

Home Affairs Committee

Oral evidence: Police and Crime Commissioners: 10 years on, HC 123

Wednesday 10 January 2024

Ordered by the House of Commons to be published on 10 January 2024.

[Watch the meeting](#)

Members present: Dame Diana Johnson (Chair); Lee Anderson; James Daly; Carolyn Harris; Tim Loughton.

Questions 60 - 164

Witnesses

[I](#): Roger Hirst, Police, Fire and Crime Commissioner for Essex (First PFCC) and APCC Lead on Funding Formula, CSR and Grants; and Mark Hardingham, Chair, National Fire Chiefs Council.

[II](#): Rt Hon Chris Philp MP, Minister for Crime, Policing and Fire; Rachel Watson, Director of Policing Policy, Home Office; and Kayleigh Chapman, Deputy Director for the Police Strategy and Reform Unit, Home Office.

Written evidence from witnesses:

Examination of witnesses

Witnesses: Roger Hirst and Mark Hardingham.

Q60 **Chair:** Good morning. Welcome to the Home Affairs Select Committee and happy new year to everybody. This is the final session in our inquiry into police and crime commissioners 10 years on. The aim of this session is to explore the impact there has been when PCCs have taken on responsibility for fire and rescue services and why so few PCCs have done this so far. We will then have a second session with the Minister to discuss the inquiry to date.

I will start by asking the witnesses on our first panel to introduce themselves to the Committee. Mr Hirst, would you like to start?

Roger Hirst: Good morning and thank you very much for inviting us to be here today. I am the police, fire and crime commissioner for Essex. I am also the Association of Police and Crime Commissioners national lead for finance. I was the first PCC in the country to take on responsibility for fire and rescue. Do you want me to—

Q61 **Chair:** We will have some questions about that. That was great—thank you for introducing yourself. Mr Hardingham?

Mark Hardingham: Thank you and good morning, everybody. I am the Chair of the National Fire Chiefs Council, a role I have held for about two or three years now. Prior to that, I joined the fire service as a firefighter many years ago and ended up as chief fire officer in Suffolk for about eight years before coming into this role.

Q62 **Chair:** Thank you very much. Let me start, Mr Hirst, by asking why you decided to take on responsibility for the fire and rescue service when so few other police and crime commissioners have done that. Why did you think that was a positive step?

Roger Hirst: Okay, it is a good question. Before I became PCC, I was at the county council. I was the cabinet member with responsibility for community safety, so I had liaison with the chief fire officer and the chief constable. The county fire and rescue service at the time was more than troubled—that is probably the way to put it.

You may not have heard of or read of the Dame Irene Lucas report, but Essex County Fire and Rescue Service had had a bad period of hazing and bullying. Indeed, there had been suicides within the service. I knew the members of the then fire authority and had discussed with them how to take forward change. They had commissioned Dame Irene Lucas to do that report. She reported in October 2015 and made the point that the culture of Essex County Fire and Rescue Service was, as she described it, “toxic”. She described management as dysfunctional and said that the dysfunctionality of the service presented a risk to the public. Why on earth would you want to take that on?



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The point was that from talking with the fire authority, it was clear that the fire authority had been active in identifying the problem but was struggling as a committee with the sort of change management that needed to be done. The opportunity was there, and I had a conversation with the leader of the county council and the chair of the fire authority about my experience of having taken on the PCC role and already having effected some change in the policing service. We were changing the senior management team there and upgrading it—Essex Police had also had some less than good ratings from HMIC—and that was working. The conversation was, “Can we do that with fire and rescue as well?”

I had put it in my first manifesto for the PCC role, saying I would do it because the legislation was there. It was regarded as what is good about a PCC role. My predecessor as PCC had already shown it is about quicker decision making—the chief officers are more accountable, you are one on one, you are into the detail of it and you can drive in a way that a committee finds difficult. So I put it in the manifesto.

I got a mandate and, as I am sure you all know, an electoral mandate is powerful. It was about being able to turn up and say, “I have a mandate to do this” and talk to the workforce and the rep bodies, which of course were bruised by the reports that had come out but were also well aware of the difficulties in the service. We basically had a groundswell of agreement that we needed to take action and that I was the person to do it. In the end, the fire authority voted 16 to two, with some abstentions, for transfer.

We presented a business case. The business case has stacked up. We said that we thought there would be some real benefits in collaboration, particularly with policing—that we would be able to extract some costs and do some things better together. The external consultants said the maximum would be around £31 million, but that actually we would probably realise between £15 million and £23 million. As of today, we are at £18.9 million-worth of savings out of that better collaboration. It is a 10-year programme and we are six years through. We have made the minimum and we are on our way to the maximum savings. That has not been the real justification for doing it. The big justification was the changes needed.

Q63 Chair: Is that unique to Essex? Did particular circumstances there need a different approach that does not apply more generally to the fire and rescue services around the rest of the country?

Roger Hirst: That was the contention of other fire and rescue services when I took on the role. My new colleagues in Essex told me that it was typical and that they were not alone, but other fire chiefs told me that we were. The Nazir Afzal report, which you will have read, said that we were not alone and that other fire and rescue services need to make change as well. But, certainly, we had the electoral mandate and the individual really able to get into the depths of it and hold the service to account.



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We changed the senior management team. That was not easy. Legal processes took place. We ended up with court settlements on the changes we had to make. I appointed somebody who was not a fire officer and not a brigade manager as the chief fire officer. I appointed a woman—Jo Turton—who had left as chief executive of Lancashire County Council, with a fantastic track record in change management and experience at a senior level in local government. We were lucky to get her because, without wishing to be detrimental or dismissive of the role of chief fire officer—I have huge respect for our current chief fire officer and, indeed, others—chief executive of a county council is a bigger job. So we were lucky to get her. She regarded it as her last gig in local government and she drove change in Essex County Fire and Rescue Service. She knew what good looked like. That was hard to find within Essex. There was a real will to change, but having somebody who understood how it could be better was valuable. She changed that in three years.

We have now had the HMICFRS causes for concern on the culture of Essex fire and rescue lifted. That is gone. That is the biggest single achievement.

Q64 Chair: Okay. Mr Hardingham, what do you think about what we have heard about Essex and the change that was required? Is that needed across the whole of the fire and rescue services?

Mark Hardingham: It varies from one fire and rescue service to another. Absolutely, fire and rescue services in parts of the country have significant issues around culture. We saw that only last week in a report from the South Wales Fire and Rescue Service, and previously from Dorset and Wiltshire and London over the course of the last 12 months. Undoubtedly, people have had some difficult experiences in fire services—both recently and historically—associated with bullying, harassment, misogyny and homophobia. That is completely unacceptable and the fire service needs to be better. It needs to change, and quickly.

Having said all that, equally, the reports—whether they have come from the inspectorate or from the people carrying out the individual reports I have talked about into those services—have recognised that it is not the majority of the people in fire and rescue services who behave like that. The vast majority of people in fire services do their job fantastically, support their colleagues, and work closely with communities and the public, but a minority have difficult experiences and it needs to change for them. Essex has some early examples of that going back about eight or nine years ago.

Q65 Chair: But leadership is important in changing cultures. Having a police and crime commissioner who has responsibility for the fire and rescue service is a clear way of providing fresh new leadership that could tackle the cultural problem that seems to be in so many of our fire and rescue services.



Mark Hardingham: It is one way of doing it and—

Chair: Not the best way?

Mark Hardingham: There are other ways to do it as well. There are examples of fire services across the country that are governed through metropolitan fire authorities or combined fire authorities and that have equally done a good job.

Q66 **Chair:** Which ones are those?

Mark Hardingham: I pick out Merseyside, Lancashire and Kent as three examples of services—metropolitan and combined fire authorities—that have reported very well, through their HMI reports, about how they manage culture in their organisations. Sometimes—in the Essex experience, having sat as a neighbouring service in Suffolk as a chief fire officer—the catalyst of change is important. The shift from one governance model to another has provided that catalyst, certainly in Essex and in the other four services that have moved to governance under a police, fire and crime commissioner.

My reflection is that they have all done it for different reasons. Most recently, Cumbria has done it because of a change in local government structures. North Yorkshire and Northamptonshire did it in part because of financial circumstances impacting on their organisations. Northamptonshire was coming out of a county council governance arrangement at the time as well. Each of the PFCCs has gone through a process of change for a particular reason, and certainly in the Northamptonshire and North Yorkshire examples, where it was financially related, there has been a financial benefit for the authorities and the services as a consequence as well.

Q67 **Chair:** Have they all worked? Even if it is for different reasons—you say cultural or financial—have they all worked, moving to the incorporation of the fire and rescue service into the police and crime commissioner's role?

Mark Hardingham: I think so. Ultimately, when the public look at the service that is delivered to them by firefighters and staff in fire and rescue services, the vast majority would say that they are satisfied with the service they receive. That would be no different in the five under the police, fire and crime commissioners as well.

Roger Hirst: It is not just about the public sentiment that is there. Also, I am quite pleased with the fact that over the period I have been in office, the improvement in performance of Essex County Fire and Rescue Service has led to primary injuries per 100,000 of population going down from 4.8 to 2.3. People are better off and fewer people are hurt.

Q68 **Tim Loughton:** Mr Hirst, in the case of my fire authority in West Sussex and the view of the county council, it has been rather different. There has been, first, a big resistance to merging West Sussex with East Sussex as a large Sussex-wide fire authority, and, secondly, an absolute resistance



to the Sussex PCC taking fire services under her wing, as she would like to do. And yet, we had problems with our fire service some years ago, although that has been helped by bringing in a brilliant fire officer, Sabrina Cohen-Hatton—she has certainly helped.

Therefore, is it the view of all PCCs that they would like to incorporate fire services within their role, and is a resistance by county councils to losing control of part of those services restricting that from happening England and Wales-wide?

Roger Hirst: “All” might be an exaggeration—in fact, it would be—but most PCCs, absolutely. We have a model of PCC that works with policing. The PCC review that was done said that it works better than police authorities, and the experience of PFCCs has been that PFCCs work better than fire authorities. It is not that the authority model is completely flawed. It is good, when things are going well, at keeping things steady and making sure the voice of the public is heard, but if you have a crisis, it is difficult for a committee to drive change in the way that it needs to be done. It is probably that simple.

Q69 **Tim Loughton:** Sure, but it sounds like it would not have been as easy for you to convince Essex to transfer that responsibility if everything had been hunky-dory in Essex’s fire services.

Roger Hirst: That’s right, yes. I absolutely agree with that.

Tim Loughton: Their problems made it easier for that structural change, effectively.

Roger Hirst: They were looking for a solution and they found me, yes—I agree with that. Certainly, the experience of colleagues who have wanted to take it on has been that the challenge from the existing fire authority, from councillor colleagues, has been robust. I know John Campion would have loved to have taken on the West Mercia judicial review, but it did not get there.

Q70 **Tim Loughton:** I am trying to see how the public-facing aspect of this works. A PCC has a role of accounting to the public, and responding to the public for policy and what the PCC’s priorities should be, although not getting involved in operational matters.

Roger Hirst: Of course.

Tim Loughton: How does that translate to your oversight of overall policy towards the fire service? You cannot come up with a policy that you need to put out more fires, or you need to concentrate more on cats up trees, or whatever it may be. It is a different sort of oversight.

How do you interact with the public? I guess you get far fewer complaints about the fire service, because people’s interaction with the fire service is largely as an emergency service, and not many people complain, “They took five minutes too long to come and put my house fire out”—or we know that that is only a small part of their services—whereas many



people will have a comment about the police, such as “They are not doing enough to tackle antisocial behaviour in my high street” or “They did not turn up about my burglary for four days”. What are the differences in your oversight of that?

Roger Hirst: There is not a great deal of qualitative or structural difference. There is a big difference in volume. For comparative purposes, I have 3,755 cops and 686 firefighters. There is a big difference in numbers. The total police service is 7,000 people and the total fire and rescue service is 1,450, so it is a different weighting. I probably give more time to the scrutiny and support of the fire and rescue service proportionate to its size relative to what I do for policing, because we still have the same rhythm of monthly scrutiny meetings, quarterly reviews of strategic decisions, and so on, as we do for the police. It does absorb a fair chunk of time.

I take a little bit of issue with your description of the fact that there is no impact that I can have on the strategy for fire and rescue.

Tim Loughton: I am not saying there is no impact.

Roger Hirst: It is not all about cats up trees and whether we have a large animal rescue, although that does matter. The approach to setting the strategic direction for both has been quite similar. The big strategic thrust of my election literature in both cases—and, actually, that is one of the advantages of a PFCC. When did a county council ever put in an election leaflet what it will do with fire and rescue? Indeed, when did it ever put in a leaflet what it will do with policing? We, of course, fight on, “This is what we intend to do”.

My strategic thrust has been towards prevention and the protection of vulnerable people, and that is it for both services. One of the biggest benefits in terms of collaboration has been bringing the protection of vulnerable people together, and bringing the joint education service, getting out there and talking to school pupils about how to keep safe. We do that together in Essex now. It is police and fire and rescue together, jointly branded. It is about keeping safe by protecting yourself from sexual predators and keeping safe by managing hazards in your life. That has made a difference.

Q71 **Tim Loughton:** I understand. What about complaints, though? What typical complaints do you get from council tax payers about the fire service, compared with the police service?

Roger Hirst: Tiny—absolutely tiny. Occasionally, there will be something. A number of beach huts in Frinton-on-Sea were burnt. The fire tender had a mechanical problem and, therefore, had to be backed up from somewhere else. It was late so they were destroyed. That created a complaint. I can remember the individual complaints in fire and rescue.



That is not the case, of course, in policing. The police can take away people's liberty. People will complain about that if they can.

- Q72 **Tim Loughton:** Sure. Notwithstanding the importance of beach huts—a big issue in my coastal constituency as well—I am interested in the public-facing role. Serious problems with Essex fire brigade initiated that change. Is the lack of complaints because people do not know or understand that they have an elected commissioner who also oversees the fire service? Is there a lack of public awareness? There is a general lack of awareness of who is responsible for the fire service, certainly within Sussex. Is it the county council? Is it the fire service? Is it the rest of Sussex? Is it the police commissioner? Have you educated your electorate as to how they can approach you about problems with the fire service?

Roger Hirst: As I say, in the last election, when I was already PFCC, a big chunk of the literature that went out was about the fire and rescue service, what I intended to do with it and the strategic direction I wanted it to take—about that move to prevention and protecting vulnerable people. I do a lot of public meetings and I normally take along the local district commander and the local fire and rescue station manager. They are both there. I will be honest—the questions are 80:20 police to fire and rescue, but there are questions for fire and rescue about recruitment and the state of on-call. People can be concerned about the level of crewing in their on-call fire station. It is more of a debate.

Yes, it has been a question of raising the profile. I am told that I have a recognition factor of about 34% in Essex at the moment. That is probably nothing like what you would have as MPs.

Tim Loughton: Much higher, probably.

- Q73 **Chair:** What is turnout like in the election for your role? Has that gone up?

Roger Hirst: I like the fact that we had it coincident with the county council elections last time around, which meant that we were just below 40%, like they were. I have perhaps a relevant statistic for you: more people voted for me than voted for all the successful county councillors, no matter which party they came from.

- Q74 **Carolyn Harris:** How many did not vote at all? How many did not get engaged in the election?

Roger Hirst: It was the same as for the local elections. The total turnout was 37% or 38%, which is like local elections normally are.

- Q75 **Chair:** I do not know if this statistic is available, but for police and crime commissioners and those who have then taken on responsibility for fire, is there a difference in turnout?



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Roger Hirst: Not really. I won with a majority of 135,700 and a straight majority of the popular vote. Was it because I am fire? I have no idea. It is not possible to disassociate that.

Q76 **Carolyn Harris:** On that subject—this follows on from my colleague's question—do the general public know that they can complain? Do they understand that they can complain if they are not happy about the fire service or the police service? Most people come to me as an MP with a complaint about the police, not the fire service. They probably do not even know they can complain about the fire service. Why would they? They do not come into contact with the fire service unless it is an emergency and then, normally, they want to say thank you. With the police, they tend to complain about a particular officer and they may go to the IPCC, but they do not ever communicate that the commissioner is an option for them. They do not understand the role of the commissioner.

What difference have you made? I know that you have said you have a high profile, and that is brilliant—

Roger Hirst: I am not sure it is high—at least I have a profile.

Carolyn Harris: I am not convinced that the general public understands that role at all. It is just another tier of government as far as they are concerned, and not even that on some occasions, unfortunately.

Roger Hirst: I knock on a lot of doors. I absolutely agree with you that when I started doing that back in 2016 for this role, people said, "What do you do?" Now they do not. Now I say, "I am your police, fire and crime commissioner", and they say, "Nice to meet you. How is it going?"

Q77 **Carolyn Harris:** How would you get that across the country? Most people don't really understand the difference. In Wales, we have an even more complicated system. We have a Senedd in between. Most people get confused between what a councillor does, what a Senedd Member does and then what an MP does. You can guarantee that if they want to complain about the black bags, they come to me and then I have to filter it all back down. How do you feel about that?

Roger Hirst: Absolutely—in my area, we have a three-tier local government. We have a lot of parish councils and town councils. We also have boroughs and districts, counties and a couple of unitaries. Having been a borough councillor and a county councillor, I can tell you that the public do not trouble themselves as to which councillor is responsible for what. If they want to complain, they will go to the person they know. The objective has to be to make sure that you are the person they know and that they know what your responsibilities are. That is why I do so many public meetings. We have a big social media presence.

Q78 **Carolyn Harris:** Do many people turn up at the meetings?

Roger Hirst: It depends. We have had ones where there was concern about the rate of crime. I turned up once in Saffron Waldon—normally



leafy and green and often appearing in *The Daily Telegraph* as the finest place to live in the country—to 250-odd people not quite with pitchforks, but with strong feelings about wanting to see more done in their town centre. I have been to Southend, which is our biggest urban conurbation, and had two dozen people turn up. It depends on the issues at the time.

Q79 James Daly: Mr Hardingham, this is a straightforward question: how do politicians best scrutinise people in your position as a chief fire officer?

Mark Hardingham: First and foremost, the thing that needs to be absolutely clear is the scheme of constitution and the respective roles and responsibilities of chief fire officers and, in the circumstances today, police, fire and crime commissioners or any other governance body that exists. You have to start with absolute clarity about those roles and responsibilities.

The second element—there is a direct comparison here between chief constables and chief fire officers—is the operational independence that exists with chief constables, as set out in the Policing Protocol Order, which is clear but still creates some debate from time to time. At the moment, that clarity around the operational independence of chief fire officers is not set in the same way, which the Home Office and the Government are currently addressing.

You have to start with clarity about the roles and responsibilities. You then have to have the mechanisms in place that enable the police, fire and crime commissioners in these circumstances to hold the chief fire officers to account for the performance of the fire and rescue service.

Q80 James Daly: I understand that, but what is the best way to do that, in your view? I understand that we can set up whatever structure you think is appropriate. What is the best way of doing it?

Mark Hardingham: In addition to the scheme's constitution, you then have to have a plan. A police, fire and crime commissioner will have a fire and rescue service plan that will set out their ambition for the service. It is then the chief fire officer's responsibility to develop the corporate plan that delivers what they think is best for the fire and rescue service in their area, which is cognisant of the fire and rescue service plan that the police, fire and crime commissioner has set out.

Q81 James Daly: I understand all that, but let me take you to the most basic point. If a chief fire officer is not doing their job properly, somebody has to hold them to account. Somebody has to take action if they need to be relieved of their duties. Is it better to have a panel of councillors or to have someone like Mr Hirst to ensure that the accountability is there in the system?

Mark Hardingham: Genuinely, both can work, provided that you have the appropriate system in place to enable that authority to deal with the performance and conduct of a chief fire officer. The national framework document makes it clear that whatever governance arrangement is in



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place, that governance arrangement is required to hold the chief fire officer to account. The governance arrangement is then responsible for having the systems and processes in place to do that. That starts with one-to-one performance development reviews established on a very formal basis, all the way through to a constructed arrangement where, if the performance is not what it needs to be, there is a means to deal with that area of performance appropriately. That could be dealt with in a range of ways.

Q82 James Daly: As the Chair touched on, we have seen some harrowing incidents of negative culture within the fire service. Has the level of scrutiny from politicians—in whichever way—and lack of political accountability allowed that negative culture to flourish within the fire service?

Mark Hardingham: In short, yes. We found a collective accountability for the circumstances in fire services across the country. That collective accountability sits right throughout the organisation, from the authority that has responsibility for holding chief fire officers and senior leadership to account, to the senior leadership of the organisation for setting the culture of the organisation, all the way down to the individual and personal responsibility, sometimes, of people who behave inappropriately. Some of these reports suggest that, in places, those arrangements around accountability have not been right.

Q83 James Daly: Thank you very much. Mr Hirst, I take it as read that you are excellent at your job. We will take that as a starting point.

Roger Hirst: That is kind of you.

James Daly: We do not need to debate the pros and cons of that. But people think that we should not proceed with the concept of police and crime commissioners, in terms of the scrutiny of police—whether it is through the original model of a panel of councillors or whatever it may be. What do you say to people who think that police and crime commissioners are—

Lee Anderson: A waste of money?

James Daly: I am not as articulate as Mr Anderson, but I will say costly and not effective.

Roger Hirst: I heard your sotto voce comment there. Even more than 10 years on, we still cost less in our salaries and our deputies' salaries than the police authorities that went before us, without adjustment for inflation. I will leave that as it is. We are at least a low-cost way of governing policing.

I go back to what I said at the beginning: democratic mandate, transparency, openness. I have to fight elections on the basis—

Q84 James Daly: I am sorry to interrupt. I understand that, but that is the



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bit I don't mean you will part on—we can stand on anything. We can call ourselves any title and stand and people can give us a mandate. That does not matter.

Roger Hirst: No—

James Daly: Sorry, I am not challenging; I am not critiquing. I am trying to say that the point of having a mandate is to carry out a job effectively on behalf of the public. As an instance, I do not know the charge-out rates for various offences for Essex Police. I am sure you could tell me great progress is made there. But I do not understand why we need a police and crime commissioner if the person in the police force, the chief constable, has operational independence. If he or she is running the police force anyway and you are a critical friend who can suggest things here and there, why do we need you, Mr Hirst, in those circumstances?

Roger Hirst: The three things that I am not allowed to delegate are appointing and dismissing the chief constable, setting the council tax and the budget, and setting the strategy in consultation with the chief constable. My father was a senior cop. He did not quite live to see me elected to this role, but he did, on his deathbed, charge me with not being the sort of politician who thinks they can be operationally in charge of policing or be a better cop than a cop. I do not intend to be that at all.

We are there to ensure that public money is well spent by competent people. Controversially, with chief constables, and indeed His Majesty's Inspectorate, some chief constables had to leave after PCCs came in. They did, and for a period, the tenure of chief constables became quite short. Police authorities before had not been holding chief constables to account as PCCs do. Chief constables found it uncomfortable, but no one has yet told me that any of the chief constables who had to go should not have gone.

Q85 **James Daly:** I do not know whether this is the case, but let's say Essex has a low charge-out rate for burglary or whatever it may be—I am picking something out. What can you do to impact the operational decisions of the chief constable to get the outcome that people want? People clearly want people arrested for committing offences such as that. What can you practically do?

Roger Hirst: I can ask them to do a deep dive into what they are doing, to explain to me why it is not working and what they intend to do about it, and I do that, exactly. An example in Essex recently is the implementation of Clare's law. It was completely unsatisfactory. In January—a year ago—we reviewed it. They changed what they were doing. In the last six months, we have provided more Clare's law disclosure than we did in the previous five years. It has absolutely changed.

Q86 **James Daly:** Finally—I am sorry, I should know this—do you have a



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Mayor in Essex?

Roger Hirst: No, not a directly elected one. We have lots of borough mayors.

Q87 **James Daly:** Is a directly elected Mayor coming to Essex?

Roger Hirst: No. There is no proposal, sorry.

Q88 **James Daly:** It depends on your point of view. It is a great fortune or a misfortune, depending on where you come in the argument, to have a Mayor in Greater Manchester. It is a great fortune from certain perspectives, but other people have different opinions. That is a different story, Mr Hirst. If the good people of Essex decided they want a directly elected Mayor, could merging your role with a mayoral role be effective?

Roger Hirst: Again, that is an interesting question. Both sides have benefits. I really like my job, so I ought to declare an interest. I have told colleagues that if they wanted to put forward a tier three deal, where we end up with a directly elected Mayor—

Q89 **James Daly:** You have a full-time job as a police and crime commissioner—

Roger Hirst: Yes, I do.

Q90 **James Daly:** Mayors do police and crime commissioner jobs as part of their wider duties and other responsibilities. That suggests to me—this appears in other parts of the country—that your job is done on a part-time basis by Mayors.

Roger Hirst: I suggest to you that it is better done with transparency and openness by a PFCC who stands on policies that the public get to scrutinise—about what we intend to do with policing and fire and rescue. The Mayors have not had enough of what they intend to do with policing and fire and rescue in their election documents and in the public debate. You can see in the Louise Casey report, particularly on London, where it talks about the dismissive way in which the senior management of the Metropolitan Police treated MOPAC, that that accountability has not been as strong as if you had someone directly elected to do it.

Q91 **Chair:** I want to ask you about Clare's law. You said you have taken steps to deal with the low level of disclosures. I am looking at a media report that says Essex Police "disclosed information for only 5% of the 1,940 Clare's law applications".

Roger Hirst: That was the problem, yes.

Q92 **Chair:** That was up to March 2023. Because of your involvement and asking the chief constable to look at that, do you have the number of—

Roger Hirst: They looked at it in January. That was the year to March, but the problem did not happen between January and March—it was the years before that—and they changed what they did over the summer. We



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reviewed it again in October. As I said, in the last six months, we have done as many disclosures as we have done in the previous five years.

Q93 **Chair:** Gosh. Do you know where you are on the league table?

Roger Hirst: We now respond to about two thirds of enquiries. We would not be at the top yet, but we are a lot better than when we were, at 5%.

Q94 **Tim Loughton:** Mr Hardingham, what proportion of frontline fire officers are either women or from a BME background at the moment?

Mark Hardingham: There are 30,700—give or take a few—firefighters across English fire services at the moment. Currently, female firefighters make up 8.7% of that operational workforce and 8% of that workforce are from an ethnic minority background. The figures in both of those counts have gone up by about 1% in the last year, which is about the average trend over recent years.

Q95 **Tim Loughton:** Was it not as much 10 years ago?

Mark Hardingham: I do not have the exact figures to hand for 10 years ago, but both would have been around 4% to 5%.

Q96 **Tim Loughton:** Mr Hirst, do you know the figures for Essex?

Roger Hirst: Yes. We are now 20% female, up from 17% five years ago, and ethnic minorities—bearing in mind that Essex is not a particularly diverse county—are only 3%.¹

Q97 **Tim Loughton:** Is driving up those figures part of your role?

Roger Hirst: I do not regard it as simply my role to drive up those figures. My role is to change the culture—it has been very much to change the culture—of Essex County Fire and Rescue Service and to set the tone for that. Part of it has been reaching out to a broader workforce base and wanting to be more representative of the communities that we serve.

Q98 **Tim Loughton:** Okay, but on your role in that, your figure is much higher than the national average. You are at 20% women, up by 3% over the last year, against 8.7% women, up by about 1%. Has that been actively achieved partly by your involvement?

Roger Hirst: Yes.

Q99 **Tim Loughton:** What was your involvement and what do you feel your involvement should be?

¹ These figures refer to all people employed by the service – both firefighters and staff. The Office of the Police, Fire and Crime Commissioner for Essex has confirmed that in 2023 women represented 7% of wholetime firefighters, and 3.1% of on call firefighters. 3.5% of wholetime firefighters declared that they came from a minority ethnic group, along with 2% of on call firefighters.



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Roger Hirst: The involvement was by putting in the fire and rescue plan and saying that we wanted to achieve a better culture through greater diversity.

Q100 **Tim Loughton:** It links back to the toxic behaviour problems you had before.

Roger Hirst: That was the starting point. Of course, the fire and rescue plan was not just about that, but yes.

Q101 **Tim Loughton:** Again, I come back to the role between you as the scrutineer and the chief fire officer as the implementer of operational policy. Did you have to push that? Did they automatically say, "Yes, we must do that. We are lagging behind and this is how we do it"? If they had said to you, "It is not a problem and we cannot do anything about it", what would you have done?

Roger Hirst: I did what I did. That was where we were when I started, and we put in place a completely new management team led by Jo Turton, who had a different view. That was by putting it in the fire and rescue plan and then recruiting according to the fire and rescue plan.

Q102 **Tim Loughton:** Okay, but by putting in the plan that we should look to have a more inclusive—or whatever you want to call it—workforce does not mean it will happen.

Roger Hirst: You have to then hire the people who will do it, which is the other part of the job. It is not just scrutiny. The job is about setting the strategy, setting the budget and putting the right senior management in place.

Q103 **Tim Loughton:** I absolutely understand that, but do you agree that it is part of your role not just to act as a filter for complaints when things go wrong, but to drive the complexion in all respects of what that service is, whether it is the fire service or the police force? And do you believe you are and should be proactively involved in that?

Roger Hirst: Yes. The papers that come to the strategic board about what the service wants to do have to explain to me how they align with the fire and rescue plan.

Q104 **Tim Loughton:** Why could that not be achieved by whatever they call them—

Roger Hirst: A fire and rescue authority?

Tim Loughton: Yes—usually chaired by a county councillor who has not made cabinet.

Roger Hirst: It is not that it can't be; I just don't think it very often is. It is perfectly possible. But I have a statutory obligation to write a fire and rescue plan, and a fire authority does not. If you do not have a plan, how will you hold the chief officers to account for delivery against the plan?



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You could reform fire authorities and insist that they fulfil the same obligations as PCCs do. That is a good idea. Like Mr Hardingham, I do not think that PCCs are the only solution. Having talked quite a lot with Stephen Greenhalgh when he was putting together the fire and rescue White Paper, the single accountable person model—whether that is a county council cabinet member or a PFCC, or a Mayor or Deputy Mayor—is quite important. That person should have the obligation to deliver the plan or to deliver the strategy, in consultation with chief officers. I am not and never have been—and never will be—a firefighter, so I need to take professional advice about what needs to be in it, but I need to be accountable for it.

Q105 **Chair:** I want to ask you a couple of questions. You have enjoyed and made a success of taking on the fire and rescue service. Would it be appropriate to have a commissioner responsible for other parts of the criminal justice system? I am thinking of probation and other areas where you might think, “Yes, I could do a good job there.”

Roger Hirst: Absolutely.

Q106 **Chair:** What would you like to do? It is like mission creep here.

Roger Hirst: I did not take this job to create an empire, but having looked at what we do—whether it would be the same role or a separate locally elected role would be for you people to consider and decide—there is undoubtedly a case for more local direct accountability of probation.

To be honest with you, I would also like to take on youth justice, which, at the moment, is largely done through county councils and unitary councils. They do not do it badly, but if you brought it within the same fold, you would be able to co-ordinate it better. I work closely and well with our youth justice and youth offending team executives. It is not high up the county councils’ list of priorities. They are very concerned with adult and children’s social care and highways and libraries. Those things are absolutely up front and centre for county councils. Youth offending is not. If it were with the PFCCs, it would have a home that cared more about it.

Q107 **Chair:** Okay. That was interesting. A criticism that I read in the evidence around police and crime commissioners taking on responsibility for fire is the different cultures that fire and police have. Police are about law enforcement, while the fire service is often seen as helping people. Has putting together two quite different organisations and having one person responsible for both of them proved difficult? Mr Hardingham, you might want to—

Mark Hardingham: I am happy to go first on that. It is about the definition or the extent to which you refer to putting those two organisations together. My sense, preference and view is that the services are similar but, equally, they are quite different and they do different things and have a different culture. Elements of both services should maintain their identities and be entirely separate.



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Equally, there are elements of what the services do where there is an opportunity to come together and collaborate, particularly when it is often the same people in local communities who suffer the impact of crime, and who suffer the impact around fire safety or wider community safety issues. We can work together collectively with people who suffer vulnerabilities.

It is important to maintain the identities of the two respective services, recognising that they are different. I think that is in the public-facing visibility of the services to the public, but it also extends up to the senior leadership teams of those services and having distinct roles of chief fire officer and chief constable, both of whom are held to account, but separately, by the police, fire and crime commissioner.

Roger Hirst: I absolutely agree that they are different. When I took on joint governance, I made it clear that I was not looking to make firefighters into police officers or police constables into firefighters. They have different roles, different jobs, different skillsets and, as you said, a different perception by the public.

They can learn bits from each other. Having a more regular dialogue between not just chief constables and chief fire officers, but other chief officers between the services has helped Essex Police to understand more that it is there to protect the public, rather than simply to enforce the law. Of course, they have to enforce the law, but we want earlier intervention. We want to focus more on vulnerable people and keep them safe with more prevention work. Essex Police had effectively withdrawn from educational engagement. They saw what the fire and rescue service was doing and joined in. That has made a big difference to the behaviour of young people across Essex and has been important learning across the piece.

Also, the fire and rescue service has an enforcement role against businesses and against building owners that are not compliant with fire regulations. Tell me if I am wrong, Mark, but in my experience firefighters find that difficult to get their heads around, because they do not join to be enforcement people. Having a more regular dialogue with the police about how enforcement is done has not been detrimental to taking that aspect of firefighting forward.

Mark Hardingham: I have one other example, and I will draw back from when I was the chief fire officer of Suffolk. Suffolk was a fire service governed by a county council, and I had director responsibilities inside the county council alongside my chief fire officer role. We worked closely with the police and crime commissioner, Tim Passmore, in Suffolk for the whole time that I was there and he was in post. I left that governance arrangement in a position where they were close to having 20 of 35 fire stations in Suffolk as shared estates with a combination of fire, police and ambulance services. The local communities saw a benefit in having a shared place and one place to go. Equally, they still understood and



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recognised the different roles, brands and responsibilities of the respective organisations. They welcomed the visible representation of working together.

Chair: Okay, that was helpful. Thank you very much for your time today. We will question the Minister next, and you have given us some food for thought as to what we want to put to him.

Examination of witnesses

Witnesses: Chris Philp, Rachel Watson and Kayleigh Chapman.

Q108 **Chair:** We are pleased to have with us the Minister with responsibility for policing and officials from the Home Office. Minister, would you like to introduce yourself, so that the panel and those watching us at home know who you are?

Chris Philp: Thank you, Dame Diana, and thank you for the opportunity to appear once again before the Home Affairs Committee. I am the Member of Parliament for Croydon South. Since November of the year before last, I have been Minister of State at the Home Office with responsibility for police, crime, fire and combating drugs.

Rachel Watson: Good morning, Dame Diana and everyone. I am the policing director in the Home Office. It is good to be back here.

Kayleigh Chapman: Good morning, Dame Diana and the Committee. I am head of the Police Strategy and Reform Unit at the Home Office. That includes policy responsibility for police and crime commissioners.

Q109 **Chair:** Great. Thank you. This is the concluding session of our inquiry into police and crime commissioners. We have a number of questions for you in particular, Minister.

I want to start with an issue that has arisen in the last few days. The Committee has taken a particular interest in the safety of women serving in and being served by the police. The litany of abuses and failings that have been exposed within the police service has prompted an enormous amount of scrutiny of those issues in recent times.

In the last few days, the press has reported that dozens of police forces fail to ensure that strip-searches of members of the public are conducted by police officers of the same sex. Many forces reportedly operate a policy that allows male officers who self-identify as women to strip-search female members of the public, and female officers can be required to strip-search male members of the public. Minister, are you able to comment on these concerning media stories?

Chris Philp: Yes, I am happy to. The PACE codes that govern stop and search and strip-search, in particular, are clear that those should be conducted by someone of the same sex. I am also clear that for reasons particularly of women's safety, that means someone of the same-born



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biological sex or in possession of a formal court-authorised gender recognition certificate. It is not right, safe or respectful to women to have someone who has self-identified as female, but without having had a gender recognition certificate—without having gone through the proper process—to be able to intimately strip-search a biological woman. That is wrong, disrespectful and unsafe.

We have asked the National Police Chiefs Council to look at its guidance, again, with this in mind, and to make sure that it is compliant with the relevant PACE code. My hope and expectation is that action will be taken to sort this out and to correct this quickly. I am grateful, Dame Diana, to you and the Committee for raising this.

Q110 **Chair:** Are the reports that have been circulated correct? Are you concerned about the current policy? It does not directly deal with the issue of biological sex; it deals with the issue of gender, which is different.

Chris Philp: Self-identified gender. Yes, I am concerned about it. Some police-authored guidelines are in place and need to be looked at again, and I understand they are being looked at again. The PACE codes, which we in Parliament have passed, are clear that it has to be the same sex. An auto-declaration of a gender change without the proper process and without a gender recognition certification should not, in this context, count as a change of sex, because it could potentially put women at risk, and it is certainly disrespectful to women who are being searched intimately.

Q111 **Chair:** What if it is an emergency and no female officers are available? There are issues around, say, concealment of weapons.

Chris Philp: We are talking about strip-searches, including of intimate body cavities. We are not necessarily talking about regular stop and search on the street when you might look for concealed weapons in clothing. We are talking about intimate cavity searches in some cases, which are necessary to identify, for example, concealed drugs. Those almost always take place either in a police station or in some other place of safety. I find it hard to believe that that would ever need to happen in a way where a female officer could not be found. This is different. I emphasise again that an intimate cavity search is different to a regular stop and search on a street.

Q112 **Chair:** Thank you very much. It is helpful to have had that response from you.

If we go back to the issue of police and crime commissioners, Minister, perhaps you could start with your reflections on the role of police and crime commissioners over the last 11 years and your thoughts about the direction of travel. We have heard from the Essex police, fire and crime commissioner about the role he has played and the opportunities, perhaps, for developing the role. Could you give your reflections on that?



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Chris Philp: In the 14 or so months since I have been Minister for Crime, Policing and Fire, I have worked closely with police and crime commissioners and police, fire and crime commissioners up and down the country. First, we have a constructive relationship between Ministers and PCCs, PFCCs and, indeed, directly elected Mayors where they are exercising those powers. They often—in fact, almost always—show local leadership in holding their force to account, bringing the public's concerns and the public's views into the room, acting as the public's voice to policing and making sure that the police respond to the public's concerns.

Also, the PCCs have an important role to play not just in holding the police to account and being the public's voice, but in pulling other parts of the system together. Regular serving police officers probably cannot do that because they have a day job running operational policing. For example, almost every PCC or PFCC also chairs a local criminal justice board, working with local agencies like the Prison and Probation Service, social services, education and so on, to address crime and justice issues beyond the narrow police context. PCCs have a convening power. They have a voice and a democratic legitimacy that enables them to do that when a regular serving chief constable probably could not.

They have also often taken the initiative to do things locally that maybe we in the Home Office have not thought of and no one else anywhere has thought of. When the things they have done have worked, they can be rolled out. To give you an example of the kind of initiative I am talking about, Katy Bourne, the police and crime commissioner in Sussex, whom of course Tim will know well, recently took the initiative on retail crime and set up Project Pegasus, which got about 15 large national retailers to come together and put money on the table. They have collectively contributed almost £1 million, and they set up a new project to identify criminal gangs that were operating cross-border—targeting organised shoplifting. That is up and running. It is embedded. To be honest, it was entirely Katy Bourne's initiative to do that. Without her as PCC, it would not have happened.

There are loads more examples. I can go through more examples, but that is one illustration where a PCC has done something that would not otherwise have taken place. For all those reasons, I would reflect positively on the role they play cross-system and in innovating.

Q113 **Chair:** Do you think they could do more? For example, could they take on youth justice formally rather than bringing people together around the table? Do you think they could have responsibility for that, and perhaps probation?

Chris Philp: That is currently a Ministry of Justice responsibility, so I hesitate to launch a land grab towards the MOJ, but I would like to see PCCs do more cross-system. Our intention is to legislate, when parliamentary time allows, to put their chairship of LCJBs on a statutory footing. That will help in the direction you are describing.



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I would like to see more done generally in the prevention space by, for example, identifying at-risk young people who are in danger of getting on the wrong path and intervening—so doing more to pull in social services to safeguard those individuals and to take preventive action. This is definitely the direction of travel. I cannot make any public call for machinery of government changes off the cuff, but I am very much supportive of that direction of travel.

Kayleigh Chapman: On the point about probation, through the recent police and crime commissioner review, a lot of work was done with the Probation Service to look at opportunities for alignment between police and crime commissioners and regional probation managers. With 80% of detected crime being committed by reoffenders, there is clearly a lot of overlap between the work of probation and PCCs. There is a real willingness already, and we are seeing a lot of work already happening locally to realign regional probation plans with police and crime commissioners' plans to focus on those shared priorities. So there is a lot of constructive work happening in that space.

Chris Philp: To be fair, there is more that can be done.

Q114 **Chair:** Why do you think so few police and crime commissioners have wanted to take on responsibility for the fire and rescue services? Why has that happened?

Chris Philp: You have heard from Roger Hirst already. Generally speaking, we think that having a single commissioner covering police and fire works well. In the five county areas where it happens—plus, I think, Andy Burnham, of course, in Greater Manchester—we think it leads to better co-operation between blue light services. I am sure Roger has already told you about the cost saving synergies he has unlocked in Essex as PFCC in things such as shared force headquarters, shared control rooms and shared use of police stations—I visited a shared fire and police station in Staffordshire where Ben Adams is the PFCC. For all those reasons, we think it is a good idea in principle.

As you know, PCCs can approach the Home Office and request a transfer, and providing the business case stacks up, that will then get approved. We are proposing to make that process a bit more streamlined. But I have not answered your question, which was why fewer of them ask for it. If I am completely honest, the people on the fire and rescue authority, who are very often county councillors, do not welcome the transfer. They like the concept of a fire and rescue authority as an emanation of county councils or metropolitan district councils, and sometimes there is quite a strong political backlash locally by people who sit on the fire and rescue authority against an attempt to transfer. I think that some police and crime commissioners might want to take on the power but are just concerned about the local politics of it.

Q115 **Chair:** Is the local politics causing the problem? We have just heard about how in Essex there were cultural problems that needed to be



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addressed. The police and crime commissioner taking on responsibility for fire allowed that cultural problem to be addressed, with new leadership brought in.

Chris Philp: Yes. That is one of the reasons why we think in principle it is a good idea and why applications to transfer will be viewed constructively and positively, but we do not want to impose. The Government's view generally on local government reorganisation—whether it is in this area or changing local boundaries and so on—is that we do not want to impose on local areas. We like to do it consensually.

Q116 **Chair:** Are you concerned about many of the stories that have come out about fire and rescue services and the culture, toxicity, misogyny, homophobia that we have heard about? Are you concerned about the fire and rescue service generally?

Chris Philp: Yes, we are concerned. The reports that have come out, such as the report by Nazir Afzal into the London Fire Brigade, are deeply concerning. There have been more recent reports in the last couple of months into the Wiltshire and Dorset FRS and into South Wales as well, all highlighting similar issues—so it is of concern. It is something that HMICFRS is looking at systemically, and I have met the Chair of the NFCC, the National Fire Chiefs Council, Mark Hardingham, to discuss this. I have met several chief fire officers to discuss these issues as well. I spoke at their conference just a few months ago and made it clear that these cultural issues need to be urgently addressed. I know that Andy Roe, the Fire Commissioner in London, is working hard on this, supported by the Deputy Mayor for Fire, Baroness Fiona Twycross.

It is a leadership issue; it needs to go from the top of the organisation right through. Of course, the chief fire officers understand this, but they need to change the culture so that it goes right through to the watch level. Individual groups of five firefighters on an appliance together at 3 am need to be at that level, behaving in the right way, respectfully towards one another. If they see something that is inappropriate, they need to feel confident to call that out and to escalate it, confident that it will get acted on. The challenge is getting that cultural change transmitted right through the chain of command to the frontline, and that is essentially the challenge that I have set to fire chiefs across the country.

Q117 **Tim Loughton:** Minister, why is there a reluctance to streamline the inclusion of fire oversight within PCCs, rather than just having the six we have at the moment? My experience in West Sussex is that there is a great resistance to merging with the East Sussex Fire Brigade, and certainly resistance when Katy Bourne, our excellent police commissioner—who has done many other projects, as well as the retail initiative—wanted to take over responsibility for fire services as well. It was basically, "We don't want to lose that responsibility, so we just would not consider it." I think that is the attitude of many councils—they do not want to lose responsibility for their fire services. If you are a failing



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school or a new school you must be part of an academy chain, so there is precedent for imposing that structure in other parts of public service. Why would you not consider it for the fire service and the PCC?

Chris Philp: First, what you have just diagnosed about the reluctance by the county council or the county councillors is essentially what I was referring to in answer to the Chair's question earlier. I accept your analysis.

On the transfer, if the PCC applies to the Home Office and sets out a business case, we can and will consider that constructively and positively, regardless of the FRA's—obviously we will take into account the FRA's view, but we will make our own decision. There is an ability for any PCC to make that application even if the FRA does not support it. What we have stopped short of doing is mandating it nationally, regardless of whether the PCC wants it or not. The status quo is a fair compromise where the PCC can initiate the process, they can request it and we will consider it. What we are not doing is mandating it, forcing it on every one of the 43-odd areas.

Q118 **Tim Loughton:** So, effectively, you are saying that the county council and the fire service has a veto.

Chris Philp: No, I am categorically not saying that. We will consider the application, which the PCC can initiate of their own volition, and even if the fire and rescue authority object, the Home Office could still approve the transfer, so they do not have a veto. We will of course consider their opinion and we will listen to their evidence, but they do not have a veto.

Q119 **Tim Loughton:** So those six authorities—including Manchester, which is a different beast—only made that application with the acquiescence of their county council and fire service.

Chris Philp: No, I don't think so. The PCC can make the application, whether or not the FRA agrees.

Q120 **Tim Loughton:** Sure, but you only approve those on the basis that it had the support of the underlying fire authority and county council.

Chris Philp: No, they do not have a veto, and we could—and in some cases would—approve the application even if the fire and rescue authority disagreed. We would obviously consider the evidence. We would listen—

Q121 **Tim Loughton:** Has that happened?

Chris Philp: Have any of them been contested? I do not know. That is a good question.

Kayleigh Chapman: To assist with this as well, where there is not the agreement of the authority, it triggers an additional stage of the process, which is an independent assessment. That is also then considered by the Home Secretary in forming a view, and that has happened for the transfers.



Q122 **Tim Loughton:** But that is not a veto.

Kayleigh Chapman: It is not a veto—no, absolutely. It is an additional piece of information—an independent piece of information—and scrutiny that is then considered by the Home Secretary in making the decision.

Chris Philp: Just to be clear, in the example you are citing, Kayleigh, the local fire and rescue authority disagreed with the transfer, triggered this independent review, submitted evidence, but the Home Secretary at the time none the less approved the transfer, despite the FRA's objection.

Kayleigh Chapman: I would need to confirm that. We can certainly confirm that back to the Committee.

Q123 **Tim Loughton:** Yes, but whether or not it has happened in practice, in theory there is not a veto, but it is not the Government's intention to impose it as a national norm.

Chris Philp: That is right.

Q124 **Tim Loughton:** Can I just get back to the attitude towards PCCs? You think, largely, that PCCs have been a success. Do you think the public share that view?

Chris Philp: I think broadly speaking, yes. Something like 60% of the public know what PCCs are. I think, certainly, good PCCs—and of course, you get good ones and not-so-good ones, and that applies to any elected office—are active champions for their local community. I was on a visit just before Christmas through a shopping centre with the PCC, and the PCC was stopped in the shopping centre a couple of times by members of the public who recognised him and raised police-related issues. I think the public, or a fair number of the public, appreciate having an elected official accountable to the public who can raise issues on their behalf in a quite direct way.

Q125 **Tim Loughton:** Okay. Other than anecdotal evidence of two shoppers in the retail centre, is there any data about public support for PCCs and whether it has gone up or down since their institution in 2012?

Chris Philp: Turnout in PCC elections has gone up. I think it was only 15% in the first election.

Tim Loughton: It could not go down because it was in the teens.

Chris Philp: It was 15.1% for the first election, but in the most recent election, which was on 6 May 2021, it was 34.1%. The percentage of the public who know what a PCC is most recently was surveyed at 58%, although that has been fairly consistent for the last five or six years.

Rachel Watson: We don't collect polling data on the popularity of PCCs, but we do monitor how PCCs are doing. The Minister has the anecdote from the shopping centre, but closer to home for you, Mr Loughton, is the amount of correspondence, for example, that an MP receives. The old



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Sussex Police Authority received, I think, around 48 pieces of correspondence and the current PCC is getting 58,000. We are looking at a much bigger amount of traffic, which shows that people, first, know who their PCC is, and realise then that their PCC is someone they can engage with about their police and crime priorities. That is something that simply was not happening under the old police authorities.

Kayleigh Chapman: If I can clarify, I think it is 5,000 a year, but it demonstrates the exponential increase in postbags that is being seen by PCCs since their inception. That is an annual period, so the final year of the police authority was 48 a year and then the first year of the PCC was circa 5,000.

Chris Philp: In Sussex?

Kayleigh Chapman: Yes.

Q126 **Tim Loughton:** Was it 35,000 then?

Kayleigh Chapman: No, 5,000.

Q127 **Tim Loughton:** So Katy Bourne gets 5,000 letters or emails each year now.

Kayleigh Chapman: Yes. This was data taken from the first year of office. If you would like some further, more recent statistics, we can provide those. That is from the last year of the police authority to then the first year as PCC.

Q128 **Tim Loughton:** Have you done a survey of how much more correspondence MPs get about their police commissioner compared with the police authority 10 years ago?

Rachel Watson: No, we have not. I would be interested in any reflections you had on that.

Q129 **Tim Loughton:** The point on that and my question to the Minister—and I am lucky in that we have a very good police commissioner; recognition is high, she is the most senior one and she has been there the whole time, and so on. The turnout at elections is not a reflection of the popularity of PCCs, because they are held on the same day as local elections, so there is no differential, as we heard, between people voting for PCCs and councillors. Other than when they came in as stand-alone in 2012, they have always been at the same time, so it is a false analogy to make.

The biggest issue that comes to us as MPs is people complaining that the police commissioner has not taken up their complaint, and has basically said, “Not me, guv”, which can create frustration. It is difficult to know where the line is drawn between what is an operational matter that must be left to the chief constable and his or her executive officers, and what is a scrutiny and strategic matter, which is in the domain of the police commissioner. I think that very grey line causes quite a lot of frustration, when people feel that they have been badly treated by the police in an



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individual case, although it appears to have a wider generic problem for that police force in their attitude towards that particular type of crime. Is that a fair view, and what can be done about making those lines clearer to the public?

Chris Philp: There is some truth in what you are saying, of course. There are a couple of points I would make, before inviting Rachel to add something. First, individual cases—rather like individual cases on any topic that we receive as a Member of Parliament—often highlight a more systemic issue. I am sure we all have had cases where we have had individual constituents complain to us about something—it could be anything—and it has highlighted that it is not just a one-off case, but is systemic and happens again and again. Gambling harm is a good example of that, where you get individual complaints, but it illuminates a systemic problem. Those individual complaints enable a PCC to take systemic action where needed.

Secondly, there are complaints processes, some of which PCCs may have a locus in, which maybe Rachel or Kayleigh can expand upon.

Thirdly, although you are right to say that the police are operationally independent and a PCC should not be able to, and does not and cannot, direct the police operationally—nor should they seek to do so, nor would they seek to do so—where a PCC passes over a piece of correspondence, it may well be that a senior officer, a chief constable, an assistant chief constable, a superintendent or someone, pays particular attention to that case because it has come through a trusted channel. It has not just been put on the website or something, submitted via a web form. It is that a PCC has passed it on, so it might get more attention than it otherwise would.

For those reasons, it is a helpful conduit, and certainly when I write to members of the public as Minister for Crime, Policing and Fire—because the same things happen to me: the public write to me asking if I can fix an individual case—I have to explain that I cannot direct the police and I explain how they can go about resolving it. I imagine PCCs very often do the same thing. Rachel, is there something you wanted to add?

Rachel Watson: Thank you, Minister, and thank you for raising this. It is worth remembering that pre PCCs and pre the reforms that were introduced back in 2020, it was much harder for the public to complain, and it was much more opaque as to how they could—they could not complain about a police force in general. At that point, they could only complain about the conduct or potential criminality of an individual person, which meant that they could not say, “I do not think ASB has been dealt with in my area” and have it properly logged and recorded.

We have introduced a model of complaints now that gives the PCCs some choice over which model they choose. They can choose the first model—that may well be where some of the complaints to MPs are coming in—which is that they would hear any complaint against the chief constable



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him or herself and also any appeals, if a member of the public is dissatisfied with the complaint they put into the police force. Some PCCs have chosen a slightly more proactive model—model 2—where all complaints go into the PCC first and they then send some to the force, if they are to do with the conduct of officers, but they will deal with others themselves. A couple of forces—Cleveland and North Yorkshire—have gone for model 3, where they not only do that, but then undertake to keep the complainant informed about how the complaint has been resolved and ensure that they inform them of the resolution.

There are different options for PCCs, and even under the lighter-touch model that most have gone for—although we are working with the APCC to encourage more take-up of the slightly more inward-looking models 2 and 3—if the public complain to their police force and they are not satisfied, at the point they are not satisfied they then appeal to the PCC, and the PCC will hear that.

Q130 Tim Loughton: Okay. Let us take one example: when Katy Bourne was first elected, one of her priority issues was better dealing with unauthorised encampments by Travellers—that was a very topical issue 12 years ago and still is; it is not limited to Sussex—and that they should receive a higher priority in being dealt with and invoking section 62 or section 63, or whatever, about moving them on. I know our police commissioner is quite frustrated that that seems to have made very little difference to the operations of the police force. Is that an issue where, frankly, the PCC should be more proactively stamping her or his imprint on the operational activities of the police? Although there will be individual cases where we could not issue a section 63 because of x, y or z, overall, that seems to be an excuse that is too often used. What is the role of the PCC in that scenario?

Chris Philp: Setting priorities such as the one you have described—giving significant attention to unauthorised encampments—is the kind of priority that should be set out in the PCC’s crime plan, where they effectively set out to the public, and also to the police, where they expect attention and resources to be focused. If the chief constable essentially ignores that or does not take proper account of the priorities set out in the PCC’s crime plan, that is a failing of the chief constable and the PCC should hold the chief constable to account for that. The PCC should be opining on that priority question and the police should respond to it.

Q131 Tim Loughton: Okay. How does holding the chief constable to account happen in practice, other than the threat of sacking him or her?

Chris Philp: I do not know if Rachel wants to come in, but given that the PCC does have that power—they have a certain amount of budgetary power as well—that does confer quite significant influence. I found that, generally speaking, the police are quite responsive to those levers that are in the background. They obviously fall short of a power of direction, but they give the PCC, or indeed Ministers, the ability to exert influence if the levers are used properly.



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Generally, my observation is that chief constables want to do a good job and chief constables accept, generally, that the PCCs represent the public. Obviously, there are debates, as you would expect, between chief constables and PCCs, but generally, the chief constables want to do a good job for the public and they understand that the PCC speaks for the public. They go quite a long way to accommodating requests or suggestions or strategic prioritisations that PCCs set out.

In the last year and a half, or year and a third, I have not had any PCC that I can think of come to me and say, "Minister, I am really annoyed because I have asked my police force or chief constable to focus on x and they have just ignored it. Can you please help me?" No one has said that to me in the last year.

Q132 **Tim Loughton:** But they should not be coming to a Minister with that, surely.

Chris Philp: No, but the fact is that if there is a problem, they would have done. They should not have to, of course, but if there is a problem—

Q133 **Tim Loughton:** Why should they come to the Minister? They are the employer. They are the democratically elected overseer of the chief constable.

Chris Philp: That is not the point I was making. I am simply saying as a piece of factual evidence, if there was a problem—so chief constables should respond to the PCC, and there is a piece of evidence that that is happening. No one has complained. If that was not working—if that system was dysfunctional and chief constables were routinely ignoring PCCs—I would have heard complaints about that. Somebody would have said to me that the system is not working, and no PCC in the last year and three months has complained to me that that relationship is not working as they would wish. I am simply mentioning that. Clearly, that is not the way people should have to complain to me. I am simply saying that the absence of complaints to me is a piece of evidence suggesting the system is working, because if it was not working, I would have heard complaints.

Q134 **Tim Loughton:** With respect, Minister, I think anecdotally, beyond the evidence of two retail shoppers, many MPs would have greater evidence to suggest that there was a problem with the relationship between PCCs and chief constables. On that—and on the Winsor report on the situation within the Met—there is, on the one hand, a claim that the chilling effect of the power of PCCs effectively to dismiss chief constables if they fall out is deterring more people coming forward to apply for chief constable positions, aside from other claims that it is all a bit too cosy between PCCs and chief constables. Do you think the balance is right at the moment?

Chris Philp: Well, of course, both of those things cannot be true. It is either one or the other. It cannot both be too cosy and also—



Q135 **Tim Loughton:** That is it. There must be a balance between the two. Is that balance right between the two? Both claims are being made.

Chris Philp: For proper accountability in any executive role—whether in the private sector or the public sector, in policing or anywhere else—anyone discharging significant responsibility as chief constable does need to have some form of accountability. There must be some mechanism to remove them, not just for misconduct but also for poor performance, and if you do not have that mechanism, you can have all sorts of complacency and dysfunctional behaviour setting in. I do not accept the suggestion that the PCC's ability to dismiss a chief constable for performance reasons is an unreasonable thing. Pretty much everybody in the public and private sector can be fired by their boss. I could be fired by the Prime Minister tomorrow, or this afternoon, even.

Tim Loughton: It depends how you do this morning.

Chris Philp: Indeed—well, Tim, I am in your hands. I think that is a reasonable thing that pretty much every person employed in this country works with daily, and it is right and reasonable that that level of accountability is there. It would be much worse if it was not there. Imagine if it was tenured and a position for life, absent gross misconduct. That would not be a constructive situation.

Q136 **Tim Loughton:** What do you think we can do? This Committee had a report back in 2016 where we said that the jury was out—PCCs had run for four years at that stage. I think the evidence we have taken so far is more positive than negative about the progress that PCCs have made 12 years on. I would probably buy that, but I am not convinced that that is the view of the public and the awareness among the general public about what PCCs can do, notwithstanding 5,000 complaints going in. That is 5,000 complaints, not 5,000 people complaining, so there are serial complainers who will send us—at the moment, I am certainly getting two or three a week complaining about the PCCs from certain people, or a certain person as well. What more can we do to educate and give greater awareness about exactly what the role of the PCCs is and what their limitations are, because there is certainly not a complete understanding of what their limits are?

Chris Philp: Yes. The public awareness of PCCs runs at about 60%. We try to set out—

Q137 **Tim Loughton:** That is awareness of the role. It is not awareness of what that role entails and what the limits of that role are. That is a very raw figure, effectively.

Chris Philp: Yes. We could look at ways of better publicising. We will study your recommendations and if there are recommendations that this Committee can make about how we can better publicise the nature of the role, what it can and cannot do, we would be very receptive to those, because it would help the public if that was more clearly explained, I am sure.



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The question is not “Are PCCs perfect?”, because clearly they are not. The question is whether we are better off with them or without them. I would say, on balance, that we are better off with them, and we should find ways of making them more effective at holding the police to account, delivering public priorities and—as I said at the beginning—reaching more widely across the system to harness social services, education and youth justice, to prevent crime and reoffending.

Rachel Watson: If I might add, Minister, there are some measures in the PCC review to help improve PCC transparency and therefore reach their constituents. For example, there is the specified information order that means that they must publish a lot of information on their website, including how they are doing against critical police and crime measures—not just the corporate stuff, but how they are doing in the fight against crime. We also have the College of Policing and best practice guides. There is a lot of best practice out there, and the sharing of what works among PCCs that was not there before to help them, because ultimately, they are the best people to drive up the understanding in their own particular areas.

We have also funded the APCC—£1 million in the last year—and they are putting together a package of support for newly elected PCCs to help ensure that they can maximise their impact and effectiveness from the off. There is work in train but, as the Minister says, we would be very grateful for any recommendations the Committee can make as well.

Q138 **James Daly:** Minister, I find the argument regarding the democratic mandate of police and crime commissioners quite curious. When you think about the democratic mandate generally for politicians or for people in elected office, you are electing people to do a job. You appear in this circumstance to be electing people to scrutinise other people who are doing a job, and you cannot then interfere with the people doing the job because that is operationally independent. Do you think that the public should go through a process where we elect people and go through lots of time and money to simply oversee somebody else who is doing the job in the police?

Chris Philp: It is a fair question. I think, first, that PCCs do more than just scrutinise. They do things like set the precept, set the budget and commission some services—such as victim services—directly, so they are not just a scrutiny function. They are doing some things as well.

Secondly, although they cannot interfere with the operational independence of the police, they can set strategic priorities, as we were discussing a moment ago. Generally speaking, it is not perfect, but as far as I can see, the police try to respond to the strategic priorities that are being set by the PCC. That is important. The public want to have someone on their behalf influencing and guiding where those strategic priorities are set.



Those are two things that are more than just scrutiny, but even on the scrutiny piece alone, I think scrutiny is important. This Committee is essentially a scrutiny body and nobody would say, "Select Committees are a bad idea because all they do is scrutinise".

Q139 James Daly: But I am not elected as a Member of Parliament to be on this Committee. I choose to be on this Committee as part of my role. You and I, as elected Members of Parliament, are not elected to scrutinise anything. We are elected to do things, and my point is that if you are elected to do something as a police and crime commissioner—nobody has given me an answer yet as to what is expected. It does not matter what political party you come from. What is the outcome of electing that police and crime Commissioner if you are not in charge of day-to-day policing? If you cannot drive up charge rates, what is the point of police and crime commissioners?

Chris Philp: I think I did answer that a minute ago. They set the budget; they set the precept. That is a hard-edged decision that they and they alone take. They set the strategic priorities via the crime plan, which the police are then supposed to implement—again, the police and crime commissioner, and they alone, do that.

Beyond that, I think the scrutiny and the accountability piece is important. If the public are concerned that unauthorised encampments are not getting followed up properly, shoplifting needs more attention, 101 call response times are not fast enough or the police are not turning up quickly enough to investigate domestic burglaries—or whatever the complaint may be—the public, which is hundreds of thousands of people in each force area, need someone on their behalf to raise that with the police, hold the police to account and ultimately, if the police are not doing it properly, in extremis, fire the chief constable. That is a valuable and useful function.

Those first three things that I set out—precept, budget and strategic priorities—are decisions that PCCs are elected to take directly themselves.

Q140 James Daly: I have the great honour of being an MP for Greater Manchester. We have a police and crime commissioner in Greater Manchester. There are various views on the PCC for Greater Manchester, but one of the things, if we get to the facts of the matter, is that he, as a police and crime commissioner, did not stop Greater Manchester Police going into special measures, as you know. Do you know what the response of the police and crime commissioner was? "Nothing to do with me, because I don't run the police on a day-to-day basis." That is a strange thing in the sense that that may well be a completely reasonable response, but if the police and crime commissioner has no responsibility for a police force going into special measures, what is the point of the police and crime commissioner?



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Chris Philp: Well, they do. That is obviously a political excuse, right, designed to shift blame on to somebody else, which I know politicians do from time to time—that is a political response to shunt blame elsewhere. This afternoon there is a meeting of PPOG, which is the Policing Performance Oversight Group, chaired by the Chief Inspector of Constabulary, where forces in Engage get hauled in to account for themselves. I attended one of the last ones, where the Metropolitan Police was being scrutinised because it is in special measures as well. Obviously, Greater Manchester is now out, and at that meeting chaired by the Chief Inspector, Andy Cooke, it was not just Mark Rowley, the Met Commissioner, sitting there getting a roasting. It was Sadiq Khan, effectively the Police and Crime Commissioner for London, being held to account as well. As a London MP, I hold Sadiq Khan responsible for London's failings.

Greater Manchester Police obviously has improved now. It is out of Engage and one of the levers that a PCC has is appointing a good chief constable. You will probably agree that Stephen Watson is a good chief constable.

- Q141 **James Daly:** That is the sole reason why Greater Manchester Police is improving, because of the chief constable. Stephen Watson is an excellent chief constable who is driving change. This is nothing to do with anything else. I think that is a fair point to raise—that going through the process of having elections and all the other stuff that goes with it, to essentially have a role to fire and appoint somebody, is not a good enough reason to have a police and crime commissioner. We could have councillors who do that.

Chris Philp: They do more than just that. Take London and Sadiq Khan as an example, and it is the same in the West Midlands with Simon Foster, they are taking budgetary decisions to close down police stations. It is not the commissioner closing down police stations. It is not Craig Guildford, the chief constable of the West Midlands, closing down police stations. It is the respective police and crime commissioners taking budgetary decisions to close down police stations.

- Q142 **James Daly:** But that is not what people are electing police and crime commissioners for. They want people to arrest people. The things that matter to the electors are not those issues. It is basic policing; it is bobbies on the beat.

Can I ask you this final question? Is being a police and crime commissioner, or a police, crime and fire commissioner, a full-time job?

Chris Philp: Yes, I think so.

- Q143 **James Daly:** Why is the Mayor, in the situation with Andy Burnham, doing it part time? Why are we in Greater Manchester not getting the benefit of a full-time—



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Chris Philp: Mayors appoint a Deputy Mayor who discharges many of the day-to-day functions. It is Kate Green in Greater Manchester and, in London, Sophie Linden has been appointed by Sadiq Khan to carry out many of the day-to-day functions. That strikes me as a reasonable model.

Q144 **Carolyn Harris:** Can I raise my concerns about some political points that were raised about colleagues from opposing parties? I did not think it was particularly fair that they were singled out, named and scrutinised without prior knowledge of them being able to answer for themselves.

Tim Loughton: You can stand up for them now.

Carolyn Harris: I am not standing up for anyone. I am just making a point. I think that both Mayors who have been mentioned today did not have an opportunity to have representation today to stand up for themselves. It was political point scoring.

Chair: Do you want to say anything, Mr Philp?

Chris Philp: I was simply answering a question about where responsibility sits.

Q145 **Chair:** Okay, I will ask a question about where responsibility sits. We have heard about the Sir Tom Winsor review into what happened with Cressida Dick. When is the Home Office going to respond to the recommendations that Sir Tom made?

Chris Philp: I don't know.

Q146 **Chair:** You don't know?

Rachel Watson: Sir Tom made quite a few recommendations, as you say, Dame Diana. At the moment the Home Office is not planning on taking forward any of the recommendations. I do not believe there is a—

Q147 **Chair:** Does Sir Tom know that?

Rachel Watson: Yes, I believe so.

Q148 **Chair:** You have told him? Right, okay. He has been in front of us and one of his issues was the lack of response from the Home Office.

Rachel Watson: I will take that away, Dame Diana. If there has been an oversight we can address that, but I do not think—when a report is commissioned by the Home Secretary that is not an independent one, there is not a statutory requirement for a formal response. I suspect it has been considered and it is still there, but at the moment, there are no plans to take forward any of the measures. You would not then necessarily publish a formal response, but clearly if Sir Tom needs further engagement, we can take that away.

Chris Philp: Wasn't his report considered by the GLA as well?

Q149 **Chair:** I am a little concerned about this, because we had Sara Khan in



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front of us recently, who had also produced a report for the Home Office and has not had a response to that. There seems to be a bit of an approach that the Home Office takes to not responding to reports that they commission.

Rachel Watson: I am sorry; I have not had sight of that particular one. I am aware of this and certainly we can take that away, but we speak to Sir Tom on different issues regularly.

Q150 Tim Loughton: It is quite an important issue, isn't it? The Home Office is commissioning reports and then seems to lose track of where they have got to, and there are no plans in the case of the Winsor report to follow its recommendations. Surely there must be plans to respond to those recommendations and account for why, having commissioned somebody to do a detailed report, you are now going to ignore what he has suggested. You can't just say, "Thanks very much. Don't call us, we'll call you" and forget about it, can you?

Chair: You certainly cannot with Sir Tom.

Rachel Watson: No—to be fair, certainly, it is not a case of ignoring them. We are looking at them in depth and we will continue to do so. I do not know whether you want us to go through each recommendation now, but it does not seem to be the right time to take any of them forward—in particular, they very much concern the Mayor and the situation around the Mayor, rather than, of course, the situation around PCCs.

Q151 Tim Loughton: But if it is not the right time to take them forward and you continue to look at them, that is meaningless, isn't it? There must be, and there is, a mechanism whereby if Parliament or the Home Office, or whoever, commissions a report, that report is produced and is considered by the commissioning body—in this case, the Home Office—and there must be a public declaration of what the Government intend to do or not to do on the back of that response. Simply saying internally, with no declaration to Parliament or parliamentarians, that you have taken the decision that now is not the time to do anything about it, or that you are not going to carry forward any of those recommendations—that publicly needs to be said in a timely fashion. Increasingly, we are finding on this Committee, with the Home Office, that that is not the way reports seem to happen, for no good reason. It is a common complaint. Whether it is the Inspector of Borders and Immigration, who at one stage was waiting for the publication of no fewer than eight of the reports that he had spent a lot of time on in previous years, or Sara Khan, or now in the case of Tom Winsor, there seems to be a very dusty shelf in the Home Office on which these things end up.

Chris Philp: Those other reports are not in my area of responsibility. The Winsor report was published before my arrival. However, you raise a reasonable point—the point you make is fair—so I will undertake to write to this Committee and to Sir Tom Winsor setting out our view on his recommendations, so it is in the public domain. Even though it was not a



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statutory report and we are not obliged to respond, I think it is reasonable that we do so, for reasons of transparency and accountability. We will write to Dame Diana as Chair of the Committee and to Sir Tom Winsor setting out our position on his report, because I think it should be transparently set out.

Q152 **Chair:** It was 14 months ago. You said that it was before you arrived—you have been in post for 14 months.

Chris Philp: Yes, so it is not something that I can recall having crossed my desk in that period.

Q153 **Chair:** Have you not seen it as the Minister for Crime, Policing and Fire?

Chris Philp: Not that I can recall, but I have seen hundreds of thousands of documents.

Q154 **Chair:** I think you might have seen this one. It is a fairly interesting report.

Chris Philp: What I will commit to do is to make sure that we write to you, Dame Diana, responding publicly and transparently. I know that the Greater London Authority had a series of public hearings around this issue, and I think that Tom Winsor gave evidence to the GLA, so as the scrutiny body—

Chair: He has given evidence to us as well several times.

Chris Philp: I know. The point I am making is that a lot of his recommendations concern the conduct of the Mayor. The conduct of the Mayor, without wanting to get political, is scrutinised mainly by the Greater London Assembly's police committee, and they have done that. They have had hearings and he has given evidence.

Q155 **Chair:** Sorry, Minister, this was a report that the Home Office—I think the Home Secretary—asked Sir Tom Winsor to undertake. I am not quite sure what the GLA has got to do with this. This is the Home Office and a request made by the Home Secretary. I think when we had Sir Tom in front of us, he was concerned that he had not had any response to a piece of work he was asked to undertake and spent many hours on.

Chris Philp: That is a fair comment. We will get back to you and to him in writing on this topic.

Q156 **Chair:** I also want to ask about the exceptional circumstances when it is right for a Home Secretary to step in and give directions to a police and crime commissioner or to a chief officer. Can you set that out? What are those exceptional circumstances?

Chris Philp: It is very difficult to set out in advance a series of hypothetical situations.

Q157 **Chair:** What would be a case?



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Chris Philp: Clearly in law, the threshold of exceptional circumstances—a phrase that appears in various bits of legislation—is a very high bar, as you would expect it to be. The power to intervene to direct a police and crime commissioner certainly has not been used in the last 14 months. I am not sure it has ever been used.

Rachel Watson: Most of the backstop powers have not been used, apart from the power to ensure that PCCs continue to collaborate, as in Warwickshire, where that collaboration was about to fall apart.

Chris Philp: It was back-office collaboration.

Rachel Watson: Exactly, yes.

Chris Philp: Was the collaboration duty used for NPAS as well in 2012?

Rachel Watson: It was indeed.

Chris Philp: It is very rarely used and those were not used for operational reasons. They were used to ensure collaboration between police forces. I think that gives the Committee a sense that these are very rarely used and that the exceptional circumstance bar is a very high one.

Q158 **Chair:** Okay, that is helpful. I want to ask you about the Criminal Justice Bill, which proposes a comparable avenue of appeal to the Police Appeals Tribunal for PCCs, where the office is subject to a disciplinary decision as a chief constable. Given the high-profile breakdowns in the relationship between local policing bodies and chief officers and the party political nature of the role, what do you think the risks are of allowing this to happen?

Chris Philp: Of allowing an appeal by—

Chair: The appeal.

Chris Philp: By the—

Chair: To the police—so the Bill is going to set up a comparable avenue of appeal to the Police Appeals Tribunal for PCCs. Currently, as I understand it, they do not have the right to appeal if they do not agree with the decision around the dismissal of a chief constable.

Chris Philp: Of a chief officer?

Rachel Watson: It is quite specifically for a chief officer. I do not have it in front of me, but the idea is simply to ensure that, because of the dismissal panel for a chief constable, the proposed plan is for it to be chaired by HMI. This ensures that a PCC, if they are unhappy with that situation, has an avenue of appeal. We are also giving chief constables an avenue of appeal. As you know, chief constables will chair the dismissal panel themselves, with other officers, but they may still be outvoted by



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their panel, so they also have an avenue of appeal. It is in quite small circumstances that we are looking at that.

Chris Philp: There are two new appeals. For a police officer—not a chief officer—who has not been dismissed by a panel because the chief constable was in a minority of one to two, the chief can refer that to the Police Appeals Tribunal for further consideration. As the Chair said, separately to that the PCC can appeal if the HMI chaired panel does not dismiss the chief. I think your question was whether that was inappropriately political.

Q159 **Chair:** Well, it is getting operational, isn't it, and it is putting the PCC into a different role?

Chris Philp: There is the accountability element, in that if there is a suspicion of misconduct, the PCC will have an interest in ensuring that that is properly investigated. It is not giving the PCC the power to dismiss the chief constable for misconduct, but simply to refer it to the Police Appeals Tribunal. The Police Appeals Tribunal is essentially a judicial body, so it does not give the PCC the decision-making authority—simply the ability to ask, essentially, a judicial body to consider the matter.

It is a compromise between the two extremes. One extreme would be to say that the PCC can make the decision on misconduct, and your criticism I think would have a lot of weight there. Equally, if you said the PCC has no locus at all, which the question somewhat implies, that would weaken their accountability and oversight function. This middle way, where the PCC can refer a decision they do not like to a judicial body, seems to be a reasonable balancing of those two competing considerations—they are pulling in opposite directions and I think that this proposal balances those two competing considerations.

Q160 **Chair:** That is helpful. Finally, I want to ask you about police and crime panels holding PCCs to account. What plans do you have to strengthen the role of the police and crime panels? There is some view that they do not have enough power, enough ability, to hold PCCs to account. Do you accept that?

Chris Philp: Partially. The ultimate accountability mechanism for police and crime commissioners, just like directly elected Mayors and Members of Parliament, is the ballot box. The police and crime commissioner is principally accountable to the public, and that is exercised democratically once every four years with elections.

Q161 **Chair:** But we can be recalled, can't we, Minister? As MPs, we can be recalled. Do you think that should be a power that is given to deal with PCCs who behave inappropriately?

Chris Philp: Obviously, there is the ability to investigate—the IOPC—police and crime commissioners for matters of criminal misconduct. Of course, police and crime panels can pass—and I think in a few cases have passed—votes of no confidence in a PCC. I think in one case that led to



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the PCC choosing to resign. They were not compelled to, but they chose to resign in response to a vote of no confidence by the police and crime panel. I think it was in North Yorkshire a few years ago. That did have an effect.

Broadly speaking, I think the balance of power is about right, primarily via the ballot box. I do not think we plan to make fundamental changes. For example, we do not propose to give the police and crime panel the ability to fire the PCC, for instance, or indeed trigger a recall election.

Q162 **Chair:** As I understand it, each police and crime commissioner can set their own code of conduct. Do you think there should be some national standards, just as there are for Members of Parliament and other elected officials? Do you think that should be put in place?

Chris Philp: The powers of a PCC are set out in legislation. They are subject to the criminal law as well. There are all kinds of good practice documents in circulation and the APCC, the Association of Police and Crime Commissioners, is doing a lot around training and standards. On a code of conduct, there are no current plans to introduce anything in that area, but we would be interested in the Committee's views on that.

Kayleigh Chapman: PCCs do take an oath of attestation when they take office to abide by the Nolan principles of public life. Police and crime panels have the ability to scrutinise all actions and decisions of the PCC. There is certainly a view that the panels have the right powers, but I think the Committee—

Q163 **Chair:** Sorry, they have the right powers?

Kayleigh Chapman: The right powers, statutory powers.

Q164 **Chair:** Do you think they have the right powers?

Chris Philp: To scrutinise.

Kayleigh Chapman: To scrutinise, but I think the Committee makes an important point about the quality of that scrutiny, and that is something we have certainly looked at in how we can support panels to exercise better scrutiny of PCCs, or certainly to do that in a more consistent way. Some of the steps we have taken are around how we improve the training of panel members to ensure that they have a clearer sense and understanding of the nature of their role. We launched a new training package for panel members in May 2022, and in January 2023, a training package for independent members as well, recognising the specific skills and experiences that independent members can bring to police and crime panels. The Minister has written out to panel chairs only this morning to initiate our new best practice hub for police and crime panels, which will facilitate the sharing of best practice across panels to boost that scrutiny.

Chris Philp: It is a funded initiative.

Chair: Thank you. I am surprised there is not a power of recall on police



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and crime commissioners. That is something that we might want to reflect on in our report. Thank you very much for your attendance this morning and the evidence that you have given. We will be writing a report shortly, and we are very conscious that the elections for the police and crime commissioners are in May, so we want to get our report out as soon as possible. Again, thank you very much for your time.