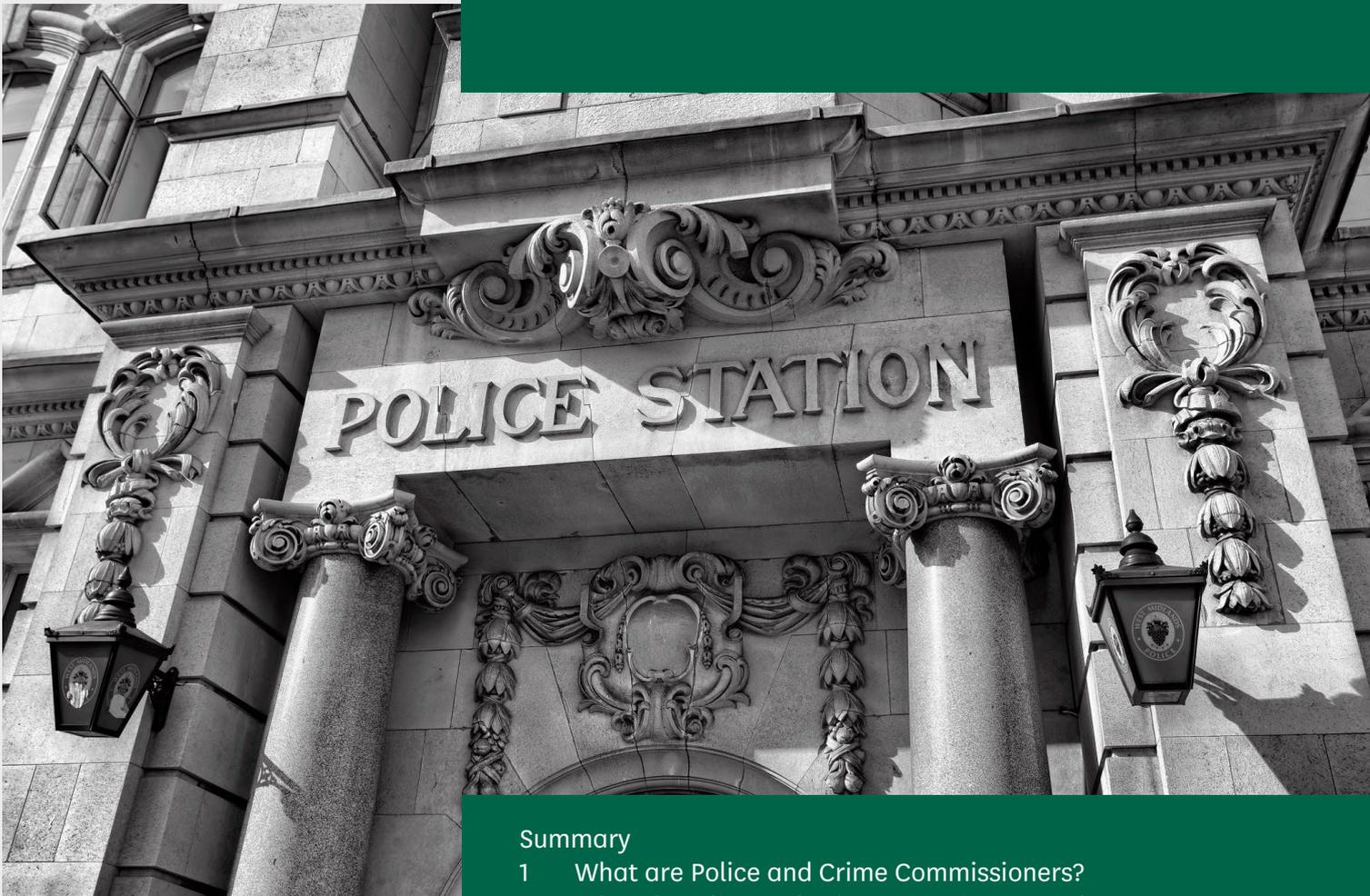


Research Briefing

9 October 2024

By William Downs

# Police and Crime Commissioners



## Summary

- 1 What are Police and Crime Commissioners?
- 2 What do Police and Crime Commissioners do?
- 3 How are Police and Crime Commissioners held to account?

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## Summary

Police and Crime Commissioners (PCCs) are directly elected politicians, with responsibility for overseeing policing in their area. Their main responsibilities include:

- setting an annual budget
- appointing a chief officer to lead their force
- setting a five-year police and crime plan and scrutinising their force's performance against the delivery of the plan

PCCs also commission victims' services and some crime prevention programmes in their police force area. They can also choose to take on additional responsibilities of overseeing the local fire and rescue service, and handling complaints made against the police. Relatively few PCCs have chosen to adopt these additional responsibilities.

PCCs have no power over operational matters, such as deciding what crimes to investigate and how. The chief officer of a police force retains operational independence for their force and is expected to make operational decisions free from political interference.

PCCs were introduced through the [Police Reform and Social Responsibility Act 2011](#). The most recent PCC elections took place in May 2024. [The results of this election are included in the Library briefing PCC Elections 2024](#).

### PCCs and elected mayors

There are 43 regional police forces in England and Wales, each with an elected politician responsible for PCC functions.

In 37 police force areas these functions are delivered by the elected PCC. However, in the remaining six police force areas, PCC functions are delivered by the following:

- In Greater Manchester, West Yorkshire, South Yorkshire and North Yorkshire, the elected mayor of the combined authority fulfils the role of the PCC, usually delegating relevant responsibilities to a deputy mayor for policing.
- In London, the Mayor of London provides oversight of the Metropolitan Police Service through the Mayor's Office for Policing and Crime.
- The Common Council of the City of London provides oversight of the City of London Police.

The Association of Police and Crime Commissioners (APCC) provides [an up-to-date list of elected politicians with PCC powers](#).

## How PCCs are held accountable

PCCs are held accountable in three ways:

- PCCs are directly elected politicians, with elections held every four years.
- Police and crime panels provide formal scrutiny of PCCs between elections through regular public meetings.
- The Home Secretary has a power to issue directions to “ineffective” PCCs, which can require a PCC to take specific actions or to submit an action plan to the Home Secretary detailing how they’ll address the Home Secretary’s concerns.

## Awareness of PCCs

Evidence suggests that many people do not know who their PCC is or what they do. [The Office of National Statistics \(ONS\) estimates that 42% of people over the age of 16 are not aware of PCCs](#).

Turnout for PCC elections is low. [Turnout averaged 23.2% at the 2024 elections](#), representing the lowest turnout of any PCC election since the role was established.

# 1 What are Police and Crime Commissioners?

Police and Crime Commissioners (PCCs) are directly elected politicians, with responsibility for overseeing policing in their area. PCCs were introduced through the [Police Reform and Social Responsibility Act 2011](#).<sup>1</sup>

There are 43 territorial police forces in England and Wales.<sup>2</sup> Each police force area must have an elected politician delivering the functions of a PCC. These can be either a directly elected PCC or a directly elected mayor.

There are currently 37 directly elected PCCs in England and Wales. [Following the PCC elections on 2 May 2024](#), there were 19 Conservative PCCs, 17 Labour, and one Plaid Cymru.<sup>3</sup> There are also five directly elected mayors with PCC-like functions, all of which represent Labour.<sup>4</sup>

## 1.1 Police and Crime Commissioners

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 about operational matters.

Details of their responsibilities and functions, and how these relate to those of chief officers, are outlined in section two of this briefing.

### Office of the PCC

Each PCC employs staff to support with the delivery of their functions, often referred to as the office of the PCC.<sup>5</sup>

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<sup>1</sup> [Section 1](#), Police Reform and Social Responsibility Act 2011. Please note PCCs are only in place in England and Wales. Policing is not a reserved matter for the UK Parliament, and there are separate oversight structures for policing in Scotland and Northern Ireland.

<sup>2</sup> 'Territorial police forces' (sometimes called 'Home Office forces') refers to the police forces in England and Wales covering specific geographic areas. The British Transport Police, Civil Nuclear Constabulary and the Ministry of Defence Police do not have PCCs and have separate oversight structures.

<sup>3</sup> House of Commons Library, [Police and Crime Commissioner Elections 2024](#), 25 July 2024

<sup>4</sup> These are the respective Mayors of London, Greater Manchester, West Yorkshire, South Yorkshire and York and North Yorkshire

<sup>5</sup> Collectively a PCC and their staff are sometimes known as the "office of the PCC" (OPCC).

PCCs are required by law to employ a chief executive to act as the PCC's head of staff and employ a finance officer responsible for the office's financial affairs.<sup>6</sup> These staff are not political appointees and therefore may stay in post if the PCC changes.

Beyond this, PCCs are free to staff their offices as they see fit. Other staff might include communications professionals, statisticians, and personal assistants. Most PCCs employ between 15 and 45 staff.<sup>7</sup> There may be several factors determining the PCCs decision to employ more or fewer staff, for example the size of the police force they oversee, whether they have responsibility for a violence reduction unit, and whether they have opted to provide oversight of fire and rescue services.

PCCs can delegate any of their accountability and service delivery functions to members of their staff. However, they cannot delegate some core functions, such as publishing a police and crime plan; appointing a chief officer; and setting the council tax precept (see section two of this briefing for more information on PCC's functions).<sup>8</sup>

## Deputy PCCs

PCCs can appoint a deputy PCC.

Deputy PCCs are political appointees. PCCs can formally delegate any of their statutory functions to their deputy apart from their main governance responsibilities, such as publishing a police and crime plan; appointing a chief officer; and setting the council tax precept.<sup>9</sup> Deputy PCCs can also act as an interim PCC in the event of their PCC resigning or being suspended.<sup>10</sup> PCCs are required to seek the views of their local police and crime panel (see section three of this briefing) before appointing a deputy.<sup>11</sup>

Before the 2023 PCC elections, approximately half of all PCCs had appointed deputy PCCs.<sup>12</sup>

In 2021, the Conservative government committed to introducing legislation that would require all PCCs to appoint a deputy, stating that this would "enhance resilience and capacity" of PCC offices.<sup>13</sup> This was not introduced to Parliament, and to date, the Labour government has not committed to introducing this legislation.

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<sup>6</sup> [Paragraph 6](#), schedule 1, Police and Social Responsibility Act 2011

<sup>7</sup> Estimates from desk-based research conducted by Library staff.

<sup>8</sup> [Section 18\(7\)](#), Police Reform and Social Responsibility Act 2011.

<sup>9</sup> [Section 18](#), Police Reform and Social Responsibility Act 2011

<sup>10</sup> [Schedule 1, paragraph 8](#), Police Reform and Social Responsibility Act 2011

<sup>11</sup> [Schedule 1, paragraph 10](#), Police Reform and Social Responsibility Act 2011

<sup>12</sup> Estimate from desk-based research conducted by Library staff.

<sup>13</sup> [HCWS84: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

## 1.2

# Mayor's Office for Policing and Crime (MOPAC)

In London, the functions of the PCC lie with the Mayor's Office for Policing and Crime (MOPAC). The elected Mayor of London is the legal occupant of MOPAC and is therefore responsible for the PCC functions related to Greater London and the Metropolitan Police Service (the Met).

MOPAC was established at the same time as PCCs, through the Police Reform and Social Responsibility Act 2011.<sup>14</sup> However it is legislated for separately within the act, owing to some differences in its functions compared to other PCCs.

Generally, MOPAC has most of the same functions as a PCC.<sup>15</sup> For example, it publishes a police and crime plan, sets the Met's budget, and commissions victims services in London.

However, unlike other PCCs, MOPAC does not appoint the Commissioner of Police of the Metropolis (the Met Commissioner). Instead, the Met Commissioner is appointed by the monarch on the recommendation of the Home Secretary, following consultation with the Mayor.<sup>16</sup> The Mayor has no veto power over the appointment, and has no formal power to dismiss the commissioner. This arrangement reflects the seniority of the role of the Met Commissioner and the unique national functions of the Met, such as counter-terrorism and fraud.<sup>17</sup>

In practice, the Mayor delegates most PCC functions to a deputy mayor for policing and crime. The London Assembly, an elected chamber within the Greater London Authority, must conduct a confirmation hearing for the deputy mayor and make a recommendation as to whether the candidate should be appointed.<sup>18</sup>

As of June 2024, MOPAC employed over 230 full-time staff.<sup>19</sup> This is significantly more staff than other PCC offices, though the Met is also significantly larger than any other territorial police force in England and Wales.

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<sup>14</sup> [Part 1, chapter 2](#), Police Reform and Social Responsibility Act 2011

<sup>15</sup> [Section 3](#), Police Reform and Social Responsibility Act 2011

<sup>16</sup> [Section 42](#), Police Reform and Social Responsibility Act 2011

<sup>17</sup> House of Commons Library, [The Greater London Authority](#), 22 July 2024 pp.24-25

<sup>18</sup> Section 60A and Schedule 4A, [Greater London Authority Act 1999](#) (as amended)

<sup>19</sup> London Assembly, [Mayor's Question 2024/1806](#), 5 July 2024

## 1.3 Common Council of the City of London

The Common Council of the City of London performs PCC-like functions for the City of London Police (CoLP).<sup>20</sup> In practice these functions are executed by the [City of London Police Authority Board](#). The Common Council's PCC-like functions are legislated for separately because the CoLP has separate governance arrangements to other territorial police forces in England and Wales.<sup>21</sup>

## 1.4 Combined authorities

### Combined authority mayors with PCC functions

In addition to the Mayor of London, there are four areas in England in which the elected mayor of the combined authority has responsibility for the functions of a PCC:

- Greater Manchester Combined Authority (since 2017)
- West Yorkshire Combined Authority (since 2021)
- York and North Yorkshire Combined Authority (since 2024)
- South Yorkshire Mayoral Combined Authority (since 2024)

There are seven combined authority mayors who do not have PCC functions (see table one).

Since October 2023, the Home Secretary has the power to make regulations to transfer the functions of a PCC to a combined authority mayor, on the following conditions:

- The Home Secretary secures the consent of the mayor;
- A public consultation is held on the proposals; and
- The Home Secretary considers that the proposed changes are likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area.<sup>22</sup>

Prior to this, the Home Secretary had similar powers but also required the consent from the relevant combined authority to initiate the transfer of

<sup>20</sup> [HCWS84: Concluding Part One of the Police and Crime Commissioner Review](#), 16 March 2021

<sup>21</sup> City of London, [City of London Police Authority Board](#), [last accessed 13 August 2024]

<sup>22</sup> [Section 113](#), Local Democracy, Economic Development and Construction Act 2009 (as amended)

powers.<sup>23</sup> However, the Levelling Up and Regeneration Act 2023 removed this requirement, in line with the Conservative government’s commitment to make it easier to transfer powers from PCCs to Mayors.<sup>24</sup>

[The Library briefing on the Levelling Up and Regeneration Bill 2022-23](#), provides further details on the background of these provisions in the Act.<sup>25</sup>

**Table 1: combined authorities and police governance**

Combined authority	Police force(s)	Police governance
Cambridgeshire and Peterborough	Cambridgeshire	PCC
East Midlands	Derbyshire Nottinghamshire	PCCs
Greater Manchester	Greater Manchester	Mayor of the Combined authority
Liverpool City Region	Merseyside Cheshire	PCCs
North East	Northumbria Durham	PCCs
South Yorkshire	South Yorkshire	Mayor of the Combined authority
Tees Valley	Cleveland Durham	PCCs
West of England	Avon & Somerset*	PCC
West Midlands	West Midlands	PCC
West Yorkshire	West Yorkshire	Mayor of the Combined authority
York and North Yorkshire	North Yorkshire	Mayor of the Combined authority
*police force also polices areas not in the combined authority		

<sup>23</sup> [Section 62](#) of the Levelling-up and Regeneration Act 2023 made amendments to [section 107E](#) of the Local Democracy, Economic Development and Construction Act 2009 (as amended by the Cities and Local Government Devolution Act 2016), to remove the requirement for consent for the combined authority.

<sup>24</sup> The governments levelling up white paper stated “The UK Government will take steps to remove barriers to combined authority mayors taking on public safety functions”, [Levelling-up white paper](#) (February 2022)

<sup>25</sup> House of Commons Library, [Levelling Up and Regeneration Bill 2022-23](#), 1 June 2022

## In focus: police oversight in West Midlands

In 2019, the West Midlands Combined Authority blocked an attempt by the government to transfer powers from the West Midlands PCC to the Mayor of West Midlands.<sup>26</sup>

In 2023, the government again tried to secure the transfer of PCC powers to the mayor, following a request by the then Mayor of West Midlands Andy Street (Con) and aided by a change in the law (as detailed above) which meant the government did not require the consent of the combined authority for a transfer to proceed.<sup>27,28</sup>

The transfer was opposed by the incumbent West Midlands PCC, Simon Foster (Lab), who [described the then Mayor's request for powers to be transferred](#) as a “cynical and divisive power grab” which had “no local democratic support.”<sup>29</sup>

From 20 December 2023 to 31 January 2024, [the Home Office ran a consultation on the potential transfer of functions](#), as required by section 113, Local Democracy, Economic Development and Construction Act 2009 (as amended). The Home Office summarised the responses it received:

- 50% of respondents disagreed with the proposal to transfer functions from the PCC to the mayor, whilst 46% agreed with the proposal (4% said don't know).
- Common responses from those in disagreement suggested that the transfer of functions was undemocratic and politically motivated, and that the transfer of policing responsibilities to the Mayor would reduce the attention and focus given to policing issues.
- Common responses from those in agreement suggested the transfer of functions presented opportunities to save costs, create more joined-up efforts to tackle crime, and create clearer accountability.<sup>30</sup>

In February 2024, the government introduced a statutory instrument to implement the transfer of powers.<sup>31</sup> [The then Home Secretary also wrote to](#)

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<sup>26</sup> Birmingham Live, [Transfer of policing powers to the mayor is rejected](#), 22 March 2019

<sup>27</sup> Independent, [West Midlands mayor asks Home Secretary to transfer police commissioner powers](#), 2 November 2023

<sup>28</sup> [Section 62](#) of the Levelling-up and Regeneration Act 2023 made amendments to [section 107E](#) of the Local Democracy, Economic Development and Construction Act 2009 (as amended by the Cities and Local Government Devolution Act 2016), to remove the requirement for consent for the combined authority.

<sup>29</sup> West Midlands PCC, [Statement: Mayor's letter to Home Secretary](#), 2 November 2023

<sup>30</sup> Home Office, [West Midlands Police and Crime Commissioner functions transfer](#), 7 February 2024

<sup>31</sup> [The West Midlands Combined Authority \(Transfer of Police and Crime Commissioner Functions\) Order 2024](#)

[the Home Affairs Committee](#) to confirm he had received consent from the Mayor of West Midlands to enact the transfer.<sup>32</sup>

However, the transfer of powers was prevented following a judicial review launched by Simon Foster. The High Court ruled that the consultation conducted as part of the transfer of powers did not meet statutory requirements.<sup>33,34</sup> As a result, the legislation made to transfer powers was quashed.

The PCC election went ahead as planned on 2 May 2024, and Simon Foster was re-elected.

## 1 South Yorkshire

In South Yorkshire, the government successfully transferred powers from the PCC to the Mayor, [despite almost two-thirds of respondents to the Home Office consultation](#) disagreeing that the transfer should go ahead.<sup>35</sup>

However, unlike in the West Midlands, the transfer of powers was supported by both the Mayor of South Yorkshire (Lab) and the then South Yorkshire PCC (Lab).<sup>36</sup>

The government legislated for the transfer in March 2024.<sup>37</sup> Powers were formally transferred after the Mayoral election in May 2024.

## 1.5

# Association of Police and Crime Commissioners

The [Association of Police and Crime Commissions \(APCC\)](#) is a membership organisation that represents policing bodies in England and Wales. The APCC is a limited company which generates its income through membership fees paid by local policing bodies, through its annual summit and other revenue streams.<sup>38</sup> The APCC represents the collective voice of local policing bodies in

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<sup>32</sup> Home Secretary, [Letter to Chair of the Home Affairs Select Committee](#), 12 February 2024

<sup>33</sup> BBC, [Bid to settle mayor-PCC merger row in courts](#), 15 February 2024

<sup>34</sup> [R \(Police and Crime Commissioner for the West Midlands\) v Secretary of State for the Home Department](#), [2024] EWHC 604 (Admin)

<sup>35</sup> Home Office, [South Yorkshire Police and Crime Commissioner functions transfer](#), 7 February 2024

<sup>36</sup> South Yorkshire PCC, [South Yorkshire's Mayor to seek approval to become Police & Crime Commissioner](#), 26 May 2023

<sup>37</sup> [The South Yorkshire Mayoral Combined Authority \(Election of Mayor and Transfer of Police and Crime Commissioner Functions\) Order 2024](#)

<sup>38</sup> APCC, [Directors' report and financial statements for the year ended 31 March 2020](#), undated

conversations with other stakeholders. It also provides its members with services to help them fulfil their statutory duties.<sup>39</sup>

The APCC employs a secretariat team to deliver its services. It is overseen by a board of serving PCCs who are chosen by PCCs at its annual general meeting. Some PCCs also act on behalf of the APCC as national portfolio leads on certain national priorities, engaging with government and relevant agencies on policy areas, and acting as spokespersons for the APCC.<sup>40</sup>

The 2024 Home Affairs Committee inquiry into PCCs recognised the increasing national role that some PCCs play through the APCC. It recommended that the Home Office, together with the APCC, National Police Chiefs' Council (NPCC) and other key stakeholders, should consider the feasibility of establishing a national decision making process that would facilitate more effective collaboration on priorities between PCCs and chief officers nationally.<sup>41</sup>

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<sup>39</sup> APCC, [About the APCC](#), [last accessed 13 August 2024]

<sup>40</sup> APCC, [Our work](#) [last accessed 16 August 2024]

<sup>41</sup> Home Affairs Committee, [Letter to Home Secretary – inquiry on PCCs](#), 14 March 2024 (PDF)

## 2 What do Police and Crime Commissioners do?

PCCs have several statutory responsibilities related to policing in their area, including allocating police budgets, setting policing priorities, commissioning victims' services and providing oversight of the police force.<sup>42</sup> Some also take on optional additional responsibilities, such as providing oversight of the local fire and rescue service.

However, PCCs should not be involved in police operational decisions. These remain the responsibility of chief officers, who are expected to operate free from political influence.

### 2.1 Police and crime plans

PCCs must publish a police and crime plan for their force.<sup>43</sup> PCCs typically publish their police and crime plan in the year following their election and they tend to cover the PCCs entire term. The police and crime plan must detail the following<sup>44</sup>:

- the police and crime objectives for the force
- the policing they expect the force to provide
- the financial resources they will make available to the force
- how they will share information with the chief officer
- how they will measure the performance of the force
- the criminal justice services they will provide

PCCs must arrange for the public and victims of crime to give their view on their police and crime plan.<sup>45</sup> Most PCCs do this by running public consultations to inform their plan.

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<sup>42</sup> Most responsibilities are set out [in chapter 3 of the Police Reform and Social Responsibility Act 2011](#)

<sup>43</sup> [Section 7](#), Police Reform and Social Responsibility Act 2011

<sup>44</sup> [Section 7](#), Police Reform and Social Responsibility Act 2011

<sup>45</sup> [Section 96](#), Police Act 1996

Chief officers are responsible for the day-to-day running of their force, and for all operational decisions, including those that relate to priorities set out in the police and crime plan.

## 2.2 Police force budget

PCCs are responsible for allocating the overall police force's budget. They decide how to allocate funding between the chief officer (for the running of the police force) and other responsibilities (for example, maintaining their own office and commissioning certain criminal justice services).

The day-to-day financial management of a force remains the responsibility of the chief officer, who must decide how to use funds allocated to them by their PCC, including decisions on how to resource specific operations.<sup>46</sup> Chief officers must have regard to the local police and crime plan and the national policing priorities when making such spending decisions.<sup>47</sup>

Funding from PCCs comes from two main sources:

- The Home Office provides annual grants for the day-to-day running of the police force. This represents the main source of funding for most police forces. The Ministry of Justice also provides an annual grant to commission certain victims services.<sup>48</sup>
- Funding is received locally through the council tax precept. 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. 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.<sup>49</sup>

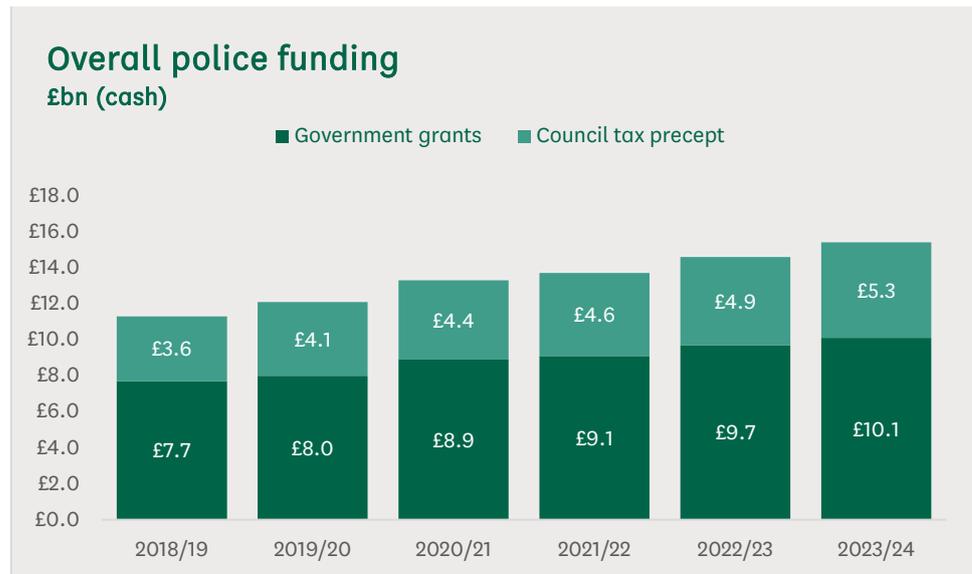
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<sup>46</sup> [Paragraph 23\(m\)](#) and [paragraph 33\(c\)](#), The Policing Protocol Order 2011

<sup>47</sup> [Sections 8](#) and [77](#), Police Reform and Social Responsibility Act 2011

<sup>48</sup> Home Office, [Police funding for England and Wales 2015 to 2024](#)

<sup>49</sup> Home Office, [Police funding for England and Wales 2015 to 2024](#)



Source: Home Office, [Police funding for England and Wales 2015 to 2024](#)

## Police grant

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

The annual police grant report details the funding available to PCCs to allocate to their respective forces. [The report is presented to parliament early in each calendar year.](#)<sup>50</sup>

The proportion of funding awarded to each PCC is calculated using the police allocation formula. The formula is based on various data sources, such as population density, crime rates and costs of wages. The formula is widely considered to be based on outdated data, meaning that allocations to individual forces do not reflect the social and demographic changes that have taken place within their areas.<sup>51</sup> Several PCCs have said this has resulted in underfunding of their respective police forces.<sup>52</sup> During the debate for the police grant report 2024-25, several MPs also raised concerns that the formula resulted in an unfair settlement for the police force for their constituency.<sup>53</sup>

<sup>50</sup> House of Commons Library, [Police Grant Reports 2023/4](#), 7 February 2023

<sup>51</sup> HMICFRS, [State of Policing: The Annual Assessment of Policing in England and Wales 2023](#), 19 July 2024

<sup>52</sup> See, for example: Lincolnshire PCC, [Marc Jones launches legal action to force the Home Office to introduce a new funding formula](#), 31 May 2024; BBC, [PCC election focused on police funding formula](#), 22 April 2024; West Midlands PCC, [PCC tells government to stop 'messaging around' and fund West Midlands Police properly](#), 11 January 2024; Dyfed-Powys Police Federation, [Fed chair calls for fairer funding formula](#), 17 November 2023

<sup>53</sup> Hansard, [Police grant report](#), 7 February 2024

The government itself has accepted since 2012 that the police allocation formula is outdated and requires reform.<sup>54</sup> It has initiated several attempts to revise the formula, including an attempt in 2015 that was abandoned after a statistical error in the process.<sup>55</sup> Its latest review started in February 2022, but at the time of writing had not been completed.<sup>56</sup>

## Council tax policing precept

PCCs set the amount that is added to council tax bills to pay for policing, known as the council tax policing precept. They must set the level of the precept within the following restraints:

- PCCs must consult the public and victims of crime on the level of the council tax policing precept.
- PCCs must present their policing precept plans to their police and crime panel before setting the level.<sup>57</sup> If the panel vetoes the plans, they must revise them (police and crime panels cannot further veto the revised plan).<sup>58</sup>
- The Home Office sets a limit above which PCCs in England must secure a referendum mandate to set the precept. In 2024/25 the referendum limit was set at an increase of £13 a year for an average (Band D) household.<sup>59</sup> PCCs who wish to hold a referendum must fund it out of their budget.<sup>60</sup> There is no limit set in Wales, so PCCs can propose any increase to the precept, without requiring a referendum.

In practice most PCCs in England set their council tax policing precept at the Home Office referendum limit.<sup>61</sup> 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 19% in Northumbria to 55% in Surrey in 2024/25).<sup>62</sup> 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 England and Wales.

Only one PCC has so far triggered a council tax referendum. In 2015, the then PCC for Bedfordshire proposed a 15.8% increase in the council tax precept. The trigger for a referendum was set at 2% and the PCC stated that the

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<sup>54</sup> Home Affairs Select Committee, [Written evidence submitted by the Home Office](#), 28 October 2015

<sup>55</sup> PQ 5230 [on [Police: Finance](#)], 6 July 2015

<sup>56</sup> PQ 119888 [on [Emergency Services: Finance](#)], 7 February 2022

<sup>57</sup> See section 3.2 of this briefing for more information on police and crime panels.

<sup>58</sup> [Schedule 5](#), Police Reform and Social Responsibility Act 2011; Home Office, [Police and Crime Panels- Scrutiny of Precepts](#), 2012

<sup>59</sup> Home Office, [Fact sheet: Provisional Police Funding Settlement 2021/22](#), 17 December 2020

<sup>60</sup> See: House of Commons Library, [Council tax: local referendums](#), 4 January 2023, p9

<sup>61</sup> Home Office, [Police Funding for England & Wales 2015-2021](#), Statistical Bulletin 16/20, July 2020, p6

<sup>62</sup> Written statement HCWS229 [on [Police Funding Settlement 2024-25](#)], 31 January 2024; Home Office, [Police Funding for England and Wales 2015-2021](#), July 2020 (PDF)

increase would be used to fund 100 additional police constables.<sup>63</sup> Residents voted to reject the PCCs proposed precept rise.<sup>64</sup>

The council tax precept represents an increasing proportion of overall police funding in recent years. It accounted for 28% of all funding to PCCs in the year ending 31 March 2016, but accounted for 34% of all funding to PCCs in the year ending 31 March 2024.<sup>65</sup> As most PCCs set their policing precepts at the referendum limit, this trend can be attributed to central government decisions regarding the police grant and the council tax precept referendum limit.

## 2.3

## Scrutiny and performance monitoring

### Monitoring performance

PCCs must monitor their force's performance against the local priorities they set in their police and crime plans.<sup>66</sup> They are also expected to scrutinise how their force uses its powers and carries out its duties.<sup>67</sup> Exactly how the PCC does this is largely up to them, but PCCs must meet the following four legal requirements associated with this oversight function:

- publish an annual report which assess the force's performance in meeting their police and crime plan priorities
- engage in the work of HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)
- facilitate members of the public and victims of crime to conduct scrutiny of the police force
- play a role delivering the local police complaints system

Since 2021, PCCs have also been required to publish information on progress their force has made against the government's national priorities for policing, HMICFRS performance reports on the force, and complaint handling. The government stated that this "additional information will further improve the transparency and public accountability of PCCs."<sup>68</sup>

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<sup>63</sup> Local Government Chronicle, '[No' vote in first council tax referendum](#), 11 May 2015 [last accessed 16 August 2024]

<sup>64</sup> See: House of Commons Library, [Council tax: local referendums](#), January 2021, p9

<sup>65</sup> Home Office, [Police funding for England and Wales 2015 to 2024](#), 28 July 2023

<sup>66</sup> [Section 7\(1\)\(e\)](#), Police Reform and Social Responsibility Act 2011

<sup>67</sup> [Section 1\(8\)](#), Police Reform and Social Responsibility Act 2011; [Schedule 1, paragraph 17](#), Policing Protocol Order 2017

<sup>68</sup> [The Elected Local Policing Bodies \(Specified Information\) \(Amendment\) Order 2021](#)

## Relationship with HMICFRS

HMICFRS conducts regular inspections of police forces in England and Wales, reporting and monitoring on the efficiency and effectiveness of each force. PCCs must respond to HMICFRS inspection reports about their force. They must publish their and their chief officers' "comments" on inspections of their force within 56 days of its publication.<sup>69</sup> There are no statutory rules about what the "comments" must detail.

PCCs also have powers to commission inspections of their force related to particular areas of concern.<sup>70</sup> Examples of PCC-commissioned inspections include: Norfolk Constabulary's handling of 999 calls from vulnerable people (May 2024); Thames Valley Police's handling of information related to an officer later charged with sexual offences (October 2023); and the Met's response to the Sarah Everard vigil (March 2021).<sup>71</sup>

## Additional external scrutiny

Many PCCs choose to facilitate external scrutiny by setting up formal community scrutiny panels, which invite volunteer members of the public to examine force performance on specific issues chosen by the PCC. Scrutiny panels should be independent from the PCC and police force.

Scrutiny panels may choose to focus on specific areas of policing, such as the use of stop and search powers, use of force and interactions in custody. Several PCCs publish information about the membership of their scrutiny panels and routinely publish minutes of meetings.<sup>72</sup> In August 2023, [the government published draft national guidance for how scrutiny panels should operate](#).<sup>73</sup> At the time of writing, the government had not published its final version of the guidance.

PCCs also facilitate scrutiny of their police force through funding the Independent Custody Visitors Association (ICVA). The ICVA organises local volunteers to make unannounced visits to police custody suites to check that the rights, entitlements and welfare of detainees is being met.<sup>74</sup> The ICVA also receives funding from the Home Office.

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<sup>69</sup> [Section 55](#), Police Act 1996

<sup>70</sup> [Section 54\(2BA\)](#), Police Act 1996

<sup>71</sup> See: HMICFRS, [Publications: Police and Crime Commissioners](#) [last accessed 13 August 2024]

<sup>72</sup> See, for example: Hertfordshire PCC, [Use of force scrutiny panel](#) [last accessed 13 August 2024]; Lancashire PCC, [The Stop and Search and use of force Scrutiny Panel](#) [last accessed 13 August 2024]

<sup>73</sup> Home Office, [Draft Community Scrutiny Framework: National Guidance for Community Scrutiny Panels](#), 31 August 2023

<sup>74</sup> ICVA, [Who are we](#), [last accessed 13 August 2024]

## 2.4

## Working 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 are expected to 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.

[The policing protocol \(updated in 2023\)](#) provides a legal framework for PCCs and police chiefs to manage their relationship.<sup>75</sup> It states that it is “expected that the principles of goodwill, professionalism, openness and trust will underpin the relationship” between all agencies. The protocol sets out:

- the respective legal powers and duties of PCCs and police chiefs
- the duties on both parties to uphold and safeguard the principal of operational independence
- examples of operational matters that are at the discretion of police chiefs
- the role and powers of police and crime panels

The High Court previously described the protocol as an “unusual” piece of legislation but said the protocol was “critical” to the proper functioning of police governance.<sup>76</sup>

[The 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.<sup>77</sup>

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<sup>75</sup> Under [section 79](#) of the Police Reform and Social Responsibility Act 2011, the Home Secretary must publish a policing protocol to set out how PCCs, chief officers and police and crime panels must work together in the delivery of their respective functions. The policing protocol is issued as a statutory instrument: [Policing Protocol Order 2023 \(SI 2023/649\)](#). The 2023 protocol superseded the previous policing protocol issued under the Policing Protocol Order 2011.

<sup>76</sup> [Crompton, R \(on the application of\) v Police and Crime Commissioner for South Yorkshire](#), [2017] EWHC 1349 (Admin), paragraph 71

<sup>77</sup> 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

## Appointing chief officers

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 police forces in the United States).<sup>78</sup>

Before a chief officer can be appointed, the PCC must first notify the police and crime panel of their proposed appointment.<sup>79</sup> The panel must review the appointment, hold a confirmation hearing and make a recommendation to the PCC on whether the individuals should be appointed. The panel has the power to veto the first choice of chief officer but does not have the power to veto the PCCs second choice.<sup>80</sup>

Unlike other PCCs, the Mayor of London does not appoint the chief officer of the Met (the Met Commissioner). Instead, the commissioner is appointed by the monarch on the recommendation of the Home Secretary, following consultation with the Mayor.<sup>81</sup> This arrangement reflects the seniority of the role of the Met Commissioner, which includes responsibility for certain national operations, such as counter-terrorism policing.

There have been longstanding concerns that the process for appointing chief officers needs improving. In 2019, [HMICFRS published an inspection of the police selection and development of chief officers](#). It concluded that the process for selecting chief officers was “haphazard” and that there was shortage of chief officer candidates. It suggested that uncertainty in the PCC electoral cycle was a factor that inhibited movement of chief officers as “people wanted to know who they would be working for”.<sup>82</sup>

Following a two-part Home Office review into PCCs in 2021, the government stated that it was 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 officers.<sup>83</sup>

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<sup>78</sup> [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](#)

<sup>79</sup> Police and crime panels are bodies consisting of locally elected politicians who provide scrutiny of PCCs between elections. Their functions are explained in more detail in part 3 of this briefing.

<sup>80</sup> [Schedule 8](#), Police Reform and Social Responsibility Act 2011; and [The Police and Crime Panels \(Precepts and Chief Constable Appointments\) Regulations 2012](#)

<sup>81</sup> [Section 42](#), Police Reform and Social Responsibility Act 2011

<sup>82</sup> HMICFRS, [Leading Lights: An inspection of the police service’s arrangements for the selection and development of chief officers](#), August 2019, p12

<sup>83</sup> Written statement HCWS849 [on [Concluding Part One of the Police and Crime Commissioner Review](#)], 16 March 2021

## Suspending and removing chief officers

PCCs have powers to suspend their chief officer or call on them to retire at any time.<sup>84</sup>

To suspend a chief officer, the PCC must notify their police and crime panel of their decision.<sup>85</sup> There are no statutory rules on what grounds a PCC can suspend their chief officer. PCCs are however obligated to work with their police chief with “goodwill, professionalism, openness and trust” under the policing protocol, and therefore would not be expected to use their power to suspend their chief without good reason.<sup>86</sup>

To force their chief officer to retire or resign, the PCC must first:

- give the chief constable a written explanation of the reasons why they are proposing to call for the retirement or resignation
- give the police and crime panel written notification of their intention to call upon the chief constable to retire or resign and the reasons given
- give the chief constable the opportunity to make written representations about the proposal to call for the chief constable’s resignation or retirement.
- consider any written representations made by the chief constable<sup>87</sup>

In addition to this process, the police and crime panel must consider the PCCs intention to call on the chief officer to resign and make a recommendation as to whether it agrees or disagrees with the PCCs intention. The PCC can reject the panel’s recommendation.<sup>88</sup>

Police chiefs must retire or resign if their PCC formally calls upon them to do so following the conclusion of this process.<sup>89</sup>

The Mayor of London has similar powers to call on the Met commissioner to retire or resign, though the statutory process to do so differs. The main difference is that the Mayor must first secure the approval of the Home Secretary.<sup>90</sup>

The only formal attempt by a PCC to call on their chief officer to resign occurred in 2016 in South Yorkshire. The former PCC suspended his chief and initiated the scrutiny process to call for his resignation. However, the chief

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<sup>84</sup> [Section 38\(4\)](#), Police Reform and Social Responsibility Act 2011

<sup>85</sup> [Schedule 8, paragraph 11](#), Police Reform and Social Responsibility Act 2011

<sup>86</sup> [Crompton, R \(on the application of\) v Police and Crime Commissioner for South Yorkshire](#), [2017] EWHC 1349 (Admin), paragraph 71

<sup>87</sup> [Section 38](#) and [schedule 8](#), Police Reform and Social Responsibility Act 2011

<sup>88</sup> [Section 16, schedule 8](#), Police Reform and Social Responsibility Act 2011

<sup>89</sup> [Section 38\(2\)](#), Police Reform and Social Responsibility Act 2011

<sup>90</sup> [Section 48](#), Police Reform and Social Responsibility Act 2011

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, and that he had not adequately used other avenues to address concerns with the chief's actions.<sup>91</sup> In response, the APCC suggested "updated guidance" was needed to provide further clarification for issues raised in the case.<sup>92</sup>

## In focus: the resignation of Dame Cressida Dick

The process for requiring the Met Commissioner to retire or resign received significant scrutiny in the context of the departure of Dame Cressida Dick as Met Commissioner, on 10 February 2022.

Dame Cressida Dick had held discussions with the Mayor of London, Sadiq Khan in which he suggested that he had lost trust and confidence in her and that he intended to commence the statutory removal process. However, she resigned before the statutory process was initiated.

Following her resignation, the then Home Secretary commissioned Sir Tom Winsor to conduct an independent review into the circumstances surrounding her departure. [The review reported in August 2022, and criticised the Mayor's actions](#), finding that he had not acted "in accordance with the legislative scheme, still less its spirit."<sup>93</sup> The review also criticised the statutory removal process for the Met Commissioner, suggesting there were insufficient safeguards against a Mayor bypassing the statutory removal process and not adhering to the policing protocol. He put forward several suggestions for how the process could be improved, including additional involvement for the Home Secretary and the London Assembly Police and Crime Committee on the process.<sup>94</sup>

[In response, the Mayor said that Sir Tom Winsor's review "is clearly biased and ignores the facts"](#). He defended his actions, stating "what happened was simple – I lost confidence in the former Commissioner's ability to make the changes needed and she then chose to stand aside."<sup>95</sup>

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<sup>91</sup> [Crompton, R \(on the application of\) v Police and Crime Commissioner for South Yorkshire](#), [2017] EWHC 1349 (Admin), paragraph 71

<sup>92</sup> APCC, [Response to the South Yorkshire Police and Crime Commissioner's decision not to appeal](#), June 2017

<sup>93</sup> Home Office, [Special commission on the resignation of the Commissioner of Police of the Metropolis](#), 24 August 2022, Annex 1

<sup>94</sup> Home Office, [Special commission on the resignation of the Commissioner of Police of the Metropolis](#), 24 August 2022

<sup>95</sup> Mayor of London, [Statement from the Mayor on Sir Tom Winsor review](#), 2 September 2022

## 2 Reforming dismissals

Following the two-part Home Office review of PCCs, the government committed in 2021 to make the dismissal process “more rigorous and transparent”. It said it would:<sup>96</sup>

- require PCCs to give chief officers written notice as the first stage of the dismissal process
- allow for the chief officer to provide HMICFRS with a response to the grounds stated by the PCC
- introduce “some form of time limit or review interval” on a chief officer’s suspension
- work with “the College of Policing, NPCC and APCC to develop a framework for the use of independent mediation in appropriate circumstances”

At the time of writing these reforms had not been implemented.

## 2.5 Commissioning criminal justice services

PCCs are responsible for arranging crime reduction and victim support services.<sup>97</sup> PCCs do this by commissioning a range of public and third sector organisations to deliver services in their area.

### Victim support

PCCs receive funding from the Ministry of Justice (MoJ) to commission victim support services for their area. PCCs fund a wide range of services including domestic abuse support services, victim advice lines and restorative justice programmes.<sup>98</sup> In 2023/24, funding allocated directly to PCCs for victim services was worth £71.5m nationally.<sup>99</sup>

<sup>96</sup> Written statement HCWS849 [on [Concluding Part One of the Police and Crime Commissioner Review](#)], 16 March 2021

<sup>97</sup> [Section 143](#), Anti-social Behaviour, Crime and Policing Act 2014

<sup>98</sup> APCC, [PCCs making a difference: Putting victims first in focus](#), 2019

<sup>99</sup> Essex PFCC, [Letter from Ministry of Justice to Essex PCC](#), 8 June 2023

Some MoJ grant money provided to PCCs is ring-fenced for specific services (like those which support victims of specific crimes). Some PCCs choose to supplement their funding for victims' services with money from other sources.

The government published its victim funding strategy in October 2022.<sup>100</sup> This created an additional responsibility for PCCs to offer multi-year funding to local services where appropriate, to support investment in longer-term interventions.

The strategy also committed to creating a duty for PCCs to collaborate with local authorities and integrated care boards when commissioning victims' services. This was later passed into legislation under [section 13 of the Victims and Prisoners Act 2024](#) (at the time of writing, the duty was not yet in force).<sup>101</sup>

## Community safety partnerships

Locally, PCCs work with community safety partnerships to reduce crime. Community safety partnerships fulfil a statutory duty for local authorities, police forces, probation services, fire and rescue authorities and local health services to work collaboratively together to reduce crime.<sup>102</sup> These bodies also have a separate duty to work together to prevent serious violence in their area.<sup>103</sup>

Community safety partnerships must conduct an annual 'strategic assessment' of crime and disorder in their area, which must include a consideration of how to reduce serious violence. They must use their assessment to formulate and implement a strategy to address local crime and disorder.<sup>104</sup>

Partnerships in England must work with their local PCC by sharing their strategies with them and meeting them when requested.<sup>105</sup> Many community safety partnerships rely on grant funding from their PCCs to carry out their strategies.<sup>106</sup>

## Violence reduction units (VRUs)

Some PCCs deliver violence reduction units (VRUs), which bring together local agencies to adopt a public health approach to prevent serious violence.<sup>107</sup>

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<sup>100</sup> Ministry of Justice, [Victims funding strategy](#), 19 October 2022

<sup>101</sup> [Section 13](#), Victims and Prisoners Act 2024

<sup>102</sup> [Section 5](#), Crime and Disorder Act 1998

<sup>103</sup> [Part 2, chapter 1](#), Police, Crime, Sentencing and Courts Act 2022

<sup>104</sup> [Regulations 5-7 and 10-11](#), The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007

<sup>105</sup> Home Office, [Police and Crime Commissioners and Community Safety Partnerships](#), undated

<sup>106</sup> Local Government Association, [LGA review of the future of community safety services](#), May 2018, p6 and p9

<sup>107</sup> Home Office, [Violence Reduction Unit Interim Guidance](#), March 2020,

There are no statutory requirements for how VRUs must operate, but [Home Office guidance encourages those designing VRU interventions to:](#)

- agree a local definition of “serious violence” and “public health approach” with the relevant partners<sup>108</sup>
- coordinate the sharing of relevant information between local partners<sup>109</sup>
- conduct research about the nature and scale of serious violence in the local area and what factors are driving it<sup>110</sup>
- commission partner and third sector organisations to carry out local early intervention projects and evaluate the progress of these projects<sup>111</sup>

VRUs also play a role in delivering the statutory duty for specified local agencies to prevent serious violence in their area.<sup>112</sup>

The first VRU was established by the Mayor of London in 2018 and is hosted within MOPAC. There are now 20 VRUs across England and Wales.<sup>113</sup> The Home Office provided funding for the creation of VRUs, with an initial investment of £69.5 million in grants up to March 2021, and a further £35.5 million to March 2022.<sup>114</sup>

The Home Office published an evaluation of VRUs for the year ending 31 March 2023, which found a “statistically significant reduction in more serious forms of violence” and that “VRUs continued to demonstrate progress and showed signs of maturing and becoming embedded in local responses to prevent violence.”<sup>115</sup>

## 2.6

## Police complaints

In the main, chief officers are responsible for managing a police complaints system for their force. This is usually delivered through a professional standards department, which will handle most complaints made about a serving or former officer. The Independent Office for Police Conduct (IOPC) only becomes involved in the most serious complaints.

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<sup>108</sup> Home Office, [Violence Reduction Unit interim guidance](#), March 2020, p34-37 (PDF)

<sup>109</sup> Home Office, [Violence Reduction Unit interim guidance](#), March 2020, p38-43 (PDF)

<sup>110</sup> Home Office, [Process evaluation of the Violence Reduction Units](#), August 2020, p38-43

<sup>111</sup> Home Office, [Process evaluation of the Violence Reduction Units](#), August 2020, p43- 46

<sup>112</sup> Home Office, [Serious Violence Duty statutory guidance](#), December 2022

<sup>113</sup> Home Office, [Process evaluation of the Violence Reduction Units](#), August 2020, p23

<sup>114</sup> Home Office, [Funding for Violence Reduction Units announced](#), 12 August 2019; Home Office, [Additional £35 million for Violence Reduction Units](#), 29 December 2019; Home Office, [£35.5m to support young people at risk of involvement in serious violence](#), 8 February 2021

<sup>115</sup> Home Office, [Violence Reduction Units 2022 to 2023](#), 20 December 2023

The role of most PCCs in the police complaints system is limited to three main responsibilities:

- holding their chief constable accountable for the performance of the local complaints and disciplinary processes (exactly how they do this is up to them but the IOPC has set some expectations in its [statutory guidance on the police complaints system](#))<sup>116</sup>
- handling complaints which concern the conduct of their chief constable<sup>117</sup>
- handling certain complaint reviews for their local force<sup>118</sup>

These are the core functions that all PCCs must deliver.

In addition to these, PCCs can also choose to take on two additional functions that are usually the responsibility of the chief officer: to determine how complaints should be handled and whether they should be officially recorded (referred to as model two); and to manage all correspondence with complainants throughout the complaints process (model three).<sup>119</sup>

As of March 2024, five PCCs had extended their responsibilities for police complaints. The PCCs for Hertfordshire, Wiltshire and the PFCC for Northamptonshire have all adopted model two. The PCCs for Cleveland and North Yorkshire had adopted model three.<sup>120</sup> In March 2024, the Home Affairs Committee found that resourcing challenges had prevented more PCCs from taking on additional responsibilities in relation to complaints.<sup>121</sup>

PCCs cannot delegate their responsibility for holding the chief officer accountable for the performance of the local complaints system. However, they can delegate other responsibilities for police complaints.<sup>122</sup> They may choose to delegate to someone within their office or outside their office who is not a serving police officer, another PCC, or someone who cannot work impartially.<sup>123</sup>

The police complaints system can be complex. Library briefing [police complaints: a short guide](#) explains the system in more detail.

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<sup>116</sup> IOPC, [Statutory guidance – 2020](#), 1 February 2020

<sup>117</sup> Section 29, Police Reform Act 2002; IOPC, [Handling allegations about the chief officer](#), 1 October 2022

<sup>118</sup> Complainants have a right to have the way their complaint was dealt with ‘reviewed’ if they were unhappy with how the force dealt with it. Certain complaint reviews are carried out by the PCC

<sup>119</sup> [Section 13A](#), Police Reform Act 2002

<sup>120</sup> Information provided to the Library via personal communication with the IOPC

<sup>121</sup> Home Affairs Committee, [Letter to Home Secretary – inquiry on PCCs](#), 14 March 2024 (PDF)

<sup>122</sup> [Regulation 50](#), The Police (Complaints and Misconduct) Regulations 2020

<sup>123</sup> [Regulation 50](#), The Police (Complaints and Misconduct) Regulations 2020

## 2.7

## Fire and rescue services

PCCs can submit a proposal to the Home Office to assume responsibility for oversight of their local fire and rescue services.<sup>124</sup> At present four PCCs (Cumbria, Essex, Northamptonshire and Staffordshire) have responsibility for their local fire and rescue service. These PCCs are technically known as Police, Fire and Crime Commissioners (PFCCs).

In addition, the Mayors of London, Greater Manchester and North Yorkshire are all responsible for their respective fire and rescue services. In March 2021, the government indicated its support for more mayors and PCCs to adopt fire and rescue functions where boundaries align.<sup>125</sup>

In May 2022, the government published a white paper on reforming fire and rescue services, which included a proposal to mandate the transfer of governance for fire and rescue services to PCCs and mayors.<sup>126</sup> However, in December 2023 the government decided not to proceed with the proposal as a majority of respondents (58%) either disagreed or strongly disagreed with the mandatory transfer of functions. Those who disagreed highlighted concerns of political interference in fire and rescue services, and whether the service would be a lesser priority for an individual with a wider remit than just fire and rescue. However, the government stated it would work with PCCs and the APCC to “explore ways to simplify processes and incentivise voluntary transfers.”<sup>127</sup>

### Functions of a PFCC

The statutory responsibilities of a PCC in relation to policing concern mainly governance and oversight of their respective police force. The police force itself is constituted as a separate legal entity and is operationally independent.

However, PFCCs are the fire and rescue authority for that area.<sup>128</sup> This means that unlike in relation to policing, they are responsible for the delivery of statutory fire and rescue services, including:

- promoting fire safety
- extinguishing fires and protecting life and property from fires
- rescuing and protecting people in road traffic collisions

<sup>124</sup> [Schedule 1](#), Police and Crime Act 2017

<sup>125</sup> Written statement HCWS84 [on: [Concluding Part One of the Police and Crime Commissioner Review](#)], 16 March 2021

<sup>126</sup> Home Office, [Reforming our fire and rescue service](#), 18 May 2022 [last updated 12 December 2023]

<sup>127</sup> Home Office, [Response to the fire reform white paper](#), 12 December 2023

<sup>128</sup> In areas where there is no PFCC, the fire and rescue authority is the local authority, combined authority, or elected Mayor (in London and Greater Manchester).

- rescuing and protecting people in other emergencies<sup>129</sup>

The PFCC must appoint a chief fire officer, chief finance officer and a monitoring officer. In practice, a PFCC will delegate responsibilities for the day-to-day running of the fire and rescue service to these officers.

The PFCC is also responsible for putting in place effective governance arrangements for the service. There are no statutory requirements for what governance must involve. Governance typically involves setting the strategic policy agenda, setting the budget and providing oversight and scrutiny of the service. The Local Government Association has issued guidance to support fire and rescue authorities to deliver effective governance.<sup>130</sup>

The government has published a fire and rescue national framework for England (2018), which sets out further government priorities which all fire and rescue authorities must have regard to.<sup>131</sup>

### 3 Should chief fire officers be operationally independent?

In policing, chief constables are not employed by the PCC and have operational independence. However, in fire and rescue services, chief fire officers are direct employees of their fire and rescue authorities.

[In January 2020, HMICFRS called for chief fire officers to have operational independence.](#) It cited concerns that some fire and rescue authorities had interfered with operational decisions and prevented chief fire officers from making “changes to improve the effectiveness and efficiency of their services.”<sup>132</sup>

The previous government’s white paper on fire and rescue service reform (May 2022) proposed to grant chief fire officers operational independence. [In its response \(December 2023\) the government committed](#) to “legislate, at the earliest opportunity, to give chief officers operational independence” and to take action to make the responsibilities of the fire and rescue authority and the chief officer clearer.<sup>133</sup> At the time of writing these changes had not been implemented.

<sup>129</sup> [Part 2, Fire and Rescue Services Act 2004](#)

<sup>130</sup> LGA, [Governance checklist for fire and rescue authorities](#), undated [Accessed: 19 August 2024]

<sup>131</sup> Home Office, [Fire and rescue national framework for England](#), 8 May 2018

<sup>132</sup> HMICFRS, [State of Fire and Rescue: The Annual Assessment of Fire and Rescue Services in England 2019](#), January 2020, p.29

<sup>133</sup> Home Office, [Response the fire reform white paper](#), 12 December 2023

## 3 How are Police and Crime Commissioners held to account?

### 3.1 Elections

PCCs are held to account via the ballot box, with elections taking place every four years.<sup>134</sup> Those registered to vote in local government elections are eligible to vote for the PCC in that area.

The first elections took place in 2012, and the most recent elections took place in May 2024. Since 2024, PCCs are elected through a first past the post voting system.<sup>135</sup>

Turnout for PCC elections averaged 23.2% at the 2024 elections, representing the lowest turnout of any PCC election since PCCs were established, and a significant reduction on turnout from 2021 (33.2%).<sup>136</sup> Turnout may be impacted by whether other elections are taking place at the same time. For example, in the May 2024 elections, turnout was on average lower in Wales (17%), where no other elections took place. In many areas of England, the elections coincided with elections for local councillors or mayors, which may have improved turnout.

Turnout may also reflect a wider lack of awareness of PCCs and their roles. For example, the Office of National Statistics estimates that 42% of people over 16 are not aware of PCCs.<sup>137</sup>

#### Outcome of the May 2024 elections

Following the PCC elections on 2 May 2024, 19 of the 37 successful candidates were Conservatives, 17 were Labour, and one was Plaid Cymru. Labour gained 10 PCCs, while the Conservatives lost 10.

[The Library briefing PCC elections 2024](#) provides further information on the outcome of the election.

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<sup>134</sup> [Section 50](#), Police Reform and Social Responsibility Act 2011. Note that elections scheduled for May 2020 were delayed 12 months, to May 2021 due to the Covid-19 pandemic.

<sup>135</sup> [Schedule 9](#), Police Reform and Social Responsibility Act 2011

<sup>136</sup> Turnout figures were collated by Library staff from each PCC individually, where this information was not publicly available. Two PCCs did not respond to requests for data and have been excluded.

<sup>137</sup> Office for National Statistics, [Crime in England and Wales: Annual supplementary tables – March 2023, table S23](#)

All five directly elected mayors with PCC-like functions represent Labour.

## Reform to the voting system

The May 2024 elections were the first PCC elections using first past the post. This replaced the supplementary vote system which had been used in every previous election. Elections for combined authority and Mayor of London elections also used the first past the post voting system for the first time.

The supplementary vote system allowed for voters to give a first and second preference choice for candidates.<sup>138</sup> The Conservative government had committed to move to first past the post since 2017, citing concerns that the people didn't understand the supplementary vote system which led to ballots being inadvertently spoiled.<sup>139</sup> Following the two-part Home Office review of PCCs, the government announced in 2021 that it would change the voting system to first past the post to provide "strong and clear local accountability" for PCCs.<sup>140</sup> Parliament legislated the change through the Elections Act 2022.<sup>141</sup>

The change was opposed by the Electoral Reform Society, which stated that the supplementary vote system "prevents widely unpopular or extreme candidates from slipping in on a fraction of the vote, despite being opposed by the majority."<sup>142</sup> Alan Renwick, Professor of Democratic Politics at University College London, estimated that the move to first past the post benefitted the Conservatives in the May 2024 PCC elections.<sup>143</sup>

## 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 take place within six months.<sup>144</sup> Police and crime panels (see below) must appoint an acting PCC from amongst the office of the PCC whilst the role is vacant. Police and crime panels also have the power to appoint an acting PCC if the sitting PCC is incapacitated or suspended.<sup>145</sup>

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<sup>138</sup> UK Parliament, [Voting systems in the UK](#) [last accessed 28/04/21]

<sup>139</sup> [The Conservative and Unionist Party election manifesto – 2017](#) [last accessed 15/07/24]

<sup>140</sup> Written statement HCWS84 [on: [Concluding Part One of the Police and Crime Commissioner Review](#)], 16 March 2021

<sup>141</sup> [Section 13](#), Elections Act 2022

<sup>142</sup> House of Commons Library, [Elections Bill: instructions to the Public Bill Committee](#), 17 September 2021

<sup>143</sup> The Constitution Unit - UCL, [The new voting system for mayors and PCCs: how it changed the results](#), 3 May 2024

<sup>144</sup> [Section 51](#), Police Reform and Social Responsibility Act 2011

<sup>145</sup> [Section 62](#), Police Reform and Social Responsibility Act 2011

## 3.2

# Police and crime panels

Police and crime panels are bodies consisting of locally elected politicians who provide scrutiny of PCCs between elections. They were established at the same time as PCCs, under the [Police Reform and Social Responsibility Act 2011](#).

## Scrutiny of PCCs

Police and crime panels have a statutory obligation to hold four public meetings a year. The government has said that [on average, they meet between four and six times a year](#), although some may meet more often depending on their work programmes.

Panels have powers to:

- review and veto the PCCs appointment of a chief officer
- review and veto the council tax policing present plan
- take evidence from their PCC, their staff and others
- submit reports to the PCC on relevant issues, which the PCC must respond to

Police and crime panels must also review senior appointments proposed by the PCC (chief executive, chief finance officer or deputy PCC) and hold a confirmation hearing. A panel can recommend a proposed appointee is not appointed, but the PCC does not have to follow the panel's recommendation.<sup>146</sup>

Police and crime panels must also handle public complaints about the PCC.<sup>147</sup> Complaints are normally dealt with by one of two ways: either by informal resolution or a formal investigation. Panels can choose to delegate the initial handling of complaints to the PCC's chief executive (or another body). Panels can only suspend their PCC if they have been charged with an imprisonable offence.<sup>148</sup>

[The government publishes guidance for police and crime panels](#), which was last updated in June 2023.<sup>149</sup> The foreword to the guidance states that it is intended to provide practical information for panel chairs, members and supporting officers about their statutory roles and responsibilities, and effective scrutiny. Other documents on good practice and member

<sup>146</sup> [Section 10, schedule 1](#), Police Reform and Social Responsibility Act 2011

<sup>147</sup> [The Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#)

<sup>148</sup> [Section 30](#), Police Reform and Social Responsibility Act 2011

<sup>149</sup> Home Office, [Police, fire and crime panels guidance](#), 16 June 2023

recruitment and [bitesize videos on key scrutiny areas](#) are also published alongside the guidance.<sup>150</sup>

Some panels have an extended remit that covers fire and rescue as well as policing and crime, where PCCs have opted to take on these additional responsibilities.

## Membership

Each panel is made up of at least twelve members:

- at least two ‘co-opted members’ from no specific local authority
- at least ten elected representatives drawn from the relevant local authorities in the police force area

If a police force area has more than ten local authorities, the panel 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 panel. If an agreement about the composition of a panel cannot be met the Home Secretary has powers to nominate individuals to be members.<sup>151</sup> It is for members of the panel to decide how the panel is chaired.

## Funding

[Current government guidance](#) explains that an annual total of £53,300 is provided for support and running costs per panel, with Welsh panels being given an additional £5,715 for translation costs. In addition, £920 per panel member per year is added to each panel’s total grant. The total funding available therefore depends on the size and location of the panel. The grant is typically used to cover:

- costs of employing a supporting officer
- training and development for members
- expenses
- procurement of relevant services such as website support or online broadcasting of public panel meetings

[The House of Commons Home Affairs Committee questioned in 2014 whether panels were adequately funded](#). It noted that the Home Office provided funding of £53,000 to each panel in 2013/14, on the assumption that panels would require a single full-time scrutiny officer and would meet four times a year. The committee argued that this funding did “not reflect the workload of panels”, and that if panels were to play a stronger role in proactively scrutinising commissioners, they needed to be “resourced accordingly”. In

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<sup>150</sup> Home Office, [Guidance: Police and crime panels](#), 19 May 2022

<sup>151</sup> [Schedule 6](#), Police Reform and Social Responsibility Act 2011

response, the government argued that police and crime panels received funding “commensurate with the non-executive scrutiny role required of them by legislation”.<sup>152</sup>

[The Local Government Association \(LGA\) reported in 2020 that many councils were subsidising the work of their local panel.](#) The LGA called for more funding for panels claiming the full amount of their grant to ensure there was enough money to run the panel and support and train its members without using funding from other parts of the local authorities’ budgets.<sup>153</sup>

## 4 Scrutiny of MOPAC

In London, [scrutiny of MOPAC is carried out by the London Assembly Police and Crime Committee.](#) The London Assembly decides the membership and the terms of the committee. In July 2024, the committee consisted only of directly elected London Assembly Members, though it can appoint independent members if it wishes.

The committee must:

- review the Mayor’s draft police and crime plan and make a report on any recommendations
- “keep under review the exercise of the functions” of MOPAC
- hold a confirmation hearing for the deputy mayor for policing and make a recommendation as to whether or not they should be appointed<sup>154</sup>

The committee can also compel the deputy mayor for policing and crime and any member of MOPAC to attend a public meeting of the committee. It can also conduct investigations on any actions or decisions in relation to MOPAC, or any other matters related to crime reduction in Greater London more widely.<sup>155</sup>

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<sup>152</sup> UK Government, [Response to Police and Crime Commissioners: progress to date \(PDF\)](#), December 2014, p.16

<sup>153</sup> LGA, [Review into the role of Police and Crime Commissioners \(part one\): LGA response September 2020](#) [last accessed 7/10/2024].

<sup>154</sup> See: [section 33](#), Police Reform and Social Responsibility Act 2011; and [section 60A](#) and [schedule 4a](#), Greater London Authority Act 1999

<sup>155</sup> See: [section 33](#), Police Reform and Social Responsibility Act 2011; and [section 60A](#) and [schedule 4a](#), Greater London Authority Act 1999

## Debate: are police and crime panels effective?

The Home Office's two-part review of PCCs assessed the effectiveness of police and crime panels.<sup>156</sup> Following the review, the government committed in March 2022 to improve the recruitment and retention of independent panel members, and “look at whether a regional model of panel support could improve the professionalism, quality and consistency of the support provided to panels”.<sup>157</sup>

The government subsequently published updated guidance for police and crime panels in June 2023.<sup>158</sup> It also confirmed that it intended to fund a “national Best Practice Hub”, to be hosted within a local authority, that will “provide good practice, tools and templates, and expert advice on complex topics and processes of Panel business.”<sup>159</sup> It appears market engagement for establishing the hub began in May 2024.

In March 2024, the Home Affairs Committee stated that it had heard evidence to suggest panels were not as robust or effective as they could be. The committee recommended that the Home Office should work with the APCC, the National Association of Police Fire and Crime Panels and others to “explore the extent to which the role and powers of police and crime panels are sufficient in light of the growing reach and stature of the PCC role” before the 2028 PCC elections.<sup>160</sup>

### 5 Should voters be able to recall PCCs?

In 2014, following the resignation of the former PCC for South Yorkshire, the Government indicated it was open to introduce a recall process for PCCs.<sup>161</sup> This would allow voters to recall their PCC between elections if they are unhappy with their performance, similar to the mechanism for MPs under the [Recall of MPs Act 2015](#). The APCC said it would welcome a discussion on the idea.<sup>162</sup>

In its two-part review of PCCs, the government explored the merits of “introducing recall for PCCs for very serious breaches of behaviour, including what might be a suitable trigger mechanism”.<sup>163</sup> It concluded in March 2022 that recall was not needed, given the “stringent disqualification rules in place for PCCs”, though it said it would keep the issue under review.<sup>164</sup>

In March 2024, the Home Affairs Committee wrote to the Home Secretary requesting that the government looks again at establishing a recall process for PCCs, citing concerns that there was no mechanism to suspend or remove a PCC for behaviour which falls short of criminal.<sup>165</sup> In response, the government stated that it had no plans to introduce a recall mechanism for PCCs.<sup>166</sup>

<sup>161</sup> 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

### 3.3 Home Secretary powers

The Home Secretary can intervene to issue “directions” to a PCC, if they believe that the PCC is failing to discharge any of their functions in an effective manner.<sup>167</sup> Under these directions, the Home Secretary can force the PCC to:

- take specific action to address the failings identified
- submit an action plan to the Home Secretary with details of the measures they will take to address the concerns

Before issuing a direction, the Home Secretary must notify HMICFRS and give it the opportunity to comment on the grounds for the direction. A PCC must comply with a direction, unless it can suggest “remedial measures” that would sufficiently address the issues identified by the Home Secretary.<sup>168</sup>

The Home Secretary has a similar power to issue PCCs with directions to resolve ineffectiveness in their police force.<sup>169</sup>

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<sup>157</sup> Written statement [on [Police and Crime Commissioner Review: Part 2](#)], 7 March 2022

<sup>158</sup> Home Office, [Police, fire and crime panels guidance](#), 16 June 2023

<sup>159</sup> Home Office, [Letter to Home Affairs Committee – inquiry on PCCs](#), 10 April 2024 (PDF)

<sup>160</sup> Home Affairs Committee, [Letter to Home Secretary – inquiry on PCCs](#), 14 March 2024 (PDF)

<sup>161</sup> 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

<sup>162</sup> Essex PFCC, [APCC welcomes debate on PCC recall](#) [last accessed 15/07/2024]

<sup>163</sup> Home Office, [Terms of reference: Police and Crime Commissioner Review Part 2](#), 27 July 2021

<sup>164</sup> [Police and Crime Commissioner Review: Part 2](#), 7 March 2022

<sup>165</sup> UK Parliament, [Home Affairs Committee Chair writes to Home Secretary on Police and Crime Commissioners](#), 14 March 2024

<sup>166</sup> Home Office, [Letter to Home Affairs Committee – inquiry on PCCs](#), 10 April 2024 (PDF)

<sup>167</sup> [Section 40A](#), Police Act 1996

<sup>168</sup> [Section 40A](#), Police Act 1996

<sup>169</sup> [Sections 40 and 40A](#), Police Act 1996

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