ensure that funding opportunities are aligned with where new responsibilities are being created. The review could also consider funding for victims of modern slavery, who may often need support that does not fit neatly within existing council services (or eligibility).
- 4.12. The introduction of Violence Reduction Units has created an additional vehicle for commissioning services, that (in some areas) sits wholly separate to the Community Safety Partnerships work. It would be useful for all commissioning / de-commissioning of relevant community safety services to

be discussed between partners. Consideration could be given to a requirement for PCCs to undertake a needs assessment to help frame the approach to commissioning / decommissioning and grant decisions across their term of office. This would help support consistent and transparent commissioning processes and procedures and provide clarity for local partners.

- 4.13. The review should consider how a more consistent commitment to the provision of longer-term funding of specialist services can be embedded across PCCs, rather than short term 'quick win' style funding of 12 months. While some PCCs are very open to providing two to three years of funding, others continue to fund for six-twelve months.
- 4.14. This can be problematic because short term funding can undermine the resilience and effectiveness of services which need to build trust and relationships with those who are vulnerable and make sustained changes to support a victim's journey and to build partnership working. Longer term funding commitments would facilitate producing three-year strategies for issues such as domestic abuse, providing much needed stability particularly regarding staffing and commissioning arrangements. The Home Office should also continue how its own funding opportunities can support a longer term approach to developing services.
- 4.15. It should also be best practice to share evidence and evaluations of the outcomes and results of commissioned or grant funded services by the PCC, with existing partnerships and the Police and Crime Panel.

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