

By Jennifer Brown

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Police and Crime Commissioners



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Summary

Police and Crime Commissioners (PCCs) are directly elected politicians responsible for securing an “effective and efficient” police force for their area.

The first PCC elections took place in 2012. The latest PCC election took place 6 May 2021. The Library briefing [PCC Elections 2021](#) sets out the results. The election was due to take place in 2020 but was postponed due to the coronavirus pandemic.

PCCs have three core functions:

- **Police governance:** They set an annual budget and a five-year police and crime plan for their force. As part of their budgetary responsibilities they set the council tax precept for their police force area. They are also responsible for appointing a chief officer to lead their force.
- **Police oversight:** They are responsible for scrutinising their force’s performance and holding their chief officer accountable for the delivery of their police and crime plan. They also play a role delivering the local police complaints system.
- **Commissioning criminal justice services:** They are responsible for commissioning victims services and some crime prevention programmes in their police force area.

There are 39 PCCs in England and Wales. Four of them, the PCCs for Essex, Staffordshire, West Mercia and Northamptonshire, also hold responsibilities relating to their local fire & rescue service. These PCCs are technically known as Police, Fire & Crime Commissioners (PFCCs). Throughout this briefing the term PCC will be used inclusively of PFCCs.

How are PCCs held to account?

PCCs are held accountable in three ways:

- **via the ballot box.** PCCs are directly elected politicians. The electorate has the power to vote them out if they are dissatisfied with their performance. PCC elections take place every four years.
- **by local councillors sitting on Police and Crime Panels (PCPs).** PCPs provide formal scrutiny of their PCC between elections. They are supposed to provide a similar function to parliamentary select committees which scrutinise the work of government between General Elections.

- by the **Home Secretary** through their power to issue **directions to “ineffective” PCCs**. These directions can require a PCC to take specific actions. They can also be used to require PCCs submit an “action plan” to the Home Secretary detailing how they’ll address the Home Secretary’s concerns.

Like all politicians PCCs are also held accountable by public opinion. PCCs can voluntarily resign, and some have done so.

Government review

The Government is currently conducting a two-part internal review of the PCC model. The review has been prompted by a Conservative Party 2019 manifesto commitment to “strengthen the accountability of elected Police and Crime Commissions and expand their role”. The Government says it is “[right to step back and consider how we can continue to evolve the PCC model](#)” now that good time has passed since the introduction of PCCs.

Part one of the review [concluded](#) in March 2021. The Government is committed to several reforms of the PCC model as a result. A full list of the commitments, organised by theme, is set out in the annex of this briefing. These commitments are discussed in detail where relevant throughout this briefing.

Part two of the review was launched on 27 July 2021. Its [terms of reference](#) sets out a focus on “the tools and levers” PCCs need to fight crime and “scrutiny of the PCC model”. The review team will report to the Home Office by November 2021. The Government says this will allow it to “[plan for any legislative changes](#)” needed to embed the recommendations of both parts of the review.

Concerns

There have been some general concerns with the PCC model since its introduction. Most notably that:

- public understanding of and engagement with PCCs is poor.
- relationships between chief officers and PCCs are not facilitating effective management of police forces.
- PCCs are ineffective and provide weak leadership of police forces.
- PCCs are too parochial and struggle to drive collaboration between forces on crime threats that cross police borders.

Despite the concerns the Government has been positive about the impact of PCCs. It says PCCs have “brought real local accountability to policing”. In their [2016 report on PCCs](#) the Home Affairs Select Committee largely agreed. They said that “the introduction of PCCs has worked well to date and has had some beneficial effect on public accountability and clarity of leadership in

policing.” However, part-one of the Government’s review did find room to improve the accountability and transparency of PCCs so the public can make “an informed decision about the record of their PCC at the ballot box”.

1 Background

Police and Crime Commissioners (PCCs) are directly elected politicians responsible for securing an “effective and efficient” police force for their area.¹

The first PCC elections took place in 2012. The last PCC election took place 6 May 2021. The Library briefing [PCC Elections 2021](#) sets out the results. The election was due to take place in May 2020 but was postponed due to the coronavirus pandemic.²

PCCs have three core functions:

- **Police governance:** They set an annual budget and a five-year police and crime plan for their force.³ As part of their budgetary responsibilities they set the council tax precept for their police force area. They are also responsible for appointing a chief officer to lead their force.⁴
- **Police oversight:** They are responsible for scrutinising their force’s performance and holding their chief officer accountable for the delivery of their police and crime plan.⁵ They also play a role delivering the local police complaints system.⁶
- **Commissioning criminal justice services:** They are responsible for commissioning victims services and some crime prevention programmes in their police force area.⁷

There are 40 PCCs in England and Wales. Four of them, the PCCs for Essex, Staffordshire, West Mercia and Northamptonshire, also hold responsibilities relating to their local Fire & Rescue Service.⁸ These PCCs are technically known as Police, Fire & Crime Commissioners (PFCCs). Throughout this briefing the term PCC will be used inclusively of PFCCs.

¹ [s1\(6\)](#), Police Reform and Social Responsibility Act 2011.

² Cabinet Office, [Postponement of May 2020 elections](#), 13 March 2020

³ [s41](#), Police Act 1996 & [s5](#), Police Reform and Social Responsibility Act 2011. **Note:** The version of the 1996 Act on [www.legislation.gov.uk](#) is not up to date with latest amendments and therefore weblinks to the 1996 Act have been omitted throughout this briefing. MPs and their staff can access an updated version of the 1996 Act via [Library resources](#).

⁴ [s38](#), Police Reform and Social Responsibility Act 2011

⁵ [s1\(7-8\)](#), Police Reform and Social Responsibility Act 2011

⁶ See: House of Commons Library, [Police complaints and discipline](#), 4 September 2020

⁷ [s143](#), Anti-social Behaviour, Crime and Policing Act 2014

⁸ Choose My PCC, [About police and crime commissioners and police, fire and crime commissioners](#), undated

1.1

Government review

The Government is currently conducting a two-part internal review of the PCC model.⁹

Part one of the review was concluded in March 2021. The Government is committed to several reforms of the PCC model as a result.¹⁰ A full list of the commitments, organised by theme, is set out in the annex of this briefing. These commitments are discussed in detail where relevant throughout this briefing.

Part two of the review was launched on 27 July 2021. Its [terms of reference](#) sets out a focus on “the tools and levers” PCCs need to fight crime and “scrutiny of the PCC model”. On the “tools and levers” part two of the review will look at:

- the role of PCCs in offender management and probation services.
- the role of PCCs in partnership working to reduce crime. The review will focus on Local Criminal Justice Boards, Community Safety Partnerships and Violence Reduction Units.
- the role of PCCs in “securing and maintaining public confidence in policing and tackling crime and anti-social behaviour”. The Government says this part of the review will include an examination of “the PCC role in implementing an effective community trigger process” (a mechanism by which repeat victims of anti-social behaviour can trigger a review into how local services are handling their reports).

Regarding scrutiny the review will look at:

- The operation of Police and Crime Panels.
- How complaints against PCCs are handled.
- Considering the “merits and demerits” of introducing recall for PCCs.
- Examining how PCCs use data to hold their chief constable to account and how this data is “fed into centrally-held databases and utilised by the Home Office and relevant policing partners”

The review team will report to the Home Office on part two by November 2021. The Government says this will allow it to “plan for any legislative changes” needed to embed the recommendations of both parts of the review.¹¹

⁹ [HCWS416: Launching a review of the Police and Crime Commissioner model](#), 22 July 2020

¹⁰ [HCWS849: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

¹¹ Home Office, [Terms of reference: Police and Crime Commissioner Review Part 2](#), 27 July 2021

Why the review?

The Government's review has been prompted by a Conservative Party 2019 manifesto commitment to "strengthen the accountability of elected Police and Crime Commissions and expand their role".¹² The Government says it is "right to step back and consider how we can continue to evolve the PCC model" now that good time has passed since the introduction of PCCs.¹³

The review is taking place against the backdrop of several recent high-profile incidents involving PCCs:

- The former PCCs for Cleveland and Cambridgeshire both resigned (in 2020 and 2019 respectively) following accusations of inappropriate social media use.¹⁴
- In early 2021 the Home Secretary stepped in to help implement an improvement plan for Greater Manchester Police following an inadequate inspection of the force.¹⁵
- In 2019 Cleveland Police was placed on Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services' (HMICFRS) formal monitoring process following a series of inadequate inspections of the force.¹⁶

In addition to these specific incidents there has been some general concerns with the PCC model since its introduction. Most notably:

- public understanding of and engagement with PCCs is poor.
- relationships between chief officers and PCCs are not facilitating effective management of police forces.
- PCCs are ineffective and provide weak leadership of police forces.
- PCCs are too parochial and struggle to drive collaboration between forces on crime threats that cross police borders.

Despite the concerns the Government has been positive about the impact of PCCs. It says PCCs have "brought real local accountability to policing".¹⁷ In their [2016 report on PCCs](#) the Home Affairs Select Committee largely agreed. They said that "the introduction of PCCs has worked well to date and has had some beneficial effect on public accountability and clarity of leadership in

¹² Conservative Party, [Get Brexit Done, Unleash Britain's Potential: The Conservative and Unionist Party Manifesto 2019](#), p19

¹³ [HCWS416](#): Launching a review of the Police and Crime Commissioner model, 22 July 2020

¹⁴ PCC for Cleveland, [Former Police and Crime Commissioner Barry Coppinger has written to Chief Constable Richard Lewis to advise that he intends to resign as PCC with immediate effect](#), 7 September 2020; [PCC for Cambridgeshire and Peterborough, Statement from the Office of the Police and Crime Commissioner](#), 11 November 2019; [BBC News, Jason Ablewhite: Ex-PCC investigated over social media messages](#), 12 November 2019

¹⁵ HC Deb, [Topical questions](#), 8 February 2020, c23 to c24

¹⁶ HMICFRS, [Integrated vulnerability inspection post-inspection review: Cleveland Police](#), p5

¹⁷ [HCWS416](#): Launching a review of the Police and Crime Commissioner model, 22 July 2020

policing.”¹⁸ However, part-one of the Government’s review did find room to improve the accountability and transparency of PCCs so the public can make “an informed decision about the record of their PCC at the ballot box”.¹⁹

Public understanding

Available estimates suggest many people do not know who PCCs are and few have contacted them. The Office for National Statistics (ONS) estimates that around 43% of people are not aware of PCCs.²⁰ The ONS says only around 1.5% of people contacted their PCC in 2019/20.²¹ Turnout at PCC elections has been low. Turnout averaged 33.2% at the 2021 PCC elections (where data was available), this was higher than at the 2016 PCC elections (when turnout averaged 25.2%), but much lower than the turnout of 67.3% recorded at the 2019 General Election.²²

Relationship with chief officers

A legal “grey area” exists between policing matters that PCCs can influence and those that chief officers are expected to decide on without political influence.²³ The High Court considered the boundaries in a 2017 case in which the then PCC for South Yorkshire was found to have acted unlawfully when he asked his chief officer to resign over his response to the verdict of the Hillsborough Inquiry.²⁴ The case raised questions about how PCCs should hold their chief officer to account within the parameters of their role.²⁵

There have also been practical concerns about the role of PCCs in appointing their chief officers. A 2019 inspection of the process for selecting and developing chief officers concluded the process was “haphazard”. PCC involvement in the process was seen as a contributing factor to some of the problems.²⁶ The inspection also highlighted that a lack of chief officer candidates was undermining the ability of PCCs to appoint the right chief officer for their forces.

Effectiveness

Some academic research has questioned the quality of Police and Crime Commissioners. Dr Simon Cooper (lecturer at the University of Essex School of Law) argues that some PCCs are not able to provide an appropriate level of

¹⁸ HC 844, [House of Commons Home Affairs Committee Police and Crime Commissioners: here to stay: Seventh Report of Session 2015–16](#), 22 March 2016, paragraph 67

¹⁹ [HCWS849](#): Concluding Part One of the Police and Crime Commissioner Review, 16 March 2021

²⁰ ONS, [Crime in England and Wales: Annual supplementary tables](#), July 2020, table S23

²¹ Ibid, table s26

²² House of Commons Library, [PCC Elections 2021](#), 28 May 2021

²³ See: House of Commons Library, [Policing in the UK](#), September 2020

²⁴ [\[2017\] EWHC 1349](#)

²⁵ Association of Police and Crime Commissioners, [Response to the South Yorkshire Police and Crime Commissioner’s Decision Not to Appeal](#), 17 June 2017

²⁶ HMICFRS, [Leading Lights An inspection of the police service’s arrangements for the selection and development of chief officers](#), August 2019

accountability due to the “calibre” of the post holders.²⁷ Similarly Dr John McDaniel (Senior Lecturer in Policing and Criminal Justice at the University of Wolverhampton) suggested that the content of the Police and Crime Plans published by PCCs demonstrate that some

... are not effective managers, who can devise strategic plans and direct the organisations resources towards those objectives. Nor are they particularly good leaders, who can inspire police officers and members of the public to achieve clear objectives as a common mission.²⁸

Police collaboration

There have been longstanding concerns that the 43-force structure of the English and Welsh police service inhibits the service’s response to nationally and regional crime threats. Within this context PCCs are said to be too focused on local crime and struggle to drive collaboration between forces on crime threats that transcend police force boundaries.²⁹

1.2 The Office of the PCC

Collectively the PCC and their staff are known as the “Office of the PCC” (OPCC). Most PCCs employ between 15 and 30 staff.³⁰ PCCs are responsible for staffing decisions for their office. Some OPCC staff are political appointees who are expected (and in some cases required) to leave their role if the PCC changes. Other staff members perform administrative functions and may stay in post if the PCC changes.

Deputy PCCs

PCCs **may** appoint a Deputy PCC. There were 15 appointed deputy PCCs before the 2021 PCC elections.³¹ PCCs can formally delegate any of their statutory functions to their Deputy **apart from** their main governance responsibilities (publishing a police and crime plan, appointing a chief officer and setting the council tax precept).³²

Deputy PCCs can act as an interim PCC in the event of their PCC resigning or being suspended. However, they are political appointees whose employment

²⁷ Cooper, Simon (2021) [Police and Crime Commissioners: A Dislocated Expectation?](#) Policing: a journal of policy and practice. ISSN 1752-4512

²⁸ McDaniel J.L.M, Rethinking the law and politics of democratic police accountability, Pol. J. 2018, 91(1), 22-43 [accessible through the Library’s resource]

²⁹ The Times, [Times letters: Former Met chiefs lament ‘lawless’ UK](#), 5 July 2019

³⁰ House of Commons Library Analysis of PCC websites.

³¹ House of Commons Library Analysis of PCC websites

³² [s18](#), Police Reform and Social Responsibility Act 2011

ends when their PCC changes (although they may be reappointed by their PCC's successor).³³

The Home Affairs Select Committee questioned the transparency of the process of appointing Deputy PCCs in a 2014 report examining the progress of the implementation of PCCs. The committee recommended PCC candidates name their intended deputy at elections so voters could vote for them "on the same ticket".³⁴ At the time, the Government said there was "no barrier" to PCC candidates running joint campaigns with their intended deputy.³⁵

As part of their two-part review of PCCs the Government has committed to legislating to require all PCCs appoint a deputy.³⁶ The Government hopes the more widespread use of deputies will enhance the "resilience" and "capacity" of the OPCC.³⁷

Other OPCC staff

The OPCC **must** include a Chief Executive who acts as the PCC's head of staff and a Finance Officer who to be responsible for the office's financial affairs.³⁸ These staff members are not political appointees and are expected to stay in post when the PCC changes.

PCCs may appoint any other staff they think is appropriate.³⁹ PCCs appoint a variety of staff members to help them manage the work of their office. For example, PCCs may hire communications professionals to manage their relationship with the local press, personal assistants to help them manage their diaries and/or statisticians to help them analyse police and crime data about their force.

PCCs and Deputy PCCs can delegate any of their accountability and service delivery functions to members of their staff. However, they cannot delegate their governance functions.⁴⁰

PCCs can formally delegate their statutory functions relating to the handling of police complaints to someone from **outside their office** (assuming that person is not a serving police officer, another PCC, or someone who cannot work impartially).⁴¹ This means they can "contract out" their responsibilities for complaint handling.

³³ Schedule 1, [para 8](#), Police Reform and Social Responsibility Act 2011

³⁴ House of Commons Home Affairs Committee, [Police and Crime Commissioners: progress to date. Sixteenth Report of Session 2013-14](#), April 2014, para 38

³⁵ Home Office, [The Government's response to the sixteenth report from the Home Affairs Select Committee session 2013-14](#), December 2014, p6

³⁶ [HCWS84: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

³⁷ Ibid

³⁸ [paragraph 6](#), Schedule 1, Police and Social Responsibility Act 2011

³⁹ Ibid

⁴⁰ [s18\(7\)](#), Police Reform and Social Responsibility Act 2011

⁴¹ r50, The Police (Complaints and Misconduct) Regulations 2020

1.3

Local policing bodies

“Local policing bodies” (sometimes known as just “policing bodies”) is a legal term used to collectively describe PCCs and their equivalents for the four territorial police forces that do not have PCCs.⁴²

Police forces that do not have PCCs	
Police force	Equivalent to PCC
Metropolitan Police Service (MPS)	The Mayor’s Office for Policing and Crime (MOPAC)
Greater Manchester Police (GMP)	Greater Manchester Combined Authority
West Yorkshire Police	West Yorkshire Combined Authority
City of London Police (CoLP)	Common Council of the City of London

MOPAC

The London [Mayor’s Office for Policing and Crime](#) (MOPAC) has most of the same functions as a PCC for the Metropolitan Police Service (MPS).⁴³ MOPAC’s functions are legislated for separately because the MPS has separate governance arrangements from other territorial police forces in England and Wales. This reflects the historical and strategic importance of the MPS.⁴⁴

There is one PCC function MOPAC **does not** perform. MOPAC **does not** appoint the Commissioner of the Metropolitan Police (the chief officer of the MPS and the most senior police officer in the UK, currently Cressida Dick). The Commissioner is appointed by the Queen on the recommendation of the Home Secretary.⁴⁵ The Home Secretary does consult the Mayor on the appointment.

The elected Mayor of London (currently Sadiq Khan) is legally responsible for MOPAC’s functions. The Mayor delegates most of these functions to his appointed Deputy for Policing and Crime (currently Sophie Linden). The London Assembly must conduct a confirmation hearing for the Deputy Mayor

⁴² s101, Police Act 1996; [Schedule](#), paras 2 & 3, The Policing Protocol Order 2011.

⁴³ [s3](#), Police Reform and Social Responsibility Act 2011

⁴⁴ See: House of Commons Library, [Policing in the UK](#), January 2021

⁴⁵ [s42](#), Police Reform and Social Responsibility Act 2011

for Policing and Crime and make a recommendation as to whether the candidate should be appointed.⁴⁶

The Deputy Mayor is responsible for MOPAC's functions relating to police accountability and criminal justice service delivery.⁴⁷ The Mayor leads on MOPAC's police governance functions, including publishing [London's Police and Crime Plan](#) and setting the MPS' budget.⁴⁸ MOPAC employs around 135 members of staff who support the Mayor and Deputy Mayor execute their functions.⁴⁹

Combined Authorities

The functions of the former PCCs in Greater Manchester and West Yorkshire were transferred to the relevant combined authority in 2017 and 2021 respectively. This means the elected Mayors of Greater Manchester (currently Andy Burnham) and West Yorkshire (currently Tracy Brabin) **are the PCCs** for Greater Manchester and West Yorkshire.⁵⁰

Andy Burnham delegates all his PCC functions to his appointed Deputy Mayor for Police, Crime and Fire (currently Baroness Beverley Hughes).⁵¹ Tracy Brabin will also delegate her PCC functions to her Deputy for Police and Crime (currently Alison Lowe).⁵²

More Mayors assuming the role of PCC?

The Government is in favour of combined authority mayors assuming PCC responsibilities. It argues transferring the functions of PCCs to mayors "has the potential to offer wider levers to prevent crime".⁵³ As part of its two-part review into the role PCCs it committed to "take steps" to remove barriers so more mayors can take on these functions. The Home Office will work with the Ministry of Housing Communities and Local Government (MHCLG) to set out these steps in the forthcoming "Devolution and Local Recovery White Paper" (now expected to be a "Levelling Up White Paper").⁵⁴

⁴⁶ s60A and Schedule 4A, Greater London Authority Act 1999 (as amended). **Note:** The version of the 1999 Act on www.legislation.gov.uk is not up to date with the latest amendments. MPs and their staff can access an updated version of the 1999 Act via [Library resources](#).

⁴⁷ Mayor of London, [The Deputy Mayor for Policing and Crime](#) [last accessed xxx]

⁴⁸ Mayor of London, [The Mayor at MOPAC](#) [last accessed xxx]

⁴⁹ Mayor of London, [MOPAC: Our staff](#), [las accessed xxx]

⁵⁰ [r3](#), The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017; Part 10, The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021

⁵¹ Greater Manchester Combined Authority, [Police and Fire](#) [last accessed xxx]

⁵² West Yorkshire Combined Authority, [Alison Lowe announced as Mayor's preferred candidate for Deputy Mayor for Policing and Crime](#), 12 May 2021

⁵³ [HCWS84: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

⁵⁴ Ibid; Prime Minister's Office, 10 Downing Street, [Government to publish Levelling Up White Paper](#), 4 May 2021

There are currently seven combined authority mayors which do not perform PCC functions. The geographies they serve do not always correspond directly to one police force area.

Combined authorities and their police forces	
Combined authority	Police force(s)
Cambridgeshire and Peterborough	Cambridgeshire
Liverpool City Region	Merseyside Cheshire
North of Tyne	Northumbria*
Sheffield City Region	South Yorkshire
Tees Valley	Cleveland Durham
West Midlands	West Midlands
West of England	Avon & Somerset*
*Also polices areas not in the combined authority	

The Government has powers to transfer the powers of a PCC to a combined authority mayor by order but must secure the consent of the relevant county/district councils and Mayor to do so.⁵⁵ An attempt to transfer the powers of the West Midlands PCC to the West Midlands Mayor was blocked by Birmingham City Council. The council refused to consent to the transfer following questions about how the Mayor ran the public consultation process.⁵⁶

The Common Council of the City of London

The Common Council of the City of London performs PCC-like functions for the CoLP.⁵⁷ In practice these functions are executed by the [City of London Police Authority Board](#). The Common Council's PCC-like functions are legislated for

⁵⁵ s107F, Local Democracy, Economic Development and Construction Act 2009

⁵⁶ Birmingham Live, [Transfer of policing powers to the mayor is rejected](#), March 2019

⁵⁷ [HCWS84: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

separately because (like the MPS) the CoLP has separate governance arrangements to other territorial police forces in England and Wales.

The City of London Police Authority Board is responsible for making

...sure the City of London Police runs an effective and efficient service by holding the Commissioner to account; to ensure value for money in the way the police is run, and to set policing priorities taking into account the views of the community.⁵⁸

1.4

Association of Police and Crime Commissioners (APCC)

The [Association of Police and Crime Commissions \(APCC\)](#) is a membership organisation that represents policing bodies in England and Wales. The APCC is limited company which generates its income through membership fees paid by local policing bodies, income generated through its annual summit and other revenue streams.⁵⁹

The APCC represents the collective voice of local policing bodies in conversations with other stakeholders. It also provides its members with services to help them fulfil their statutory duties.⁶⁰ As part of its two-part review into the PCC model the Government has asked the APCC to further develop these services. It has asked APCC to work with the College of Policing (the body responsible for professional standards in English and Welsh policing) to develop a “what works” compendium for PCCs and develop a formal induction programme for new and returning PCCs post the May 2021 elections.⁶¹

⁵⁸ City of London, [City of London Police Authority Board](#), [last accessed 17/05/21]

⁵⁹ APCC, [Directors' report and financial statements for the year ended 31 March 2020](#), undated

⁶⁰ APCC, [About the APCC](#), [last accessed 27/04/21]

⁶¹ [HCWS84: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

2 Functions

PCCs have a multitude of statutory responsibilities and functions. Most are set out in [Chapter 3](#) of the *Police Reform and Social Responsibility Act 2011*. The 2011 Act established PCCs in statute. However, the role of the PCC has evolved since 2011 and other pieces of legislation now provide PCCs with statutory responsibilities and functions.

PCC functions can be grouped into three core themes: **police governance**, **police oversight** and **commissioning criminal justice services**. In addition to the three core functions, four PCCs have governance and oversight responsibilities associated with the local **fire & rescue service**.

2.1 Police governance

PCCs are the statutory governance body for their police force. They have three key functions connected with their police governance role:

- They publish a five-year police and crime plan for their force.
- They set the annual budget for their force by deciding what level to set the council tax precept at.
- They appoint the chief officer for their force. This function is discussed in section three of this briefing.

PCCs must arrange for the public and victims of crime to give their view on their police and crime plan and budget decisions.⁶² Most PCCs do this by running public consultations ahead of making these decisions. Many PCCs also conduct annual online surveys which give those living in their police force area an opportunity to comment on local policing and crime.

Police and crime plans

PCCs must publish a five-year police and crime plan for their force.⁶³ PCCs typically publish their police and crime plan in the year following their election and they tend to cover the PCCs entire term.

The PCCs police and crime plan must detail the following⁶⁴:

⁶² s96, Police Act 1996

⁶³ [s7](#), Police Reform and Social Responsibility Act 2011

⁶⁴ Ibid

- Their police and crime objectives for their force.
- The policing they expect their force to provide.
- The financial resources they will make available to their force.
- How they will share information with their chief officer (and vice-a versa).
- How they will measure the performance of their force.
- The criminal justice services they will provide.

The Coalition Government saw the police and crime plan as “fundamental to the mandate of the elected commissioner”.⁶⁵ They imagined police and crime plans would become a key document for chief officers, replacing the policing plans of old which (as they described it) sat “on a shelf gathering dust”.⁶⁶ Through the police and crime plan PCCs would provide a strategic direction for their force built on engagement with local people. This, according the Coalition Government, would ensure local forces meet the policing needs of their communities. PCCs themselves have also seen the police and crime plan as central to police governance. In evidence to the Home Affairs Select Committee former PCC Sir Clive Loader said his chief officer would describe his job in one sentence as “I deliver the police and crime plan”.⁶⁷

Dr John McDaniel (Senior Lecturer in Policing and Criminal Justice at the University of Wolverhampton) reviewed the content of police and crime plans in 2018. His work suggests police and crime plans are not providing the strategic direction for forces envisioned by the Coalition Government. Dr McDaniel found police and crime plans were vague and filled with rhetorical statements.⁶⁸ He noted “wide disparities” between the content of police and crime plans and “police developments on the ground”.⁶⁹ He suggests the content of the plans demonstrate that PCCs do not understand their force’s needs well enough. Pointing out that the plans provide little evidence that PCCs conduct thorough community engagement, crime analysis or force performance evaluations. He says the “substandard quality” of police and crime plans indicates

... that PCCs are not effective managers, who can devise strategic plans and direct the organisations resources towards those objectives. Nor are they particularly good leaders, who can inspire police officers and members of the public to achieve clear objectives as a common mission.⁷⁰

⁶⁵ HC Deb, [Police Reform and Social Responsibility Bill: Public Bill Committee](#), 8 February 2011, c475

⁶⁶ HC Deb, [Police Reform and Social Responsibility Bill: Public Bill Committee](#), 1 February 2011, c298

⁶⁷ House of Commons Home Affairs Committee, [Police and Crime Commissioners: here to stay](#), Seventh Report of Session 2015–16, 25 March 2016, para 16

⁶⁸ McDaniel J.L.M, Rethinking the law and politics of democratic police accountability, *Pol. J.* 2018, 91(1), 22-43 [accessible through the Library’s resource]

⁶⁹ McDaniel J.L.M. (2018) [Evaluating the Ability and Desire of Police and Crime Commissioners \(PCCs\) to Deliver Community-Oriented Policing in Practice](#). In: Leventakis G., Haberfeld M. (eds) *Societal Implications of Community-Oriented Policing and Technology*. SpringerBriefs in Criminology.

⁷⁰ McDaniel J.L.M, Rethinking the law and politics of democratic police accountability, *Pol. J.* 2018, 91(1), 22-43 [accessible through the Library’s resource]

Performance targets

PCCs are required to set out how they will measure the performance of their force in their police and crime plans.⁷¹ Many PCCs do so by setting local targets for their force. Some PCCs set targets based on recorded crime levels, public satisfaction and/or output measures (like emergency call response times). As Mayor of London Boris Johnson “challenged” the Metropolitan Police Service to reduce crime in seven recorded crime types by 20% (burglary, criminal damage, theft from and theft of motor vehicles, violence with injury, robbery and theft from the person).⁷² The Home Office is now developing national targets for all police forces similar to the target set by Boris Johnson when he was Mayor of London.⁷³ The Government has committed to amend regulations to require PCCs publish a “narrative” of their forces performance against these national targets.⁷⁴

Police targets have been controversial in the past. Targets based on recorded crime levels were heavily criticised in the 2000s for creating incentives for forces to game crime statistics.⁷⁵ In 2014 the Home Affairs Select Committee recommended PCCs who set targets based on recorded crime should review the auditing arrangements in place to safeguard the integrity of crime statistics.⁷⁶ At the time the Government said it was ‘actively discouraging’ PCCs from setting targets based on recorded crime but that it could not “insist that they be dismantled” because to do so would “arguably dilute the integrity of the directly elected PCC model”.⁷⁷

Police force budget

PCCs are responsible for their force’s budget. They allocate assets and funds to their chief officer and set the council tax policing precept for their force area.⁷⁸

Allocating resources

PCCs must decide how much money to allocate to their chief officer to run their police force and how much to spend on their other responsibilities (maintaining their own office and commissioning certain criminal justice services).

The funds available to PCCs come from three sources:

- **Government grants:** The Home Office provides annual grants to PCCs for the day-to-day running of their force and criminal justice services. Some

⁷¹ [s7\(1\)\(e\)](#), *Police Reform and Social Responsibility Act 2011*

⁷² Mayor of London, [Police and crime plan: 2013-2016](#), March 2013, p69

⁷³ See: House of Commons Library, *Policing in the UK*, January 2019,

⁷⁴ [HCWS849: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

⁷⁵ *Ibid*

⁷⁶ Home Office, [The Government’s response to the sixteenth report from the Home Affairs Select Committee session 2013-14](#), December 2014, p7

⁷⁷ *Ibid*

⁷⁸ [paragraph 17\(d\)](#), *The Policing Protocol Order 2011*

grant money must be spent on specific activities (for example the Ministry of Justice provides an annual grant which must be used to commission certain victims services). Government grants represent the main source funding for most police forces.⁷⁹ They are calculated using the [police allocation formula](#).

- **Council tax precept:** Funding is raised locally through the council tax policing precept. Around a third of total police funding is raised through council tax precepts but the proportion of police funding raised by council tax locally varies.⁸⁰ PCCs set the level of the precept for their police force area. If they wish to set it above a limit set by the Home Office, they must secure a mandate from their electorate via a referendum.
- **Funding for national priorities:** The Home Office provides extra grant money to fund specific projects/ programmes. This money is normally ring-fenced and sometimes it is dependent on PCCs applying for it.

Early in each calendar year Parliament approves the annual Police Grant Report which details the grant funding available to PCCs to allocate to policing. The Government uses the publication of the Police Grant Report to announce the precept referendum limit for that year. The Library publishes a debate pack to support MPs to scrutinise the Police Grant Report. The [debate pack for the Police Grant Report 2021/22](#) can be found on the Library's website.

Chief officers, using the funds allocated to them by their PCC, are responsible for the day-to-day financial management of their force and individual resourcing decisions.⁸¹ Chief officers are therefore responsible for deciding how much money to allocate to specific investigations/ operations, not PCCs. Chief officers must have regard to the local police and crime plan and the national policing priorities when making spending decisions.⁸²

Council tax policing precept

PCCs have freedom to set the council tax policing precept at whatever level they like but three checks on this power influence their decision making:

- As discussed above, PCCs must consult the public and victims of crime on the level of the council tax policing precept.
- Police and Crime Panels (PCPs- local councillors who scrutinise PCCs) can veto a proposed precept level. PCCs must present their policing

⁷⁹ Home Office, [Police Funding for England & Wales 2015-2021](#), Statistical Bulletin 16/20, July 2020, annex 1

⁸⁰ Home Office, [Police Funding for England & Wales 2015-2021](#), Statistical Bulletin 16/20, July 2020, annex

⁸¹ [paragraph 23\(m\)](#) and [paragraph 33\(c\)](#), *The Policing Protocol Order 2011*

⁸² [s8](#) and [s77](#), *Police Reform and Social Responsibility Act 2011*

precept plans to their PCP before setting the level. If the PCP vetoes the plans, they must revise them. PCPs cannot veto the revised plan.⁸³

- The Home Office sets a limit above which PCCs in **England** must secure a referendum mandate to set the precept. In 2020/21 the referendum limit was set at an increase of £15 a month for an average (Band D) household.⁸⁴ PCCs who wish to hold a referendum must fund it out of their budget.⁸⁵

In practice most PCCs set their council tax policing precept at the Home Office referendum limit.⁸⁶ In doing so they maximise the funding available to them. However, the proportion of police funding raised through council tax precepts varies between forces (from 18% in Northumbria to 55% in Surrey in 2020/21).⁸⁷ This is because both property values, the measure used to set council tax rates, and the grants calculated by the police allocation formula vary greatly across the England and Wales.

Only one PCC has so far triggered a council tax referendum. In 2015 the then PCC for Bedfordshire triggered a referendum to raise council tax by 15.8% and lost the vote.⁸⁸

The cash increase to the overall funding available to the police in England and Wales between 2015/16 and 2020/21 can be mainly attributed to an increase in the funds raised through council tax policing precepts. In cash terms, Government grant funding rose by 11% between 2015/16 and 2020/21 compared with a 42% increase in funding through policing precepts.⁸⁹ As most PCCs set their policing precepts at the referendum limit, this trend can be attributed to central Government decisions regarding the referendum limit. For example, the increase in precept funding between 2018/19 and 2019/20 reflects a decision by the Home Office to double the increase in the referendum limit in 2019/20.⁹⁰

⁸³ [Schedule 5, Police Reform and Social Responsibility Act 2011](#); Home Office, [Police and Crime Panels- Scrutiny of Precepts](#), 2012

⁸⁴ Home Office, [Fact sheet: Provisional Police Funding Settlement 2021/22](#), 17 December 2020

⁸⁵ See: House of Commons Library, [Council tax: local referendums](#), January 2021, p9

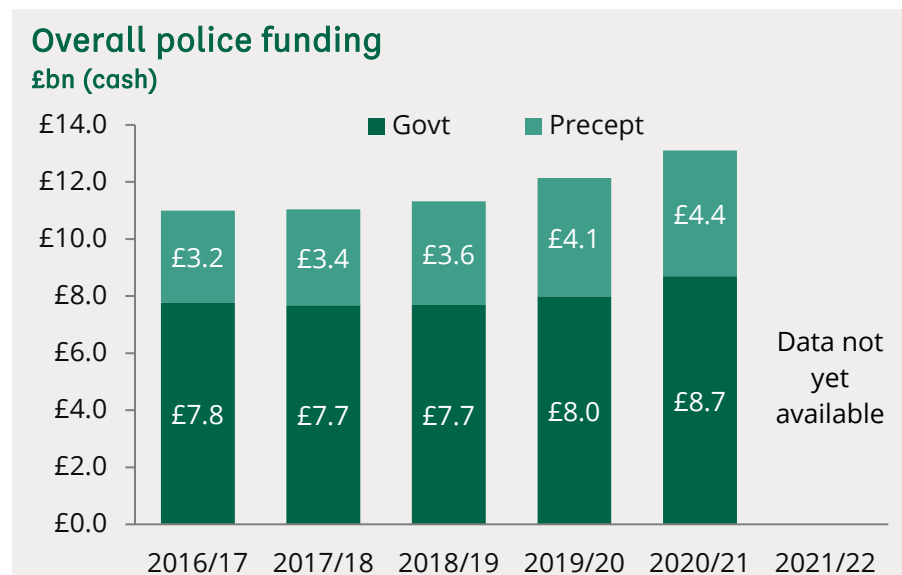
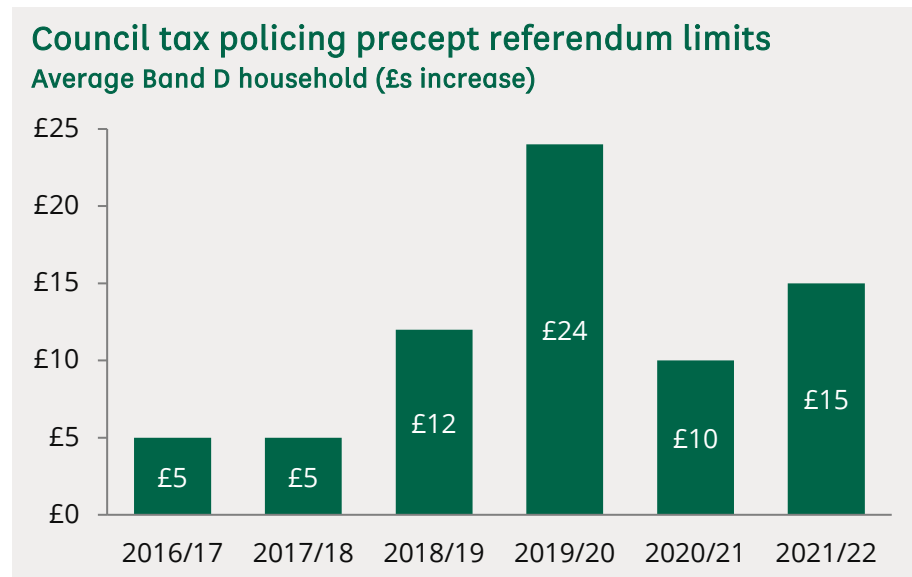
⁸⁶ Home Office, [Police Funding for England & Wales 2015-2021](#), Statistical Bulletin 16/20, July 2020, p6

⁸⁷ Ibid, House of Commons Library analysis of data in annex 1

⁸⁸ See: House of Commons Library, [Council tax: local referendums](#), January 2021, p9

⁸⁹ Home Office, [Police Funding for England & Wales 2015-2021](#), Statistical Bulletin 16/20, July 2020, House of Commons Library analysis of data in annex 1

⁹⁰ [HCWS1274: Police Grant Report England and Wales 2019/20](#), 24 January 2019



2.2

Police oversight

PCCs must monitor their force's performance against the local priorities they set in their police and crime plans, and national strategic priorities set by the Home Office. They are also expected to scrutinise how their force uses its powers and carries out its duties.⁹¹ Exactly how the PCC does this is largely up to them but PCCs must meet four legal requirements associated with this oversight function:

- They must publish an annual report setting out the force's performance meeting their police and crime plan priorities.

⁹¹ s1(8), Police Reform and Social Responsibility Act 2011; Schedule 1, [para 17](#), Policing Protocol Order 2017

- They must engage in the work of Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS).
- They must facilitate scrutiny of their force by members of the public and victims of crime.
- They play a role delivering the local police complaints system.

Annual reports

PCCs must publish an annual report on their force’s performance and its progress to implementing their police and crime plan each financial year.⁹² There are no other statutory rules about what the reports must include. Dr John McDaniel reviewed the content of these annual report alongside his work analysing the quality of police and crime plans. He concluded that “much like the police and crime plans, significant portions of the annual reports were filled with vague, rhetorical statements”.⁹³

Relationship with inspectorate

PCCs have two specific statutory duties regarding the Her Majesty’s Inspectorate of Constabulary, Fire and Rescue Services’ (HMICFRS) work which complement their police oversight function. They must respond to inspection reports about their force and they have powers to commission specific inspections of their force.

Responding to reports

PCCs must publish their and their chief officers’ “comments” on every inspection of their force. These comments must be sent to Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and the Home Office within 56 days of the publication of an inspection report.⁹⁴ There are no statutory rules about what the “comments” must detail.

The Government is committed to amending regulations to require PCCs provide a “narrative” of their force’s performance against HMICFRS inspection reports and national crime reduction targets. This is part of its response to part-one of their review into the PCC model. It is not clear how this requirement will build on their existing duty to respond to inspection reports.⁹⁵

Commissioning inspections

PCCs have powers to commission specific inspections of their force.⁹⁶ Such inspections could help them identify learnings for their force regarding an

⁹² s12, *Police Reform and Social Responsibility Act 2011*

⁹³ McDaniel J.L.M, Rethinking the law and politics of democratic police accountability, Pol. J. 2018, 91(1), 22-43 [accessible through the Library’s resource]

⁹⁴ s55, *Police Act 1996*

⁹⁵ [HCWS849: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

⁹⁶ s54(2BA), *Police Act 1996*

area of concern. Recent examples include, an inspection of the Metropolitan Police's response to the Sarah Everard Vigil, an inspection of Sussex Police's response to stalking and harassment and a follow-up inspection regarding South Yorkshire Police's response to child sexual exploitation.⁹⁷

Facilitating external scrutiny

PCCs must publish information so that members of the public and victims of crime can assess their force's performance.⁹⁸ The precise information they publish is up to the individual PCC, but most provide statistics about their force's use of powers and levels of recorded crime.

Many PCCs choose to facilitate external scrutiny by setting up formal "scrutiny panels". Scrutiny panels allow volunteer members of the public to examine force performance on specific issues chosen by the PCC. For example, the Office of the PCC (OPCC) in Dorset runs scrutiny panels on customer service improvement, out of court disposals, use of force and stop and search.⁹⁹ The OPCC in Northumbria runs scrutiny panels on the police response to rape and the handling of police complaints.¹⁰⁰

All PCCs support the funding of the Independent Custody Visitors Association (ICVA) (which also receives funding from the Home Office). The ICVA organises local volunteers to make unannounced visits to police custody suites to check the rights, entitlements and welfare of detainees is being met.¹⁰¹

Police complaints

Since February 2020 PCCs have played a greater role in the police complaints system. The Government hopes increasing the PCC role in the complaints system will bring a level of independence to complaint handling and improve public confidence in the system.¹⁰² The Library briefing [police complaints and discipline](#) discusses these recent reforms to complaints system and the new responsibilities for PCCs in more detail.

PCCs have three responsibilities associated with police complaints. They must:

- **hold their chief officer accountable for the performance of the local complaints and disciplinary processes.** Exactly how they do this is up to them but the Independent Office for Police Conduct has set some

⁹⁷ See: HMICFRS, [Publications: Police and Crime Commissioners](#) [last accessed 26 April 2021]

⁹⁸ [s11\(3\)](#), Police Reform and Social Responsibility Act 2011

⁹⁹ OPCC Dorset, [Other forms of scrutiny](#), [last accessed 26 April 2021]

¹⁰⁰ OPCC Northumbria, [Volunteers](#), [last accessed 26 April 2021]

¹⁰¹ ICVA, [Who are we](#), [last accessed 26 April 2021]

¹⁰² Home Office, [Improving police integrity: reforming the police complaints and disciplinary systems](#), December 2014, para 2.10

expectations in its [statutory guidance on the police complaints system](#). For example, PCCs are expected to scrutinise local complaints data.¹⁰³

- **handle complaints which concern the conduct of their chief officer.**¹⁰⁴ Their powers relating to chief officer complaints are discussed in section four of this briefing.
- **handle certain complaint reviews for their local force.** Some police complainants have a right to have the way their complaint was dealt with ‘reviewed’ when they were unhappy with how it was dealt with. Certain complaint reviews are now carried out by the local policing body.

PCCs can choose to extend their responsibilities for police complaints by adopting one of three models.¹⁰⁵ Those that choose *not* to extend their responsibilities operate ‘model one’.

- Under model two PCCs are also responsible for recording police complaints about their force. This allows them to resolve some complaints independently outside the formal system.
- Under model three PCCs are also responsible for recording police complaints about their force **and** for all correspondence with complainants.

Only three PCCs had extended their responsibilities for police complaints. Julia Mulligan (the PCC for North Yorkshire) has adopted model three. David Lloyd (the PCC for Hertfordshire) and Stephen Mold (the PCC for Northamptonshire) have adopted model two.¹⁰⁶ Following the 2021 PCC elections the number of PCCs with extend responsibilities may change.

2.3

Commissioning criminal justice services

PCCs are responsible for arranging crime reduction and victim support services for their area.¹⁰⁷ PCCs do this by commissioning services from other public bodies (local authorities, health services, police forces and the courts) and third sector organisations.

Victim support

PCCs receive funding from the Ministry of Justice (MoJ) to commission victim support services for their area. In 2019/20 this funding was worth £70.3m

¹⁰³ IOPC, [Statutory guidance on the police complaints system](#), February 2020, para 4.12

¹⁰⁴ s29, Police Reform Act 2002; IOPC, [Statutory guidance on the police complaints system](#), February 2020, Annex A

¹⁰⁵ IOPC, [Statutory guidance on the police complaints system](#), February 2020, para 1.27

¹⁰⁶ Information provided to the Library via personal communication with the IOPC

¹⁰⁷ [s143](#), Anti-social Behaviour, Crime and Policing Act 2014

nationally.¹⁰⁸ PCCs fund a wide range of services for example, domestic abuse support services, victim advice lines and restorative justice programmes.¹⁰⁹

Some MoJ grant money provided to PCCs is ring-fenced for specific services (like those which support victims of specific crimes). PCCs are also encouraged to work within the [Victims' Services Commissioning Framework](#) when allocating their MoJ funds. Some PCCs choose to supplement their funding for victims' services with money from other sources which they will have more freedom to spend as they wish.

Crime reduction

Local priorities and central government initiatives have played a role shaping the crime prevention services commissioned by PCCs. Locally, PCCs work with their Community Safety Partnerships (CSPs) to reduce crime. Nationally, ringfenced funding provided by the Home Office has required some PCCs to run Violence Reduction Units (VRUs). The PCC role in these local partnerships is a specific focus of part two of the Government's review of the PCC model.¹¹⁰

Community Safety Partnerships (CSPs)

CSPs comprise local authorities, police forces, probation services, fire and rescue authorities and local health services.¹¹¹ CSPs must conduct an annual 'strategic assessment' of crime and disorder in their area. They must use their assessment to formulate and implement a strategy to address local crime and disorder.¹¹² CSPs in **England** must work with their local PCC by sharing their strategies with them and meeting them when requested.¹¹³

Many CSPs rely on grant funding from their PCCs to carry out their strategies.¹¹⁴ Effective collaboration between PCCs and CSPs should help both inform each other's work. However, the Local Government Association (LGA) has raised concerns that the relationships between CSPs and PCCs is not always good. In its 2018 review of community safety services, the LGA said poor relationships in some areas was inhibiting the work of CSPs. Particularly, when CSP priorities did not align with those of the PCC.¹¹⁵

Violence Reduction Units (VRUs)

Some PCCs are running Violence Reduction Units (VRUs) to support a multi-agency approach to understanding and combating violence in their local

¹⁰⁸ [PO HL11429: Domestic Abuse: Victim Support Schemes](#), 14 December 2020

¹⁰⁹ APCC, [PCCs making a difference: Putting victims first in focus](#), 2019

¹¹⁰ Home Office, [Terms of reference: Police and Crime Commissioner Review Part 2](#), 27 July 2021

¹¹¹ [s5](#), Crime and Disorder Act 1998

¹¹² r5-7 and r10-11, [The Crime and Disorder \(Formulation and Implementation of Strategy\) Regulations 2007](#)

¹¹³ Home Office, [Police and Crime Commissioners and Community Safety Partnerships](#), undated

¹¹⁴ Local Government Association, [LGA review of the future of community safety services](#), May 2018, p6 and p9

¹¹⁵ Local Government Association, [LGA review of the future of community safety services](#), May 2018, p9-11

area.¹¹⁶ There are currently eighteen VRUs in England and Wales, serving the areas “worst affected by violent crime”.¹¹⁷ Most VRUs run by staff in the office of the relevant PCC.¹¹⁸ London’s VRU was established by the Mayor of London without specific Home Office support. The remaining seventeen VRUs in England and Wales are the result of a Home Office initiative to establish them.¹¹⁹ The Government has made a total of £69.52 million of grant money available for VRUs up to March 2021.¹²⁰ On 8 February 2021 the Government announced a further £35.5m to fund VRUs up to March 2022.¹²¹

It is up to each VRU how it operates. The Home Office has issued [interim guidance](#) which provides some questions to think about when designing VRU services. Since VRUs are encouraged to adopt a public health approach, most do the following things:

- Agree a local definition of “serious violence” and “public health approach” with the relevant partners.¹²²
- Coordinate the sharing of relevant information between local partners.¹²³
- Conduct research about the nature and scale of serious violence in the local area and what factors are driving it.¹²⁴
- Commission partner and third sector organisations to carry out local early intervention projects and evaluate the progress of these projects.¹²⁵

The Youth Violence Commission (a cross party group of MPs concerned with tackling youth violence) is concerned that VRUs are too focused on their commissioning work and are adopting a “relatively narrow vision of their potential role”. The Commission has called on VRUs to come together as a network to promote national level policy changes.¹²⁶

The Home Office commissioned an independent [process evaluation](#) of the English and Welsh VRUs, which was published in August 2020. It concluded that VRUs had generally made “good progress” over the first year of the programme. The evaluation said it was too early to comment on the effectiveness of VRU commissioned projects.¹²⁷

¹¹⁶ Home Office, [Violence Reduction Unit Interim Guidance](#), March 2020,

¹¹⁷ Home Office, [Additional £35 million for Violence Reduction Units](#), 29 December 2019

¹¹⁸ Home Office, [Process evaluation of the Violence Reduction Units](#), August 2020, p23

¹¹⁹ Home Office, [Funding for Violence Reduction Units announced](#), 12 August 2019

¹²⁰ Home Office, [Additional £35 million for Violence Reduction Units](#), 29 December 2019

¹²¹ Home Office, [£35.5m to support young people at risk of involvement in serious violence](#), 8 February 2021

¹²² Ibid, p34-37

¹²³ Ibid, p38-43

¹²⁴ Home Office, [Process evaluation of the Violence Reduction Units](#), August 2020, p38-43

¹²⁵ Home Office, [Process evaluation of the Violence Reduction Units](#), August 2020, p43- 46

¹²⁶ Youth Violence Commission, [Youth Violence Commission: Final Report](#), July 2020, p12

¹²⁷ Home Office, [Process evaluation of the Violence Reduction Units](#), August 2020, p6

2.4

Fire & rescue services

PCCs can submit a proposal to the Home Office to assume responsibility for their local fire & rescue services. The Home Office grant proposals that are in the interests of efficiency, effectiveness and public safety by order.¹²⁸ At present four PCCs (Essex, Staffordshire, West Mercia and Northamptonshire) have responsibility for their local fire & rescue service. These PCCs are technically known as Police, Fire and Crime Commissioners (PFCCs).

The Conservative Party has supported the integration of emergency services (particularly police and fire & rescue services) since 2015. Encouraging PCCs to assume responsibility for fire & rescue services has been a key part of this policy agenda.

Fire & rescue governance

The governance body for fire & rescue services is the fire & rescue authority itself. There are at least eight different ways in which fire & rescue authorities arrange for their own governance, most of which involve local councillors.¹²⁹ In areas where the PCC is responsible for fire & rescue services they are the fire & rescue authority and they provide governance for their authority. Therefore, PFCCs directly employ fire & rescue staff (including the chief fire officer). This is different to police governance where the OPCC is a separate legal entity to the police force and PCCs and chief officers have different responsibilities and functions.

Government proposals for reform

The current Conservative Government is preparing for major reform to fire & rescue services in light of findings from phase one of the Grenfell Tower Inquiry, the Kerslake Review into the response to the Manchester Arena Attack and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) reports on the State of Fire & Rescue Services. The Government is committed publishing a consultative White Paper on its fire & rescue services reform agenda. It says this White Paper will (amongst other things) ask for views on:

- mandating the transfer of fire and rescue functions to PCCs or Mayors where boundaries are coterminous.
- how to address coterminosity challenges where they exist (including in the South West).
- legislating to create operational independence for chief fire officers.

¹²⁸ [Schedule 1](#), Police and Crime Act 2017

¹²⁹ HMICFRS, [State of Fire and Rescue: The annual assessment of fire and rescue services in England 2019](#), January 2020, p29

- Considering options to clarify the legal entities within the PFCC model.¹³⁰

The National Fire Chiefs Council and HMICFRS have both supported proposals to create operational independence for chief fire officers. HMICFRS says the reform will give chief fire officers the freedom to implement “changes to improve the effectiveness and efficiency of their services”.¹³¹ The Fire Brigade Union (FBU) has opposed the proposal calling it a “Trojan horse for granting independence from appropriate scrutiny and accountability”.¹³²

Dr John McDaniel (who has studied the effectiveness of PCCs) argues that the remit of PCCs should not be extended to include fire & rescue services until their governance of police forces has shown to be effective.¹³³

¹³⁰ [HCWS84: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

¹³¹ HMICFRS, [State of Fire and Rescue: The annual assessment of fire and rescue services in England 2019](#), January 2020, p29. See also: NFCC, [NFCC responds to The Government's PCC Review](#), 17 March 2021

¹³² FBU, [FBU brands annual HMICFRS report ‘Trojan horse’ for attacks on terms and conditions](#), 17 March 2021

¹³³ McDaniel J.L.M, Rethinking the law and politics of democratic police accountability, *Pol. J.* 2018, 91(1), 22-43 [accessible through the Library’s resource]

3

Relationship with chief officers

PCCs provide political leadership for policing in their area but they are not responsible for leading their force. Police chiefs retain operational independence for their force and make independent decisions, free from political interference, about operational matters. There is no definitive list of “operational matters” nor is there an expectation that operational decisions should be free from political scrutiny. Therefore, a grey area exists between the policing matters PCCs can influence and those which are at the operational discretion of police chiefs. The relationship between PCCs and police chiefs is therefore vitally important to ensure the delivery of PCCs political commitments and the effective management of police forces.

PCCs have powers to appoint suspend and remove their police chief. PCCs are also responsible for handling public complaints concerning the conduct of their chiefs.

3.1

The Policing Protocol Order 2011

The [Policing Protocol Order 2011](#) provides a legal framework for PCCs and police chiefs to manage their relationship. The protocol sets out an expectation that “the principles of goodwill, professionalism, openness and trust will underpin the relationship (between PCCs and police chiefs”. It expects both to “do their utmost to make the relationship work”.¹³⁴

The policing protocol:

- **sets out the powers and responsibilities of PCCs and police chiefs.** It summarises the statutory responsibilities of both and puts statements that reflect ambitions about what each role will deliver on a legal footing. These statements can be vague and are open to interpretation. For example, the protocol says PCCs have a legal power and duty to “provide a local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action”.¹³⁵
- **imposes a duty on both parties to uphold and safeguard the principal of operational independence.** The protocol sets out an expectation that the professional discretion of the police service “shall not be

¹³⁴ [para 8](#), The Policing Protocol Order 2011

¹³⁵ [para 17\(i\)](#), The Policing Protocol Order 2011

compromised”.¹³⁶ It says PCCs “must not fetter the operational independence of the police force”.¹³⁷ It also says PCCs and police chiefs “must work together to safeguard the principle of operational independence”.¹³⁸

- **describes some of the operational matters at the discretion of police chiefs.** The protocol specifically says that operational independence is “not defined in statute”.¹³⁹ However, it does provide a non-exhaustive list of operational matters to illustrate the types of matters police chiefs are operationally responsible for. The following are listed:¹⁴⁰
 - the ability to issue a warrant appointing someone to the Office of Constable (i.e. appoint people to be police officers).
 - decisions regarding the appointment and dismissal of officers and staff.
 - decisions relating to the configuration and organisation of policing resources.
 - total discretion to investigate or require an investigation into crimes.
 - decisions about how to balance operational needs with the objectives of the PCC.
 - operational decisions to reallocate resources to meet demand.
 - the allocation of officers to specific duties and responsibilities to meet the PCCs objectives.

The High Court has described the protocol as an “unusual” piece of legislation but says it is “critical” to the proper functioning of police governance.¹⁴¹ The Association of Police and Crime Commissioners (APCC) describes a “shared understanding” of the protocol as a starting point for understanding how the roles of PCC and police chief “intersect”. It says “local protocols” or “Joint Corporate Governance Frameworks” have helped some PCCs and chiefs manage the “challenges” and “pressure points” in their working relationships.¹⁴²

The Government is committed (as part of its two-part review of the PCC model) to consulting on possible amendments to the protocol that will provide a “brighter line on the boundaries of operational independence and reflect changes in the relationship between the parties to the Protocol which

¹³⁶ [para 30](#), The Policing Protocol Order 2011

¹³⁷ [para 18](#), The Policing Protocol Order 2011

¹³⁸ [para 35](#), The Policing Protocol Order 2011

¹³⁹ [para 35](#), The Policing Protocol Order 2011

¹⁴⁰ [para 33](#), The Policing Protocol Order 2011

¹⁴¹ [2017] EWHC 1349 (Admin), para 71

¹⁴² APCC, [PCC candidate briefing: Guidance, advice and information for anyone interested in standing as a candidate in the 2021 Police and Crime Commissioner elections](#), undated, p35

have taken place over time”.¹⁴³ Any change to the policing protocol would have significant consequences to the way PCCs and police chiefs manage their relationship.

3.2 Appointing chiefs

PCCs must appoint a chief constable to lead their force. PCCs may only appoint someone who is a police officer in the UK or an approved overseas police force (currently only Australian, Canadian, New Zealand, and selected State and local police forces in the United States are approved).¹⁴⁴

There is a formal appointment process PCCs must follow before appointing their chief. The process involves the local Police and Crime Panel (PCP). PCPs comprise of local councillors. They provide formal scrutiny of their PCC between elections (section 4.2 of this briefing provides more details).

Scrutiny process for appointing police chiefs¹⁴⁵

Notification	The PCC must notify their PCP of their proposed appointment and give them details of the criteria they used to assess their suitability for the role and why they have been chosen.
PCP review	<p>The PCP must review the proposed appointment and report back to the PCC within three weeks giving their recommendation on whether the candidate should be appointed. As part of this review process the PCP must hold a confirmation hearing with the proposed candidate.</p> <p>PCCs can accept or reject a PCPs recommendation but must notify them of their decision.</p>
PCP veto	PCPs can exercise a veto power to prevent a candidate they have not recommended from being appointed. The panel must have a two thirds majority to veto an appointment. The panel must make a statement explaining why they are vetoing the proposed appointment. PCCs cannot appoint vetoed candidates and must start the process again with a new candidate if this occurs.

¹⁴³ [HCWS849: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

¹⁴⁴ Schedule 8, [Part 1](#), para 2(1), Police Reform and Social Responsibility Act 2011; [The Appointment of Chief Officers of Police \(Overseas Police Forces\) Regulations 2014](#)

¹⁴⁵ Schedule 8, [Part 1](#), Police Reform and Social Responsibility Act 2011

HMICFRS Leading Lights report

There have been longstanding concerns that the process for appointing chief officers needs improving. In 2019 Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) published an inspection of the police selection and development of chief officers in a report entitled [Leading Lights](#). The Leading Lights report concluded that the process for selecting chief officers was "haphazard" and that a failure to identify potential chief officers and a lack of movement between forces was creating a shortage of chief officer candidates. The role of PCCs in the selection process was out of scope of the inspection however, HMICFRS did comment that the training programme used to qualify candidates was too focused on working under PCCs and not on working regionally/ nationally.¹⁴⁶ HMICFRS also reported that senior police officers cited "uncertainty in the local election cycle (for police and crime commissioners)" as inhibiting movement because "people wanted to know who they would be working for".¹⁴⁷

The Government is committed to addressing HMICFRS' recommendations by working with the College of Policing (the body responsible for professional standards in policing to improve the assessment and selection process for chief constables.¹⁴⁸

3.3 Suspending chiefs

PCCs have powers to suspend their chief officer at any time.¹⁴⁹ The PCC must notify their PCP when they suspend their police chief but otherwise there are no statutory rules about the PCC power to suspend their chief.¹⁵⁰ However, since PCCs are obligated to work with their police chief with "goodwill, professionalism, openness and trust" under the Policing Protocol they are not expected to use their power to suspend their chief without good reason.¹⁵¹

3.4 Removing chiefs

PCCs can remove their chief officer by calling on them to retire or resign.¹⁵² At present, legislation does not set out why a PCC can suspend or call on their chief to retire/ resign. But PCCs cannot call on their chief to retire/ resign until they have completed a formal "scrutiny process".¹⁵³ Police chiefs must

¹⁴⁶ HMICFRS, [Leading Lights: An inspection of the police service's arrangements for the selection and development of chief officers](#), August 2019, p9

¹⁴⁷ Ibid, p12

¹⁴⁸ [HCWS849: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

¹⁴⁹ [s38\(4\)](#), Police Reform and Social Responsibility Act 2011

¹⁵⁰ Schedule 8, [para 11](#), Police Reform and Social Responsibility Act 2011

¹⁵¹ [2017] EWHC 1349 (Admin)

¹⁵² [s38](#) and [Part 2](#), Schedule 8, Police Reform and Social Responsibility Act 2011

¹⁵³ [para 12](#), Part 2, Schedule 8, Police Reform and Social Responsibility Act 2011

retire/resign when their PCC formally calls upon them to do so following the scrutiny process.¹⁵⁴

Scrutiny process for removing police chiefs	
Notification	<p>PCCs must give their chief officer a written explanation of the reasons why they are proposing to call on them to retire/resign. They must give them an opportunity to make written representations to them about their proposal.</p> <p>The PCC must notify their Police and Crime Panel (PCP) of this action and provide them a copy of the PCCs letter to the chief and the chief's representations in response.</p>
Further notification	<p>If the PCC still wants to remove their chief following the notification process, they must "further notify" both the chief and the PCP of this fact.</p>
Police and Crime Panel (PCP) recommendations	<p>Following a further notification the PCP has six weeks to give a recommendation as to whether the PCC should call for the police chief to retire or resign. The PCP must hold a private "scrutiny hearing" before giving a recommendation which the PCC and chief officer are entitled to attend. They may also consult Her Majesty's Inspectorate when coming to its view.</p>
Consideration of PCP recommendations	<p>The PCC must consider the PCPs recommendations before deciding whether to call on their chief officer to retire or resign. They are entitled to accept or reject the recommendations but must notify the PCP of its decision.</p>

As part of its two-part review of the PCC model the Government has committed to "make the chief [officer] dismissal process more rigorous and transparent". It says it will:¹⁵⁵

- **Require PCCs to give chief officers written notice as the first stage of the dismissal process.** It's not clear how this would differ from the notification process that is already in place.
- Allow for the chief officer to provide Her Majesty's Inspectorate with a response to the grounds stated by the PCC. Presently the Inspectorate can be consulted by the PCP through the scrutiny process.
- Introduce "some form of time limit or review interval" on a chief officer's suspension.

¹⁵⁴ [s38\(2\), Police Reform and Social Responsibility Act 2011](#)

¹⁵⁵ [HCWS849: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

The Home Office also says it will “work with the College of Policing, NPCC and APCC to develop a framework for the use of independent mediation in appropriate circumstances”.¹⁵⁶

Attempted removal of South Yorkshire chief

Only one PCC has thus far tried to call on their chief to resign. The PCC failed to do so because his actions were found unlawful by the High Court. In 2016 the former PCC for South Yorkshire suspended his chief and initiated the scrutiny process to call for his resignation. The PCC argued his chief had lost the public’s confidence over his response to verdict of the Hillsborough football stadium disaster inquest. The chief officer initiated judicial review of the PCCs actions, and the High Court ruled in his favour. The Court said the PCC acted irrationally by not meeting his Policing Protocol obligations to work cooperatively with his chief. It said he had not adequately used other avenues to address the issues he had with the chief’s actions.¹⁵⁷ This episode raised some questions about how PCCs were ultimately supposed to hold their chiefs to account. The Association of Police and Crime Commissioners said at that time that it was going to be speaking to the Home Office about the judgment and whether “updated guidance” was needed to provide further clarification on the issues raised in the case.¹⁵⁸

3.5

Handling complaints about chiefs

PCCs are responsible for handling public complaints about the conduct of chief officers. They must follow statutory rules when doing so set out Schedule 3 of the Police Reform Act 2002. In some cases they must refer the case to the Independent Office for Police Conduct (IOPC) to decide about how the complaint should be investigated. The IOPC is also responsible for overseeing the whole complaints system. They have provided statutory guidance to PCCs on their responsibility to handle complaints about chief officers in Annex A of its [Statutory guidance on the police complaints system](#).

It is often difficult to discern whether a complaint concerns the conduct of the chief officer since the operational role of chief officers is unique. The IOPC has published additional [practical guidance on handling allegations about chief officers](#). This practical guidance gives examples of when it would be appropriate for a PCC to open formal complaint handling in response to a member of the public’s dissatisfaction with their chief officer.

¹⁵⁶ [HCWS849: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

¹⁵⁷ [2017] EWHC 1349 (Admin)

¹⁵⁸ APCC, [Response to the South Yorkshire Police and Crime Commissioner’s decision not to appeal](#), June 2017

4 Holding PCCs to account

PCCs are held accountable in three main ways:

- **via the ballot box.** PCCs are directly elected politicians. The electorate has the power to vote them out if they are dissatisfied with their performance. PCC elections take place every four years.
- **by local councillors sitting on Police and Crime Panels (PCPs).** PCPs provide formal scrutiny of their PCC between elections. They are supposed to provide a similar function to parliamentary select committees which scrutinise the work of government between General Elections.
- **by the Home Secretary** through their power to issue **directions to “ineffective” PCCs.**¹⁵⁹ These directions can require a PCC to take specific actions. They can also be used to require PCCs submit an “action plan” to the Home Secretary detailing how they’ll address their failings.

Like all politicians PCCs are also held accountable by public opinion. PCCs can voluntarily resign and some have done so.¹⁶⁰

4.1 Elections

Average turnout in PCC elections¹⁶¹

2012	15.1%
2016	26.6%
2021	33.2%

PCC elections are supposed to take place every four years. They must be scheduled on the first Thursday in May in the election year to coincide with other elections in England and Wales.¹⁶² Those registered to vote in local government elections are eligible to vote for the PCC in that area.¹⁶³ The supplementary vote system is used, the same system used to elect combined authority mayors.¹⁶⁴

Turnout at PCC elections been relatively poor, and evidence suggests that people are ill informed about the process. The Electoral Commission (EC- the independent body which oversees elections and regulates political finance) found that 72% of voters reported knowing “not very much or nothing at all” about PCCs before going to the polls in 2016. The EC said voters were finding

¹⁵⁹ s40A and s40B of the Police Act 1996

¹⁶⁰ s61, Police Reform and Social Responsibility Act 2011

¹⁶¹ House of Commons Library, [Police and Crime Commissioner Elections: 2016](#), May 2016; House of Commons Library, [General Election 2019: full results and analysis](#), December 2019

¹⁶² s50, Police Reform and Social Responsibility Act 2011

¹⁶³ s52, Police Reform and Social Responsibility Act 2011

¹⁶⁴ [Schedule 9](#), Police Reform and Social Responsibility Act 2011

it difficult to access information about candidates. It also reported that candidates were “overwhelming negative about the Government’s for communicating the views of candidates to voters”.¹⁶⁵

The Conservative Party has been committed to changing the PCC (and local mayoral) electoral system to first-past-the-post (FPTP) since 2015.¹⁶⁶ The current Government says doing so will provide “strong and clear local accountability” for PCCs.¹⁶⁷ The Government is bringing these proposals forward via amendments to the [Election Bill 2021-2022](#). The Library has explained the Government’s amendments in an [Insight](#) on our website.

The voting system

Election of Police and Crime Commissioner for
your police area

Vote once in column 1 for your first choice, and
Vote once in column 2 for your second choice

	Column 1 first choice	Column 2 second choice
Candidate A	<input type="checkbox"/>	<input type="checkbox"/>
Candidate B	<input type="checkbox"/>	<input type="checkbox"/>
Candidate C	<input type="checkbox"/>	<input type="checkbox"/>
Candidate D	<input type="checkbox"/>	<input type="checkbox"/>

Mock ballot paper for PCC elections.

Source: BBC News, [How the PCC elections work](#), 12 November 2012

The supplementary vote system (SV) is designed to ensure candidates receive broad support from their electorate. Voters can give a first and second preference choice. A voter marks a cross in one column for their first preference candidate. They mark another cross in a second column for their second preference if they wish to do so. If a candidate receives more than 50% of the first preference votes, then they are elected. If no candidate reaches the 50% threshold, the two candidates with the highest number of votes remain. This eliminates the other candidates. The second preference of the eliminated candidates are counted. Any made for the two remaining candidates are transferred. The candidate with the most votes at the end of this process is elected.¹⁶⁸

SV ensured that no PCC was elected in 2016 with less than 50% of the vote.¹⁶⁹ At the 2019 General Election just 67 parliamentary seats (around 6% of the total) were won with more than 50% of the vote under FPTP.¹⁷⁰

The Government opposes SV because it “forces voters to try and guess which two candidates are likely to reach the final round in order to vote tactically”. It says it “also leads to a significantly higher number of spoiled ballots, disenfranchising people who have cast their vote in good faith”.¹⁷¹ The EC did find that some voters were marking their ballot papers incorrectly in 2016. It

¹⁶⁵ EC, [Report on the administration of the 5 May 2016 Police and Crime Commissioner elections in England and Wales, including the local government elections held across parts of England](#), September 2016, p4

¹⁶⁶ Cabinet Office, [The UK Government’s Response to the report of the Electoral Commission on the May 2016 Police and Crime Commissioner Elections - incorporating responses to reports from the Association of Electoral Administrators, and the Royal National Institute of Blind People](#), July 2017

¹⁶⁷ [HCWS849: Concluding Part One of the Police and Crime Commissioner Review](#), 21 March 2021

¹⁶⁸ UK Parliament, [Voting systems in the UK](#) [last accessed 28/04/21]

¹⁶⁹ House of Commons Library, [Police and Crime Commissioner Elections: 2016](#), May 2016

¹⁷⁰ House of Commons Library, [General Election 2019: full results and analysis](#), December 2019, p70

¹⁷¹ Cabinet Office, [The UK Government’s Response to the report of the Electoral Commission on the May 2016 Police and Crime Commissioner Elections - incorporating responses to reports from the Association of Electoral Administrators, and the Royal National Institute of Blind People](#), July 2017

recommended the Government include explanatory text on the ballot paper to help voters.¹⁷²

Candidates

188 candidates stood in the 2016 PCC elections. The average number of candidates per race was four. Four 2016 races were contested by the three main political parties only.¹⁷³ Analysis of the candidates standing at the 2021 elections suggests there was less choice. This is because the UK Independence Party (UKIP) fielded no candidates in 2021 after fielding 34 candidates in 2016. UKIP is boycotted the 2021 elections in opposition to the idea of PCCs.¹⁷⁴

Key PCC candidate statistics		
	2016	2021
Number of candidates	188	160
Average number of candidates per race	4	4
Number of races with only three candidates	3	9

Source: House of Commons Library, [Police and Crime Commissioner Elections: 2016](#), May 2016; House of Commons Library, [PCC Elections 2021](#), May 2021

Note: There was one less PCC election in 2021 owing to the powers of the PCC for West Yorkshire transferring to the Combined Authority Mayor.

Candidates must be at least 18 years old on the day of nomination; a British citizen, an eligible Commonwealth citizen or a citizen of any other member state of the European Union; and registered as a local government elector in a local council area that is within the police area in which the candidate wishes to stand, both at the time of nomination and on polling day. Individuals **cannot** stand if they are a police officer or are directly or indirectly employed by the police, are a Member of Parliament (or other devolved legislature), have ever been convicted of an imprisonable offence; or are the subject of a bankruptcy restrictions order.¹⁷⁵

The Electoral Commission (EC) is concerned that rules which determine who can get on the ballot are excluding eligible independent candidates from the race. To get on the ballot eligible candidates must secure the signatures of

¹⁷² EC, [Report on the administration of the 5 May 2016 Police and Crime Commissioner elections in England and Wales, including the local government elections held across parts of England](#), September 2016, p4

¹⁷³ House of Commons Library, [Police and Crime Commissioner Elections: 2016](#), May 2016, p14

¹⁷⁴ UKIP, Steve Unwin, [UKIP Home Affairs Spokesman, explains why UKIP are boycotting the 2021 Police and Crime Commissioner elections](#), undated [last accessed 28/04/21]

¹⁷⁵ [s64- 68](#), Police Reform and Social Responsibility Act 2011

100 people and pay a £5,000 deposit. In contrast candidates in General Elections must secure just ten signatures and pay a deposit of £500. The EC was concerned that signatory and deposit rules were significant hurdles on independent candidates entering the race. They recommended that both be lowered.¹⁷⁶ The Government rejected these recommendations arguing that they were preventing “frivolous candidatures” from entering the race.¹⁷⁷

By-elections

A by-election is triggered when a PCC resigns, or the office is declared vacant by the High Court (following the suspension of a PCC). A by-election must take place within 35 days of the vacancy unless a regularly scheduled election is due to place within six months.¹⁷⁸ Police and Crime Panels (PCPs- see below) must appoint an acting PCC from amongst the PCCs staff whilst the office is vacant. PCPs also have the power to appoint an acting PCC if the sitting PCC is incapacitated or suspended.¹⁷⁹

4.2

Police and Crime Panels (PCPs)

Police and Crime Panels (PCPs) provide scrutiny of PCCs between elections. PCPs were designed to resemble House of Commons select committees (which scrutinise the work of government departments between elections). Practically however, there are many differences between select committees and PCPs.¹⁸⁰

PCPs have four core functions:

- **Seek to influence the work of the PCC:** PCPs can take evidence from their PCC, their staff and others. They can submit reports which the PCC must respond to.¹⁸¹ This is very similar to how House of Commons select committees seek to influence the work of government departments.
- **Review key PCC decisions:** PCPs have powers to review and veto their PCCs chief officer appointee and council tax policing precept plans.¹⁸² They also must hold confirmation hearings when a PCC proposes the appointment of their chief executive, chief finance officer or deputy PCC.

¹⁷⁶ EC, [Report on the administration of the 5 May 2016 Police and Crime Commissioner elections in England and Wales, including the local government elections held across parts of England](#), September 2016, p8

¹⁷⁷ Cabinet Office, [The UK Government’s Response to the report of the Electoral Commission on the May 2016 Police and Crime Commissioner Elections - incorporating responses to reports from the Association of Electoral Administrators, and the Royal National Institute of Blind People](#), July 2017

¹⁷⁸ [s51](#), Police Reform and Social Responsibility Act 2011

¹⁷⁹ [s62](#), Police Reform and Social Responsibility Act 2011

¹⁸⁰ Local Government Association, [Good practice for police and crime panels: Guidance document](#), p5

¹⁸¹ [s29](#), Police Reform and Social Responsibility Act 2011

¹⁸² [Part 1](#), Schedule 8 & [Schedule 5](#), Police Reform and Social Responsibility Act 2011; Home Office, [Police and Crime Panels- Scrutiny of Precepts](#), 2012

PCPs have powers to recommend a proposed appointee is not appointed but the PCC can ignore these recommendation.¹⁸³

- **Handle public complaints about the PCC:** Complaints are normally dealt with by one of two ways: either by informal resolution or a formal investigation. PCPs can choose to delegate the initial handling of complaints to the PCC’s chief executive (or another body).¹⁸⁴ The Government is currently considering what role the Independent Office of Police Conduct (IOPC) could play handling complaints made about PCCs and their deputies.¹⁸⁵
- **PCPs have a very limited power to suspend their PCC.** They can only suspend their PCC if they have been charged with an imprisonable offence.¹⁸⁶

Part two of the Government’s review into the PCC model is looking at the PCP model. The Government says it is specifically considering the “benefits of independent members, identifying and securing the right skill sets and options to strengthen panel support.”¹⁸⁷

Membership

PCPs are composed of councillors from the relevant police force area. The precise size and composition of a PCP depends on the geography of the police force area it serves. However each PCP have at least twelve members: two ‘co-opted members’ from no specific local authority and at least ten members drawn from the relevant local authorities in the police force area. If a police force area has more than ten local authorities, the PCP includes at least one member from each constituent local authority. It is up to relevant local authorities how they choose the councillors who sit on the PCP. If an agreement about the composition of a PCP cannot be met the Home Secretary has powers to nominate individuals to be members of the PCP.¹⁸⁸

Normally the County Council that aligns with the police force area (if there is one) or the largest unitary council is the “lead authority” and provides the administrative support for the PCP.¹⁸⁹ The individual who chairs the PCP does not necessarily need to be from the lead authority. There are no specific provisions on who should chair a PCP. It is for PCP members to agree how this

¹⁸³ para 9- 12, [Schedule 1](#), Police Reform and Social Responsibility Act 2011

¹⁸⁴ [Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#); Home Office, [Police and Crime Panel Regulations- non-criminal complaints and misconduct](#), undated

¹⁸⁵ [HCWS849: Concluding Part One of the Police and Crime Commissioner Review](#), 21 March 2021; Home Office, [Terms of reference: Police and Crime Commissioner Review Part 2](#), 27 July 2021

¹⁸⁶ [s30](#), Police and Social Responsibility Act 2011

¹⁸⁷ Home Office, [Terms of reference: Police and Crime Commissioner Review Part 2](#), 27 July 2021

¹⁸⁸ [Schedule 6](#), Police Reform and Social Responsibility Act 2011

¹⁸⁹ Local Government Association, [Police and crime panels: Guidance on role and composition](#), paragraph 5.3

person is selected. They might, for example, choose to rotate the chairmanship amongst their membership.

Guidance for PCPs

The Local Government Association (LGA) provided [guidance](#) to local authorities on PCPs when the *Police and Social Responsibility Act 2011* was passed. This guidance was designed to help local government officials set up their PCPs. In 2017 the LGA published [updated guidance](#) to local authorities. This guidance aims to incorporate the experience of PCPs across the England and Wales and identified some ‘best practice’. As part of its two-part review of the PCC model, the Government has committed to work with the LGA to develop a “good governance training package for Police and Crime Panels”.¹⁹⁰

4.3 Home Office powers

The Home Secretary can issue directions to a PCC they think is or will “fail to discharge any of its functions in an effective manner”. They can use these directions to require the PCC submit an action plan to them detailing the measures they will take to address their concerns. The Home Secretary must give the PCC and Her Majesty’s Inspector of Constabulary Fire and Rescue Services notice of their decision to issue a direction and details of the grounds on which it is being issued. PCCs can suggest “remedial measures” that would make issuing a direction unnecessary. The Home Secretary cannot issue a direction if the PCC suggests “remedial measures” that are “sufficient”.¹⁹¹

The Home Secretary has a similar power to issue PCCs with directions to resolve ineffectiveness in their police force.¹⁹² The Home Secretary can use that power in conjunction with their power to issue an action plan to an ineffective PCC if she wishes.

4.4 Recalling PCCs?

Some have argued that there should be a mechanism for voters to recall their PCC between elections if they are unhappy with their performance.¹⁹³ In 2014, following the resignation of the former PCC for South Yorkshire, the

¹⁹⁰ [HCWS849: Concluding Part One of the Police and Crime Commissioner Review](#), 21 March 2021

¹⁹¹ s40A, Police Act 1996

¹⁹² s40 and s40A, Police Act 1996

¹⁹³ Association of Police and Crime Commissioners, [APCC welcomes debate on Commissioner recall](#), October 2014

Government indicated it was open to discuss the idea.¹⁹⁴ However, no proposals were ever put forward to introduce a recall mechanism for PCCs, even when Parliamentarians argued the [Recall of MPs Act 2015](#) should be extended to PCCs as it was being debated.

The Government is now reconsidering the idea. Part two of the review of the PCC model will look at...

...the merits and demerits of introducing recall for PCCs for very serious breaches of behaviour, including what might be a suitable trigger mechanism.¹⁹⁵

¹⁹⁴ Home Office, [Government response to the sixteenth report from the Home Affairs Select Committee Session 2013-14 HC 757: Police and Crime Commissioners: progress to date](#), December 2014, p2

¹⁹⁵ Home Office, [Terms of reference: Police and Crime Commissioner Review Part 2](#), 27 July 2021

5

Annex: Government review: part one reforms

Theme	Planned reform
Transparency	<p>"Amend the Specified Information Order to require PCCs to provide a narrative on their force's performance against the Government's crime measures, and Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) force performance reports."</p> <p>"...work with the Cabinet Office and the Ministry of Housing, Communities and Local Government to change the voting system for all Combined Authority Mayors, the Mayor of London and PCCs to First Past the Post."</p>
Accountability	<p>"...work with the College of Policing, Association of Police and Crime Commissioners and National Police Chiefs' Council to build on the Accountability Guidance already in place, including in relation to the performance management of Chief Constables, to help to promote and embed a positive relationship between Chief Constables and PCCs</p> <p>"...consult on potential changes to the <i>Policing Protocol Order 2011</i> to provide a 'brighter-line' on the boundaries of operational independence and reflect changes in the relationship between the parties to the Protocol which have taken place over time."</p> <p>"legislate to amend Section 38 of the Police Reform and Social Responsibility Act 2011, to make the Chief Constable dismissal process more rigorous and transparent, by requiring a PCC to give the Chief Constable written notice (including grounds), as the first stage of the dismissal process; allowing for the Chief to provide HMCIC a response to those grounds; and introducing some form of time limit or review interval on a Chief Constable's suspension from office. The Home Office will also work with the College of Policing, NPCC and APCC to develop a framework for the use of independent mediation in appropriate circumstances."</p> <p>"...address the HMICFRS recommendations included in its 'Leading Lights' (September 2019) report, looking into the role of the College of Policing in the senior recruitment process. We will work with stakeholders to address the issues raised through this review in relation to fixed term appointments."</p> <p>"...work with the Local Government Association (LGA) to develop a good governance training package for Police and Crime Panels"</p>
Resilience	<p>"Home Office and APCC will jointly develop a comprehensive set of non-statutory guidance on the core elements of the PCC role. In conjunction, the APCC should deliver a formal programme of induction for new and returning PCCs post-elections in May 2021."</p>

“...bring forward legislation to mandate that each PCC must appoint a Deputy (of the same political party where the PCC represents a political party). In the interim, we will issue guidance to PCCs’ offices requesting that a formal succession plan is put into place to deal with vacancy and incapacitation, involving the Police and Crime Panel in those discussions as necessary.”

“The Home Office will be launching a consultative White Paper on fire reform later this year. The White Paper will be used to set out our reform agenda in further detail and explore the Review proposals on fire governance which include:

- Consulting on whether to mandate the transfer of fire and rescue functions to the Police, Fire and Crime Commissioner model across England where boundaries are coterminous, unless there is an option to transfer fire governance directly to an elected Mayor.
- Consulting on how to address coterminosity challenges, including in the South West.
- Legislating to create operational independence for Chief Fire Officers and to clearly separate and delineate strategic and operational planning for fire and rescue.
- Considering options to clarify the legal entities within the PFCC model.”

Fire

Mayoral devolution

“We will take steps to remove barriers to more mayors taking on these functions and will work with MHCLG to develop the forthcoming Devolution and Local Recovery White Paper with that longer-term trajectory in mind.”

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