

Despite the problems that have beset the elections for Police and Crime Commissioners we must still take them seriously

The criticism of the Police and Crime Commissioner reforms has been lengthy and varied. This week's elections finally end the tripartite governance structure and replace it with an untested and far from popular new system focused on a single locally elected individual. Despite all the problems and the shortcomings, [Tim Newburn](#) argues that the issues involved are too important for us to do anything other than attempt to make this system work as effectively as possible.



We stand on the cusp of the most radical police reform in half a century. Thursday will see elections for Police and Crime Commissioners, replacing the police authorities established in 1964. Although policing had long been governed in part by police authorities of one form or another, it was only in the aftermath of a Royal Commission established by RA Butler in 1960 that the Police Act 1964 established the building blocks for the governance of policing that have stood until today. Generally referred to as the 'tripartite structure', the guiding idea was that the three parties involved – the Home Secretary, the Chief Constable, and a local police authority – should through their separate powers and responsibilities, and via a system of checks and balances, collectively ensure the reasonable running of local police services.

Police authorities, originally made up of local councillors and a small number of magistrates, were quite significantly reformed in the mid-1990s, giving the Home Office greater influence over general targets as well as adding new local appointees to their membership. In reality, the system for police accountability has been creaking for some time. The Home Office has continued to grow in power, and at no point since 1964 have local authorities ever really had enough authority successfully to challenge local chiefs. Indeed, on the few major occasions on which they tried the Home Office generally sided with the police and against local government.

As the Home Office and Home Secretary became ever more powerful in the policing landscape, and the concerns of local police authorities became increasingly narrowly focused on fiscal oversight and management rather than any broader questions of policy, so observers from all parts of the political spectrum began to question the utility of the current arrangements. Whilst there have been various proposals for reform over the years, it is only recently that government has grasped the nettle. Indeed, although previous reform ideas have tended to include some form of local elected representation, the changes brought in by the Police Reform and Social Responsibility Act 2011 are far more radical than any other recent reform ideas.

First [formally mooted](#) by the think tank, Policy Exchange, in 2003, Police and Crime Commissioners (PCCs) were included in the Conservative Party's [2010 election manifesto](#). The Commissioners were described as 'powerful representatives of the public' who will ensure that:

- The public can better hold police forces and senior officers to account;
- There is greater public engagement in policing both in terms of priority setting and active citizenship;
- There is greater public rather than Whitehall ownership of force performance; and,
- The public have someone 'on their side' in the fight against crime and ASB.

PCCs will have very significant powers indeed, including the power to appoint (and to dismiss) chief constables. They will be required to determine local policing priorities, publish a policing plan, set a local

precept and set the annual force budget in consultation with chief constables. They will receive the policing grant from the Home Office, together with grants from other Departments and will commission policing services from the chief constable (or, in consultation with him/her, from other providers). PCCs will also be able to require a report from chief constables at any time about the execution of their functions.

So, who is likely to fill these posts? Government had originally hoped that the opportunity would attract high flying, and high profile independent candidates. In this it has pretty significantly failed. [Research by the Association of PCCs](#) shows that over half of all candidates either are, or have been, elected politicians (councillors, MPs, MEPs etc). About one fifth have served on a police authority and one sixth have been employed or served within the police service. Under a fifth of the candidates are women (fifteen areas have no women candidates at all). The election rules, including the high cost of taking part, undoubtedly put some independents off. In addition, several were also forced to drop out as a consequence of relatively minor criminal convictions they received as teenagers. All in all, and to date, the process has failed to inspire.

The result is that party machines will dominate the elections. Despite its scepticism and its criticisms of the reforms, the Labour Party is fielding candidates in all 41 areas, as are the Conservatives. The Liberal Democrats, on whom the somewhat unpropitious November polling date is being blamed, are only fielding 24, the same number as UKP. Beyond the candidates, the big question is will the elections confer democratic legitimacy? There is every reason to expect that the turnout will be low – most estimates are now expecting something between 15-20%. To put it mildly, this is unfortunate. All the talk about public scrutiny and accountability, of greater public engagement and so on, will look a little thin if only one in six voters actually put an x on their ballot. But it remains an important reform, one that will likely change much about policing in England and Wales, and one that needs therefore to be taken seriously.

So we find ourselves in an odd position. The most radical reform of policing in half a century is about to occur and yet there is considerable public ignorance and apathy. There is also professional resistance and, most surprisingly of all, an apparent lack of faith even within government. Reform of the police service is something numerous Home Secretaries have considered, but few have seen through. The Coalition government has been [much more willing than its predecessors](#) to engage in the battles required to carry through a reform programme. Central targets have been largely scrapped, police pension arrangements and other elements of terms and conditions are undergoing substantial overhaul. A huge cuts programme is beginning to bite, and on top of all this the constitutional arrangements for police accountability are about to be replaced.

Sections of the police service are very unhappy – particularly with the changes to employment conditions and to the cuts in police numbers and budgets. The PCC reforms inspire slightly less outspokenness, but still generate considerable scepticism, and in particular the police service has articulated concerns around issues of potential ‘politicisation’ and the threats to operational independence. Under such circumstances one might expect there to be vociferous local public debate and clear concern about the outcome of the PCC elections. The available polling evidence, however, suggests that a bare majority of the electorate are even aware of the looming elections, and of those that are aware, it seems only a minority will actually bother to vote. Arguably the candidates haven’t always helped. Though no doubt in many cases very worthy, many have failed to generate much interest and a quick scan of their manifestos offers little comfort for anyone looking for inspiration.

And yet, crucially, all this is met by very little from government. Yes, both the Prime Minister and the Home Secretary have recently been out and about pushing the claims of the reforms and of Conservative candidates. But this has come very late in the day and the lack of conviction – especially from the Home Secretary – is almost audible. In truth, for much of the last year it has felt as if the reforms only ever had one identifiable champion within government: Nick Herbert. Until recently Minister of State at the Home Office and Ministry of Justice, Herbert returned to the back benches at the reshuffle, leaving these headline reforms without anyone of any substance in parliament who seemed prepared to put in the work to campaign for them. So dilatory has the government’s handling of these elections been that even supporters who helped them design the PCC reforms have been openly critical of the way in which it has been managed. For instance Edward Boyd, a researcher from Policy Exchange, recently said in the

Sunday Times that “As this is a flagship policy of Cameron’s, he should been on the airwaves earlier, getting behind it and doing his part to get out the vote”.

The mishandling of the reforms has led to some startling suggestions. Some sceptics have argued that the only answer to poor candidates and lacklustre government support is spoiling ballot papers. One, John Harris in the Guardian, [argued](#) for example that “the lack of convincing options and pathetic efforts at raising awareness mean that in [the PCC elections], any meaningful “x” is impossible. Lord (Ian) Blair, the former Commissioner of the Metropolitan Police, went one further, suggesting a complete boycott of the elections. Although he has subsequently retracted this call, he remains a fierce critic of the reforms.

The introduction of PCCs represents a very considerable departure in the British policing landscape. For a reform of such substance it does not feel as if it has been terribly well planned, still less fully thought-through. The dangers that critics have highlighted – of politicized policing, of senior officers emasculated by “hire ‘em and fire ‘em” Commissioners, and of broad-based and nuanced policing undermined by ballot box priorities – are very real and we ignore them at our peril. But whilst the critics may be right to highlight such concerns, they are quite wrong in suggesting that spoiled ballots or an outright boycott are the appropriate next step. Irrespective of the turnout, important though it may well be to legitimacy, the next few weeks will see the arrival of 41 new Police and Crime Commissioners across England and Wales. They will have very difficult jobs to do, but also very important ones. What matters now is trying to ensure that they do the best possible job under the circumstances they find themselves in. The only way that can be achieved is if there is full public scrutiny of their decisions and their activities, and as broad public participation in consultative and other forums as possible. If that were the outcome, then against the odds a successfully reformed system of police governance might just emerge.

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