

Despite the manner of their election, Police and Crime Commissioners are bringing about a significant change in the governance of the police

By Democratic Audit

*The Police and Crime Commissioner (PCC) elections in November 2012 marked a historic change in the democratic accountability of police services in England and Wales. **Barry Loveday** considers why public enthusiasm for the elections was so low, and goes on to assess the early performance of PCCs in office.*

Despite their limited electoral mandates, he finds, a number of PCCs have been forceful in using the range of powers at their disposal.

With the
Police
Reform and
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Responsibility Act of 2011 and the election of Police and Crime Commissioners (PCCs) the Coalition government introduced a fundamental change to the structure of police governance as previously established under the 1964 Police Act. The Act also represented perhaps one of the most radical shifts in Conservative Party policy towards the police, challenging the party's traditional stance as both highly supportive and protective of the police service.

Mishaps and misjudgements: the PCC elections

Given its apparent prominence within the Conservative-led Coalition's policy agenda, the implementation of the 2011 legislation got off to a surprisingly shaky start. Several key decisions ahead of the elections did nothing to erase this perception. First, the decision that the election of PCCs should be a stand-alone election to be held in November 2012 created an immediate risk of a low turnout among voters. Next was the government's failure to provide any details of the candidates standing for the election. A view within the Home Office that the PCC elections did not justify the expense of a direct mail-out to voters about the candidates, and that information would be provided to the public by way of an election website, did little to enhance the process. If this was not bad enough, Nick Herbert, the Minister for Police Reform and leading proponent of directly-elected PCCs, was to suddenly and quite unexpectedly resign from his post just prior to the election, following a Government reshuffle in which he failed to win a promotion.

Not surprisingly, the end result of this succession of mishaps and misjudgements was an election which saw the [lowest turnout in peacetime history](#) with only 15% of the electorate voting, far worse than the 24% turnout achieved in the European elections of 1999. It was evident that many potential electors did not feel sufficiently knowledgeable about the candidates to make any judgement concerning them. In the event the victorious PCC candidates were elected with an average mandate of just 7% among those eligible to vote. Of perhaps greater concern was the number of spoilt ballot papers in the PCC elections. Spoilt ballot papers ran between 2.5% and 4.5% of the total turnout. In Coventry, the number of spoilt ballot papers [outnumbered the votes cast](#) for one of the main party candidates. It appeared that despite [Home Office claims](#) to the contrary, the public did not wish to be 'empowered'.

The two main political parties won the majority of PCC elections with the Conservatives gaining 16 and Labour 13 PCC posts. Yet the interesting feature of the election was to be the unexpected success of independent candidates who were to win 11 PCC posts. Independent candidates were to benefit from the failure to coordinate the PCC election with local government elections and arguably also from a perception among the few that did bother to vote that party politics should not intrude on the work of the police service.

Early signs of change in police governance

The decisions taken by a number of PCCs post-election in relation to appointing deputy commissioners and support staff did little initially to heighten their public esteem. No fewer than 16 PCCs have to date appointed deputies at salaries of up to £65,000. In West Mercia, for example, the independent PCC was to [appoint his own campaign manager](#) as his deputy, whom like the PCC had recently retired from Staffordshire police where they were both operational police officers. Described within the media as being clear [evidence of cronyism](#), these appointments may be seen to have been, in some cases, ill-judged. Yet it is also evident that currently the popular press appear to be deliberately amplifying any 'improper' expenses incurred by PCCs when these are subject to challenge. Since their election it would appear that for the press PCCs are seen as a kind of legitimate target through which they can channel public opprobrium.

The first indication that significant change was underway within police governance was the early decision taken by the PCC for Avon and Somerset in November 2012 not to automatically rubber stamp an extension of the then chief constable's contract. He was instead informed that he would be required to reapply for his post. A subsequent [appeal to the courts](#) by the chief constable upheld the decision of the PCC. This represented an event almost unparalleled in regional police governance and clearly demonstrated that within the 2011 Act the power position of the chief constable, previously unassailable, was now at risk. It appears that the role of the PCC in relation to the chief constable is very clearly one of principal to agent, where the chief constable is now made directly accountable to the PCC. This is a role reversal from previous governance arrangements, where the chief constable was *de facto* principals and the former police authority little more than that officer's agent.

This highly interesting change in relationship was to be further highlighted by events in Gwent police force. Here the PCC, an independent and former President of the Police Superintendents Association, was to require the chief constable to either [retire or be removed](#). This followed on from what was claimed to be the open hostility of the chief constable to the PCC role which [the PCC stated](#) had *"frustrated his ability to exercise those responsibilities that the people of Gwent had entrusted to him"*. The chief constable Carmel Napier did not seek to challenge the PCC's position, and resigned soon after receiving the ultimatum. Appearing later before the [Home Affairs Committee](#) the former chief constable was to claim that she was subject to bullying from the PCC and that in her opinion it was against all sense of justice for one individual to have *"so much unfettered power."* The irony of the situation is that the same point has been made quite regularly about the authority of chief constables in the past.

It is as yet too early to predict how the PCC experiment will develop in the future. It seems that some PCCs will be more pro-active than others in developing their role. It is of interest that despite the events leading to the demise of two chief constables the Home Office continues to demonstrate a 'hands-off' approach to local police governance. Chief officers can no longer assume that the automatic protection extended by successive Home Secretaries will now be on offer. This in itself represents a major change and may only serve to reinforce both the localism agenda pursued by the Coalition and the future power position of Police and Crime Commissioners.

Note: This post represents the views of the author, and not Democratic Audit, or the London School of Economics.

[Barry Loveday](#) is Reader in Criminal Justice Administration at the University of Portsmouth Institute of Criminal Justice Studies.