



Local Government Association



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policing in the 21st century

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police accountability – an LGA discussion paper



introduction

Cutting crime continues to be a high priority for the public. This has resulted in the government wanting to demonstrate publicly that it takes these concerns seriously and is committed to taking action across the whole spectrum of crime. There have been numerous initiatives and new legislation in the last decade, with over 60 Home Office bills creating more than 3,000 new offences. In addition to the legislation there have been a range of other activities to ensure practitioners have the expertise and resources to successfully tackle crime. Alongside the investment in frontline resources, the development of a closer performance monitoring of the police by central government and a healthy economic climate have ensured that crime rates continue to fall.

Crime has fallen 42 per cent since 1995 which means there are nearly eight million fewer offences. This experience has shown us all what works in tackling crime: intelligence-led problem solving; focused and responsive action planning; robust governance and accountability; effective communication and community engagement; and, partnership working.

While there has been considerable investment in expanding the powers available to the police, providing greater funding for police forces, and increasing the number of police officers, only half of the public believe their local police are doing an excellent or good job¹. In fact the majority of the public feel they have no influence over the police and little say in how the communities they live in are policed. Furthermore those who have had contact with the police are less likely to rate their local police as doing a good job,

including importantly victims and witnesses².

Police accountability has therefore become a topic of political interest both within and outside parliament. Last year the government commissioned Sir Ronnie Flanagan to conduct an independent review of policing in England and Wales, and one of the areas he was asked to make recommendations on was improving local accountability. The Flanagan Review, while it set out various options for improving accountability, did not make any recommendations as to which model should be adopted. Rather it left it to the forthcoming green paper on the police to debate how police accountability could best be improved. With the national rollout of neighbourhood policing, we now have an opportunity to deliver a fundamental shift in how policing operates. This will require action on the part of central government and making the case for an alternative to the status quo.

This paper is the LGA's own 'green paper' on police accountability ahead of publication of the government's Policing Green Paper. It sets out reforms to the tripartite model which the association believes would substantially improve the accountability of police forces in England to the local communities they serve. This paper does not reflect the views of the Welsh Local Government Association (WLGA), which represents local authorities and police authorities in Wales. Given the devolved status of local authorities and the different structures and processes in place in Wales, views on changes to police accountability in Wales are a matter for the WLGA.

1 *British Crime Survey - Crime in England and Wales 2006/07*, p 106

2 *British Crime Survey - Crime in England and Wales 2006/07*, p 111

the English and Welsh policing philosophy

Policing in England and Wales has grown up around a particular model and philosophy, which was established with the creation of the police forces as we recognise them in the 19th century. This philosophy sees the police as being anchored in the community, recruited from and answerable to the people they work amongst, rather than being servants of central government. It also sees the police as being subordinate to the law, just as other members of society are subordinate to the law.

The LGA believes this model, in spite of its nearly 200 year history, is still relevant and continues to be the right model for policing in England. It believes this for two reasons: it is right that in a democratic society that as the police are employed to provide a service they should be accountable to the people they serve; and, policing is most effective when it has the consent of, and is in close contact with the community being policed. If the police lack legitimacy and the trust of the community they are working in, the information and witnesses crucial to reducing crime are much less forthcoming than if the community actively supports the police.



the current police accountability structure

This philosophy broadly underpins the current arrangements for holding the police to account. The 1964 Police Act introduced a 'tripartite' relationship, with responsibility for the police shared between the police authority, the chief constable and home secretary. The intention of this new structure for police accountability was to ensure no one person had control of policing, to preserve the political impartiality of the police, to maintain policing by public consent, and the need for proper accounting for the expenditure of public money. It replaced the previous arrangements which had seen borough police forces directed and managed by council committees, and police authorities made up of county councillors and magistrates for the county police forces.

The immediate justification for the 1964 Act came from cases of corruption within police forces, though it can be seen as part of a series of initiatives by Whitehall to bring the police under greater central government control. The result of the Act was a considerable change from what had gone on before. There was a process of mergers which saw the number of police forces reduced from 117 in 1964 to the existing 43 forces in 1974. The 1964 Act also strengthened the powers of the home secretary who now approved the appointment of chief constables, and gave chief constables greater autonomy, establishing the convention of operational independence in statute. Under the Act police authorities could appoint and discharge the chief constable, with their main role being the monitoring of the force through the annual reports from the chief constables.

In the 40 years since the 1964 Police Act the policing environment in England and Wales had changed considerably. Police forces now work across the whole spectrum of crime: regionally and nationally in order to deal with cross-border organised crime and terrorism; and at the other end of the scale well below police force level, at the local level to tackle anti-social behaviour and other street level problems. Just as the threats and tasks facing the police have changed so has the social environment in which policing takes place. We can also be sure that the challenges facing policing in England and Wales in the first half of the 21st century will change as much as they have in the last half of the 20th century. In the immediate future the police have to deal with issues around terrorism, serious and organised crime (including drugs and human trafficking), making neighbourhood policing part of their mainstream activities and, in a time of tightening budgets, ensuring transparency and better value for money.

These changes in the challenges and policing environment have led to a number of police reforms. There has been the introduction of performance monitoring and management as well as targets (which has built a performance management culture and professionalised the service), attempts to introduce various aspects of workforce modernisation, and the expansion of the policing family with the introduction of Police Community Support Officers. Alongside these reforms new bodies have been created to tackle specific crime (the Serious and Organised Crime Agency), and also to improve police performance (with the Police Standards Unit and the National Police Improvement Agency

joining Her Majesty's Inspectorate of Constabulary).

There have also been changes in the tripartite structure. The Police and Magistrates Court Act 1994 and the Police Act 1996 reduced the size of police authorities, and the proportion of councillors from two-thirds to a simple majority. They also transferred direct management functions and control over budgets from the police authorities to their chief constables. At the same time the home secretary has progressively acquired greater and greater powers. The 1996 Act for instance gave the home secretary the ability to call on police authorities to require the chief constable to retire. The extra powers in the 1996 Act were supplemented by additional ones in the Police Reform Act 2002 and the Police and Justice Act 2006 (for example giving the home secretary powers to direct forces to take remedial action where there had been a negative inspection). An additional element of change within the tripartite arrangements has been brought about by the role of the Department of Communities and Local Government (CLG) through Local Area Agreements (LAAs). The creation of reward grants for achieving LAA targets has meant that Basic Command Unit (BCU) commanders in some areas have had an additional incentive to concentrate on the delivery of the LAA targets as those from elsewhere.

The result of all these changes has been to leave the tripartite relationship unbalanced. Instead of chief constables being accountable to the community they serve, the reality in practice is

they are accountable to the home secretary. The home secretary's powers through the setting of priorities and targets via the National Policing Plan, plus those resulting from the funding and audit and inspection regimes dwarf those of the police authority. The result is that the police authority is now much the weakest pillar in the tripartite structure. Police authorities have a very limited ability to hold their chief constable to account, and can only dismiss them with the agreement of the home secretary. Police authorities are therefore very much constrained in their ability to address the community safety concerns of their communities, as the force (and therefore the police authority and chief constable) are assessed against the performance targets set by central government.

The consequence of the gradual weakening of police authorities within the tripartite structure over the 40-year period since the passing of the Police Act, is that the connection of the police to their local communities has been severely reduced. As a result the home secretary is the only visible politician who can be called to account for the way the police work. In the words of Lord Rooker from a parliamentary debate in 2002:

"The fact is that if one person in three knows the name of his Member of Parliament, I doubt whether more than one person in a thousand knows the name of any member of the police authority in his area."³

Lord Rooker's views are backed up by work the Home Office and the Association of Police Authorities (APA) have done on police

³ *Hansard*, 16 April 2002, column 828

accountability, with a 2003 study⁴ finding that the vast majority of the public interviewed for the study had not heard of police authorities, and of the few that had heard of them they did not know what they were or what their role was.

The dysfunctional tripartite structure of police accountability means the police are no longer anchored in the communities they serve, they are no longer answerable to the communities they police, and local policing priorities are too frequently overlooked. One of the principles included in the General Instructions issued to the Metropolitan Police at the time of their creation stated “...that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect”⁵. The public is getting increasingly frustrated by accounts from local forces that their hands are tied because of central government rules and regulations, and the police are finding it more difficult to secure and maintain public respect as a result of the increasing centralisation of police accountability. All public services are facing rising expectations in relation to choice, personalisation, quality and value for money, and the police service is no exception. Access to flexible, responsive services which are able to deal with people’s problems simply and effectively is at the heart of the public’s ‘ask’ from policing.



4 *Public Perceptions of police accountability and decision-making*, Maria Docking, Home Office, 2003

5 *The Review of Policing Interim Report*, p 4, 2007

the growing demand for more local accountability

The weakening of the ties between the police and the public they serve has led to falling levels of confidence in the police. The latest *British Crime Survey* results show that for the last two years only half of people think the police do a good or excellent job, compared with 64 per cent in 1996. Furthermore those who have had contact with the police are less likely to rate their local police as doing a good job, including importantly victims and witnesses.

The reason for this decline in confidence is attributable to the lack of local accountability. While those involved in the joint study by the Home Office and APA in 2003 mentioned above agreed with a participant's view that "You're paying, it's the community you live in, it's your community you live there so you should have a say in how it's policed" (mixed gender group, 18-29, African-Caribbean, urban, south), none of those involved felt they had been asked for their opinions on how their area should be policed.

Moreover the public say that improving police accountability would give them greater confidence in the police. A MORI poll conducted in 1999, found that over two-thirds of voters agreed with the statement "I would have more confidence in the police if they were more accountable to the public". Subsequent polls by MORI and ICM for a number of organisations have found that people believe the local police should be accountable for their performance to their local community (89 per cent in the case of an ICM poll in 2007 for the TaxPayers' Alliance), and that locally accountability would provide a better police service.



the need for reform

The lack of local police accountability could be potentially dangerous in the longer term if not addressed now. Successful policing depends on the public making choices; passing intelligence to the authorities; choosing to report a crime in the first place; choosing to provide a witness statement; and, choosing to turn up at court to give evidence. Where the public chooses not to be involved with the police and policing, such as was the case in some communities in Northern Ireland during the Troubles, fighting crime becomes considerably more difficult. The public clearly believe the police should answer to them for how they conduct local policing, yet they feel they have no control over the police or redress if they feel the priorities are skewed. The longer this situation exists, the more public confidence in the police will decline, making it harder for crime to be reduced. Declining performance in tackling crime will further undermine public confidence in the police, making tackling crime even more difficult. In the LGA's view the survival of the tripartite model into the second decade of the 21st century requires a radical reform of the tripartite structure, and this is now a necessity, rather than a desirable option in any future police reforms.

Any reform of the tripartite model must restore the local accountability of the police. The public are very much wedded to the key characteristics of the English and Welsh model of policing set out at the start of this paper. They want to see the police anchored in their local community, and accountable to the people they serve, rather than central government. They support a

transfer of responsibilities from central government to local government on the basis they will be listened to more closely⁶. In fact from the results of an ICM poll the only way a majority of people believe crime can be reduced is by taking power from central government and allowing local communities to decide how they should be policed⁷. Furthermore 65 per cent of those polled in an earlier ICM poll for Policy Exchange believed variations in service were worth paying for as part of the cost of local control⁸.

Reform of the tripartite model of police accountability in the LGA's view should:

- once again anchor the police in the communities they serve, thereby giving them greater legitimacy;
- reassure the public that they and the communities they live in can set the policing priorities for their area; and
- ensure the police are more clearly democratically accountable to their local community.

6 Ipsos MORI Poll for Ernst & Young in November 2006 in *Great Public Services Need Great Commissioning*, Ernst & Young, 2007

7 ICM Poll for the TaxPayers Alliance in January 2007, quoted in *Policing for the People, Interim Report of the Conservative Police Reform Taskforce*, Nick Herbert, 2007

8 ICM Poll for Policy Exchange in *Going local – Who should run Britain's police?*, Barry Loveday and Anna Reid, Policy Exchange, 2003

the key components of local accountability

What no-one has yet achieved is a commonly agreed definition of what is meant by local police accountability. That is not surprising when many people, including government, confuse what they mean by accountability. For government accountability has all too often been about structural changes in who reports to whom and which body has authority to set priorities. However accountability is just as much about process – how people or an organisation give an account or explanation of what they have done and why. Importantly it is also about culture – why people within an organisation behave as they do. The Flanagan Review of Policing identified three similar elements to accountability describing structural accountability, answerability and responsiveness respectively.

There are of course a number of different aspects to these different elements of accountability. In terms of formal structural accountability the report of the Independent Commission on Policing for Northern Ireland not only included democratic accountability, but also added legal and financial accountability – ensuring the police remain within the law and that public money is being properly used.

Any new accountability structure, which aims to make the police more accountable to the local communities they serve, needs to combine all or some of the elements and aspects of accountability just outlined. There need to be formal structures to ensure the police are democratically accountable to their local community. These structures should enable the local community to set the local police's

priorities, set out targets for tackling crime and question the chief constable if these are not delivered.

Related to this the police also need to be accountable for the use of taxpayers money. With an increase in police precepts of nearly 180 per cent since 1997/98⁹, a greater share of police budgets are being funded by local taxpayers than through national taxation than has happened recently. The proportion of police expenditure financed by the council tax is now just over 20 per cent, having from 1997 to 2002 been around 12-14 per cent¹⁰. It is therefore right that there is a mechanism for the public to scrutinise use of police resources.

Finally the local community should be able to have an ongoing open dialogue with the police about activity the police have undertaken in their area, and a route for discussing priorities, including a feedback system to ensure the public know what action has been taken.

9 LGA Research 2008

10 *Footing the Bill – Reforming the police service*, Barry Loveday and Jonathan McClory, Police Exchange, 2007

reforming the tripartite structure of police accountability

Restoring the balance to the tripartite structure has to involve changes to the powers, roles and responsibilities of the home secretary and chief constables. More importantly it requires changes to the local accountability pillar of the tripartite structure. These changes to the three pillars within the tripartite structure also need to operate at three different levels; over strategic policing decisions; over the use of resources; and, over the way the police operate.

Set out in the following sections are the reforms the LGA believes are necessary to make the police are more accountable to their local communities, ensuring the survival of the tripartite structure well into the 21st century. It addresses the need for changes to the tripartite model at the three different levels listed above. The individual reforms to the tripartite structure are part of a comprehensive package, and as such rely on the interrelation with each other to make a significant increase in police accountability to their local community. While the reforms can be implemented separately, the LGA believes more would be achieved from a wider implementation of the component parts.

Policing within our capital city poses unique challenges and requires its own particular solutions. It also has in the person of the elected mayor a very visible individual who is seen as being responsible for policing and community safety issues in greater London. Much work has been undertaken recently into the appropriate accountability structures for the Metropolitan Police, including the joint report published in February 2006 by London Councils and the London assembly, 'A New Settlement for

London', which suggested a greater role for the Mayor in the appointment of the Police Commissioner and for boroughs in the appointment of borough commanders. This work has been updated through the proposals in 'Trusting Devolution: the challenge for London' the prospectus published by London Councils in March 2008. Given this ongoing work, and the recent change in London's mayor, we do not think it appropriate for this paper to set out any alternative models for police accountability in London at this stage.



increasing local accountability over strategic policing issues

If local communities are to hold their local police to account over strategic policing issues three separate but related issues need to be dealt with. These are set out in turn below.

The role of the home secretary in police accountability

As set out earlier in the paper, the LGA believes one of the main reasons the current tripartite arrangement has become unbalanced, has been the accumulation of powers in the hands of the home secretary. This accumulation of power has been to some degree at the expense of the chief constable, but mainly at the expense of the police authority. The LGA is not alone in arriving at this conclusion; there is a growing body of opinion across the political spectrum that a key factor in the demise of police accountability to their local communities has been the growth of the home secretary's powers.

While ultimate responsibility for the police in England and Wales resides with parliament, which sets out the legislative framework in which policing takes place, the home secretary has a critical role in the design of policing for the country. Given the vital importance of the police it is only right that the home secretary retains that national responsibility, but the changes over the last 40 years in the way the tripartite structure functions mean the home secretary is seen by the public as being responsible for all policing issues no matter how small across the country.

The LGA does not believe that the home secretary has to be involved in local policing in

this way, or take responsibility for what every neighbourhood police officer does. We also do not believe such involvement by the home secretary is either effective or efficient. Micro-managing the policing of over 50 million people in England and Wales from Whitehall is impossible. A much more effective system would be one more in line with the tripartite model at the time it came into existence, with the home secretary setting the framework for policing through parliament, and forces being first and foremost accountable to their local communities.

A key step therefore in making the police more accountable to their local communities through the tripartite model is to reform the powers available to the home secretary. **The first component therefore in the LGA's reformed tripartite structure is to change the home secretary's responsibilities for local policing.**

As the powers available to the home secretary are provided by a number of pieces of legislation a full review is needed. Some of the more obvious powers over local policing that could be transferred from or rebalanced between, the home secretary to local communities, or removed from the home secretary altogether include the following:

- those relating to approving the appointment, and at times compelling the retirement of, chief constables;
- any powers relating to the setting of local priorities and plans; and
- the power to issue directions about local

policing, a function currently of the Police Standards Unit.

The responsibility of the home secretary to promote the efficiency and effectiveness of local policing could be retained but this does not necessarily require the maintenance of the national performance management framework for the police. There is considerable evidence that national performance indicators and targets have forced police forces away from dealing with local priorities¹¹. Instead chief constables would be freed to deal with local policing priorities. Released from the straitjacket of government performance indicators they would be free to innovate in partnership with the communities they serve, and find new ways of tackling crime in their areas, rather than being constrained by Whitehall guidance.

Ensuring that the police around the country are trained and work to the highest standards is vital, and much has been achieved over the past decade, and we are not therefore advocating an end to national police standards. It would be up to Her Majesty's Inspectorate of Constabulary (HMIC) to ensure national police standards were being adhered to, with the National Police Improvement Agency supporting improvements in police performance. HMIC would also have a role to play in increasing police accountability through its assessment of police efficiency and effectiveness as part of the Comprehensive Area Assessment (CAA) process, with the chief constable being held to account for this performance or lack of it by his or her local community.

At this point we would emphasise that rebalancing the tripartite structure means reducing the responsibilities of the home secretary in relation to local policing, not to policing as a whole. As well as having a role in establishing the framework for policing across the country, there are a number of criminal threats to our society which are best dealt with at a national level, for which the home secretary should remain responsible.

The National Intelligence Model identifies three levels of criminal activity, which are:

Level 1 (local issues) – usually the crimes, criminals and other problems affecting a basic command unit or small force area. The scope of the crimes will be wide ranging from low value thefts to great seriousness such as murder. The handling of volume crime will be a particular issue at this level.

Level 2 (cross border issues) – usually the actions of a criminal or other specific problems affecting more than one basic command unit. Problems may affect a group of basic command units, neighbouring forces or a group of forces. Issues will be capable of resolution by Forces, perhaps with support from the National Crime Squad, HM Customs and Excise, the National Criminal Intelligence Service or other national resources. Key issues will be the identification of common problems, the exchange of appropriate data and the provision of resources for the common good.

Level 3 (serious and organised crime) – usually operating on a national and

¹¹ BCU Commander Survey, *Fitting the Bill*, Barry Loveday and Jonathan McClory, Policy Exchange, 2007

international scale, requiring identification by proactive means and response primarily through targeting operations by dedicated units and a preventative response on a national basis.

In the LGA's view dealing with level 3 crime requires political engagement and drive at the national level, something only the home secretary can provide. The Home Secretary therefore should continue to retain responsibility for level 3 crime, being accountable to parliament for the exercise of this responsibility.

How to deal with serious and organised crime so forces can concentrate on local priorities

HMIC's 2005 study of protective services (covering Level 2 and 3 crimes) provided by police forces in England and Wales, *Closing The Gap*, found that "... the 43 force structure is no longer fit for purpose". HMIC noted that the current structure was designed around providing general policing, but that general policing had evolved at a time when there was considerable overlap between the needs of local policing and the provision of protective services. The change in the policing environment in the last 30 years, especially in the nature of organised crime from local criminal families to international bodies, meant there has been a growing need for specialisation.

In HMIC's view the issues facing forces over the provision of protective services are going to get more difficult for the current forces to deal with. They argue that the costs and professional sophistication of providing adequate standards

of protective services will become ever harder for smaller forces to deliver, so they proposed the re-organisation of police forces. HMIC's preferred model is for the creation of strategic forces to replace the existing ones. Including this model in *Closing The Gap* resulted in the government proposing the merger of police forces in 2006, which ultimately failed due to police resistance to the changes. However the issue of how level 2 and 3 crime is dealt with in England and Wales in the future is still live.

This paper is about reforming the tripartite structure to make the police more accountable to the local communities they serve. Any changes to make the police more locally accountable have major implications for the way the police operate and the mechanisms used to provide local accountability. Arguably it also has major implications for police structures as well. We do not however intend to reopen the recent debate on police force structures, which failed to reach a conclusion at this point in time, and we are not persuaded that structural changes lead as a matter of course to improvements in public services. We do however agree with HMIC's analysis of the issues around serious and organised crime, including the need for greater specialisation to tackle it. Different skills are clearly needed for community policing than those needed to provide protective services, between neighbourhood policing and tackling terrorism and serious organised crime.

Any future debate on police structures needs to take into account a number of factors, not least the flow of intelligence from officers on the

beat about activities related to level 2 and 3 crime. While HMIC prefer geographically integrated strategic forces, others have argued for the creation of a national police service covering all parts of the country and all types of crime. These are not the only options, and one way of retaining the link between forces and the communities they serve, while also providing for greater specialisation, is for disaggregated layered forces as exist in the United States, Germany and France. This layered approach needs to be given careful consideration in any future discussions on police structures.

Making local accountability structures more visible

There need also to be effective structures, processes and mechanisms in place for the public to hold the police in their area to account. Any structures which aim to ensure the police are truly accountable to the local people they serve must be democratic, open, visible and local.

Handing power from the home secretary to local communities will not, in the LGA's opinion, deliver greater local accountability without changes to the existing local accountability arrangements in the tripartite structure. A number of police authorities have done sterling work to improve the police forces they are responsible for. But in their existing format they have clearly failed to engage local people. Police authorities are to all intents and purposes invisible to the residents they serve – the APA and Home Office study referred to earlier amply demonstrated this, with most people not having heard of police authorities. Where they had

heard of them they did not understand their role. If local accountability is really to work communities need to be aware of the structures that do this and who is doing it on their behalf.

A number of suggestions for strengthening local accountability structures and making them more visible have argued for the introduction of direct elections. The proposals differ but include replacing the police authority altogether with a directly elected police commissioner or sheriff. Alternatives have included retaining police authorities but directly electing either all members of the authority or just the chair. The argument here is that there would be an individual or individuals who will be both visible and easily held to account for the police's performance.

There are a number of disadvantages to any directly elected models. It would in the case of the police commissioner or the elected chair (though less so with this option) create a single individual responsible for policing at a local level. Traditionally policing in England and Wales has steered away from putting one individual in charge of policing. With a directly elected police authority with several individuals responsible for policing, this would be less of an issue.

The greatest disadvantage though with any of the directly-elected options is the creation of a parallel democratic structure to those that already exist, namely local authorities. It is universally accepted (including by HMIC) that one of the keys to cutting crime is partnership working. Tackling the causes of crime requires bodies beyond the police to be involved in

community safety issues. It was for this reason Crime and Disorder Reduction Partnerships (CDRPs) were created in England and Community Safety Partnerships (CSPs) created in Wales. It is also why CDRPs/CSPs have seen an increasing number of public service partners added to those initially around the table. Creating a parallel democratic structure would undermine partnership working, particularly between the police and local authority. Local authorities after all have a duty themselves under section 17 of the 1998 Crime and Disorder Act to prevent crime. A directly elected police commissioner or police authority could easily have a differing mandate on community safety issues to the local authority or authorities they are supposed to work with.

There are existing structures that already meet the criteria for enabling local people to hold the police to account without creating any of the issues associated with directly elected options. They are of course local authorities. Nearly everyone is familiar with councils, which are visible, open and democratically accountable themselves to the residents they serve. Many residents approach their councillors and councils for assistance on a wide range of matters, some of which do not fall within the remit of local authorities. And, as mentioned in the previous paragraph, local authorities already have a duty to prevent crime and disorder. Local police accountability would be much improved if it was exercised through local authorities. This could be achieved by merging police authorities with local authorities, so police authorities no longer have separate legal corporate identities. In the case of forces covering several local

authorities they could establish a joint committee to exercise their police authority responsibilities. By doing this, the local police would be democratically accountable to the local communities' directly elected representatives – their councillors. **The second component in the LGA's reformed tripartite structure is the merger of police authorities and local authorities, so local police accountability is exercised through local authorities.** The benefit of this sort of merger is that there would be an active place for independent members within local authorities, most logically through the scrutiny process. The expertise and experience currently brought by the independent members on police authorities would thereby be retained.

With local police accountability exercised through the local authority, local community safety priorities would be established by the electoral process, with local accountability being achieved through local elections. These commitments would then be explicitly set out by the local authority in a community safety charter with the local community. This charter would be updated annually, with the objectives in it being incorporated into the LAA targets. **The third component in the LGA's reformed tripartite structure is the introduction of community safety charters between the local authority and its local community, against which the local authority and the local police can be held to account by local people.**

While the LGA believes that the national police performance framework has forced the police to focus on national priorities at the expense of

local ones, it would not want to lose the immense benefits from having performance regimes to drive improvement. The difference with the charter is that the community safety priorities in the LAA would include entirely local priorities as established by the local community, with many fewer shared targets agreed between the partners and central government. The Audit Commission and HMIC would then assess the local authority's and police's performance against the LAA objectives, setting out their views on whether they had achieved them. Progress against the charter's objectives and consideration of the CAA assessment of performance could also be monitored by the council's overview and scrutiny committee responsible for crime and disorder matters. If the party or group running the local authority was not felt to have delivered against the community targets set out in the LAA, local people could remove those responsible from office.

With local authorities responsible for both policing and community safety in their area greater and more effective joint working would be encouraged. Furthermore, directly elected mayors or council leaders, plus policing and community safety portfolio holders would be encouraged to play a much more active role in community safety issues in their area. In addition to the electoral pressure to be more active, those council scrutiny committees (which as mentioned previously could include independent members) covering crime and disorder matters would be able to hold the relevant local politicians to account for not only the council's delivery against local community safety priorities, but also for the performance of

the police as well. As a result it is likely that the elected mayor or council leader would become a much more visible figure if they were accountable for policing as well as community safety, and would rapidly become the figure held to account by local people for the police's success or failure.

However there remain issues with local authorities engaging with the people they serve. Part of the reason for decreasing turnouts in local elections is the sense among people that local authorities do not have the powers and ability to make a significant difference to their lives. With the merger of police and local authorities, residents will feel their council has a much greater ability to address issues they are very concerned about and are much more likely to vote. That is also likely to attract more people to stand as councillors, which would address a further point about the skills and capacity issues raised about the quality of membership on police authorities.

There is a concern that placing responsibility for police accountability on local authorities could result in cuts to police budgets to pay for other services. To the LGA that is a legitimate choice local people should be able to make about funding priorities. If they would prefer to fund schools at the expense of the police that is a decision they should be able to make, and in any case the importance of policing to local people is likely, in the LGA's view to lead to additional resources being put into policing rather than being taken out. However it would be possible to protect policing budgets (and any grant for policing from central government) through the local policing or community safety

budget being treated in the same way as the budgets for council housing are, with a separate Policing/Community Safety Finance Account.

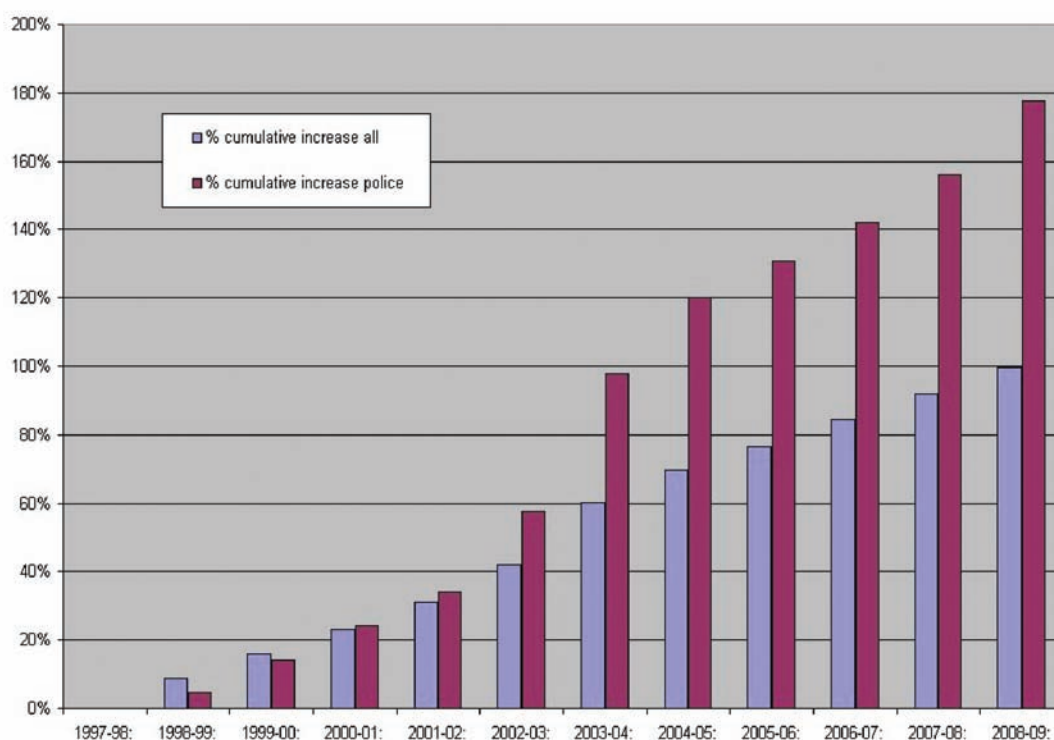
The fourth component in the LGA's reformed tripartite structure is the creation of Community Safety Finance Account's in local authority budgets to safeguard spending on policing and community safety functions.

Another barrier that is raised to local police accountability being exercised through the local authority is the mismatch between local authority and police force boundaries. BCU boundaries and their relation to local authorities are discussed later on in the paper, but local authorities already appoint members to police authorities that cover a number of councils. Just as happens currently there are ways to address this including joint arrangements on accountability, such as a joint committee of the authorities covered by a police force.



increasing local accountability over police use of resources

If any public service is to be truly accountable then it has to be accountable for how it spends the public funds it receives. The financing of the police is presently very opaque, with few people (including police officers) able to explain how police services are paid for. As with local government finance, the police are funded by a mixture of local taxation and central government grant. While the amount funded by the police precept has increased as a proportion of police budgets, and there have been considerable increases in the level of precept (well in excess of increases in council tax) the public are usually unaware of how much they pay for their police. The bar chart below illustrates how police precept increases have risen.



Police financing must be open, visible and transparent if the police are to be fully accountable. At the moment police authorities set the overall budgets for the police and from that the level of police precept. Though the process is open it is not visible. Merging police authorities with local authorities will make a difference, as local authorities will then be responsible for setting budgets not only covering the services they provide, but those for the police as well. It will also mean that rather than a separate precept the police are funded through the council tax making the cost of local policing more transparent to local people. However the LGA believes the accountability for police funding would be improved further with the police budgets debated and approved by councils. **The fifth component of the LGA's reformed tripartite structure is the consideration and debate by councils of Community Safety Finance Accounts in their own right during the budget setting process.**

This will not in itself make police expenditure more transparent. That is because though the police authority agrees the overall police budgets it has no control over those budgets once agreed. The budgets have since the 1994 and 1996 Acts been under the control of the chief constable and not the police authority, who therefore have in fact minimal control of police expenditure. Without a change in this position local communities will have little ability to control police expenditure and how the funds the police receive are put to good use. That is not to say that merged police and local authorities should have day-to-day control of police budgets. Rather as in local authorities

now, full council would have responsibility for agreeing the strategic context in which budgets are set and be able to amend that context. **The sixth component of the of the LGA's reformed tripartite structure is for merged police and local authorities to set the strategic context of police budgets, and to be able to amend that context as necessary.**

There would be further benefits to this change. The government has already indicated police spending will remain at current levels in the new Comprehensive Spending Review round, so police budgets will come under greater pressure. At the same time a number of commentators on the police (including ippr, Policy Exchange and Barry Loveday) have identified issues surrounding police productivity. An ippr paper from earlier this year pointed out that detections per warranted officer ran at the rate of just 10 crimes a year in 2006, the same as in 2001, while detection costs now are higher than they were in 2001. There is obviously a role for local authorities in aiding chief constables with the workforce modernisation agenda, given local government's generally recognised excellent performance compared to other public services, in delivering Gershon savings ahead of target. Providing these savings meant council tax payers have been getting better value for money from their money, and has meant considerable changes in the way local authority services are provided. Local authorities are therefore well placed to assist the workforce modernisation programme needed for policing services. This would mean local communities not only getting better policing services, but better value for money

too. **The seventh component of the LGA's reformed tripartite structure is for local authorities to play a role in collaboration with chief constables in the police workforce modernisation agenda.**

Changes to police budgeting arrangements below the force level could also improve the police's ability to address local community safety priorities, thereby improving police accountability. BCUs while being responsible for nearly all police services delivered locally have only limited control over their budgets – something BCU commanders themselves state is an issue¹². As BCU commanders have little control of the budgets affecting the services they provide they can find it difficult to meet the demands of their local community. BCU commanders would be better able to respond to local priorities if they had fully devolved budget responsibility. One issue with trying to increase the financial discretion available to BCU commanders has been the use of BCU funds provided by the Home Office by the forces receiving them. We believe BCU commanders would have greater financial responsibility if the Home Office's existing BCU funds were used differently. Instead of being allocated to chief constables they could be given as a grant to CDRPs/CSPs to spend on local community safety issues, including commissioning services from the BCU commander. **The eighth component of the LGA's reformed tripartite structure is for the BCU commanders to be given fully devolved budget responsibility, with existing BCU funds to be given to CDRPs/CSPs to commission services from their BCU commander.** This could be

combined with the LAA reward grant for delivering on the LAA targets to provide BCU commanders with considerable financial resources. An alternative would be to allow CDRPs/CSPs to retain the police precept raised in their area, and use this to fund local policing and community safety activity, with the BCU commander again being commissioned to provide the policing services for the area.



12 BCU Commander Survey, *Fitting the Bill*, Barry Loveday and Jonathan McClory, Policy Exchange, 2007

increasing local accountability over the way the police operate

The final element in improving police accountability to their local communities is about getting the police to provide an account or explanation of what they have done and why. This is often the issue of greatest concern to the general public – they wish to be treated with respect by the police and desire them to operate within the very law they enforce. As Sir Ronnie Flanagan set out in his review (and others have also made the same point) this is as much about changing the culture of policing as it is about structures. The way forward outlined in the Flanagan Review is for a change in police culture to make it more customer focused. The LGA believes that is right, and of course the workforce modernisation agenda is in part about making these sort of changes.

Though cultural changes within the police force will be important in ensuring the police give an account and explanation, there is a long standing convention that needs to be addressed when it comes to the police giving an account. This is the issue of the operational independence of the chief constable. It is of course right that the police operate free from political interference. Chief constables must be allowed to exercise their operational judgement, just as constables on the street are able to do. No politician should be able to direct the chief constable or other police officers to arrest a particular individual. However operational independence can be used as a shield to prevent those outside the force pursuing specific matters. As the report of the Independent Commission on policing for Northern Ireland states “...all public officials must be fully accountable to the institutions of

that society for the due performance of their functions, and a chief of police cannot be an exception”. The LGA agrees with the commission on this point. When it comes to the delivery of modern public services it is no longer acceptable for those providing them to be anything other than fully accountable to the people they serve. The concept of operational independence is in the LGA’s view outdated. The Independent Commission favoured chief constables having operational responsibility, meaning no-one could direct the chief constable as to how to conduct an operation, but the chief constable should be capable of being held to account for the manner in which he or she exercises those responsibilities. In order for local communities to hold their chief constable to account for the way in which policing is conducted, we believe the concept of operational independence should be replaced.

The ninth component of the LGA’s reformed tripartite structure is for the concept of chief constables’ operational independence to be replaced by operational responsibility. This change in chief constables’ accountability could also be accompanied by changes in the way complaints are handled and redress given. While the conduct of individual officers is subject to the Independent Police Complaints Commission, issues to do with the way a force conducts investigations or the operation of policies within forces are the chief constable’s responsibility, as are decisions on whether to pay compensation. If people do not feel the chief constable has dealt with a complaint appropriately there are few avenues to challenge this. Changing accountability in this way could lead to a true

customer service approach in policing.

Though changes to the convention of operational independence will provide improved accountability at a force level, even the smallest county forces can cover populations of several hundred thousand. Police accountability at a much more local level could also be improved by taking advantage of the BCU concept. The origin of the BCU structure goes back to the 1990s, when they were conceived as a way of reducing the tiered system of police organisation, and giving police superintendents wider responsibilities. As originally described they were to be the building blocks of the police in the future, being largely self-sufficient. Even now BCUs are often responsible for the delivery of nearly all police services in local areas.

At the time the Audit Commission came up with the idea of a BCU they were seen as having between 150-200 officers, allowing the creation of up to 350 BCUs, and therefore a high degree of match with local authority boundaries. Since then BCUs have grown in size and their boundaries are no longer consistently coterminous with local authority boundaries. This has mainly been due to the professional judgement about what is needed to provide an omni-competent police unit. This need not be the basis on which BCUs are established. Instead as the Police Superintendents Association argues they could be built up around providing local policing functions, allowing BCUs to be coterminous with local authority boundaries. Indeed there could be a very close match between BCU and CDRP/CSP boundaries.

Combined with the proposals to give BCU commanders full responsibility for their own budgets outlined earlier, a closer match between BCU and CDRP/CSP boundaries could considerably enhance local police accountability. It would facilitate better links between the BCU commander and the local authority he or she was working with. The survey by Policy Exchange in 2007 of BCU commanders showed how important the CDRP/CSP is to them. 81 per cent said the degree of co-operation with the CDRP was the most important on their unit's performance after staff competence. BCU commanders are due under the Police and Justice Act 2006, if the provisions are brought into effect, to be overseen by the relevant local authority scrutiny committees. This will further increase BCU commanders' accountability to the communities they serve. Even greater local accountability could be achieved if the local authority had a role in the appointment and dismissal of BCU commanders, and in assessing their performance. This could involve the local authority leader or elected mayor participating in the appointment process alongside the chief constable, with the local authority submitting their views on the BCU commanders' performance as part of an appraisal process. In the case of BCU commanders who were not performing satisfactorily the council would be able to pass a vote of no confidence in the BCU commander, thereby requiring the chief constable to review that commander's suitability for the post. **The tenth component in the LGA's reformed tripartite structure is for BCUs to become more accountable to the communities they serve through:**

- **an increase in the number of BCUs, with their size dictated by their local policing functions;**
- **their boundaries coterminous as much as possible with local authority boundaries;**
- **BCU commanders to be subject to oversight from local authority scrutiny committees through the introduction of the provisions in the Police and Justice Act; and**
- **local authorities to be given a role in the appointment and dismissal of BCU commanders.**

While this would produce further changes in the way the police work, the last few years have already seen a number of changes in police ways of working, with the biggest change being the move to neighbourhood policing, a move they initiated themselves. It is this level of policing that is of greatest interest to the public. Research carried out for the Flanagan Review, plus the results of the Citizen Jury on crime held in 2007, show that the public's greatest concern with accountability relates to what happens in their street. Neighbourhood policing therefore provides a real opportunity for restoring public confidence in the police.

That confidence will be undermined if neighbourhood policing is not treated as a mainstream policing activity. Though all areas of the country now have neighbourhood policing teams, they are not yet universally treated as one of the mainstays of policing activity. Neighbourhood police teams suffer more than other specialist sections within forces from

abstractions. There are still high rates of turnover in warranted officers within neighbourhood police teams. The success of neighbourhood teams is largely dependent on the strength of relationships and local knowledge that are built up over time; staff churn risks undermining links formed both with partners but critically with residents. The Flanagan Review's interim report stressed the importance of mainstreaming of neighbourhood policing, and this is something the LGA supports. **The eleventh component of the LGA's reformed tripartite structure is for neighbourhood policing to become a mainstream police activity.**

While the deployment of neighbourhood policing teams will mean the public across the country notice a difference in local policing, their full potential is at risk of being squandered. At every other level of community safety and policing activity better partnership working between those agencies involved in this area is stressed as vital. Hence the creation of CDRPs, the changes to the bodies involved in putting LAAs together, and the points made in the Flanagan Review's interim report about neighbourhood policing only being successful if it becomes a core activity of local partnerships, and not just the police is fundamental.

It is surprising therefore that the introduction of neighbourhood policing teams has in some areas seen them deliberately distanced from other public services, and in particular ward councillors. There are examples (see the forthcoming report on the Home Office by the Lifting the Burdens Taskforce) of Police and

Community Together (PACT) meetings being set up separately from any local authority meetings, with no role for the ward councillors in the meetings. In the LGA's view it would be much better for the neighbourhood policing teams and ward councillors to work closely together, rather than on their own.

Ward councillors, who the government rightly see as local democratic champions for the streets and neighbourhoods they represent, have in most cases a clear idea of local community safety priorities, and often provide the local authority neighbourhood management function. Flanagan was so keen to see linked to neighbourhood policing in his review. They have a clear idea of local policing and community safety issues not only through the election process, where candidates out of touch with local concerns are unlikely to be elected, but also from the fact local councillors mostly live in the area they represent, are familiar with doorstep issues and have relationships with key local people. Local residents do not draw a distinction between police and local authority responsibilities and quite often the crime and disorder issues they raise can overlap between the two. Local people would have greater confidence in local agencies' ability to reduce crime if at local meetings police and local authorities could actively demonstrate how they would work together to deal with a problem.

Ward councillors can also play a role in promoting accountability at the very lowest level. It is not easy for police authorities in their current format to engage with people at the street level, due to their limited numbers and

the geographical area forces cover. The merger of local authorities and police authorities would allow ward councillors to act as local community safety champions for their areas. They would be able to raise very local issues within the police governance structures, providing feedback from the neighbourhood level. This is exactly what is envisaged in the provisions in the Local Government and Public Involvement in Health Act 2007 relating to the Councillors Call for Action.

Now that neighbourhood policing teams cover every ward in England there is scope both for building street level partnerships between neighbourhood policing teams and ward councillors, and for ward councillors to become local community safety champions. **The twelfth component of the LGA's reformed tripartite structure is:**

- **the establishment of Safer Ward Partnerships to bring local ward councillors and neighbourhood policing teams together to tackle crime at a street level; and**
- **for ward councillors to become local community safety champions for their wards, in the interim through the introduction of the Councillors Call for Action provisions in the Local Government and Public Involvement in Health Act 2007.**

The Safer Ward Partnerships would see safer neighbourhood teams and the ward councillors meeting together with local residents to establish local community safety priorities and what can be done to address them. We do not

envisage these as new statutory arrangements but the bringing together of local partners, with the neighbourhood policing team and local councillors at their core. They would then discuss community safety and crime priorities and issues with local people jointly, rather than separately as has been the case too often currently at a neighbourhood level. The ability of these Safer Ward Partnerships to tackle local policing and community safety issues could be greatly enhanced by bringing into effect the provisions of S236 of the Local Government and Public Involvement in Health Act, giving ward councillors the ability to discharge any functions of the council as they relate to their ward. Combined with 'ward kitties' the powers under this section could provide the Safer Ward Partnerships with the financial and decision-making powers needed to make a real difference at the street level.

what would a reformed tripartite model deliver?

The reforms to the tripartite structure outlined in this paper would, in the LGA's view, result in local police forces which are once again anchored in the communities they serve. Police forces would be accountable to local people at a force level for strategic policing decisions, while at a lower level the BCU would be more accountable for the local policing services it delivers.

Communities would not expect the home secretary to explain why their police had or had not tackled the community safety priorities local residents were most concerned about. Instead they would look to council leaders and elected mayors to take the credit or the blame for the success or failures of the local police. As a result communities would feel they were involved in the policing of their communities, restoring trust in the police. This greater trust would see innovative initiatives at a local level between the police and the communities they serve to cut crime, producing safer streets for all.





The Local Government Association is the national voice for more than 500 local authorities in England and Wales. The LGA group comprises the LGA and four partner organisations which work together to support, promote and improve local government.



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