

Scrutinising the role of the Police and Crime Panel in the new era of police governance in England and Wales

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Abstract

Purpose – *The purpose of this paper is to explore the role of Police and Crime Panels (PCPs) within the new constitutional arrangements for governing police forces in England and Wales.*

Design/methodology/approach – *Desktop research of the web pages of PCPs, combined with documentary analysis of reports of panel meetings and a literature review of relevant academic materials.*

Findings – *During the first year of their operation the role of the PCP in the new constitutional arrangements for governing police forces in England and Wales has been widely criticised. This paper explores reasons that may impinge on the effectiveness of these local bodies to scrutinise how Police and Crime Commissioners discharge their statutory functions. In particular, it draws attention to the limited powers of the panel, the contradictions of the “critical/friend” model of scrutiny, the extent of political alignment between “the scrutinisers” and “the scrutinee”, and the ability of the latter to constrain the scrutiny function of the former.*

Originality/value – *This paper is the first to explore the scrutiny role of PCPs in the context of the research evidence regarding the development and use of scrutiny within the local government context.*

Keywords *Accountability, Police and Crime Commissioners, Police and Crime Panels, Scrutiny*

Paper type *Research paper*

Introduction

As new constitutional office holders whose primary role is to hold to account the 41 provincial police forces of England and Wales, Police and Crime Commissioners (PCCs) have had a rather inauspicious beginning. Questions of their democratic legitimacy linked to the low electoral turnout at the inaugural PCC elections in November 2012 have been compounded by a series of negative media stories alleging *inter alia* “cronyism” and political nepotism in the appointment of staff, excessive and unnecessary expenses claims, and troubled relations with individual Chief Constables. This context framed, and informed, the announcement of the Home Affairs Select Committee in May 2013 that it planned to undertake a major inquiry into PCCs, a year on from the elections which brought them to office. A pre-cursor to this announcement was a highly critical report by the Home Affairs Select Committee (HASC, 2013c) of the early workings of the new police governance arrangements, established by the Police Reform and Social Responsibility Act 2012. Much of the sting of this report focused on Police and Crime Panels (PCPs), introduced by the legislation to scrutinise the conduct of PCCs. Launching the report, the Chair of the Committee, Keith Vaz MP said, “Police and Crime Panels [PCP] must redouble their oversight of their PCCs. Already we have seen the suspension of a chief constable without consultation in Lincolnshire, controversial personal and political appointments without scrutiny by the PCP in Kent and other areas [...]. We need to guard against maverick

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decision-making[1]”. The report, therefore, rekindled earlier parliamentary debates about the suitability of PCPs to function as effective local forums of public accountability.

This paper seeks to contribute to these debates. It does so, first, by exploring the contested nature of PCPs within the Coalition Government’s police reforms. In so doing, it argues that criticism of the limited role and powers of these new local scrutiny bodies, both before and after they became operational, can be understood partly by excavating the political context out of which they emerged. Second, it explores the role of these panels within the new constitutional arrangements for governing the police. In so doing, it draws on research evidence from the analogous context of local government scrutiny to identify some of the challenges they may encounter as they seek to scrutinise how PCCs exercise their statutory functions. Third, it examines the required composition of these panels. It then presents empirical data on their political make-up in order to consider the extent to which party political loyalties and allegiances may pattern this activity. Fourth, it examines whether events from the inaugural year of the new quadripartite governance model illuminate the nature of accountability relations between PCPs and PCCs as well as the future workings of these local scrutiny arrangements.

The genesis of PCPs

PCPs were, in effect, born of a political compromise. Prior to the general election campaign of 2010 a cross-party consensus emerged of the need to strengthen local institutional arrangements for rendering police forces democratically accountable. Yet, in this regard, the two parties that proceeded to form the Coalition Government had markedly different proposals. Whereas the Conservative Party (2010) felt the democratic renewal of the police would be best achieved by replacing local police authorities with a directly elected PCC within each police force area, the Liberal Democrats (2010) proposed that members of police authorities should be directly elected but for a few additional co-opted members. This policy divergence appears to have been addressed by the insertion of a clause within the coalition agreement specifying that these powerful new office holders would be “subject to strict checks and balances by locally elected representatives” (HM Government, 2010, p. 13). In this light Blair Gibbs (2010), a former advisor to the Conservative Party on policing, has suggested that Police and Crime Panels should be understood as a concession made by the Conservatives to the Liberal Democrats during their negotiations to form a Government in 2010. This political context goes some way towards explaining how the role and powers of panels were subsequently defined and structured in the enacting legislation. It also – in turn – lies behind many of the concerns expressed, both before and after the passing of the legislation, that they would not be an effective mechanism of review and oversight.

Despite not featuring in the Conservatives’ pre-election plans, the White Paper that outlined the Government’s police reform programme contextualised PCPs in the following terms: “At the core of our proposals for appropriate checks and balances to the power of the new Police and Crime Commissioners is the establishment of a new Police and Crime Panel. This will ensure there is a robust overview role at force level and that decisions of the Police and Crime Commissioners are tested on behalf of the public on a regular basis” (Home Office, 2010, p. 15). The importance attached to PCPs (hereafter “the panel”) within the reform proposals thus appeared to reflect the concerns of the Liberal Democrats that singular individuals were being handed too much responsibility for governing crime and policing across very large constituencies. The panel, therefore, was inserted into governance arrangements to ensure that PCCs would be regularly subject to a process of locally embedded and institutionalised account giving within their four-yearly term of office (Reiner, 2013a).

Early in the reform process, however, these proposals attracted widespread criticism. At the consultation phase of the legislative proceedings, for example, the Home Affairs Select Committee (2010) reported that the “overwhelming majority of witnesses who commented on Police and Crime Panels [to its consultation enquiry] [...] were of the opinion that they had little real power” (para. 58). Subsequently, the role and responsibilities of the panel were among the most contentious provisions within the draft legislation. Accordingly, many amendments proposed for the Bill were aimed at the role, functions and powers of the panel. For example, the House of Lords passed an amendment (which was subsequently overturned in the House of

Commons) for the panel to appoint the PCC, which at the time Yvette Cooper, the Shadow Home Secretary, described as “ripping the heart out of this deeply flawed bill” (Bloxham, 2011). Further amendments sought equally to change fundamentally the role of the panel. One proposed to give the PCC responsibility for chairing the panel; another to give the panel responsibility for scrutinising the performance both of the PCC and the local police force as well as for setting local policing objectives. Other (also unsuccessful) amendments were less far-reaching and intended merely to extend the powers of the panel, for example, to enable it to request the PCC prepare reports on any action or decision taken in the exercise of his or her statutory functions. As the passing of the legislation through parliament left the responsibilities and powers of the panel largely unaltered, the criticisms they had roundly attracted at the consultation phase generated little practical impact. The next section proceeds to outline the role, functions and powers of the panel as determined by the Act and its accompanying legislation.

The role of PCPs

Section 28(1) of the Police Reform and Social Responsibility Act 2012 (hereafter “the Act”) requires a PCP to be established in each police force area outside of the London area[2]. Under Schedule 6 Part 2 of the Act the panel is established by one or more local authorities; under Part 3 it is established by the Secretary State, should there be no local agreement[3]. The “checks” and “balances” that the panel is intended to bring to local arrangements are specified by a series of statutory functions. The Local Government Association (2012a, p. 9) describes most of these functions as “set piece events”, indicating they are a specific task that will take place in formal meetings and usually require the attendance of the PCC. Furthermore, these functions often represent a necessary response to a statutory duty of the PCC. Hence, section 28(3) requires the panel to review the draft “police and crime plan” and therewith publish any recommendations it might have[4]. Similarly, section 28(4) requires the panel to review the PCC’s “annual report” and produce a report or make recommendations on it[5]. In the same way, Schedule 5 requires the panel to review the level of police precept proposed by the PCC (with the right of veto by two-thirds majority). Schedule 8 requires the panel to review the suitability of the PCC’s preferred choice of Chief Constable (again with the same right of veto). Similarly, Schedule 1 requires the panel to review appointments of senior staff within the Office of the Police and Crime Commissioner (OPCC), including the Deputy PCC.

In addition to these “set piece” functions, section 28(6) sets down what might be considered a more generic and over-arching function that requires the panel to “review or scrutinise” how the PCC exercises his or her statutory functions (including, e.g. the decision to dismiss the Chief Constable). In order to fulfil this statutory obligation, section 29 gives the panel statutory powers to require the PCC to attend a meeting of the panel to answer questions. It can also summon the Chief Constable to accompany the PCC, as well as require the PCC to respond in writing to its reports and recommendations. Finally, under Schedule 7 the panel also has responsibility for investigating complaints of non-criminal behaviour by the PCC. Moreover, section 30 confers the panel with the authority to suspend the PCC if he or she has been charged with an offence serious enough to warrant a two-year jail sentence.

Significantly, although the overall role of the panel is constructed in the legislation as one of “scrutiny”, section 28(2) of the Act states that its various statutory functions “must be exercised with a view to supporting the effective exercise of the functions of the police and crime commissioner [...]”. This requirement, for the panel to “scrutinise” but also to be “supportive”, raises a key tension at the heart of the legislation. Implicitly, there is some degree of inherent role conflict where administrative bodies are tasked with being a “critical friend” (Coulson and Whiteman, 2012; Leach and Copus, 2004). It has been argued, for example, in the analogous context of local government scrutiny that this dual task risks blurring the focus and priorities of the scrutiny body, as well as obscuring the accountability function (Leach, 2009)[6]. It therefore risks pulling each panel in different directions, but also individual members may differently interpret which direction they ought to be travelling in. How each panel therefore adapts to this tension is likely to be a crucial empirical consideration for how effectively the scrutiny role is delivered. Furthermore, as the panel’s scrutiny of the PCC is an “external” arrangement (i.e. of a separate institutional body), the effectiveness of the process is more reliant on goodwill and

cooperative working practices, then on “internal” scrutiny arrangements (e.g. within an institution) where sedimented organisational and cultural modes are more likely to structure processes and outcomes (Sandford, 2013). As such, effective scrutiny in this context may require a partnership-type approach to be fostered; the danger for the scrutiny endeavour is that the intention to encourage cooperative working may be undermined by the duty of the panel to interrogate the decisions and actions of the PCC.

Also, the evidence from the local government context suggests the scrutiny function has had varying degrees of success as an institutional mechanism of public accountability. Recurring problems and difficulties have included a lack of understanding of the role, weak leadership, poor management, ineffectual processes of inquiry, low profile and perceptions of limited impact (Snape and Taylor, 2001; Stoker *et al.*, 2004; Coulson, 2011). Perhaps of most bearing upon the work of the panel is the research evidence that has drawn attention to how embedded party loyalties may pattern the willingness to scrutinise (Leach and Copus, 2004; Leach, 2009; Sandford, 2013). This concern is most acute where “the scrutinisers” and “the scrutinised” share the same party political allegiances. Such political alignment may give rise to light-touch approaches to scrutiny owing to working practices becoming infused with a lack of rigour and application. The next section describes the legal requirements surrounding the composition of the panel, and presents data on the political profiles of the membership of the 41 panels.

The composition of PCPs

The legislative provisions for the composition of the panel are detailed in Schedule 2 of the Act. In police force areas with more than one local authority the panel functions as a joint committee of local government, hosted by a lead local authority. It therefore, comprises persons (either council members or executives) nominated by all local authorities within the police force area. Police force areas consisting of ten or fewer local authorities must have ten members, as well as two co-opted members. Where more than ten local authorities are located in police force areas the panel must have as many nominated members as there are local authorities in the force area, plus two co-opted members (see Local Government Association, 2011). The maximum number of members of the panel is 20, reflecting a desire to ensure they do not become over-wieldy. Importantly, the overall membership of each is required as far as possible to deliver on the so-called “balanced appointment objective” (see Local Government Association, 2012b). This means that as well as seeking members with relevant skills and experience, the overall composition of the panel should be geographically and politically proportional.

First, geographical proportionality is said to be achieved by each local authority in the force area having representation on the panel[7]. In this context the panel has a symbolical role which may help to off-set any criticisms that the localisation agenda of the reforms is in part rhetorical owing to the size of the areas covered by singular PCCs (see Lister and Rowe, in print). But it also might offer substantive democratic benefit if “local” representatives, acting as advocates of particular (territorial) communities, are able to insert their voices into inherently political discussions concerning how the PCC should allocate resources between the different sub-areas of the wider police force area (Lister, 2013). It might, for instance, ensure there is an institutional “check” against the possibility (however remote or proximal) of the PCC seeking to influence the deployment of resources in ways that might be seen to curry favour with one community over that of another. Second, the political composition of the panel should be proportionate to the political profile of the total number of councillors in the force area. Although this objective arguably reflects the spirit of the Act, it may have implications for the scrutiny process. As discussed above, a key question here is whether, and in what way, relations between the panel and the PCC will be structured by their respective political affiliations. And of course in those police force areas where democratic institutions have historically tended to be dominated by the same political party, there is a strong likelihood of the PCC sharing the same party political affiliation as found among the majority of the panel membership.

In order to consider the extent to which party politics may influence the scrutiny process empirical data were collected on the membership of all panels[8]. The data show that all panel members were either elected councillors or mayors, excluding community co-opted members.

The chair position was almost always an elected member, except within two panels, where the chair was the co-opted member (one of these on an interim basis following the resignation of the previous chair). Nearly 40 per cent of panels (16 of 41) had no overall political majority among its membership, but an equal proportion had a Conservative majority. Around a fifth of panels (nine of 41) had a Labour majority. None had a Liberal Democratic majority. Of those panels that did have a political majority, 68 per cent (17 out of 25) shared the same political affiliation as the PCC. Importantly, all other panels that had a political majority were in areas that had an Independent PCC (eight out of 25). Hence, in the 16 areas that had a Conservative PCC there were no panels with a “Labour majority” membership; moreover, only two of these panels were chaired by a Labour councillor. Conversely, the same holds in the 13 areas controlled by Labour PCCs, but in only one of these areas was the panel chaired by a Conservative councillor. Further, the match between the appointed chair of the panel and the political majority was even stronger. Where the panel had a political majority, 92 per cent had the same political affiliation as the chair. This is perhaps unsurprising as it is commonplace for panel members to vote to appoint the chair. Nonetheless, if internal party dynamics do give shape to the scrutiny approaches of the panel, then these data suggest the implications for the public accountability of the PCC may be significant.

Prospects for scrutiny under PCPs

This section considers the extent to which developments that have occurred since the introduction of the new governance arrangements shed light on the nature of the scrutiny relation between the PCC and the panel. In this regard several events and incidents have been interpreted as evidence of the limited role and authority of PCPs (see e.g. Home Affairs Select Committee (HASC), 2013a, b, c). Some of these criticisms have been pervasive, others more specific. Moreover, they have been voiced both by panel and non-panel members, alike. For example, in one force area two members of the panel resigned, with one of them being quoted as saying “It’s a waste of time, money and space [...]. The panel is ineffective and the legislation is written to make it ineffective. They need to throw the legislation out and start again” (Endley, 2013). As this quotation would imply, some practices the law explicitly enables. For instance, unless the panel is able to assert the right of veto on a particular decision then the PCC is not bound by its recommendations. Hence, the law merely states that PCCs “must have regard for” the reports of the panel. As a consequence, the effectiveness of the panel is to a large extent contingent on its powers of persuasion and argument. It is in this legal context that examples have arisen of PCCs failing to act on the view of the panel in regard to finalising the police and crime plan, setting the level of the police precept (see e.g. BBC News, 2013c), and appointing deputy commissioners (see e.g. BBC News, 2012a, b; BBC News, 2013d) as well as assistant commissioners (see e.g. BBC News, 2013b, e). Importantly, therefore, the panel’s limitations, as highlighted by these examples, cannot be merely reduced to a failure to use the powers available to it[9]. Rather it is how the law intends it.

A further and crucial area of scrutiny where the limitations of the panel have been exposed concerns the procedures surrounding the appointment and removal of the Chief Constable. Although such decisions of the PCC potentially carry enormous implications for the force and local communities, there have been instances that show the scrutiny role of the panel in proceedings has been, at best marginalised and, at worst, simply by-passed (see HASC, 2013a, b). Concerns about the appointment process appear to coalesce around the procedure itself, which arguably gives the panel a largely symbolic role in reviewing the candidate already selected by the PCC. In North Yorkshire, for example, owing to the PCC publicising her preferred choice of candidate ahead of the meeting at which the panel was scheduled to consider his suitability, a panel member suggested the procedure followed had risked undermining the panel’s statutory role because it “looked to the public like a rubber-stamping exercise” (The Northern Echo, 2013; see also BBC News, 2013a, e)[10]. Yet the procedures followed in this instance appear to accord with those followed elsewhere. Far greater concerns, however, have been raised in regard to the procedures followed for removing the Chief Constable. The HASC (2013b), for instance, drew attention to examples, in Avon and Somerset, in Lincolnshire and in Gwent, where it suggested the formal legal and administrative role of the panel in the removal of the Chief Constable – as detailed in Schedule 8 of the

Act – had been, in effect, side-lined by the incumbent PCC. Events in Gwent were particularly illuminating in this regard.

In June 2013 the Gwent PCC informed the Chief Constable that he would initiate legal proceedings under Schedule 8 of the Act to have her removed from office unless she opted “voluntarily” to resign (HASC, 2013b, p. 4). On receiving legal advice that the PCC had “unfettered” powers to dismiss the Chief Constable, she decided – seemingly under duress – to resign shortly thereafter. In so doing, the Chief Constable avoided herself and the force being party to a potentially damaging public scrutiny process[11]. As a consequence, and contrary to the formal procedural requirements, the panel did not receive prior notification of the PCC’s intention. It was therefore unable to offer a recommendation in regard to his proposed course of action (i.e. “decision”), nor was it able to pursue the option of inviting Her Majesty’s Inspectorate of Constabulary to consider the matter such that it could (also) offer a view – and therein potentially bring pressure to bear on the PCC not to dismiss the Chief Constable. Indeed, only after the Chief Constable’s resignation had been accepted, and in the midst of considerable media interest in the story, did the PCC appear before the panel to explain what had informed his decision to act as he did. Despite the presence of a tightly prescribed set of legal requirements that seeks to ensure scrutiny of these crucial decisions, such events demonstrate how legal procedure can be circumvented by social interaction, personal variables and organisational contingencies (cf. Winsor, 2013).

As well as concerns over whether the panel can effectively fulfil its statutory functions within these “set piece events”, pervasive and arguably more significant criticisms have emerged of how effectively the panel can deliver on its more generic duty (under section 28(6) of the Act) to scrutinise how the PCC exercises his or her functions. These concerns relate specifically to the transparency of the decisions made by the PCC. In this regard the panel is to all intents and purposes reliant upon the PCC publishing decisions (as well as any relevant information) such that they are in the public domain (commonly via the web site of each OPCC) and, therefore, available to the panel to be scrutinised. Accordingly, section 11(1) of the Act places a duty on the PCC to publish information pertaining to the exercise of his or her statutory functions. The specific requirements of this obligation are set out in Statutory Instrument 2011/3050, The Elected Local Policing Bodies (Specified Information) Order 2011. Broadly stated, it requires information to be recorded and published (at various intervals) on the roles and responsibilities of staff employed in the OPCC; the income and expenditure of the OPCC; the property and contracts pertaining to the OPCC and its office holders; decisions and actions taken by the PCC, and policy and procedures on conduct complaints of office holders. Shortly into the first term of their office, however, criticisms began to emerge of the extent to which PCCs were uniformly fulfilling all the requirements of the Order (see HASC, 2013c; Confederation of Police and Crime Commissioners, 2013a).

Of particular concern is how each PCC acts on or adapts to the obligation to be transparent in decision making. Under the auspices of Schedule 5(d) of the Order the PCC must maintain a record and publish each decision of “significant public interest” arising from the exercise of his or her statutory functions. This duty is a crucial aspect of effective public scrutiny not least because the more important (or “significant”) a decision then the more important becomes the scrutiny process. However, though the Order attempts to impose structure on the discretion of the PCC, specifically in terms of which decisions he or she must publish, the rule itself carries much interpretative latitude. In other words, there is wide scope for ambiguity over which decisions are perceived to be “of significant public interest”[12]. Whilst there is likely to be some consensus over the significance of a few key strategic decisions, the significance (or otherwise) of a wide range of more routine decisions is likely to be highly contestable. It is in this context that at least two panels have sought clarification on this matter from their PCC. For example, a report of the Merseyside Panel stated “the Panel felt it essential that some clarity be given to when a decision actually constitutes a decision” (Merseyside Police and Crime Panel, 2013, para. 6.6; see also Staffordshire Police and Crime Panel, 2013). This definitional issue raises two pressing concerns. First, it raises the prospect of wide variation in regard to when a decision is defined to be “significant” and thus becomes the subject of scrutiny. In this regard, there is evidence of wide variance in the number of decisions published by PCCs on their web sites (Confederation of Police and Crime Commissioners, 2013b). Different approaches by PCCs to the principals of

transparent governance appear, therefore, to be giving rise to inconsistency of scrutiny. Second, and more troublingly, it raises the prospect of the PCC setting constraints around the panel's scrutiny function. Such a dynamic not only runs against the grain of effective scrutiny, but it is made more troubling by the extent of the authority that has been vested in the singular hands of the PCC. Furthermore, the likelihood of any proactive investigation by the panel of decisions made by the PCC is reduced by the funding constraints that the vast majority of panels experience^[13]. Ironically, the likelihood is that the panel may to a greater or lesser degree be contingent on the PCC for the extent to which it can effectively fulfil its statutory obligations.

Conclusion

This paper has explored the emergence of PCPs within the recently reformed structure of police governance. It has argued that the political context out of which they emerged is crucial for understanding how their role and powers were defined and structured in law. Whilst the constraints and ambiguities of the dual role of the panel, formulated to "scrutinise" and to "support" the PCC, mirror the contradictions that can be found in the scrutiny function within the context of local government, they also reflect the divergent positions on police reform of the Coalition partners prior to the election of 2010. As bureaucratic entities of local government belatedly inserted into the wider reform proposals which, its authors claim, were designed to bring "power to the people" (Reiner, 2013b), these local government panels arguably sit uncomfortably among the democratic architecture of the new police governance framework. As Jones *et al.* (2012) have suggested the ambition of the entire PCC reforms can be understood as continuing the long-term project of marginalising local government in the framework of police institutional accountability. As such, it is unsurprising that the role, powers and sanctions of the panel appear to be very limited, both in law and in practice.

In considering the nature of the accountability relation between the PCC and the panel, the preceding analysis has identified the decisions and actions taken that the former must explain and justify to the latter. But it has also drawn on evidence from recent events to demonstrate how these demands can be negotiated, mediated and managed by the PCC in order to render them less of a personal and bureaucratic hazard. In so doing, it has argued that the law, in effect, enables the PCC to constrain the substance of these demands. Further, the prospects for effective scrutiny of PCCs may be reduced by the extent of party political alignment between the PCC, the panel and its chair. In such circumstances, the pendulum of the panel may swing more towards "support" than "scrutiny". Yet, in those – fewer – areas where partisan political differences are more evident there is a risk of the working practices and cultural understandings of the PCC and the panel becoming patterned by an adversarial culture. In being regularly required to appear before the panel and made answerable or scrutinised for decisions and actions taken, the danger becomes that the PCC may perceive the process as an entirely backward looking forum in which blame and liability are the end game to be tussled over. This prospect itself may, in turn, undermine any ambitions for shared endeavour, cooperative consultation and mutual support. In this way, the conceptual contradictions in the "critical friend" model of governance are likely to structure relations between the PCC and the panel across the 41 police force areas. The implications of this observation for policy and practice are considerable.

Notes

1. www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/news/130523-pcc-rpt-published/
2. In London, a committee of the London Assembly is formed to undertake the functions of the panel (i.e. scrutinising the Mayor's Office for Policing and Crime), though with slightly different terms of reference.
3. In practice, this means that in England panels are established by local authorities; in Wales they are established by the Secretary of State. This arrangement follows the refusal of the Welsh National Assembly to allow the UK parliament to place duties on local authorities in Wales.
4. Section 5 of the Act requires that within the same financial year as coming to office the PCC must publish a "police and crime plan" that primarily determines: the police and crime objectives for the force area, the arrangements for delivering police services and the financial and other resources available to the police to deliver on the plan.

5. Section 12 of the Act requires the PCC to produce an “annual report”, which details progress against the objectives of the crime and policing plan.
6. The concept of “scrutiny” was introduced to the local government context by the Local Government Act 2000 as a counterweight to the streamlining and rationalisation of governance and management systems in local authorities (Sandford, 2013).
7. Given the panel has been given both a “representative” and an “administrative” role it is striking that the “balanced appointment objective” makes no reference to the social demographic profile of its membership.
8. The data were mostly collated primarily from panel web sites in July 2013. Some panels have their own dedicated web sites; others are hosted on the web site of a constituent local authority, usually within the areas of democratic services or committees. Not all web sites gave the full range of information on members – hence further data on the political affiliations of members were gained from integrating council web pages and the minutes of panel meetings.
9. Within the previous police governance arrangements local police authorities, which in effect PCCs have replaced, were widely criticised in this way (see e.g. Jones *et al.*, 1994).
10. Saliiently, the legislation defines these panel meetings as “*confirmation* hearings” (emphasis added).
11. By invoking the threat of legal authority and therein avoiding having to make formal recourse to it, the PCC – himself a former senior police officer in the force – had in effect done what decades of research tells us that police officers routinely do when seeking to secure compliance.
12. As Schedule 6(b) of the Order requires the PCC to publish a policy identifying the approach to be taken to decisions “of significant public interest”, it appears the legislators were aware of the scope for interpretation and ambiguity of the legal requirement. This policy statement is frequently published under the auspices of a “governance framework” for each OPCC. It is, however, unlikely that the decisions informing the bureaucratic categorisation of decision “types” by significance level, as often featured within such documents, are themselves deemed to be of significant public interest. As such, the discretion of the PCC in how he or she defines and frames these decisions may go unchallenged.
13. The Home Office provides up to £53,300 funding annually for each panel to cover support and running costs, and an expenses budget is also available to each member. Although a few panels receive supplementary local authority funding, the vast majority appear only have sufficient resources to fund administrative support. Research has consistently found that the effectiveness of local government scrutiny has been constrained *inter alia* by under-funding of policy officer support (Coulson, 2011).

References

- BBC News (2012a), “Paul Robinson appointed deputy Humberside PCC”, 27 December, available at: www.bbc.co.uk/news/uk-england-humber-20855235 (accessed 13 October 2013).
- BBC News (2012b), “West Mercia police chief appoints deputy after row”, 13 December, available at: www.bbc.co.uk/news/uk-england-20716832 (accessed 25 September 2013).
- BBC News (2013a), “Gloucestershire PCC apologises but maintains position”, 15 January, available at: www.bbc.co.uk/news/uk-england-gloucestershire-21024775 (accessed 25 September 2013).
- BBC News (2013b), “Northamptonshire PCC criticised for appointing ‘activists’ as assistants”, 19 March, available at: www.bbc.co.uk/news/uk-england-northamptonshire-21850495 (accessed 28 September 2013).
- BBC News (2013c), “PCC Sue Mountstevens rejects police precept increase call”, 6 February, available at: www.bbc.co.uk/news/uk-england-21354463 (accessed 4 October 2013).
- BBC News (2013d), “Steve Waight named Sussex deputy police commissioner”, 11 February, available at: www.bbc.co.uk/news/uk-england-sussex-21412270 (accessed 28 September 2013).
- BBC News (2013e), “West Midlands PCC Bob Jones criticised over staff plans”, 15 January, available at: www.bbc.co.uk/news/uk-england-21030300 (accessed 16 September 2013).
- Bloxham, A. (2011), “Police commissioners plan has its ‘heart ripped out’ by Lords”, *The Daily Telegraph*, 11 May, available at: www.telegraph.co.uk/news/uknews/law-and-order/8508212/Police-commissioners-plan-has-its-heart-ripped-out-by-Lords.html (accessed 4 October 2013).

Confederation of Police and Crime Commissioners (2013a), "CoPaCC report for April 2013", 1 May, available at: <http://copacc.org.uk/> (accessed 16 May 2013).

Confederation of Police and Crime Commissioners (2013b), "CoPaCC report for June 2013", 1 July, available at: <http://copacc.org.uk/2013b> (accessed 21 July 2013).

Conservative Party (2010), "Invitation to join the Government of Britain: the conservative manifesto 2010", available at: http://media.conservatives.s3.amazonaws.com/manifesto/cpmanifesto2010_lowres.pdf (accessed 13 October 2013).

Coulson, A. (2011), "Scrutiny in English local government and the role of councillors", *The Political Quarterly*, Vol. 82 No. 1, pp. 102-11.

Coulson, A. and Whiteman, P. (2012), "Holding politicians to account? Overview and scrutiny in English local government", *Public Money and Management*, Vol. 32 No. 3, pp. 185-92.

Endley, B. (2013), "Councillor Roger Seabourne quits Hertfordshire's police and crime commissioner's scrutiny panel", *Watford Observer*, 8 August, available at: www.watfordobserver.co.uk/news/10601619.Politician_quits_police_commissioner_s_scrutiny_panel/ (accessed 4 October 2013).

Gibbs, B. (2010), "The welcome arrival of elected police and crime commissioners", *The Spectator*, 1 December, available at: <http://blogs.spectator.co.uk/coffeehouse/2010/12/the-welcome-arrival-of-elected-police-and-crime-commissioners/> (accessed 2 October 2013).

HM Government (2010), *The Coalition: Our Programme for Government*, Cabinet Office, London.

Home Affairs Select Committee (2010), "Policing: police and crime commissioner", Second Report, Session 2010-2011, HC 862, 28 March.

Home Affairs Select Committee (HASC) (2013a), "Leadership and standards in the police", Third Report, Session 2013-2014, HC 67-II, 1 July.

Home Affairs Select Committee (HASC) (2013b), "Police and crime commissioners: power to remove chief constables", Sixth Report, Session 2013-2014, HC 487, 20 July.

Home Affairs Select Committee (HASC) (2013c), "Police and crime commissioners: register of interests", First Report, Session 2013-2014, HC 69, 23 May.

Home Office (2010), *Policing in the 21st Century: Reconnecting Police and the People*, Home Office, London.

Jones, T., Newburn, T. and Smith, D. (2012), "Democracy and police and crime commissioners", in Newburn, T. and Peay, J. (Eds), *Policing: Politics, Culture and Control*, Hart Publishing, Oxford, pp. 219-244.

Jones, T., Newburn, T. and Smith, D.J. (1994), *Democracy and Policing*, Policy Studies Institute, London.

Leach, S. (2009), *Party Politics and Scrutiny in Local Government: Clearing the Hurdles*, Centre for Public Scrutiny, London.

Leach, S. and Copus, C. (2004), "Scrutiny and the political party group in the UK local government: new models of behaviour", *Public Administration*, Vol. 82 No. 2, pp. 331-54.

Liberal Democrats (2010), "Liberal Democrat Manifesto 2010, available at: http://www.libdems.org.uk/our_manifesto.aspx (accessed 15 October 2013).

Lister, S. (2013), "The new politics of the police: police and crime commissioners and the 'operational independence' of the police", *Policing*, Vol. 7 No. 3, pp. 239-47.

Lister, S. and Rowe, M. (in print), "Electing police and crime commissioners in England and Wales: prospecting for democratisation of policing", *Policing and Society*.

Local Government Association (2011), *Police and Crime Panels: Guidance on the Role and Composition*, Local Government Association, London.

Local Government Association (2012a), *Police and Crime Panels: A Guide to Scrutiny*, Local Government Association, London.

Local Government Association (2012b), *Police and Crime Panels: Panel Arrangements and the Balanced Appointment Objective*, Local Government Association, London.

Merseyside Police and Crime Panel (2013), "Report of the Merseyside police and crime panel", 17 May, available at: <http://councillors.knowsley.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13305&path=0&styleType=standard&styleSize=none> (accessed 29 June 2013).

Reiner, R. (2013a), "Who governs? Democracy, plutocracy, science and prophecy in shaping policing", *Criminology & Criminal Justice*, Vol. 13 No. 2, pp. 161-180.

Reiner, R. (2013b), "Power to the people: the coalition police reforms and the democratic policing debate", presentation to The Democratic Governance of Policing: The Role and Implications of Elected Police and Crime Commissioners, University of Leeds, Leeds, 17 January, available at: www.law.leeds.ac.uk/assets/files/research/events/electpolcom/130130-elect-polcom-robert-reiner.pdf (accessed 15 April 2013).

Sandford, M. (2013), *Overview and Scrutiny in Local Government*. House of Commons Library, SN/PC/6520, HMSO, London.

Snape, S. and Taylor, F. (2001), "A Hard Nut to Crack?", *Making Overview and Scrutiny Work*, Local Government Association, London.

Staffordshire Police and Crime Panel (2013), "Minutes of the Staffordshire police and crime panel meeting", 28 January, available at: <http://modern.gov.staffordshire.gov.uk/documents/g3819/Public%20minutes%2028th-Jan-2013%2014.00%20Staffordshire%20Police%20and%20Crime%20Panel.pdf?T=11> (accessed 11 January 2013).

Stoker, G., Gains, F., Greasley, S., John, P. and Rao, N. (2004), *Operating the New Council Constitutions in English Local Authorities: A Process Evaluation*, Office of the Deputy Prime Minister, London.

The Northern Echo (2013), "Police and Crime Panel unhappy with process of selecting new chief constable", 25 April, available at: www.thenorthernecho.co.uk/news/10380839.Police_and_Crime_Panel_unhappy_with_process_of_selecting_new_chief_constable/ (accessed 13 May 2013).

Winsor, T. (2013), "Operational independence and the new accountability of policing", The John Harris Memorial Lecture, 11 July, Speech to the Police Foundation, available at: www.police-foundation.org.uk/uploads/holding/johnharris/jhml2013.pdf (accessed 4 August 2013).

Further reading

Loader, I. (2013), "Why do the police matter? Beyond the myth of crime-fighting", in Brown, J. (Ed.), *The Future of Policing*, Routledge, London, pp. 40-51.

Maer, L. and Sandford, M. (2004), *The Development of Scrutiny in the UK: A Review of Procedures and Practice*, The Constitution Unit, London.

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