

Police and Crime Commissioners – who are they and what do they do?

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Background

Police and Crime Commissioners (PCCs) replaced police authorities in each police force area in England and Wales (outside of London) under the [Police Reform and Social Responsibility Act 2011](#). Their introduction followed calls for making the oversight of policing more democratic. The idea first appeared in a [pamphlet by Douglas Carswell](#), who called for “elected sheriffs”, before it appeared in the [Conservative manifesto](#) for the 2010 election. At the time, the critics opposed the idea suggesting that a directly elected position run the risk of politicising policing. Moreover, it [has been argued](#) that the accountability of the PCCs to the public may be hampered by low levels of understanding about the role and responsibilities of the elected officials.

In addition, the social mandate of the role has not been as strong as initially hoped due to a poor election turnout. In the [first elections for the newly formed post](#), held in November 2012, there was a record low turnout at a non-local government election in the UK with 15.1. In the [most recent election in 2016](#) turnout averaged 26.6 per cent. In Wales, the turnout was much higher than in England with 44.4 per cent (based on valid votes), which can be linked to the fact that elections to [the National Assembly took place at the same time](#), and the turnout in both elections was broadly similar.

What do PCCs do?

The [core functions of PCCs](#) are:

- Appointing the Chief Constable, and holding him or her to account for running of the force;



- If necessary, suspending the Chief Constable or calling on him or her to retire or resign;
- Setting out a 5 year Police and Crime Plan, in consultation with the Chief Constable, determining local policing priorities; and
- Setting the annual local precept and annual force budget.

Although the role of PCCs is to set a strategic direction of the force, they must not influence the operational independence which is a prerogative of Chief Constables. The distinction between an operational issue and a strategic matter, however, is not easily defined. As the [Policing Protocol Order 2011](#) states:

The PCC and Chief Constable must work together to safeguard the principle of operational independence, while ensuring that the PCC is not fetter in fulfilling their statutory role. The concept of operational independence is not defined in statute, and (...), by its nature, is fluid and context-driven.

Therefore, PCC's success relies in part on a good working relationship with the force's Chief Constable. It is especially important given PCCs' power to remove Chief Constables, which has been surrounded by some controversy. For example, in 2013 the [Chief Constable of Gwent Police took an early retirement](#) following a request from the then PCC to leave. A [report by the House of Common's Home Affairs Committee published in 2014](#) recommended that the legislation should be amended to require PCCs to present grounds on which they wish to suspend or remove chief constables. The Committee also voiced its concern about the lack of proper scrutiny of the process.

PCCs are scrutinised by Police and Crime Panels (PCPs), which are formed of representatives from local authorities as well as at least two independent co-opted members. It is worth noting that following the [rejection of legislative consent motion to the Policing and Social Responsibility Bill by the Third Assembly, PCPs in Wales are established by the Secretary of State](#) rather than local authorities, as it is the case in England. During the latest UK parliamentary inquiry into PCCs in 2016, Ron Ball, the Police and Crime Commissioner for Warwickshire Police [highlighted in the evidence he submitted to the Commons Select](#)



[Committee](#) that the relationship between PCCs and PCPs can be full of tensions, with PCPs assuming more critical than supportive stance.

Funding

Police and Crime Commissioners are in charge of setting the annual force budget. Funding comes from a number of sources, including the Home Office Police Grant, the Welsh Government grant and council tax precept. More information about police funding can be found in a [blog post about the debate on the Final Police Settlement 2017–18](#).

In Wales, police precepts, the levels of which are determined annually by each PCC and which are collected on their behalf by local authorities with council tax, have proven an important source of income. In 2015–16, [37 per cent of Welsh police funding came from council tax, compared with an average 24 per cent in England](#).

Council tax precept allows PCCs to offset to some degree the decreasing level of funding from the settlement. All PCCs have announced increases for 2017–18. In Dyfed–Powys PCC [has asked for a 6.9 per cent increase](#); Gwent PCC has [proposed a 3.99 per cent increase](#); North Wales PCC will [increase the precept by 4.64 per cent](#); and in South Wales the precept [will increase by 5 per cent](#).

Challenges

In their work PCCs need to ensure that they address local communities' needs but they are also expected to take regard to the [Strategic Policing Requirement](#), issued by the Home Secretary and detailing national priorities. In addition, in Wales many factors which influence community safety and related areas, such as health, education or social services, have been devolved. PCCs in Wales have to [balance local as well as the UK and Welsh Government priorities](#). A [report published by the Wales Audit Office \(WAO\)](#) pointed out the challenges associated with strategic planning when there are a number of bodies who share responsibility for community safety:

Whilst all local authorities and the four Police and Crime Commissioners have plans, these are not consistently aligned to ensure the best use of resources and maximise impact and there are no areas where national, regional and local bodies have the same priority. Disjointed planning and poor co–



ordination can create a risk of organisations either duplicating activity or no one focussing on the most important issues.

The report suggests development of a national strategy. In a submission to the Public Accounts Committee in January 2017 South Wales Police and Crime Commissioner [provided a critique of the report](#), suggesting that PCCs should prioritise local issues and successes in tackling local problems will aggregate to national success. He cites the [Well-Being of Future Generations \(Wales\) Act 2015](#) as an example of a similar bottom-up approach, placing greater emphasis on addressing local needs and partnership working. In fact, two out of four Police and Crime Plans, which are strategic documents setting a vision for a police force, make explicit reference to the Act.

The WAO report also demonstrated little evidence that the public had an input into shaping community safety plans in their areas.

Evolution of the role

Since the establishment of the position, the role of PCCs has already evolved, partly because of changes in policy and legislation. Since 2014 PCCs [have been responsible for commissioning victims' services](#). In addition, the [Policing and Crime Act 2017](#), which received royal assent on 31 January 2017, places a duty on police, fire and ambulance services to work together and enables PCCs to take on responsibility for fire and rescue services where a local case is made. As fire services are devolved, this specific provision applies to England only. PCCs in Wales have not taken over responsibilities from fire and rescue authorities, but there is evidence of joint working, as shown in a [report produced by the Emergency Services Collaboration Group](#). Section 13A of the Policing and Crime Act 2017 allows Police and Crime Commissioners to take over the powers relating to handling of police complaints. They can opt to receive and record complaints, contact complainants to discuss the issue, and resolve the complaints deemed appropriate for local resolution. PCCs are also able to assume even greater involvement in the complaint handling process by acting as a single point of contact, apart from complaints subject to an investigation by [the Independent Police Complaints Commission \(IPCC\)](#) or a directed investigation.



In her [speech](#) at an Association of Police and Crime Commissioners general meeting shortly after the May election the then Home Secretary also hinted at the possibility of extending the role of PCCs to include greater involvement in the criminal justice system. The precise nature of additional responsibilities is not known and there are no concrete plans as of yet, so it is not clear how the evolution of the role will continue. It is clear, however, that PCCs are here to stay and it will be worth looking at the ways in which their role evolves.

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