

Agenda item

Police and Crime Panel

Meeting to be held on 12th October 2021

PART 2 OF THE POLICE AND CRIME COMMISSIONER REVIEW

Contact for further information:

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Executive Summary

To provide an update on the Police and Crime Commissioner Review, and in particular to inform the Panel of Part Two of the Review and the recent response submitted on behalf of the Panel.

Recommendation

The Panel is asked to note the report and the response submitted to LGA.

Information

At its meeting on 16 September 2020, the Panel was advised of the Government review of the Police & Crime Commissioner (PCC) model. The LGA facilitated a response to the Review, which also covered issues that would to be considered in a subsequent Part 2 of the review. A response was submitted to the LGA on behalf of the Panel on 25 August 2020.

The findings and recommendations from the first part of the Review was presented by a Ministerial Statement on 16 March 2021. It stated that the Home Office would bring forward a range of measures, which will: strengthen PCC accountability; improve their transparency to the public; clarify the relationship between PCCs and Chief Constables; bring more consistency to the PCC role; raise professional standards; and improve the checks and balances currently in place. Part one of the Review also concluded that in order to enhance local accountability and scrutiny the Home Office would work with the Local Government Association (LGA) to develop a good governance training package for Police and Crime Panels. It was also stated that the Part two of the Review would consider the role of the Independent Office of Police Complaints (IOPC) with respect to their handling of complaints made about the conduct of PCCs and their deputies. The Review also concluded that in order to ensure PCCs have the levers they need to tackle crime, the Home Office would consult on giving additional powers (similar to those afforded to Local Authorities) to all PCCs, to potentially help them *“with the role they play in the wider crime and criminal justice landscape, and will consider partnership arrangements more fully.”*

On 27th July 2021 the Home Office announced its intention to launch Part Two of the Government's review into the role of Police and Crime Commissioners (PCCs). The Terms of Reference (Appendix 1) for the Part Two Review states that the focus will be on ensuring PCCs have the tools and levers they need to better equip them to fight crime and on scrutiny of the PCC model.

To inform the Review the Home Office requested the LGA to collate responses to the PCC Review call for evidence. They were particularly interested in the Panel's views in relation to Police and Crime Panels and IOPC & Complaints. In view of the very short time scale provided the Chair and Vice-Chair of the Panel were consulted and the following responses were submitted on behalf of the Panel:

- **Police and Crime Panels (section 5)** – *“Consideration of the current Police and Crime Panel model, specifically the benefits of independent members, identifying and securing the right skillsets and options to strengthen panel support.”*
 - the Panel would benefit with regular briefings/presentations at meetings on policing topics and relevant social issues. Task Groups set up by the Panel should be provided with sufficient resources and the assistance of a Scrutiny Officer to support them throughout the process.

There is no need identified for an independent chair. Reflecting the fact that the PCC is a politically elected role, the Panel is appropriately and predominantly drawn from political parties representing the political landscape of the police area. It seems appropriate that the Chair has experience of conducting meetings similar to those which they regularly attend in their roles as local councillors, so as to ensure that the views of all political persuasions and areas of the police area are expressed and a consensus achieved on the topic being considered. In relation to Independent Members, they are important but to be effective on a regular basis they need to have a broad experience rather than one limited to a particular neighbourhood or area of expertise.

There is concern at the limited authority of the Panel to enable it to effectively scrutinise the PCC and hold them to account. In relation to holding the PCC to account, the only limited power the Panel has is the veto on the council tax precept but as this is a political decision, it is appropriate that it is considered by elected representatives of the police area (and not solely by independent members on the panel). In any case, PCCs are not particularly swayed by the views of the panel. It would help Panels to have more clarity and detailed guidance on the PCC's key role in holding the Chief Constable to account and their ability to scrutinise and influence operational functions and decisions. This would provide a better scope for the Panel to scrutinise the PCC. The Panel (mainly as elected representatives and representing the police area) would like to have better influence on local policing.
- **IOPC & Complaints (section 6)** – *“Reviewing the existing mechanisms for investigating complaints and allegations against PCCs including the role of the IOPC in assessing criminal wrongdoings against PCCs and issues relating to vexatious and unfounded complaints.”*
 - Serious complaints need to be investigated in depth and be independent and this should be carried out by an outside body (i.e. IOPC) who have the time, expertise and independence to ensure this. The Panel's (and the Secretary's) experience seems to show that most complaints are in fact against the Police and do not relate to the PCC. The remainder of non-

serious/non-criminal complaints seem to be adequately covered by conciliation through the Secretary and the Panel Officers. There has been only one matter referred to a Panel Sub Group, which could only recommend certain actions. It is suggested that this power is increased to impose sanctions, which compels the PCC to comply and carry out any actions recommended by the Panel. The current arrangements in dealing with complaints against the Police seem fine, but some clear guidance on dealing with vexatious and persistent complaints would be welcomed. Repetitive and persistent complaints relating to the same issue or matter, and unnecessary protracted and repetitive correspondence from complainants would be an abuse of process, which needs to be controlled, and clear guidance would be helpful.

[Part 2 of the Police and Crime Commissioner Review - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

In addition, with regard to providing the PCC with additional legal powers for preventing and tackling crime and following the recommendations of the Part One Review, the Home Office is consulting with a number of stakeholders, including the LGA, principal councils, Mayoral combined authorities, etc. on which range of additional powers to give to the PCC. There are two suggested options:

- (i) a wider functional power of competence as held by fire and rescue authorities, which will include giving them the power to do anything indirectly incidental to their functions; **or**
- (ii) a general power of competence as held by local authorities, which will give them the power to do anything that an individual can do so long as it is not prohibited by legislation.

Consultations

The Chair and Vice-Chair were consulted and have provided feedback on behalf of the Panel. In relation to the powers of the PCC, the Home Office is consulting range of stakeholders including the LGA and principal councils.

Implications:

This item has the following implications, as indicated:

Legal Implications

Currently there no legal implications, but implementation of the recommendations may necessitate change to legislation. In particular, any changes to the PCCs statutory powers will require changes to the relevant provisions in the Police Reform and Social Responsibility Act 2011. Further information is contained Home Office consultation document (Appendix 2)

Financial Implications

There are no direct financial implications arising from this report.

Risk management

The functions and roles of the Police and Crime Commissioner and the Police and Crime Panel are as stated in the Police Reform and Social Responsibility Act 2011. Any proposed change to these should ensure that all relevant stakeholders are adequately consulted

Local Government (Access to Information) Act 1985 List of Background Papers

<u>Paper</u>	<u>Date</u>	<u>Contact/Directorate/Tel</u>
Agenda and Minutes from	September 2020	Asad Laher Strategic Head of Service – Legal & Governance. 01254 585495

- Appendix 1 Terms of reference: Police and Crime Commissioner Review Part 2 [Terms of reference: Police and Crime Commissioner Review Part 2 \(accessible\) - GOV.UK \(www.gov.uk\)](#)
- Appendix 2 'Giving Police and Crime Commissioners greater powers of competence - Government Consultation'