

# **'In For Questioning'**

*a discussion paper on*

**the role of police authorities in policing accountability**

from the

**SOLACE**  
**'Policing'**  
*special interest group*

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***“Police are the first and greatest blessing of a people”***

Menes, Pharaoh of all Egypt, first Dynasty

**INTRODUCTION**

Policing is not a new activity. Ours is not the first human society to wonder how best to organise it, but modern media allow closer attention and wider discussion than ever before. As any nightly television schedule shows, it has become the staple of both the British public's entertainment and its concerns. Policing is a public priority.

The role of those public institutions responsible for delivering that service and policing a democratic society, whether through strategic governance made by police authorities and departments of state or actual operational policing carried out by professional police officers, is often questioned by politicians, pressure groups and (sometimes) even the public themselves. Rightly so.

Such challenges, provided constructively made, are healthy and important to keeping our public services and their very accountability itself up to the mark.

Police authorities will say they take their responsibilities very seriously indeed. Theirs is an important oversight role. They are the people – ordinary people selected from and acting on behalf of the public – who (not just in public but also behind the scenes) obtain a real accountability from senior police commanders for their approach to policing. Every day. An accountability which is key element in so much of what police forces and police authorities achieve, to both sides of the discussion.

However, police authorities and the 17 to 23 ordinary people drawn from the community who comprise their members are hardly complacent. They are always willing to explain further. When these issues are raised, it becomes their turn to render account, and publication of the Government's Green Paper on policing only intensifies these questions about obtaining accountability.

For all police authorities, their members and officers, it represents a proper line of questioning; one where they will always stand willing to help the police - or the public - with their ongoing enquiries.

## Executive summary

That all public bodies need to be both visible and accountable is a given. This new paper from the recently-formed **SOLACE (Society of Local Authority Chief Executives) 'Policing' special interest group (SIG)** looks at the role of the Police Authority from the particular perspective of those public officers whose job it is to provide Police Authorities with professional advice and assistance. It also looks at the background to Police Authorities, how they were established and how relevant they are as part of the wider public sector family today.

Some commentators claim Police Authorities as weak, with little or no impact on the delivery and outcomes of Policing. They may include the **Local Government Association** in its recent "**answering to you**" document, or papers like "**Getting to the heart of local accountability**" issued from the **LGiU** (Local Government Information Unit – founded by David Blunkett in the 1980s) or "**A New Beat**" published by the **IPPR (Institute for Public Policy Research** – describing itself as a '*UK think tank with strong ties to the Labour Party*' ) as well as the Conservative Party's avowal of the transatlantic concept of "elected police commissioners".

This paper looks at some of the real successes of Police Authorities and looks to identify where Police Authorities demonstrably add value to the relationship between the police, citizens and the state.

Improvements can always be made. Police Authorities will always greet those improvements in policing performance by being pleased...but never by being satisfied. There is a contribution about improving local accountability and being at the forefront of making sure that improvements are introduced – just as we have seen those real improvements in policing delivery actually happen.

### Background to Police Authorities

Part of what follows will be about how modern police authorities came about. As we said, policing is something all societies have always had to deal with, as they established themselves and identified what codes of behaviour should govern interaction between citizens, or between citizen and state. A code of laws and guardians to those laws, to enforce them. **But who will guard the guardians?**

In England and Wales it is **police authorities**, but they are more than just general oversight bodies. We will give examples of how they have helped deliver impressive improvements in force efficiency, whilst the performance scrutiny and active involvement of police authorities contributed not just to exceeding targets set in Government's last Spending Review but doing so a year early.

We will show that Police Authorities work to assist the **development of change** by supporting new working practices. In those challenges to established practice where Police authorities have been drivers in the modernisation of the Police Service, such as the introduction of **PCSOs** or more effective use of civilian staff.

Whilst police themselves respond strongly and professionally to increasingly-complex challenges in the field of **serious organised crime** and threats faced from **international terrorism**, we will show how they have been supported by their Police Authorities, so many of which have in turn received direct mandates from local people to ensure local precept levels are set at sufficient levels that local police forces are adequately resourced to **make local communities safe to live in**.

## **Myths and legends**

Finally, this review will look to correct some misconceptions and inaccuracies growing up around Police Authorities as a result of recent commentary and will invite a wider opening-up of opportunities for more-informed debate.

Yes, we do need **strong and robust mechanisms for police accountability**. No argument. A clear role for those bodies which can and successfully do hold their Chief Constable to account whilst at the same time providing moral and ethical support. Key elements working together in making sure that - within the United Kingdom at least - our Police Forces do truly remain as “citizens in uniform” answerable not to the State but to local people.

What we are arguing we should not do is blindly to follow superficially-attractive models set up to operate in other areas of the public sector - or in other parts of the world - without giving the most careful consideration to real but distinct problems which they in turn will surely create for us. Ethical and practical problems which most sensible people would concede should never needlessly be imported.

The English and Welsh system of local government is itself a multiplicity of models and provenance - from elected assembly to district, parish and town councils – where for every variant, community safety is at least the same key priority and obtaining local ‘answerability’ for policing expected.

We do need to discuss (in some pretty hard conversations) just how we want to make sure that there is the chance for all of these stakeholders to have their say. We do also know that most Police Authorities and their constabularies work across a number of local authority boundaries, that they all have a mixture of elected and independent members, and that the outcomes of their impact on the improvement in standards of policing are high.

If alternatives are to be contemplated, then adopting regional variations and trialling them through pilot schemes is something the authors of this paper would very strongly urge, if we are to make sure that no mistakes are made. Happily, we have the ideal means for ‘*road testing*’ such ideas immediately at hand.

They are called **Police Authorities**.

Talk to us about **diverse accountability and community engagement models** we are piloting and developing with our local partners and stakeholders.

See your own views, about a complex process for overseeing the indispensable and courageous custodians of our own laws, evolving the more you find out.

Look again at the possible alternatives.

**In the end, it’s a matter for you.**

## WHAT DO POLICE AUTHORITIES DO FOR US?

Police authorities are independent bodies charged with the responsibility for monitoring and overseeing local policing. Under **section 6** of the **Police Act 1996**, they are charged with the statutory duty of “**securing the maintenance of an efficient and effective police force for their area**”.

Every local police force has an associated police authority to go with it, even those non-geographically-based police forces like the British Transport Police or the Civil & Nuclear Constabulary. There are **44** authorities in England, Wales and Northern Ireland; while Scotland has 6 joint police boards and 2 police authorities. Police authorities usually have **17** members (more in some larger or metropolitan areas) of which **3** (until October 2008) still are magistrates, **9** are local councillors and **5** are independent members.

Police authorities provide a key and authentic link between the police and their communities. They are a primary mechanism through which local scrutiny of, and much accountability for, policing occurs. Although they have important **executive functions** (including setting force **budgets** and the overall strategic **direction** for policing in their areas) police authorities have a **crucial scrutiny role** in holding chief constables to account for their delivery of policing services and monitoring local police performance more broadly. The primary means by which local scrutiny of how well the police force is performing is obtained is through the police authority's **strategy plan for policing**, which outlines their **local policing priorities** and **targets** for the coming years. The authority then monitors these and reports back to the community on performance, as against their locally set policing requirements.

Police authorities also have a **statutory duty to consult the public** before setting policing **objectives**.

They stand as the **owners in law** of all the force's buildings and **land**; as the **corporate procuring body** in which all purchasing is carried out and invoiced; and are the **employer in law of all police staff** with oversight responsibilities for their **health and safety**. (But not of constables, who hold individual office under a personal oath of loyalty to the Crown).

And don't forget what is probably the **single most important job of all** which police authorities ever do – their **appointment of the Chief Officer** teams themselves. An occasion where local, independent people who know their patch to come together to use local knowledge and understanding to choose a senior commander best fitted to the particular aspirations of their Authority and the peculiar operating conditions of their force area.

A **key responsibility in setting the whole tone for policing**, whose only public recognition of success is perhaps found in the ordinary constable out on the street who might say “*We're impressed with your new appointment - the force thinks the Authority's done well for us*” ...or the district councillor who mentions during a meeting: “*I met your new Chief last week – she's really good!*”

## **ACCOUNTABILITY and ANSWERABILITY; LOCALISM -v- CENTRAL CONTROL**

One of the major challenges currently being presented to the role of police authorities is about ensuring the demands of **localism** are aligned with the **strategic overview** needed if **Chief Constables** are effectively to be held accountable for the modern range of policing services delivered, within a local democratic framework.

In responding to that challenge, we must also acknowledge how much of this debate has to be based on how things are perceived, not necessarily how they actually are. This is an increasingly important feature of assuring legitimacy in policing.

Whatever good is actually achieved behind the scenes, it is apparent that a clear understanding of the current statutory arrangements regarding the roles and responsibilities of Police Authorities is not something widely present in society, or in the media. Perhaps it never will be. This is as much evident from certain infelicities included within some of the recent **LGA** or 'think-tank' documents as it is amongst the many ordinary members of society who rely upon what authorities do.

Recent messages from Government can also appear contradictory: On the one hand and privately, civil servants will say the **Home Office** does not want to give up power to local government but, on the other hand, and within the context of important public statements of principle like the **Queens Speech**, achieving local accountability, citizen empowerment and decision-making transparency is frequently expressed as a central plank of government policy. That these pronouncements respond to uncertainty over the prevailing political mood is not unlikely. but that they are made by government and HM Opposition alike without a clear vision may be reflected in the hidden expense, obvious impracticability, and sheer lack of definition underlying so many legislative proposals mooted by any political party, too many of which overlook the binding law of unintended consequences.

### **WHY HAVE THESE ARRANGEMENTS?**

***“One thing is on my mind to say and I must say it... There are a number of men in this city, not by any means devoid of money or influence, who met periodically and conspired together to thwart all the forces which made for righteousness in the city... I have not been afraid of these men, I have not been influenced by them and I thank the committee for their kindnesses”***

***(Major Poultney Malcolm on his resignation as Chief Constable of Hull, 1910)***

Historical context is important in showing us how we got here.

For centuries past and - as any modern public consultation will still show us today (taking the **2008** London Mayoral elections as example) - '**Crime and Disorder**' stands right in the spotlight as a significant issue of public concern, always ripe for political debate. Its local suppression is fundamental priority to policing and its absence was defined by **Sir Robert Peel** as a positive signal of effective policing. However, its inevitable local focus must not allow us to lose sight of bigger and more strategic responses to crime. At the same time, another associated political debate will centre around who has the actual control or else who should hold chief constables accountable for their service delivery of policing to the public. In this enduring debate, it is natural that subtle ideas of democratic accountability become temporarily confused with modern buzz words like "citizen empowerment" - but these are by no means the same thing.

Where an ancient and self-centred '**Watch Committee**' of shop-keeper burghers and justices of the peace once organised those men whom Shakespeare's '*Dogberry*' epitomised; that '*Dad's Army*' of Tudor public safety whose sleeping sentries guarded the town walls or elderly constables patrolled its members' shops; it took centuries of further decline in borough protection before men of vision and integrity like Fielding could form his '*Bow Street Runners*' and longer yet before the real '*bobbies*' or '*peelers*' arrived with Sir Robert Peel's **1829** foundation of proper, locally-based police forces.

(An arrangement presaged by the **1827** Carlisle City force by two years, proud also to count on its rosters Britain's very first black police officer – **John Kent**).

For **Sir Robert Peel**, policing was merely the formalised organisation of duties and responsibilities which every individual person already owed to their own community to contribute towards the maintenance of law and order. 'Police' came from the Greek word '*polis*' – 'of the city' - and the police themselves were just citizens in uniform directing themselves full-time at priorities which were everyone's. (Direct instruments of the State's will they were not).

Once these bodies were founded, and like any other element of human organisation, it would be naïve to imagine a steady history of continuous improvement. Not all change was to the good.

By **1964**, it had taken the full weight of a **Royal Commission** and that year's **Police Act** to break up those pockets of civic self-interest or venal corruption which, during the intervening century, turned borough police forces like Brighton's – rightly or wrongly – into a by-word for corruption and graft or else drove the Chief Constable of Kingston-upon-Hull to tender his reluctant resignation some 50 years before. Malign forces which Commissioners like **Sir Robert Mark** were still having to fight in London amongst a minority of their officers during the **mid-1970's** and beyond.

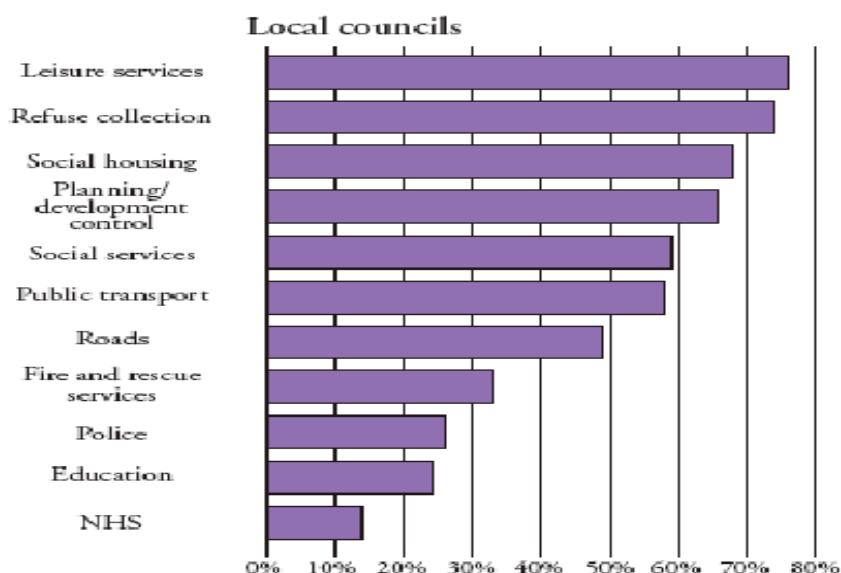
Thirty years on from the Police Act, it was only as recently as **1994** that The **Police & Magistrates Courts Act** could finally break the governance of policing free from local government for good, as police authorities became free-standing public authorities in their own right under the **Local Government Acts**, a significant statutory status which Parliament only saw fit to further reinforce when it passed The Police Act 1996 and, ten years later, **The Police & Justice Act 2006**.

One of the great virtues of that split, aside from gaining vital independence and security for the funding and direction of policing, lay in how it enabled the members of the free-standing **Local Government Act** public authorities it created to concentrate wholly on policing, rather than treating it as just one amongst a host of pressing and distracting issues, from child-care to education to highways, clamouring for their attention, money, and decisions.

Surprising then, only two years on from those decisive reinforcements of authorities' roles found in the 2006 Police & Justice Act, in **2008**, to find the **Local Government Association** and associated 'think tanks' launching a sudden fleet of calls for the governance of policing to be recalled safely back within their stewardship. If so, it is natural (from our professional perspective) respectfully to question whether local government has been so successful with its current portfolio (whether bin-collection, on-street parking, or environmental improvements) as could properly merit its now taking over responsibility for suppressing and detecting crime too? **Would public reassurance over crime survive, and is it what people want?**

The answer, it appears, is a resounding 'no'.

This **LGA** proposal to revert back to the old model is quite clearly one set against the express wishes of the greater public. **The Lyons Inquiry (March 2007)** being the catalyst for **'Place-shaping: a shared ambition for the future of local government'** reported that less than a third of people wanted policing under local council control.



(Source: Lyon's Inquiry Survey)

Aligned to this, the **Lyons Inquiry** also reported how much Local Government as an institution suffers from problems with public trust, and to what extent the public are less likely to trust their local councils than other local public sector organisations, such as local hospitals or the local police force. In **2003**, 48% of survey respondents did not trust their local council *'very much or at all'* compared to 18% for local NHS hospitals and 24% for the local police force. Yet it must still be right for commentators to mention that police authorities have been no unalloyed success either.

Not that police authorities are the large, monolithic bodies which so many imagine; which their title, corporate legal status, nominal ownership of the police estate and even more nominal employment of police staff under the direction and control of the chief constable might suggest to the less-informed reader.

Fact is, apart from a few metropolitan heavyweights, police authorities are frequently **small, modestly-funded organisations with less than half a dozen staff**. Public bodies reluctant to divert cash and resources from front-line policing into further back-room administration. Bodies equally reluctant to spend public cash on too-loudly advertising the more intangible pursuit of public accountability for policing behind the scenes, who must stand guilty as charged for failing to attract public interest, understanding or enthusiasm through whatever advertising they do place.

This does not mean they are bad or unprofessional at what they do, even if not many ordinary people and too few politicians realise just what that actually amounts to. (Or feel the need to enquire). But reluctantly-invisible certainly does not mean ineffective or inactive in their vigilance.

## PUBLIC PERCEPTIONS OF ACCOUNTABILITY IN ACTION

The **LGA** paper “*answering to you – policing in the 21<sup>st</sup> century*” states “*weakening of the ties between the police and the public they serve has led to falling levels of confidence in the police*” and then advances to diagnose the cause: “*The reason for this decline in confidence is attributable to the lack of police accountability*”.

Cited in sole support for this attractively-simple analysis are a **2003** Home Office study, none of whose small group of respondents (urban, southern location unspecified) felt they had been asked for their opinions on how their area should be policed; and a **1999** poll whose majority not surprisingly answered the (apparently-leading?) question “*I would have more confidence in the police if they were more accountable to the public*” with a resounding tick or a ‘yes’.

The **LGiU** report “**Getting to the heart of local accountability**” is about accountability in public services generally. It uses a low level of reported public satisfaction with local government and health bodies to apply hypothetically a generic set of solutions to all, including policing (despite reported levels of public satisfaction for the latter being demonstrably very much higher).

So – accepting for a moment that **accountability** is actually still the correct question - how easy is it for the process of police accountability itself to become more visible, and how much better placed is local government to nail this diagnosed deficiency?

Is it really the case, as the **LGiU** says, that handing policing budgets back to local government is the right answer to this perceived lack of accountability? Certainly we know that the **LGA** would be the first to agree with them that it is, but if this alleged problem with accountability is traceable back to insufficient public awareness, who else but the **media** could you ever call on to solve this shortfall?

**The media** are the people you will need to persuade and/or to pay to publicise your enterprise in accountability, whoever you are, and media folk can be extraordinarily selective. Offered the chance of a ‘*fly-on-the-wall*’, any documentary-maker worth their salt and in search of quick TV footage will always prefer the high-speed action of a Roads Policing unit or the photogenic canines of the Police Dog section over the mild human drama of a **police authority’s Performance Committee** in full cry over why the latest quarterly figures for violent crime appear to be on the ‘up’ in their southern ‘**BCU**’ (**Basic Command Unit**). Equally reticent are the public themselves, once offered the chance to attend all those open and public meetings in which that real accountability is diligently waged by police authority members notwithstanding.

Not for nothing has the record expenditure of police forces on **media and marketing** departments excited press comment in the last year. If public perceptions and reassurance are so vital, then these are necessary purchases - if the media bodies to whom the public turn for information are to be engaged. Perhaps it really is about time that police authorities took a wiser leaf out of chief constables’ books.

In the age of TV celebrity, it is no longer a case of being quietly good at what you do, but a positive necessity to tell people. Unfortunate then that police authorities should themselves so often be reluctant to spend equivalent sums of public money necessary to persuade **powerful news and media organisations owning the only megaphones in town** to pass the word onto the public about what good things police authorities are achieving on their behalf behind the scenes.

It may be time that outlook changed, but that is not to say that authorities are not already working very hard amongst the public to make it do so, whatever a **1999 poll** might once have found. Take, for example, **Lancashire Police Authority's** recent **'Investors in Policing'** ('IIP') campaign, which aimed for real public involvement across their force area through a variety of imaginative approaches that included:

- Direct contact and active public participation via specific research, community/other consultation events about policy and proposals relating to diversity, financial resources, target setting and service quality.
- 'Contact footfall' with **2,500** people achieved at their IIP launch, with 700 residents giving recorded views or video messages.
- The involvement of **700** people in participatory budgeting activities.
- Direct contact with **1400** residents at local road shows with **900** of them registering specific views
- A dramatic increase in the number of Internet 'hits' or 'visits' made to the Authority's website following the IIP launch. (Average hits pre-launch were 21,500 per month, compared with **175,000** per month during July 2007-January2008 )
- Following budget scrutiny consultation (via their council tax leaflet and website) with Lancashire residents about their perception of the 'value for money' received from the various aspects of policing services, the authority received in a 3-week period over **500** specific postal responses, **180** online-survey responses and over **20** calls to the office.
- Additional avenues followed to engage community participation in examining service delivery included surveys, focus groups, public meetings, online surveys, citizen panels, road shows and committee meetings; many of which questioned the public themselves about their views on particular issues and proposals about how standards of local policing delivery could be maintained within budgetary restraints.
- 'IIP' marketing, press and PR communication also being used to provide specific information about Lancashire's policing performance as against similar forces in order to invite public comment, comparison, and inform the target setting for policing. This was done via:
  - (a) **720,000** Lancashire households receiving direct newspaper mailing;
  - (b) **36,000** newsletters on policing being distributed;
  - (c) **12,000** residents being surveyed via a postal survey;
  - (d) Face-to-face contact being made with just under **5,000** Lancashire residents during the 3-month duration of the campaign;
  - (e) Over **500** separate pieces of press and broadcast media coverage of the campaign being obtained (April 2007 to September 2007)
  - (f) 'Readership-reach' on Lancashire circulation figures being estimated by their Media Relations department as having achieved **827,223** readers.

**What more accountability is needed – and where exactly does this 'accountability deficit' lie anyway?**

The fact remains that whether it is styled '*public engagement*' or '*citizen focus*', all police authorities must rise to the serious challenge being mounted in this field and be seen to be doing much more. Fortunately they can cite such as **Greater Manchester Police Authority's** new **"You Choose"** campaign as the latest example - an imaginative and lively communications and consultation initiative aimed at young people – its heart directed at curbing the growth in 'gangs'.

Equally new is **Durham Police Authority's "Your Police, Your Say"** initiative - spearheaded by young people to provide them with an effective voice on local policing matters. (With a deadly upsurge of **knife crime** amongst too many young people, they not only represent the generation who'll inherit our strategic decisions about policing services, they are also statistically pre-eminent as most frequent recipients of that service, whether as offender or victim. And as one of the foremost catchments, successful and innovative engagements like these with them are vital).

The **LGA** and other 'think tanks' thinking like them may not always understand the extent of achievement or too many of the subtleties found in what police authorities do - or on occasion even the basic legalities - but they are still right to raise the challenge and serve a useful public service by keeping the question in the forefront.

If public perceptions really are that accountability is still lacking, then the tax-paying 'customer' must always be right. Greater public participation and engagement are stated as the correct answers and the ballot-box the only instrument. Interesting then, in "**A New Beat: Options for more accountable policing**" to read the **IPPR** review of all those '*pros and cons*' of some 6 alternative solutions to an 'accountability deficit' which they too are diagnosing, along with their conclusion that whatever you create instead will raise just as many shortcomings to counter.

Reviewing the **IPPR's** careful analysis of some possible alternatives to police authorities gives salutary warning. Much like those self-serving bookshops which scream "NUMBER ONE BESTSELLER" over the title they'd bought the most of from their wholesaler; occupying the number-one-slot in the thinking classes current '*accountability hit parade*' is the **directly-elected commissioner**. An office-holder who, whatever collateral cultural damage to policing may occur through their Americanised politicisation of the activity, still turns out (on the **IPPR** assessment at least) likely to prove someone much too remote from all those citizens whose sensations of accountability they were meant to foster. **Electing the entire police authority** would apparently import the same unfortunate features, only *en masse*.

What about **abolition of police authorities** instead, and returning all their functions to local authorities? This would, say **IPPR**, require major and costly structural change, also leading to separate national or regional forces to deal with serious/organised crime (super 'regional crime squads' perhaps, with all the mixed experiences which that idea once conveyed). Another suggested compromise, intended to increase local authority influence more gradually, seems to involve **local government buying-in policing services from police authorities** and approving the local policing strategy, but implies worrying confusion over demarcations of responsibility. An **elected mayoral model** would combine several of the above examples along with a whole cocktail of their various disadvantages. Their reports final suggestion for a **local police board** has in its title a strong flavour of **Northern Ireland** re-brandings (chosen surely for conditions peculiar to the Province?) but turns out to amount to little more than handing the job over to that most invisible of all public accountability bodies - the elusive **Crime & Disorder Reduction Partnership**.

If the **IPPR** acknowledge that there is no one perfect option, they also conclude that all involve compromise(s) and that any are meaningless without **effective legal power over priorities, budgets and the appointment of senior officers and staff**.

In that case, existing **police authorities** - given clearer and enhanced legal powers - may well turn out to be the best and rightest answer after all, but one that obviously needs a whole lot more work if it is to make a better job of showing the public what they do on their behalf; so that answers they are discreetly winning every day from

those **dedicated and often heroic constables policing our communities** with professional skill and care are the answers to questions which ordinary people wanted asking. (As well to questions which government wants to ask, too).

If, as both the **LGA** and also now the “**Taxpayers Alliance**” are saying, bringing policing under local control is not only the answer for improving accountability but also for **bringing down the cost of policing**, then **police authorities stand ready**, willing and available as a locally-established, corporate body already *in situ* and made up of local people whose powers and composition could very easily be enhanced to enable that control. They are already in law the levieters of the local police **precept**, the owners of the force **estate**, the procurers and purchasers of its **equipment and services**, and the employers of its police (civilian) **staff** - even if in practice all of those specialist functions are actually managed and currently controlled by that professional police officer who is there primarily as their adviser in a rather different specialism, namely operational policing - the **Chief Constable**.

### ‘THE TRIPARTITE SYSTEM’

If there is limited understanding of how the members of police authorities are working away on their behalf behind the scenes, then ordinary folk might care even less that the so-called “*tripartite system*” for policing (in practice rather older than that 1964 vintage which the LGA attributes) is a division effective since the nineteenth century and deliberately designed for their own protection. One meant to **ensure no single body or too-powerful individual office holder has the monopoly of control over policing in any single police area**.

Precisely the reason why its triangulated division of responsibility put the **Secretary of State for Home Affairs** at the top of the pyramid, with the **Chief Constable** at one corner below - straight opposite the **Police Authority** to whom they are each as accountable on behalf of local people as the other; as each of them is accountable in turn to government.

As a constitutional solution, this three-legged stool that is the ‘tripartite system’ may well be a typical British ‘fudge’ - but none the worse for that. Police officers, right back to **Sir Robert Peel**’s original conception and his **Nine Principles**, were always intended to be (local) citizens in uniform - and never the *apparatchiks* of the State – whilst chief amongst the reassurances that exist in modern Britain against the very opposite occurring may well be those independently-constituted police authorities with enough confidence to realise the baton of trust that has been handed them.

In a world where (quite aside from the views of ordinary people) academic bodies and judges alike are also expressing concern about the delicate balance between policing and the state, just as police powers rise and the personal discretion of individual police officers who must apply them declines, those 44 police authorities constituted as free-standing public bodies under the **Police & Magistrates Courts Act 1994** could have a great (if still partly still-unrealised) potential to stand as vigilant guardians of that balance.

The **LGA** paper remarks on this perceived decline in the tripartite system and suggests reforms. So how could the election of a single individual as elected commissioner or the return of their direct oversight to local authorities add to or detract from whatever potential police authorities have to redress that balance?

Either way, it is probably true that this tripartite arrangement never gave an equal division of powers. Unfortunately, even an approximation to equity has long ago slid

away. There is now clear evidence to suggest that – these ten years gone by at least - there has grown such ever-increasing centralisation and control from civil servants and **Whitehall** over policing (what a former chief constable once called the “*web of compliance*”) as will fatally weaken its protections.

This may not necessarily be the result of any political imperative but more an inevitable effect inherent to the nature and influence of a centralised civil service. A trend traceable back into the **1920's** and beyond, when a **Bolshevik threat** was the stated imperative. Whatever the cause, it is this cumulative effect which many commentators would say has now completely knocked a gyroscope of balancing influences permanently off its gimbal. (But does not mean we could not pick it up and put it back).

Using such devices as performance indicators and frameworks as the typical instrument, our departments of state, primarily the **Home Office**, now seem to be closing-in fast to a point of having successfully achieved micro-management of not only whole police areas but also of every facet of local policing itself – true ‘**Neighbourhood Management**’ indeed. Whether or not it aids efficiency and effectiveness is another question but it is the pursuit of these extreme levels of state control, aided by the parabolic growth in computing facilities, digital information-gathering and processing capacity available across all public services, which have nudged us closer than ever towards a critical dislocation of the tripartite system that is actually in no-one’s interest.

## **PERFORMANCE-MONITORING AND DIGITAL DATA-GATHERING**

Some believe that government has belatedly recognised this imbalance as having an unwelcome effect on accountability or how it is waged.

Unfortunately, the development of further elaborate mechanisms like **APACS (Assessments of Policing and Community Safety)** and **LAAs (Local Area Agreements)** only increases this “*web of compliance*”. APACS is visually typified by multiple, intersecting, diagrammatic ‘moons’ (or pie charts) showing the converging indicators of central/local government influence over policing. As result, there is now real potential for the most technically-complex delivery landscape ever made for recording and measuring policing activity (and indeed every other associated local service) to create a subordinate police service whose measured discretion and dignified independence from government has utterly shrivelled.

### **How does the APACS regime square with Sir Ronnie Flanagan’s stated ambition to reduce policing bureaucracy?**

The set of policing priorities and imperatives likely to emerge from the other end of such a complex data-processing machinery as **APACS** risks in practice proving worlds away from what ordinary people locally say they actually want, however many ‘consultation’ events their local police authority stages for them.

A problem whose implications are wider than just policing, as any director of business development at the **Post Office** might want to have warned us is likely outcome to consultations with service users. If you will ask people what sort of service they want, there is always the chance it may cause later problems when they learn what limited level or type is actually possible or available to them.

An effect likely only to be compounded if **APACS** turns out to bring in an oversight regime which informal feedback at conferences and seminars suggests is still only

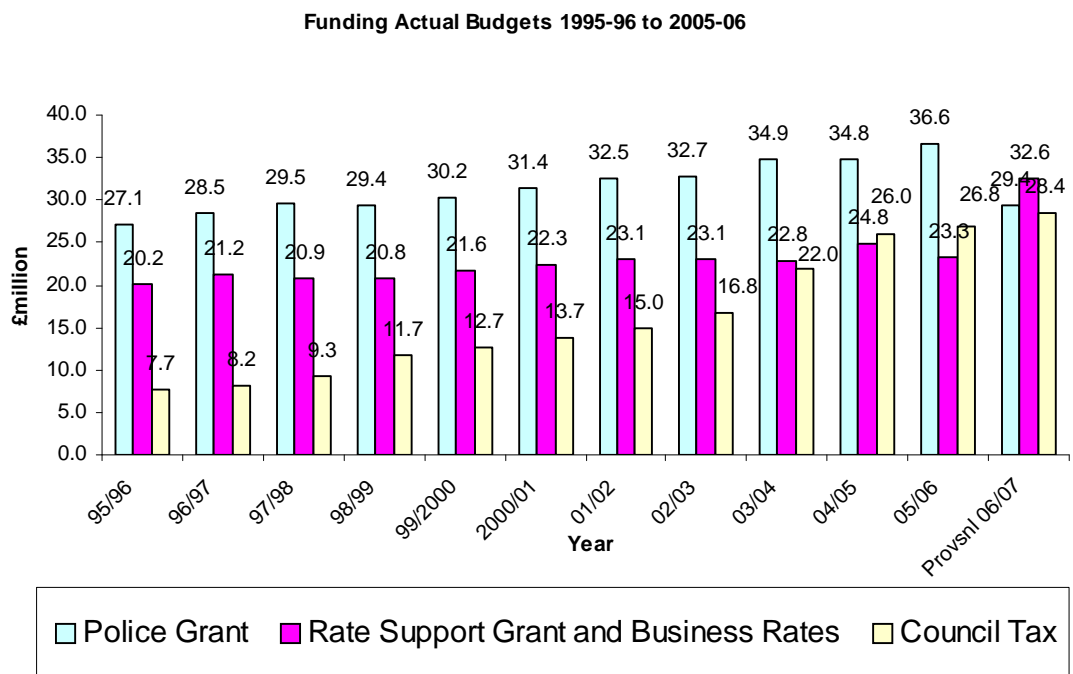
lightly-understood by too many amongst those professional practitioners required to make it work. If it has that effect on professionals, how will the bureaucratic labyrinth of statistical information which it and a brand new system of comprehensively-assessing across areas (**CAA**) not just the performance of the police but also their local government partners under **Local Area Agreements (LAA)** go down with ordinary people still believing themselves governed under familiar statutory frameworks laid down by the **Local Government Acts 1972 and 2000**?

Undoubted **public expectations exist that they are entitled to an understanding of such measurement regimes** - in particular to wider consideration about how those standards of performance being achieved are **actually paid for** – and have certainly grown amongst some people, perhaps currently only community activists or pensioners on fixed incomes. Some authorities would say that it is an outlook which their experience suggests has grown in direct correlation to the steady increase in the proportion of local policing which is now being paid for by local people through their **police precept**, but any economic downturn is likely to make it more acute.

One outcome of those increased expectations is likely to be around **accountability**.

### HE WHO PAYS THE PIPER?

Over the last ten years there has been a considerable shift in the funding of policing with the proportion raised locally and funded through the Council Tax rising from 7.7% in 1995/96 to 28.4% in 2006/07. It is arguable that this increase in the proportion of local funding of policing has not been matched by an increase in local influence over policing. In fact, rather the opposite has occurred with ever-increasing central influence being exerted by Government, as this bar-chart from the **Police Authority Treasurers Society** shows:



The latest **“Taxpayers Alliance“** report - **“The cost of crime“** - may be just the latest and clearest illustration of such a mood, amongst community activists at least.

## TAXATION AND REPRESENTATION - ELECTED MEMBERS

Is the accountability debate driven by taxation issues or by crime issues?

Either way, the idea of **elected police representatives** – perhaps based on an American model or else upon the unique position enjoyed by the London Mayoralty *viz. a viz.* the Metropolitan Police Authority and Commissioner (its operational commander) has become consistent theme from several sources. A model which would **put up for election as civic official a high-profile individual** with uncertain skills but celebrity or political provenance (who knows?) who would then oversee policing across a whole force area – with or without the input of any associated board or policing authority.

**Saying a thing often enough does not automatically make it right or true.** If irritation with council tax rises turns out to be one driver behind these ideas, or even the problem, is transferring the job of overseeing police forces to someone like this, or back to local government, really the answer? Is direct voting by the public for the head or even the whole membership of police authorities, or their successors, going to bring the answers we want? (Assuming we are all agreed on the right question).

Many political commentators now seem to agree that – to a greater or lesser extent – it is. **How well-founded in reality is this new orthodoxy of belief? And why?**

As far as elections go, all police authorities already contain a majority of elected members. (Something commentators seem too ready to forget). Ordinary people rooted in the communities that either voted them in as councillors or supported their applications for membership. Conscientious people who would be astonished at any suggestion they were not *'anchored'* in their communities, as the LGA puts it.

Should we consider adding another class of member, or else reinforcing an existing type, to remedy these undeniable concerns about accountability?

**The numerical majority of Members on police authorities consists of elected councillors.** These are already local politicians with their ears close to the ground, people who must regularly submit themselves to the verdict of the electorate anyway. (Even if not directly elected to the police authority itself, but forming a body of members appointed on the collective basis of a political balance on the police authority to match that of their appointing local authorities within the force area).

It is only the rest of the police authority, its minority element, their **Independent members**, who are spared the ballot-box and must instead go through a formalised and rigorous **selection process of application and interview** made in response to public advertisement.

Would it be right for any new-style *'commissioner'* to be spared such a selection process?

## THE ELECTED COMMISSIONER

First of all, if this particular concept is to be implemented effectively, all **English and Welsh local governance structures** would need a major overhaul, presumably by primary legislation and supporting regulation.

Once enacted, **who would pay** for the major cost of running these elections – for all their returning officers, hired church halls and teams of vote-counters? Should all this

extra cost come out of the **Police Fund**, otherwise given by tax payers to pay directly for policing? (We would conservatively estimate the cost implications of direct elections for a “commissioner” or for a number of Authority members across each force area to amount to several million pounds nationally).

Who would comprise the **electorate** and how could it be possible to incorporate these into other, **local authority elections**? What **mandate** for change could the new ‘commissioner’ claim if the **turn-out** is as low as experience suggests is likely?

Such an appointment would have a massive impact on the **constitutional position of chief constables**, yet there is no evidence that any proponent of an elected commissioner has even considered these aspects of their proposals or how they would work in real life.

Neither do many of the models presented for elected commissioners take into account the larger police forces. They seem to be based on an abstract **coterminous Local Authority / police BCU (basic command unit) model**. Unfortunately, many police forces or local government structures do not match that theoretical model and restructuring them to accommodate this ideal could itself cost larger sums yet.

Our observations indicate there is no strong evidence that this model holds any strong appeal or has ever attracted any particular ‘*buy-in*’ to the concept from the general public. Persuading the public to turn out to ordinary **local government elections** is hard enough – there is no evidence they would be any more keen here.

**Neither do these suggestions consider the destabilising politicisation such a development could bring into the heart of British policing. The striking absence of overt politicisation in their local governance of policing is arguably their very greatest strength, demonstrated every day in current arrangements so soberly run by modern police authorities.**

One of the latest challenges to ‘commissioners’ came in the **John Harris Memorial Lecture** given by Liberty Director **Shami Chakrabarti** on 2nd July 2008 – linking with her points there about preventing the politicisation of policing. She was specific in resisting any move for obtaining extra ‘electoral’ accountability for police forces; preferring instead good, independent mechanisms for legal accountability along with proper governance arrangements. (*Such as police authorities already provide.....*)

Yet the fact remains that, as the provider of a single strategic service covering public safety, importing such ‘electoral accountability’ regardless could very soon leave our police authorities or their equivalents desperately vulnerable indeed to a determined candidate wanting to wage a single issue, or representing an extreme agenda or polarised political position, recklessly unleashed inside British policing.

Different but just as destructive tensions may well be created between such a **directly-elected “commissioner”** and the **directly-elected mayors** of local authorities found inside the same force area, once they rose to proclaim a narrow mandate in relation to aspects of policing like anti-social behaviour or low-level crime and disorder. (If so many 20<sup>th</sup> century American films routinely contain an amusing cameo of those daily battles between a flinty-eyed 19<sup>th</sup> century sheriff and a corrupt town mayor, out there in the dust of the ‘Old West’, it seems perverse that we should be thinking of wittingly importing its latter-day equivalent across the Atlantic and into the heart of 21<sup>st</sup> century British policing).

Other, but equally-debilitating, tensions could as like develop between an assertive “**commissioner**” holding a strong but eccentric local mandate won through the ballot box, and a dutiful **Chief Constable** bound to operate according to nationally-agreed performance frameworks imposed by government. Within these potential contradictions could soon be found all those needlessly-resurrected confrontations which once so crippled successful policing in Hull or Brighton. A chief constable driven by duty whose **professional opinion of policing** necessity differed from those **political imperatives** which drove their elected commissioner or mayor would soon find themselves in an untenable position, whilst turnover in that cadre of valuable individuals whose wide experience and personal merits brings them to the **independent Office of Chief Constable** could soon become a revolving door which would only stop turning once the sort of ‘yes-man’ (or woman) willing always to defer to such pressure arrived. Either that or the **pool of quality candidates** for such a role would dry up altogether.

Under the **America model** (San Francisco) *both* the commissioner *and* the mayor can **dismiss the police chief** (either one or both of them could decide) whilst in England & Wales the emphasis is rather different. Here, the **modern police authority** and in particular its **chair** play a **valuable personal role as critical friend to the chief constable** of their force, not only questioning actions but crucially there to support them at difficult times. Under these proposals all that would go.

However, if we are knowingly to go down that road, into some sort of Gotham City police department, then these are serious issues which will need systematically addressing with stringent regulation over standards, if we are to have a hope of ensuring that a traditional-but-subtle constitutional balance that had existed within the current system and been so widely-valued is safely to be replaced with a cruder but more media-friendly alternative.

## **JUST KEEPING PEOPLE INFORMED - OR ‘HOLDING TO ACCOUNT’?**

There is a convenient confusion existing in this debate. It exists between the needs of individuals and communities at large to be kept informed of what is happening about policing in their area; between that and the concept of ‘answerability’; and between both those concepts and the widely-promulgated view or unquestionable orthodoxy of our times that an identifiable set of cohorts exists which we can classify as “communities”; a group of visible collectives straining at the leash to hold public services to account in a highly-politicised and public arena.

The fact remains that we would say there is a clear body of evidence out there, whether obtainable from formal consultation or informal engagement with our communities, that it is only the very first of these, rather than the latter, which is the one most strongly aspired to.

Whilst this challenge being laid down by commentators is for all public service governance structures, including police authorities, to become ever more visible and better recognised in the public domain, a bold and contrary argument is emerging (e.g. “**Putting the Public Straight**” – David Walker, ‘**Public Finance**’ 13<sup>th</sup> June 2008). This robust attitude states that the correct response should actually be in terms of public service providers becoming more assertive about what they successfully deliver and correspondingly less deferential to every sniper.

What this line of thought would claim is that such bodies do not actually need to be so visible, that they are not set up or intended for this purpose, and that it is difficult for them to sustain any more-visible media or street-level presence without incurring

major extra expense and resource requirements; fulfilling which properly could very easily come to detract completely from their primary oversight role itself. That they become **so sidelined by accounting for themselves, they are left with no time to get on with overseeing the public service** whose delivery the public and Parliament put them there to oversee in the first place.

Any police authority or police force undergoing routine inspection by the **Audit Commission** over **PURE – ‘Police Use of Resources’** – may well have had some inkling of this latter danger. However, perhaps its experience also gives us another point at which to compare the respective **VFM** attainments of local government or local authorities, as compared with police authorities. Even when judged purely on **value for money**, using the Audit Commission’s own Use of Resources (PURE) **assessment methodology**, it is interesting to note how, in **2007**, as many as **79%** of police authorities were found to be performing consistently at or well-above these minimum requirements (with **no** police authorities *at all* found to fall below the minimum standard). Compare this with that more-modest **70%** of local authorities found to be performing consistently at or well-above minimum standards and the concerning **3%** of local authorities diagnosed as performing below those minimum standards, then look again at the **LGA’s** new-minted question about which arm of public governance the oversight of police should best be entrusted to.....

The **public** - if asked - are likely to say for themselves that all they want is for police authorities to **get on with the job**. (Like they want their car or fridge to work without necessarily having to understand all its workings). People may not in truth really be demanding too much of the detail of how that is done – or else only if things went wrong. That is the time when accountability really needs to stand muster and step into the limelight, and police authorities already provide that capacity and capability.

Most people are not interested in the structures for the delivery of policing - they simply want the service delivered. Endless debates about structures and processes only impact adversely on the ability of the police service to focus on delivering to the public, through distracting the attention of senior police officers and diverting scarce police resources and researchers towards addressing the issues raised in debate. (There is demonstrable statistical evidence of this occurring during the abortive mergers process, while the eyes of the service were ‘off the ball’. Do we want that to happen again?)

## **PUBLIC CONSULTATION AND SATISFACTION**

The public do still want their police service to be answerable to them. Happily, through police authorities, systems and processes which enable them to contribute to that process are broadly in place - even if they could certainly be improved upon.

**Voter apathy** in local government elections would suggest that now offering them the opportunity directly to elect members to police authorities as well would no more be seen by the public as making policing itself more accountable than it has made bin-collections any better. However, the **Independent member role** at a police authority already allows interested individuals who are not politicians but have shown themselves as concerned in their communities to put themselves forward for full membership of the police authority. The increased numbers applying in recent years to the selection process (no election!) strongly suggests that this opportunity is one valued in the community as an effective means of holding police forces to account.

For instance, the **Cumbria Police Authority** will say that their public satisfaction surveys consistently report around an **80%** public satisfaction with policing in their

county. (A rating and achievement which is common to many police authorities and - aside from the obvious and sterling efforts of police officers and police staff – one which it is not unfair to suggest that careful input over years from their overseeing authority has played some important contributory part towards).

In that context, most police authorities will report how **public consultation meetings** organised in pursuit of their legal duty to consult under **section 96 Police Act 1996** are sometimes packed-out and at other times sparsely attended, depending on whether there are policing issues exciting concern in the immediate communities adjacent to the meeting. Doubtless the same is true in many other parts of the country. Whatever the response on the night, these (post-**1981 Brixton riots** and the **Scarman Report**) 'section 96' consultation meetings run by the police authority stand valuable and available as a pressure-gauge bolted to the side of the 'boiler' that is the public mood, ready to tell us what concerns them most locally.

However that some sort of **perception 'gap'** is legitimately diagnosed in some parts of the country is mistakenly extrapolated by occasional commentators to suggest that police authorities are not achieving substantial levels of accountability for policing anywhere. This grave misdiagnosis would represent a catastrophic mistake, even if we do concede that, in any national debate about community and citizen empowerment, there will be a need always to question critically how and well that accountability is currently being obtained. And whether it could not be done better.

We do know that '**local**' is what people understand, whilst surveys demonstrate how people are more concerned about their immediate local area outside their home and have reducing connection with structures perceived as distant, for good geographical reason. This is a natural human phenomena and a natural problem for police authorities to engage with, particularly those which operate on a strategic or multi-area level, although we certainly do not believe it insurmountable.

It does mean that the constitution and governance of public service delivery bodies must strike a **delicate balance** between being **strategic** enough to be efficient and **local** enough to attract **public allegiance** – this last a feature arguably more critical to the success if not the legitimacy of policing than any other public service. **Policing by consent.**

Subject to that, seeing consultation events in action only reinforces our view that what the public really want is for their public organisations - whether it is police, local authorities, hospitals or fire and rescue services – just to **get on with their job and deliver a quality service**. On that analysis too, there is no evidence that the public actually want to vote in order to control policing itself. What they *do* need to have is prompt **accessibility** and **satisfaction** if things **go wrong**.

Unfortunately, there are identifiable phenomena emerging of political promises and commitments aimed at achieving direct '*citizen empowerment*' in **oversight** becoming confused with ideas of direct **accountability** - or even with the direct **control** of operational policing. A confusion which could result in the police service finally becoming something outside the community at large and no longer Peel's citizens in uniform.

Servants of the State, indeed.

## **INFLUENCES FOR CHANGE**

### **THE FLANAGAN REPORT**

When the **Home Secretary** set **Sir Ronnie Flanagan, Her Majesty's Chief inspector of Policing**, to review policing, what he might say about both the role of police authorities and how policing was structured were issues where his views were awaited with particular interest by both the **Association of Police Authorities** and also individual authorities themselves. In the event, when he reported in **February 2008**, he was to make it clear that he saw the issue of local accountability as something of a diversion, since reforms of policing should in his view be focused more about outcomes delivered, not about who oversees what.

Indeed, overall, once the alternatives were reviewed, **Sir Ronnie himself clearly favoured retaining and strengthening police authorities**, whilst increasing their resources and capacity accordingly. What his report did make clear was that there should be **national cohesion and standards in policing**; that what he described as **"staggering" levels of bureaucracy** should be reduced (if not removable altogether) and that the effect of **centralised micro-management** has been to **damage** the ability of police forces and authorities to deliver locally and effectively.

### **HMIC REPORT "Leading from the Frontline"**

Side effects from a seemingly-insatiable rise in **digitally-driven bureaucracy** are a theme revisited in another recent report from Her Majesty's Inspectorate of Constabulary, about what levels of **supervision** and **leadership** are currently being waged in the critical role of a police **sergeant** across England and Wales.

At page 48, an Assistant Chief Constable is quoted as observing on sergeants' behalfs: *"We are a slave to government targets. This huge mass creates bureaucracy"* - whilst a serving sergeant says that *"Click, click, tap, tap best describes my job - mainly recording performance figures..."* (page 97).

### **POLICE AUTHORITIES DRIVING CHANGE**

Yet the performance of police forces undoubtedly *is* important, and (with so much **public money** devoted to funding policing) unarguably demands **effective monitoring** to some significant degree - to an extent which makes **bureaucratic procedures** of some description inescapable.

Hitting the right balance and doing so **proportionately** is a job at which police authorities are not only very experienced, but also one which Parliament has specifically chosen them for. Authorities are held responsible under statute for the *'efficiency and effectiveness'* of their police forces, and vital part of that is recognised as being those pivotal questions about assuring police resilience / capability in the realms of organised crime and counter-terrorism which were diagnosed in the **2005 HMIC report "Closing the Gap"** as needing addressing by police authorities and forces.

As has been said elsewhere in this document, police authorities are, in the main and much like auditors, **small and lean organisations** initially established to undertake a limited number of very specific tasks. However, in recent years, various governments have placed an increasing number of statutory responsibilities upon police authorities - with a resulting expectation that they will be delivered upon. *"Closing the Gap"* in protective policing services was only the latest test set for them.

This '*mission-creep*' has covered some exciting issues but must be admitted as a real challenge for police authorities, as conscientious bodies anxious to keep bureaucracy to a minimum and not wishing to divert valuable resources from front-line policing. They want to be sure that they have the necessary resilience and capacity both to deliver on government agendas and at the same time to respond to stated wishes of their communities.

**Since free-standing police authorities were founded in 1995, levels of reported crime have fallen substantially whilst confidence in the police has greatly risen.** (Contrast this with situations in local government, or health.....)

If local people report to police authorities that their priorities for policing are louts leaving syringes in bus shelters, then those resilient protective services applied in response to in HMIC's "*Closing the Gap*" are to be set at the high-end objective of nailing those international shippers, national distributors and big-time dealers whose activities drive the grotesque trade whose final victims in the bus shelter will blight our localities unless we prevent it.

Police authorities can and do play an important part in helping their communities understand and square that circle. They also make sure their forces are working hard towards this. Frankly inspirational levels of **collaboration between police forces and authorities** now being achieved in the field of **protective policing services** provide just one example of how they are all responding to the savings/resilience/capacity challenge laid down in the **2005 HMIC** report. Neither is there any emerging evidence to suggest that local government or an elected commissioner would wage these responsibilities any better.

## **SHARED SERVICES AND COLLABORATION**

In recent years, there have been various ways suggested in which the eternal conundrum between local and strategic policing could be addressed - ranging from the merger of forces; to their closer collaboration; to police authorities reclaiming the responsibility for administering areas like **estates** and **performance** from their force or else taking in-house such expensive, outsourced activities as **internal audit** or **commercial contracts**.

**Sharing back-office services or facilities** with other public organisations, in company with our local government colleagues, is another obvious way of making **savings** that could be applied to **fund** the new kinds of **specialist policing services** needed whilst increasing overall efficiency at the same time. As another potential remedy and source of improvements, shared services are currently under active discussion, negotiation, or application in a great many police or local authorities.

## **PROTECTIVE SERVICES AND 'CLOSING THE GAP'**

After the collapse of the **2006** merger programme for police forces, both chief constables and their police authorities had set to with a will and applied the considerable energy and resources (not to mention the joint-learning) hitherto going into that programme directly towards identifying ways in which they could work better together instead, so reinforcing police resilience by more sophisticated means than merely brigading existing police resources together.

All over the country, the achievements resulting are already remarkable - and don't forget how many police authorities have played a pivotal part in bringing all this about, in technical territory naturally unfamiliar to local government colleagues.

For instance, individual police authorities' individual expenditure nationally on purchasing **forensic science advice and services** externally was estimated cumulatively at around **£160m per annum**; second only to staff costs as the principle point of policing expenditure nationally. However, all this procurement and expenditure was occurring separately, with authorities entering a fragmented 'market place' individually and completely failing to benefit from any economies to be had from scale and bulk-buying. In **January 2008**, after considerable discussion and negotiation, **14 police authorities** across the western side of the country successfully came together to sign a **joint collaboration agreement** which will enable them to buy **8 separate 'packages' of forensic analytical services** from specialist suppliers tendering for the scheme. Worth approximately **£120m over 3 years**, this break-through collaboration creates for the first time a proper market place for police and criminal justice to procure key technical services from the private sector on a proper business footing.

In the shape of a **section 101-2 Local Government Act 1972 Joint Committee**, all 14 police authorities meet together to oversee this contract. They also provide the strongest illustration yet of how **police authorities have the practical ability to help support and drive a major contribution to effective policing**.

Amongst other examples of successful collaborations driven by and amongst police authorities and their forces, we can mention:

- a consortium of the **Thames Valley, Bedfordshire, Hertfordshire, and Civil Nuclear Police** forces which provides significant cost efficiencies in **fleet** provision and maintenance and enhanced capability and capacity. It is set to expand further.
- Similar agreement between above forces for **air support**, again providing joint resilience and capability
- **Hampshire and Thames Valley Police** both recently appointing a joint **strategic ICT Director**. An ambitious strategic programme which promises to deliver significant benefits to both organisations is emerging as a result.
- Three separate **Yorkshire police forces** (North, South and West) have joined with **Humberside Police** to commission joint projects reviewing specific areas of policing, such as **serious crime and roads policing**. The roads policing project has recommended the establishment of a regional intelligence unit to collate and analyse roads policing information from, and affecting, all four forces. This unit will provide information to a new **Automatic Number Plate Recognition (ANPR)** unit, increasing the ability for the 4 forces to identify when and where criminals are using roads and then to respond.
- The same four police authorities above have also come together to establish a joint resource providing a post for a **shared staff member with relevant expertise to advise on diversity issues**.
- In the north-west, the **Cheshire, Cumbria, Greater Manchester, Lancashire and Merseyside** forces are pursuing a collaborative agenda which is overseen through regular meetings between their **Police Authority Chairs, Chief Executives and Chief Constables**. A number of important projects have been put in place as a result of the impetus this joint initiative has given to policing. These include force or authorities collaborating on:

- **Regional Motorway Group** - Strategic Roads Policing
- **Joint Management of Airwave** radio system
- **Regional ANPR** - single database across the North West
- Counter Terrorism **intelligence hub**
- **Shared IT** Infrastructure - connecting all 5 forces
- Joint procurement and implementation of '**Sleuth**' Intelligence System
- Call Handling – **sharing calls** between forces
- **Air Support**
- **Serious Crime Unit**
- Investigation of shared '**back-office**' functions
- **Witness Protection**
- Joint **Diving and Underwater Search Unit**, including a new support vessel: "*Consortium*"
- **Independent Custody Visitor** training shared across northwest.

In addition to examples like the above, the **Home Office** is supporting **10 joint "demonstrator sites"** - involving a large number of police authorities and forces throughout England and Wales exploring a number of different approaches to aid and promote joint-working in protective policing services.

It is examples like these which may help those commentators believing police authorities lack a coherent vision about police governance, or their role, understand better how 44 diverse police authorities have adapted to their own local conditions and communities, but come together in the public interest. Given the opportunity, these models could grow to fulfil whatever enhanced role Parliament may set them.

## **LOCAL GOVERNMENT PARTNERS**

***"Putting policing under the control of local councils would set the service back over a decade and neglects the balanced accountability provided by police authorities"*** Bob Jones (Chair, Association of Police Authorities) 24 June 2008

The Local Government Association (LGA) paper "***Answering to you: policing in the 21<sup>st</sup> century***" is interesting and useful in raising the profile of the police authority debate. Clearly this new agenda broadcast from the **LGA's London offices in Smith Square** (where police authorities like **Greater Manchester** remain as one of a handful still within its membership) is about strengthening the role of local authorities, to the exclusion of alternatives. Unfortunately, having framed their arguments and evidence to fit this agenda only, they have failed to reflect a balanced and accurate understanding of the current arrangements it would replace.

Its extracted proposals for '*reform of the tripartite structure*' are listed below:

1. Change the Home Secretary's responsibilities for local policing;
2. Merge police authorities and local authorities so local police accountability is exercised through local authorities;
3. Introduce 'Community Safety Charters' between the local authority and its local community, against which the local authority and the local police can be held to account by local people;
4. The creation of 'Community Safety Finance Accounts' in local authority budgets to safeguard spending on policing and community safety functions;
5. Consideration and debate by local councils of 'Community Safety Finance Accounts' in their own right during the budget-setting process;

6. Merged police and local authorities to set the strategic context of police budgets, and to be able to amend that context as necessary;
7. Local authorities to play a role in collaboration with chief constables in the police workforce modernisation agenda;
8. BCU commanders to be given fully devolved budget responsibility, with existing BCU funds to be given to CDRPs/CSPs to commission services from the BCU commander;
9. The concept of the Chief Constables' operational independence to be replaced by operational responsibility;
10. BCUs to become more accountable to the communities they serve through –
  - an increase in the number of BCUs, with their size dictated by their local policing functions,
  - their boundaries coterminous as much as possible with local authority boundaries,
  - BCU commanders to be subject to oversight from local authority scrutiny committees through the introduction of provisions in the Police and Justice Act, and
  - Local authorities to be given a role in the appointment and dismissal of BCU commanders;
11. Neighbourhood policing to become a mainstream police activity; and
12. – the establishment of Safer Ward Partnerships to bring local ward councillors and neighbourhood policing teams together to tackle crime at a street level, and
  - for ward councillors to become local community safety champions for their wards, in the interim through the introduction of the 'Councillor's Call for Action' provisions in the Local Government and Public Involvement in Health Act 2007.

It could be regarded as likely that even an Edwardian like **Major Poulteney Malcolm** would recognise this 'shopping list' as representing the wholesale return of policing's governance to conditions reminiscent of 1910 Hull. Their daring "*Back to the Future*" approach must essentially require **a rolling-back to the pre-1964 position**, through the enhancement of policing BCU's to that critical point where they would effectively **recreate all those small police forces** of the type that so distinguished Brighton and many other similar boroughs in those far-off days.

Hard to imagine, too, those degrees of withdrawal and dignified relinquishment to be required by the LGA of the Home Secretary, whilst so many of their other points (e.g. 6,7 and point 11) represent things that even their firmest critics would acknowledge our **police authorities have been doing successfully since 1995**. (Invoking the inevitable question of why the LGA does not realise this)

Their first bullet point under number 12 is equally as concerning for its whiff of vigilantism, whilst any elected representatives worth their salt should by definition already be functioning as '**community champions**' – after all, is that not how they got voted in there? As for "**calling for action**" this same comment applies. Any of their number already posted to the police authority can do this now, and do.

The LGA paper is also noteworthy for near-complete omission of the important, recently-enhanced role of **CDRPs (Crime & Disorder Reduction Partnerships)** - a reflection of invisibility speaking volumes about a public body intended by government to act as the main partnership vehicle and go-between for police and local authorities.

**We would suggest that the LGA's statement of the reason why local authorities should have control over policing returned to them (in order to reinvigorate popular voting and so encourage more and better quality councillors) is an unexpected claim to originate from a source like theirs.**

How could such a claim be substantiated anyway? It is certainly an argument in grave danger of being reversed - whose pessimistic assessments of the general quality of councillors currently available (if accepted) and perceived lack of enthusiasm for voting amongst the public might both present two very strong arguments why local authorities should not be entrusted with any greater power over anything, let alone a core service like policing. Indeed, nowhere in their discussion document does its authors divert to demonstrate, first, the existing effectiveness of local authorities in those fields over which they already hold statutory responsibilities, before advancing to propose fresh responsibilities to be shouldered.

Their document also ignores strategic aspects of policing and concentrates wholly on the local experience, without offering a definition of what is meant by 'local' or of how the vital strategic overview also required of police governance will ever be achieved.

Another problematic feature of the **LGA** paper is how it immediately puts issues of **funding** into potential conflict. (Once policing funds have reverted to the general local authority 'pot', they effectively suggest that if local people wanted the priority funding to go to education, then "*so be it*").

Here too is the spectre of more Edwardian phenomena brought unwillingly to life. Yes, that worst-case scenario may nowadays be less likely when crime is usually such a key issue, as we have already said, but potentially this reverse-flow in monies could happen and discrete but essential policing services that confront organised crime might suffer as **funding was diverted away from policing**. We have all seen how a public furore over closed schools or reduced meals-on-wheels has still brought no change of plan from a stern local authority facing tough funding decisions.

Focusing only on the local BCU, the **LGA** paper is unfortunately completely **silent** on how equally essential but **force-wide police support services** would be financed.

So these **LGA** proposals can be described as 'bold' too, if only for the way in which they fly in the face of past evidence; of those exact reasons why police authorities in their current, independent and free-standing format were only recently established – namely to counter exactly that unhappy experience of local prioritisation across public service diverting vital resources from policing into other realms, and too often leaving it ineffective.

## **CONCLUSIONS**

We acknowledge how authorities' collective voices do not always provide enough national accountability, however well-informed or effective they are individually. Police authorities will be judged on their whole achievement and need a **model** that can be flexible but replicated across the country and easily explained. The model needs to **demonstrate oversight of the police at both the strategic and local level**. To debate one level without taking into account the other is unwise.

Whilst progress in relation to **implementation of neighbourhood policing** is an important development that requires and demands local involvement, our contention is that the increased need for efficiency and collaboration, and a recognition of the impact of cross-border crime, counter-terrorism and serious and organised crime

(which the public are concerned about, but whose strategic and organisational implications they do not always understand) all need to be aligned in any governance/accountability arrangements adopted. The resources and expertise required to deal with these issues are not found in neighbourhood policing or an understanding of neighbourhood policing.

In the right setting, the **'City Regions'** agenda is example of just one emerging response towards recognising the requirement for strategic, long-term planning of services over a wide geographic area. As organisations wish and become compelled to work together in partnership at a strategic level, there needs to be clarity of roles and structures in order for this to happen. In **Greater Manchester** at least, this debate has extended to include the Police Authority and policing, with a model approach close to being agreed.

**Yes, the current system of police authorities across England & Wales is not perfect**, lacks bite and certainty in some aspects, and is too much dependent on the variable standards of commitment sometime displayed by some individual members. However, **in the 12 years of its existence it is a system which has already driven a great many benefits which we really should be more willing to celebrate.**

Authorities have demonstrably played a formative part in the major improvements which have been achieved in British policing and crime suppression over recent years. **Crime has undoubtedly fallen, on any estimation.** It may be fair to say, too, that policing has never been done better and that police authorities are entitled to some share in the credit for that reality. If so, now is no time to replace them with transatlantic novelties then repent at leisure. We should avoid rushing headlong into designing new processes and structures (the easy response to perceived problems) without utmost clarity over what the problem is we are actually trying to address.

**Practical workable answers** are needed to be researched that use the best features of what we currently enjoy across all public sectors. Failure to do this properly and instead a 'Gadarene' rush to the expensive precipice of yet more local public service structural reform may well be a convenient way of demonstrating in the short term (and to the media) that 'something is being done' but in the long term could fatally weaken precious levels of existing accountability and answerability within our grasp, so exacerbating the problem we were meant to be addressing.

### **Keeping the status quo**

No change is never a realistic option. Not in the modern climate. That is accepted. Like the police service itself, police authorities cannot stand still. Nationally, we know there is no identifiably-consistent level of delivery that is being achieved on both the local and strategic levels. This is another reason why it is often so difficult to gain consistent visibility for policing accountability, whether politically or with the public.

Even so, what a loss it would be if we were to **lose all that knowledge and experience currently contained within police authorities.** The local public service landscape is difficult and complex enough, with myriad good intentions struggling (but often succeeding) to find workable solutions across partnerships and other public bodies, without losing a big chunk of the people trying to make it work .

We do know that **police authorities are delivering measurable benefit to communities** – the alleged '*accountability deficit*' we are charged with remedying is after all intangible, subjective, and conceptual only; so let us proceed with caution before accepting it unquestioningly then imposing a damaging corrective. The public

we serve want quality services when they need them, and to be kept informed when necessary, but are rarely interested in the everyday structures behind those services.

Rather than presenting abstract papers of principle, we should take time to research what practical strategies and policies are possible and compare them with those international models available for comparison, whilst always keeping a historical perspective on why we in these islands came to the ones we have adopted for ourselves, never assuming that the balance of wisdom or the advantage of novelty must necessarily rest with arrangements adopted in other countries or societies than our own. Some of those possibilities are reviewed below:

### **Strategic Models**

The **LGA** document briefly refers to the strategic model, where it states “*in the case of forces covering several local authorities, they could establish a joint committee to exercise the police authority responsibility*”.

This is in effect the model already in place in the **Greater Manchester Police Authority**, where a councillor representative from each local authority sits on the authority. Tried and tested mechanisms are already in place to appoint elected representatives to those other police authorities that cover more than one local authority area – mechanisms that ensure that both the population and political balance across the area is accurately reflected in the political make up of the police authority. It is considered that with further development this model has the potential to deliver both the strategic and local elements.

Clearly, this equation is more complex in areas with a mixed economy of different local authorities. For example, in **Thames Valley**, the largest non-metropolitan police authority, covering three counties, there are two county councils who provide members to the Authority, and seven unitary councils who each provide a member, giving a total of ten of the nineteen members. There are in total eighteen local authorities, 9 LSPs and 16 CDRPs. (There is no representation from District level, which on the one hand clearly recognises the strategic role of police authorities but does little in terms of local democratic accountability).

One key element which must be at the heart of the debate, whatever the structure, is **ensuring the capability, capacity and resilience of policing**. It has already been demonstrated in the section about collaborative activity above how **collaboration/co-operation at a strategic level** has brought resilience, savings, increased efficiency and effectiveness to police forces, from their representative police authority members participating in a Local Government Act joint committee to govern that activity.

### **‘Citizen Gateways’**

As previously highlighted, it is accepted that the requirements of ‘*localism*’ or local involvement demand further development and better alignment or links being established with that more strategic overview which is provided by police authorities.

Instead of adding to the number of elected members, another option which could be followed to help achieve this aim is to focus on the valuable role which Independent members bring to Police Authorities, and develop this further.

Independent Members bring a great deal of experience from varied sectors and their current appointment process is competency-based upon various skills, abilities and experience. However this appointment process does not necessarily bring with it the

required level of individual localised involvement, as potentially one district could end up having one or more Independent members and another district having none.

We believe the following could help to resolve this issue and link localism with the strategic needs of modern-day policing's accountability and governance:

**To admit independent member appointments from local authority Crime and Disorder Scrutiny Committees, who could then sit as Independent members on the Police Authority.**

This could import a number of dimensions:

- Another, open and transparent, 'community gateway' opened up for citizens to be part of the police governance process.
- Forging closer links between local scrutiny and the police authority in order to enhance localism whilst also ensuring that strategic capability is retained.
- Delivering balanced representation across strategic areas
- Developing and strengthening the process by which the local authority joins in partnership with the police authority
- Creating a more-visible message that local people really can be involved in policing accountability
- Creating public 'answerability' without interfering with the independent direction and control of the chief constable or any 'tripartite' legitimacy.

For clarity, we could envisage authorities increasing their membership under this option to 20 members, with 10 elected members being nominated (as is the current practice) and 10 independent members being appointed by county/district/borough/unitary authorities and fulfilling the roles as outlined above

It is accepted that this suggestion is only one of many options to consider and that this model requires further consideration, not least in the following areas:

- The nature of the appointment process followed
- The implications for current independent members
- The implications for national roll-out: this may require a shift to a more strategic approach from police authorities and forces at one level and a move to BCU/LA alignment at another.

**'Community Gateways'**

As examples above have shown, many police authorities can demonstrate how there are more ways available of **engaging effectively with the public** than solely via the ballot-box. (Relatively-low turnout for local government elections, at all levels from European to Parish level, only underlines the point). There are many successful examples of engagement with communities occurring at both macro and micro-level. Embedding **local/neighbourhood policing** arrangements has provided another opportunity, with the advent of police community support officers, wardens, and increasing numbers of specials and volunteers giving opportunities to develop this alternative further. With authorities developing an expansive volunteering strategy and philosophy, volunteering can itself be seen as a gateway into police authorities and the wider criminal justice sector.

This is a positive idea of **active citizenship**, rather than the passive 'pizza delivery' expectation of police authorities as only and always having to come to the citizen to make themselves and their activities known.

By developing **options for volunteering**, the public can enjoy a positive and stimulating relationship with a police authority and contribute in a productive role. Volunteering as a counter-assistant in a local policing team post is just one example of how volunteers are already doing just that, experiencing 'accountability' in a more active fashion than (say) just reading about it in a local policing summary delivered to their door. Hence, engaging with communities is not just about setting priorities for performance or inviting and registering complaints, whilst those police authorities which are developing the options to expand this 'gateway' would fit in comfortably with many political perspectives on the 'third sector' or social volunteer movement.

## **WHERE NEXT?**

We close with a suggested 'shopping list' of guiding principles useful for the future:

## **FUTURE PRINCIPLES**

Whatever we decide to do, if we are to develop a sensible model and a vision between us, the key principles on which we would say that any revised vision for the governance of policing needs to be built upon is one that is able to withstand lasting political and ethical scrutiny - one that can afford us most if not all of the following:

- Legitimate and active (not notional) legal structures/roles
- True democratic accountability and proper local authority relationships
- 'citizen empowerment' – a true voice for local people
- visible and transparent operation and proceedings
- strategic/ level three/ 'city regions' provision (as appropriate)
- a national model that is locally understood and credible
- real flexibility
- authentic localism
- demonstrable effectiveness, with the powers to do the job
- in-depth resilience and enhanced capability
- improved service delivery
- avoiding any politicisation of British policing
- acknowledging a continuing role for police authorities, including their capacity to contribute seriously to government on policing issues, as independent but informed advisers well-founded in their communities.

**SOCIETY OF LOCAL AUTHORITY CHIEF EXECUTIVES**

**SOLACE – 'POLICING' SPECIAL INTEREST GROUP**

**8 July 2008**