

Chief Executive: Owen Mapley



Via Email:

pccreview@homeoffice.gov.uk

Hertfordshire County Council
CH 0238, County Hall
Hertford, Herts, SG13 8DE

Tel: 01992 555200
Contact: Mr Owen Mapley
My ref: OM/RD
Your ref:
Date: 4 September 2020

Dear PCC Review Team,

Please find attached Hertfordshire County Council's submission in response to the PCCs Review.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "Owen Mapley".

Owen Mapley
Chief Executive

Hertfordshire County Council's Submission in Response to the PCCs Review

1) 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.

- i. How effectively do PCCs engage the public?
- ii. 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?

Response: Hertfordshire County Council believes that there is very limited data available by which the Police can be measured at a local level and even less for the PCC. At a national level reported crime and the Crime Survey for England and Wales (CSEW) provide some benchmarking but this is insufficient to allow a cost/benefit analysis of the performance of the PCC. The HMICFRS has done much to try to improve this but their processes and inspections do little to assure the public of the value for money or positive effect of the PCC.

The PCC publishes an annual report, but it is difficult for the public to be able to link input from the PCC to output in terms of a safer community. The interactions with the public, at least in Hertfordshire, could be considered as effective communications exercises but it is questionable that this provides useful intelligence through which the public could hold the PCC to account even via the relatively blunt tool of the ballot box.

The Hertfordshire Police and Crime Commissioner (HPCC) conducts public consultations on aspects such as his budget and his Community Safety & Criminal Justice Plan and is known to hold public meetings around the county with various groups including businesses and rural communities. He also has an accessible website with informative reports on aspects within his remit. He regularly attends the Police & Crime Panel (PCP) with his officers but the clear linkage between cost and benefit can be hard to discern.

The PCP has the power to scrutinise the Commissioner's activities, including the ability to review the Police and Crime Plan and annual report, request papers from the Commissioner and call the Commissioner to public meetings however, in order to effectively scrutinise, it is important that the Panel is given sufficient time to review reports – perhaps a statutory deadline for the presentation of key items would assist here.

The voluntary attendance of the HPCC at Hertfordshire County Council's Community Safety Panel is seen as a valued additional opportunity for information sharing and scrutiny. Similar reporting and scrutiny could be factored into any future local government structure following any re-organisation after the anticipated White Paper.

2) How to ensure that PCCs have sufficient resilience in the event that they cannot undertake their role, by considering existing arrangement for appointing Deputies.

- i. Is the current model resilient enough to hold up when things go wrong?

Response: The resilience is questionable given the single point of failure that it creates. The role needs a Deputy that has the mandate to step into the role if the PCC is genuinely unavailable.

3) How to improve the current scrutiny model for PCCs, including the provision of common quality standards and considering the role of Panel chairs.

- i. Are the right checks and balances in place to make PCC-led accountability work?
- ii. Do Police and Crime Panels have the right skills, tools and powers to hold PCCs to account?
- iii. Should a system of recall be introduced for PCC's, and if so, what should be the trigger mechanism?

Response: The PCP members could certainly benefit from additional training to prepare them for the role and some mandatory member training should be considered, this may increase confidence in holding the PCC to account. Whilst it is recognised that the PCC's role is strategic, and the primary focus of the scrutiny role of the Panel and the Chief Constable is operational, in order to assist in assessing the 'value added' of the PCC it would be appropriate to allow greater direct access for the Panel to the constabulary.

We do not believe that it would be appropriate to introduce a system of recall, neither do we feel that it is necessary, there is also a risk that recall could be used as a political tool which would add little benefit for the public.

4) 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.

- i. 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?

Response: As with all appointments, but especially dismissals, it is important to have effective measures to ensure openness and fairness. The powers available to the PCC are significant in this regard but the check and balance provided by the PCP is seen as sufficient to avoid inappropriate use. It might be appropriate to consider strengthening the PCP's involvement in contract extensions as well appointments as these do not currently require the PCC to seek the views of the PCP.

The PCC/CC relationship is still a relatively new one and there does appear to be some potential for political influence over operational matters. In Hertfordshire for example the relationship between the Fire Authority and the Chief Fire Officer is long

established and such a situation is rare, possibly unknown. It may be that the Policing Protocol¹ needs to be considered as part of this review in order to include any lessons from the first decade of PCCs.

5) Whether any steps are needed to strengthen the accountability or clarity of the roles within the mayoral PCC model, learning from the transfer of PCC Fire & Rescue Authority (FRA) functions to mayors.

- i. What do you see as the strategic benefits of having a single, elected and accountable leader, who is responsible for a range of public safety functions?
- ii. What are the opportunities and issues with transferring PCC and FRA functions to mayors?
- iii. What are the lessons learned to date from transferring PCC and FRA functions to mayoral models?

Response: Having a single, elected and accountable leader, with responsibilities for a range of public safety functions may have some benefits provided that these were truly integrated and that these functions were not overwhelmed by the considerable functions that would also likely fall to such a leader. This also needs to be linked to the Devolution and Recovery White Paper as it is by no means clear that an elected Mayor role is suitable for all parts of the country, particularly the traditional county areas that do not have city/metro style geographies or demographics.

In addition, unless all emergency services are in scope for consolidation under such a leader it feels of limited benefit to only consider policing and fire. To date there appears to be little appetite for the other emergency services, particularly the ambulance service to be included in this approach.

Our view is that there is little that could not be achieved through strong collaboration between the emergency services.

The effectiveness of scrutiny arrangements would need careful consideration. It is not clear how a panel such as the PCP would be constituted and how scrutiny of the PCC/Mayoral PCC could be effectively delivered on behalf of a county's distinct communities. The current set up enables the specific issues and priorities of different areas and communities to be aired and the PCC held accountable against these.

6) How we [Government] set out our long-term ambition of fire governance reform ahead of the May 2021 PCC elections.

- i. What are the benefits and challenges of the current model for transferring fire governance to PCC's?
- ii. How can we strengthen the accountability and transparency of fire governance?

¹ Section 79 of the **Police Reform and Social Responsibility Act 2011** requires the Secretary of State to issue a **Policing Protocol**, namely a document setting out, or otherwise making provision about, the ways in which relevant persons should exercise or refrain from exercising functions so as to encourage, maintain or improve working relationships or limit or prevent the overlapping or conflicting exercise of functions.

- iii. How can we strengthen and clarify the distinction between strategic and operational planning in fire?
- iv. Could governance change help maximise collaboration between policing and fire?
- v. What are the benefits of having a range of service and strategic planning under one elected individual?

Response:

- i. **We are strongly opposed to the transfer of fire governance from county authorities to PCCs.** The apparent perception that all are emergency services and so all broadly similar is a considerable misunderstanding and in the case of county council fire and rescue services the close working relationships that exist with other county council areas of responsibility such as adult care, children's services and public health are significant and in many cases far outweigh benefits that may come from closer working with police. The Policing and Crime Act 2017 (PCA) requires any case for transfer of governance to demonstrate potential for improvement in economy, effectiveness or public safety. The work undertaken to consider transfer of the fire and rescue service to the HPCC demonstrated that there was no efficiency saving due to the economies of scale already achieved within Hertfordshire County Council. There was also limited opportunity to improve effectiveness or public safety and many of the opportunities that did exist have now been achieved via closer collaborative working as part of the Hertfordshire Emergency Services Collaboration Board (HESCB). The HESCB has also been effective in drawing in East of England Ambulance Service to achieve true multi-agency collaboration – drawing in all the emergency services is important to maximise public safety but seems to be ignored in this review and has very limited recognition within the PCA.

Where transfers have taken place, the services involved have found the significant difference in scale between police and fire to have resulted in an expectation that fire and rescue services will simply fall in line with police. This demonstrates a significant lack of understanding of the difference between what are often perceived as similar emergency services. The benefits of having the fire and rescue service as part of a county council should also be considered; in Hertfordshire the fire and rescue service leads on emergency planning providing both greater resilience for the county council and the county as a whole. The services Fire Protection Team is directly aligned with the county Trading Standards Team and the benefits of this were clearly recognised by HMICFRS during the last inspection round having graded HFRS Good in this area.

- ii. There is considerable cross-over and opportunity for mutual benefit in closer working but all of the emergency services, and the political bodies that lead and scrutinise them, are fundamentally different.

We believe that the current arrangements with publicly elected councillors provides all of the necessary opportunity for democratic scrutiny and, due to the significantly reduced number of public meetings under the PCC Model, far exceeds the opportunity that would be available in the event of a transfer of governance within Hertfordshire.

The HESCB in Hertfordshire has been extremely effective in generating the high-level political willingness to draw all of the emergency services together. It is our view that similar boards in all areas would provide a strong platform for genuine multi-agency collaboration without the need for change of well-established governance arrangements which have provided the world leading emergency services that the UK is rightly proud of.

- iii. There is already a clear distinction between operational and strategic planning under the county FRA model. The Chief Fire Officer's role and responsibilities are well defined in the Council's Scheme of Delegation and the requirement to produce and deliver a robust Integrated Risk Management Plan is enshrined in the Fire and Rescue Services Act. Councillors do not play a part in the management of operational resources or emergency incidents.

There are however significantly more opportunities available for county fire and rescue services to play a part in other areas of public service, such as health and social care, education and emergency planning where their skills or ability to gain access can have considerable benefits for the public – a clear demonstration, as referred to in the PCA.

- iv. Our view is that potentially expanding the role of the PCC in respect of broader involvement in the criminal justice system would be of greater benefit than apparent opportunities around policing and fire governance. However as noted in the response to question 6ii above, there is a significant risk of this review missing an opportunity to bring all emergency services closer together. The HESCB in Hertfordshire is providing strong evidence that this is possible with the existing governance for each of the services – we believe that the formation of collaborative local emergency services boards has considerable potential to deliver constant improvement in economy, effectiveness and public safety without the need for governance change.
- v. There is potential that a single individual would be able to make quicker decisions on service change however we see this as a significant risk that might achieve financial savings (not necessarily efficiency) but has the potential to impact effectiveness and/or public safety. We also believe that the PCC Model loses the opportunity for an appropriate level of scrutiny through local, directly elected councillors.

It is a considerable shame that this review largely chooses to focus on the PCC Model to the exclusion of all others. It is our view that a more wide ranging review would support a genuine comparison of the various models and show the benefits of the County Council Model.