

# Holding the police to account

**Barry Loveday assesses proposals to make the police more locally accountable and empower local communities.**

*In the Green Paper From Neighbourhood to National: Policing our Communities Together, the Home Secretary outlined a reform programme that reflects the recommendations of the Flanagan Review on policing and the recently published review by Louise Casey, Engaging Communities in Fighting Crime. Consequently the Green Paper, which provided the foundation for a new Policing and Crime Reduction Bill announced in the Queen's Speech in December, has proved to be wide-ranging and addresses, other than the issue of local police accountability, the current workforce mix, collaboration between police forces, police leadership, reducing police bureaucracy and police performance targets along with a commitment to reinforcing neighbourhood policing.*

Following the 2008 Casey Review an emphasis has been placed on encouraging community engagement and making a reality of the local delivery of policing. All of this is, of course, highly laudable and warrants public support. It is, however, the challenge of making the police more locally accountable that could prove to be the fatal flaw within the Green Paper.

## **Police authorities**

Drawing on the existing model of accountability the Green Paper emphasises the critical role of police authorities in the future and recommended that they be strengthened by way of direct election. The proposal was that, in future, directly elected crime and policing representatives

would form the majority of police authority membership and also chair all local Crime and Disorder Reduction Partnerships (CDRPs) and Community Safety Partnerships. In what proved to be a significant reversal of policy this proposal was to be dropped from the Policing and Crime Bill presented to parliament just before Christmas 2008. The Home Secretary was to argue that recent events involving the Mayor of London and the early retirement of Ian Blair, the Metropolitan Commissioner suggested that direct election could serve to encourage political intervention into local policing which was not the espoused purpose of the legislation. It also became clear that pressure from ACPO which claimed that direct election would 'politicise the police' had proved significant. As a result David Blunkett the former Home Secretary has been asked to review the whole process of local accountability and come up with alternatives.

Yet it is certainly the case that if police authorities are to be retained their public profile needs to be enhanced. Indeed as the Association of Police Authority (APA) submission to the Flanagan Review demonstrated there is a marked reluctance on their part to assume any kind of public profile (APA, 2007). This culture and apparent surrender to provider interests does not exactly augur well in establishing a robust foundation for community action or indeed, any action at all. This has served in fact to reinforce a Home Office perception that police authorities are subject to provider 'takeover' which has to be addressed.

## **Elected mayors**

Although direct election of Crime and Policing representatives has been dropped long term the government remains committed to implementing a form of direct election through a wider use of locally elected mayors which is premised on the fact that voter turn out has proved to be much higher for mayoral elections than local elections. This very point was, ironically, to be made by David Cameron in his address to the Local Government Association's (LGA) 2008 annual conference where he was to state that mayors would, in a future Conservative administration, be given direct responsibility for the police. This serves to emphasise his own party's commitment to 'new localism' and to dismantling the central Whitehall control over ostensibly local services. Building on this, it is apparent that should David Cameron win the next election then all current responsibilities exercised within the Home Office over the Metropolitan Police Service are likely to be handed over to London's mayor. For the first time London residents would have clear knowledge as to who was ultimately responsible for local police service delivery. Additionally direct mayoral engagement might begin to provide a degree of financial accountability within the big metropolitan police forces that to date has unfortunately often eluded them.

## **Neighbourhood policing**

A central element to the Green Paper reflects the government's ongoing commitment to the universal introduction of neighbourhood policing across England and Wales. Within the Green Paper the need to improve the connection between the public and the police is seen as critical and to encourage this, an explicit commitment is made to the local community being able to influence the setting of local priorities. This will be encouraged by way of a new Police Pledge, which it is argued will set out a national standard on what the public can expect from the police.

Within the Police Pledge there is also a commitment for neighbourhood police officers to

attend 'high priority' calls within an hour of their being made. This new attendance commitment, the Home Secretary has stated, is expected to drive up the quality of policing within local communities (Bebington, 2008). Currently there are 3,600 neighbourhood policing teams in operation which are sustained by 13,500 police officers and 16,000 Police Community Support Officers (PCSOs). Given the salience of PCSOs it is not perhaps surprising that the Green Paper outlines the 'core principles' that will guide their work. These include, inter-alia, undertaking 'public facing, non-confrontational duties in uniform'; visible patrol; and responding to anti-social behaviour, 'low level crime' and quality of life issues while also improving service to victims and the vulnerable along with engaging in 'problem solving activity' (Home Office, 2008).

Elsewhere the hot potato of current PCSO standard and discretionary powers are also outlined along with a commitment to an evaluation of these 'to establish exactly what powers PCSOs are using' (ibid). This will presumably embrace the exercise of their rather egregious power of detaining a person for 30 minutes 'who does not give name or address when required to do so'. This discretionary power needs to be viewed against the standard powers which the PCSO exercises. These include issuing fixed penalty notices; requiring the name and address of a person committing a licensing offence or engaged in anti-social behaviour or a road traffic offence; confiscating alcohol from persons in designated places and from under 18 year olds while also seizing drugs and vehicles used to

cause harm. All of these 'standard powers' are, of course, potentially highly confrontational and without sufficient protection could threaten the personal safety of any PCSO attempting to exercise them. Further Home Office evaluation of these powers might, therefore, appear to be entirely justified.

### Variation on a theme

The Green Paper proposals proved to be highly contentious. Thus directly elected crime and policing representatives did not get any support within the local government world. This reaction might be thought surprising, given that the proposal would appear to strengthen local mandates. However, the problem of competing mandates has been already identified by the LGA, which has argued for a simpler and more coherent system of accountability based on the local authority.

The case is made for closer local engagement, which would in future make the local Borough Command Unit Commander accountable to scrutiny committees (LGA, 2008a). The issue was highlighted in a recent parliamentary debate where one MP commented that while the government was right that local councils should provide the primary leadership behind CDRPs (rather than, as at present, the police) this would be undermined by directly elected crime and policing representatives. It would create, it was argued, a structure that would never be likely to encourage local councils to take a leading role in the work of the CDRP (House of Commons Hansard, 2008).

The LGA – and David Cameron – also make the important point that, unlike the experience of the past, no

single uniform accountability model should be imposed across the country. Instead, the mechanism established should reflect local community need. This has been identified not least because proponents of new localism recognise that centrally imposed structures would fatally undermine their own rationale. In future local police forces could be made answerable and accountable to a variety of locally elected bodies, which might encompass elected mayors, scrutiny committees and where appropriate local police committees. Together these are more likely to encourage community engagement than direct election. Whatever structures are finally introduced a guiding principle should be the need to encourage a greater integration of the local police force with the local authority. ■

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### References

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