

## PCC Review – Response for Surrey Police & Crime Commissioner’s Office

### 1. Transparency and Accountability

***The PCC Review asks: How to reinforce and sharpen the accountability of PCCs to the communities they serve, including how to raise the profile of the PCC model and improve the ease with which the public can access information about their PCC. How effectively do PCCs engage the public? How do we ensure the public can more easily hold their PCC to account at the ballot box, for reducing crime and delivering an effective and efficient police force?***

The PCC engages with local communities in a wide range of different ways, from regular in-person meetings with local groups, through to the use of social media channels. In terms of contact through the PCC’s office, we have received 1,050 enquiries via email and social media so far in 2020, with an average of 128 enquiries per month in 2019. The PCC’s website receives an average of 2,225 visits per month, with ‘contact’ and ‘transparency’ in the top three pages visited in 11 out of the past 12 months.

In terms of face-to-face engagement, the PCC has met with a raft of local groups, organisations and individuals, often at their request in response to a particular local issue. But also we have held planned events in order to give local people an opportunity to engage with the PCC, learn more about the work of the PCC and Surrey Police and help shape and influence the local policing response.

With one individual, a small team of staff and a population of c1.2million residents, engaging communities will always prove challenging and require innovative approaches to reach as many people as possible in the most relevant way.

#### **‘Policing your Community’ engagement events**

In May 2019 and January-February 2020, the PCC held events in all 11 boroughs/districts of Surrey. These provided residents with the opportunity to listen and engage with the PCC, senior officers and their neighbourhood police teams.

- Attended by 462 residents in 2020 and approx. 380 in 2019
- Key themes: Burglary, road safety and officer numbers
- Over 4000 impressions and 160 comments on social media

#### **Annual Council Tax Survey – 8<sup>th</sup> January – 6<sup>th</sup> February 2020**

- Completed by over 3112 residents with approx. reach of 30,000 people (online)
- 1,700 comments read by PCC and analysed by OPCC staff in feedback report
- Survey and results shared via local media, website and social media
- Results used to inform level of precept set by PCC
- Leaflet delivered to every household in nine out of 11 boroughs and on website to describe how precept increase would be used

#### **Local press and public enquiries**

The PCC regularly communicates news items and engages with the local press and radio in Surrey. The Office of the PCC (OPCC) also receives correspondence direct from residents, local councillors and neighbourhood groups:

- Featured 127 times in local media since September 2019, including 48 times since lockdown
- Contacted by over 550 unique individuals (1026 enquiries) since April 2020

## CASE STUDY

*“Following on from our Q & A with the Commissioner, we have now managed to arrange a group of local residents to form a community speed watch.”*

In August 2020, three virtual and socially distanced meetings were held to hear residents’ concerns around anti-social behaviour, anti-social parking and speeding.

Friends of Merstham were one group that approached the PCC concerning speeding and parking issues in their area. The PCC joined an hour long virtual meeting including local councillors. The group has now established a direct contact with a local officer to encourage better reporting and response to the issues raised, that have been noted by the patrol team. The PCC and Surrey Police also provided information and are now supporting the group to establish a Community Speed Watch.

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### Attendance at the Force IAG meetings

The PCC has been a regular attendee at the Force’s Independent Advisory Group meetings and events, which provide an opportunity to engage with a range of community representatives and hear their views on policing in the county.

### Surrey examples:

- [PCC’s website](#) provides all information required in legislation, including a specific transparency section. Information can also be found on our website around size of the office and its budget
- PCC has been awarded COPAC’s transparency award every year since its inception
- Commissioning of services is user-led, involving local experts to inform decision-making. The PCC runs a dedicated [funding hub](#) showing how funding is allocated to local services and organisations
- Clear information on our website about the PCC and his role, including around complaints. A senior appointment was recently made to manage the complaints review process to ensure a robust, fair and proportionate response to members of the public
- The Police and Crime Panel agenda includes the opportunity for members and the public to put questions to the PCC

Some positive praise for what PCCs do from the Government would be helpful but it will be difficult in some cases to sway public opinion. PCCs certainly have a higher profile than the previous authority governance structure as there is a figurehead (often to point the blame at). But there is evidently still a lack of public knowledge around what the role involves. The HO could make more effort in the run up to the election to a) explain this to the public and highlight the positive contributions and b) encourage people to vote. Incidentally, the PCC does not support the first-past-the-post model for PCC elections.

The obvious dilemma with raising the PCC profile locally is that while promoting on social media, local media and community events/engagement etc has value, it is limited. To significantly broaden that reach costs money (i.e. county wide mail shots, advertising) and it is difficult to justify spending public money in this way when at the same time you are asking the public to put their hand in their pocket to pay for policing.

## 2. Resilience and the role of Deputy PCCs

*The PCC Review asks: How to ensure that PCCs have sufficient resilience in the event that they cannot undertake their role, by considering existing arrangements for appointing Deputies. Is the current model resilient enough to hold up when things go wrong?*

*To what extent do you think the role of Deputy PCCs helped to provide resilience to PCCs over the past 8 years? Can you provide examples / case studies of where this is the case?*

Surrey has had experience of a PCC who appointed a Deputy and currently, a PCC without a Deputy.

It could be argued that having a deputy provides some resilience and does allow PCCs to divide up their considerable workload. However, it requires clear lines of responsibility and ways of working to ensure PCC and DPCC understand the boundaries of each other's roles. There may be instances where a Deputy is assigned responsibility for a particular area of business, but may wish to make different decisions to the PCC himself. This can lead to confusion among police personnel (and even OPCC staff) where they seek a decision or view from a Deputy PCC who does not have the delegated power to make it. It is difficult to 'remove' a DPCC in the event that they have a difference of opinion to the PCC because they are protected by employment law in spite of being politically appointed.

PCCs are already prone to accusations that they have excessive numbers of staff (even in areas such as Surrey which has a small team). The appointment of a Deputy can be seen a costly, unnecessary addition. Monies saved could be put towards policing, or provision of other services to the community.

We do not believe that the role of Deputy PCC should be made mandatory. Whilst some PCCs (those in particularly large geographic areas for instance) may consider this necessary, others prefer not to operate in this way.

Without a Deputy PCC, the PCC remains fully accountable to the electorate. Some members of the public wish to deal only with the elected individual and not an appointed Deputy. As the Deputy PCC's role is the only one among the PCC's staff that does not need to be appointed on merit and be politically restricted, it can draw criticism of cronyism.

If the PCC's staff team is properly resourced with the right skills and powers of delegation, resilience should not be an issue for the majority of the time.

Current legislation that allows for a member of the PCC's staff to take on the role of PCC seems bizarre. In those areas without a Deputy PCC, a member of politically-restricted staff would find themselves having to take on the role of PCC. If this was the Chief Executive or Chief Finance Officer, how would those individuals then also discharge their statutory responsibilities as Monitoring Officer/Section 151 officer if required to do so?

An alternative may be for the Police & Crime Panel to appoint one of their number or someone else. Although realistically, any such individual may be ill-equipped to take up the role at very short notice. Otherwise, candidates could be required to nominate a deputy to appear on the ballot paper with them so that this individual then had a mandate. However, this does not overcome other issues such as cost.

### 3. PCC Scrutiny and Accountability

**The PCC Review asks: How to improve the current scrutiny model for PCCs, including the provision of common quality standards and considering the role of Panel chairs.**

In Surrey, the PCC holds regular scrutiny meetings with the Chief Constable and his senior staff. Every other one (every 3 months) is webcast for public viewing and papers are published on the OPCC's website. The OPCC Tweets throughout the meeting and publicises the webcast. These meetings have continued throughout the Covid pandemic and Skype meetings have been recorded and made available for public view.

<https://www.surrey-pcc.gov.uk/2020/05/pccs-performance-meeting-with-the-chief-constable-21st-may-2020/>

The PCC's office maintains a forward programme of work which allows the PCC to scrutinise progress against the Police & Crime Plan and any other issues of interest that arise. This formal process has worked well and allows the PCC to probe areas of concern in detail. It is supplemented by more informal discussions with the Chief Constable as and when required.

The PCC in Surrey has taken an open approach with the Police & Crime Panel, preferring to share as much information as possible with members, even where this may strictly-speaking, be outside of their remit. This has helped to improve their understanding of policing in Surrey and generally fostered a more positive and constructive working relationship.

Specific work carried out by the panel includes a Finance Sub-Group who meet in advance of precept setting to go through the precept proposals in detail. The OPCC's Chief Finance Officer attends this meeting to provide explanation and detail as required. The Panel also holds an 'informal' meeting each year. This meeting is aimed at providing background, training and more in-depth insight into areas the panel have an interest in. The Chief Constable, PCC and OPCC Chief Executive attend that meeting and the panel can ask any question, including operational questions, to aid their knowledge. Topics covered at the last such meeting included roads policing, call handling, crime recording and recruitment/training of officers and staff. In those areas where CCs have no involvement at all with panels, there could be some benefit in *requiring* a CC to attend no more than once a year if the purpose of this meeting was very clearly established at the outset.

All meetings with the Panel are webcast and we have robust processes in place to follow up on actions to ensure continuous improvement.

In Surrey, the relationship between PCC and Panel has always been predominately positive – a reasonable mix of constructive challenge and support. However, has sometimes been difficult to focus the Panel's attention on the role of the PCC, rather than the Force. A great deal of time is spent on negotiating the content of papers – trying to make sure that the Panel direct their focus and attention on scrutinising the PCC (with the exception of the one meeting a year where the CC attends). This is difficult when many members are interested in the operational and some sometimes struggle to draw the boundaries between their role and that of the PCC.

Panels depend heavily on the support they get from the lead authority. Where a good officer is in place, panels run more smoothly, agendas are properly focused and members appear better inducted. We have processes to ensure members are trained when they take up their roles. We have seen considerable amounts of churn among members and some instances where particular members don't seem to attend.

A standard national induction training package for members would be welcomed which focusses on the role of the panel e.g. scrutinising decisions of the PCC, precept scrutiny, Chief Constable confirmation, police and crime panel and annual report. It would be useful to cover limits of the panel in terms of operational scrutiny and input.

Whilst it would not be desirable to have a large and unwieldy panel, it may be that panels could benefit from a greater proportion of independent members who are recruited specifically for particular skills they could bring.

If a power of recall was to be introduced, any trigger should be set at a very high threshold. The incumbent should be allowed to stand again.

#### 4. PCCs and Chief Constables

*The PCC Review asks: **The effectiveness of the current PCC and Chief Constable oversight dynamic, including consideration of the process for the suspension/dismissal of Chief Constables and reviewing the Policing Protocol.** Are PCC powers around the removal and appointment of chief constables correctly calibrated? ii. Is the balance right in the PCC/CC relationship? And what changes might be needed to the Policing Protocol?*

The PCC has undertaken two recruitment processes for Chief Constables since the start of his term of office in 2016. Both were rigorous, robust and followed the guidance set out by the College of Policing which was clear on how any process should be open and transparent. Care was taken to ensure as large a field of candidates as possible, but this has always proven challenging in Surrey for a number of reasons. There would be merit in more work being done to help improve this situation at a national level as for some areas such as Surrey, neither the PCC nor Police Authority/HMIC model of old has helped to attract candidates in any significant number.

Of particular note was the PCC's process to include the views of a range of partner organisations in the selection process. Candidates engaged with colleagues from local authorities, other blue-light services, community and charitable organisations and the views of these representatives were fed into the PCC's panel to inform his decision-making.

The sole power to fire a CC is too arbitrary and should be seen as a tool of last resort. Could it be subject to assent by a higher authority (the Privy Council for example)? Although actual sackings have been very rare, the threat of such behaviour has contributed to unnecessary apprehensions.

The PCC and CC for Surrey have signed a concordat, based on the principles set out in the Policing Protocol, to define their working relationship. Ultimately, the PCC/CC relationships depends very much on a mutual understanding and respect for each other's roles. Where this is found, the right balance in the relationship is much easier to achieve.

Relationships between the PCC and CC are so dependent on the personal dynamic. If they seriously don't get on then no statutory edicts are going to improve them.

## 5. Mayoral Model

*The PCC Review asks: Whether any steps are needed to strengthen accountability or clarity of roles within the mayoral PCC model, learning from the transfer of PCC and Fire & Rescue Authority (FRA) functions to mayors. This will lay the foundations for our longer-term ambition to increase the number of mayors with responsibility for public safety, which will be outlined in the forthcoming Local Recovery and Devolution White Paper.*

The PCC would support the appointment of an elected leader with a broad portfolio across their area. The responsibility and accountability for a wide-range of functions are then sat in the hands of one person which could make working across policing and local government easier. Such an individual is likely to have a higher profile in the community.

An elected mayor would be voted in on a wide-range of issues, rather than solely policing. This may reduce the choice that electors have to shape policing policy on its own. Care would be needed to ensure a Mayor could balance all the demands of their office. It would be helpful to ensure that PCCs are involved at an early juncture in any discussions within their local areas to move towards a Mayoral model so that policing is properly considered.

## 6 Fire Governance

*The PCC Review asks: How we set out our long-term ambition on fire governance reform ahead of the May 2021 PCC elections:*

In Surrey, when the legislation was passed to allow transfer of Fire Governance to PCCs, a full project was carried out to look at the potential business case including benefits and challenges. It is fair to say that the conclusion of this exercise did not result in a clear cut decision for Surrey, where current governance sits within the County Council. There were potential benefits to be made in transferring governance, including:

- Governance more accountable to Surrey electorate with a PCC than the local authority model with an appointed Cabinet lead
- A clear remit for the PCC to improve joined up working between police and fire - particularly on estates, call centres, community safety and the potential to respond to certain calls
- More transparent precept dedicated to Fire and Rescue, rather than part of a wider County Council budget
- Some potential savings, but not large scale

However, there were considerable challenges for a transfer of governance to the PCC, including:

- A lack of change capacity in both organisations to deliver such large scale transition
- Diversion from Surrey Police's other strategic programmes to deliver savings (e.g. collaboration with Sussex Police and the region)
- Complexity to move F&R out of the County Council - it is a fully integrated service with all support services subsumed within the Council. Cost of service provision would have been difficult to estimate and transfer
- Disruption to F&R collaboration plans with West and Essex Sussex Fire brigades

The full report and reasons for the PCC's decision can be read here:

<https://www.surrey-pcc.gov.uk/2017/11/decision-log-0312017-fire-rescue-governance-decision/>  
[https://www.surrey-pcc.gov.uk/2018/09/pcc-makes-final-decision-not-to-seek-change-of-governance-for-fire-and-rescue-service-in-surrey /](https://www.surrey-pcc.gov.uk/2018/09/pcc-makes-final-decision-not-to-seek-change-of-governance-for-fire-and-rescue-service-in-surrey/)

However, carrying out the project was found to have been of benefit. The PCC, Surrey County Council (SCC) and Surrey F&R service all worked well together to determine the best governance model for the service and the public. The OPCC gained a greater understanding of fire governance which has helped in subsequent collaboration.

## 7 Preparing for Part 2 of the Review

*The PCC Review also asks: In helping us prepare for Part Two, we are also interested in understanding if the levers currently available to PCCs are sufficient to allow them to cut crime effectively in their force areas.*

### A General Power of Competence

There are a number of benefits to PCCs acquiring a General Power of Competence (GPC).

Firstly, PCCs have limited powers to enter into property transactions unless they can show there is a direct policing purpose that justifies each specific transaction. For instance, PCCs can own and maintain section houses for police officers to live in, but if the demand for said houses then falls, the PCC cannot currently benefit directly from the commercial development of these properties for sale or rent to the general public or commercial organisations. This means that to maximise the additional capital or revenue funds that could be realised from the commercial development of these properties, which would help fund policing budgets more generally, PCCs have to sell surplus properties to third parties who will then exploit the benefits that can be realised from the re-development of those property assets. With a GPC, PCCs could extract a greater amount of financial benefit from any police property assets that become surplus in the future.

Secondly, PCCs are currently statutorily designated as best value authorities, which means that they are under a duty to achieve best value in the arrangements that they put in place when conducting their business transactions. This means that on some occasions, when collaboration with other public sector bodies can produce an optimum solution to a particular problem but requires one party to trade off some of the benefit to others to make the overall collaboration work and maximise the obtainable benefit to all parties as a whole, schemes might fall because the individual parties could not singly meet the best value test, notwithstanding that collectively an overall benefit could have been achieved. A PCC General Power of Competence would allow sensible arrangements to be entered into for the collective good, irrespective of parochial best value considerations.

Thirdly, allowing PCCs to have a General Power of Competence in line with that given to Local Authorities by the Localism Act 2011, will give them an explicit freedom (with the exception of raising taxes which requires specific parliamentary approval) to act in the best interest of their residents, unhindered by the absence of specific legislation that is currently needed to support particular actions that the PCCs might take. This should empower PCCs to undertake innovative activity to drive efficiency and to be able to take measured risks that will result in a maximisation of the benefits in policing that can be achieved for local residents and businesses

### Criminal Justice Devolution

Much debate has been had over the devolution of further elements of the CJ system to PCCs, but progress has been slow. At present, the main forum for the Surrey PCC to engage with CJ partners is through the joint Surrey/Sussex Criminal Justice Board. Whilst this Board works reasonably well and is attended by senior representatives from the CPS, Court Services, police and offender management and victims' organisations, it has few if any 'teeth'. The board could be strengthened by measures such as:

- a. Budget contributions by representatives should be made compulsory, not voluntary as at present. There would clearly have to be safeguards to ensure that contributions remained reasonable. If possible, contributions should be for at least a three-year period.
- b. PCCs should be statutorily accountable for performance of elements of the criminal justice system to their Police and Crime Panels in the same way as their oversight of their police force.

- c. Conversely, PCCs should have the equivalent powers that they already possess as regards their police force for the performance of the partners at the Board: notably the CPS (for its non-operational work), courts services and others.

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