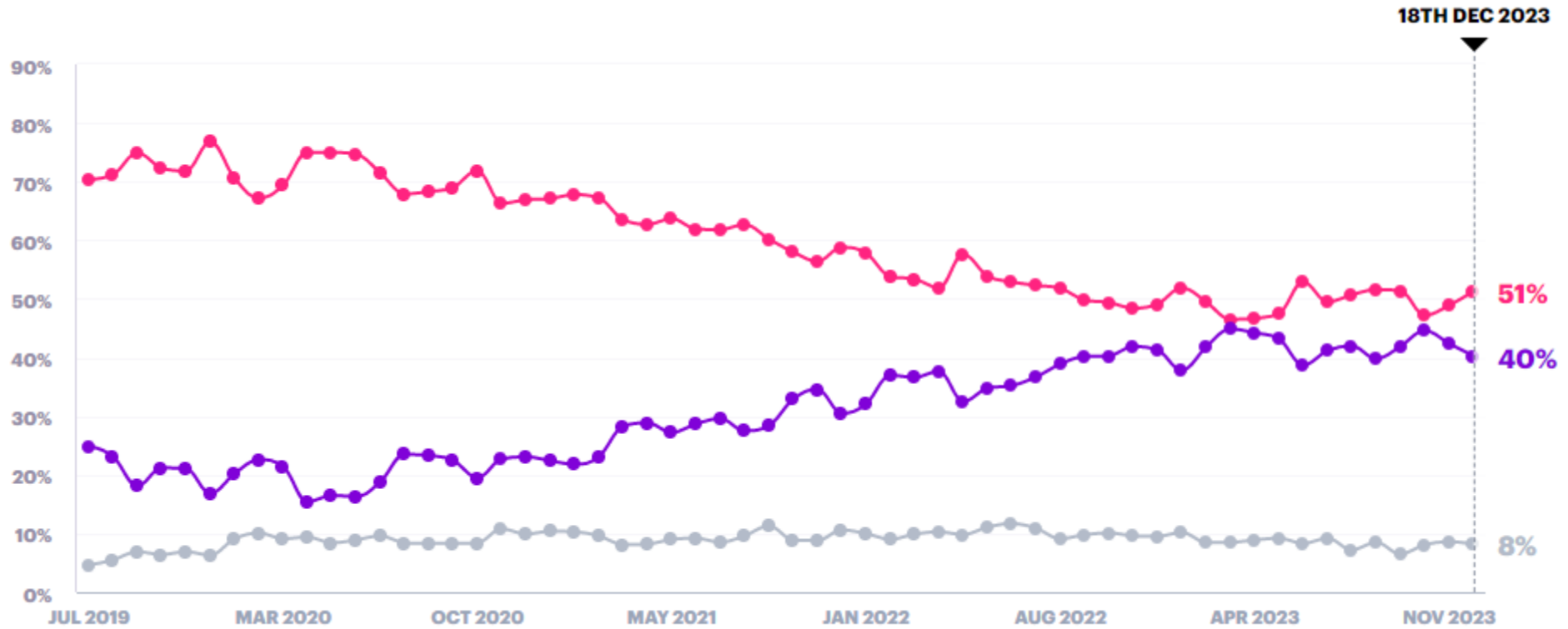


# **Learning from Local Government Interventions: A Path to Statutory Police Reform in England and Wales**

James Harris  
Canterbury Christchurch University

# “Are the Police Doing a Good Job?”



Yougov (2024)

# HMICFRS PEEL Inspections 2021-22

43 forces graded

- **5** 'Outstanding'
- **12** 'Good'
- **30%** of graded judgements 'inadequate' or 'requires improvement'
- Responding to the public and investigating crime are the worst-performing areas

(HMICFRS, 2023)

# What if a Force is deemed to be 'Failing'?

- Moved to 'Engage' by HMICFRS in December 2023
- Failure to address concerns raised by Inspectorate regarding effective investigations, MARACS and managing risks posed by sex offenders and online child abuser (HMICFRS, 2023)
- Fundamentally disagreed with by Chief Constable and Police & Crime Commissioner (PCC)
- Political debate emerges – Conservative Home Secretary attacking Labour PCC

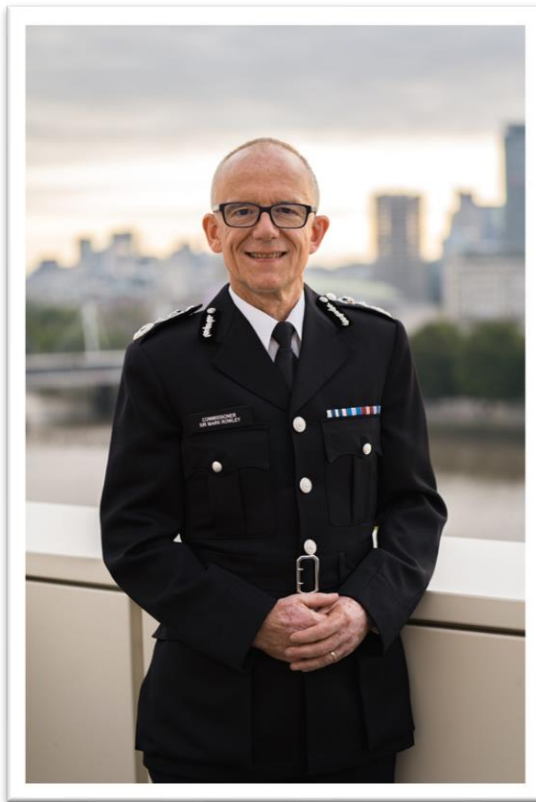


BARONESS CASEY  
**REVIEW**

## Final Report

An independent review into the  
standards of behaviour and internal culture  
of the Metropolitan Police Service

Baroness Casey of Blackstock DBE CB  
March 2023



**IOPC** Independent  
Office for  
Police Conduct

## Operation Hotton

Learning report

**Warning: this report contains offensive language**



# Existing Legal Frameworks for Statutory Reform

## S.55 Police Act 1996

- PCCs obliged to respond to HMIC inspection reports within 56 days of publication.

## S.40 Police Act 1996

- Home Secretary has the power to direct PCCs to take specified measure where **“the whole or any part of a police force is failing to discharge any of its functions in an effective manner, whether generally or in particular respects”**
- Requires HMIC corroboration of the grounds and opportunity for representation from the PCC and Chief Constable/Commissioner of that force
- The PCC **‘shall comply’ with the direction’**



# Statutory Reform Powers

“When forces don’t act as they should, or don’t act quickly enough, they must be held accountable. In some limited circumstances, **they should be given an outright direction to rectify failures.**

**I, therefore, urge the Home Secretary to seriously consider placing before Parliament draft legislation that gives HM Inspectors the powers, they need to help make the police service fit for the challenges it faces”**

Andy Cooke, His Majesty’s Chief Inspector of Constabulary and His Majesty’s Chief Inspector of Fire & Rescue Services (2023)



# What Could These Powers Look Like?



# Does Local Government Have The Answer?

## Section 15(6) Local Government Act 1999

...the Secretary of State may direct—

- (a) that a **specified function of the authority shall be exercised by the Secretary of State, or a person nominated by him for a period specified in the direction or for so long as the Secretary of State considers appropriate**, and
- (b) that **the authority shall comply with any instructions of the Secretary of State or his nominee** in relation to the exercise of that function and shall provide such assistance as the Secretary of State or his nominee may require for the purpose of exercising the function.

# How Does it Work?

- Secretary of State is concerned that an authority is failing in compliance with 'Best Value' Duty (BVD) – S.3 Local Government Act 1999 (LGA).
- Examples of BVD - balanced budgets, providing statutory services and securing value for money in spending decisions. (MOHLC, 2020)
- S.10 of the LGA 1999 allows for 'Best Value Duty' Inspection and report.
- Report considered by Secretary of State – evidential bar for intervention is high (MOHLC, 2020)
- If intervention considered necessary – 'minded letter' to the LA including the proposals for the Intervention. Opportunities given for representations from the LA before a 'Final Direction' notice issued.
- Commissioners are appointed, to carry out the directions and take over specific LA functions.

# How Does it Work? Cont.

- Reports at regular intervals to the Secretary of State (from Commissioners if appointed)
- Intervention only ended when the Secretary of State considers there has been a sufficient improvement within the LA.
- Commissioners withdrawn – improvement plan can be put in place for a fixed period before fully bringing the intervention to a close.
- Transparency – all documentation relating to the intervention on government websites and decisions of the Secretary of State communicated within the Houses of Parliament

(Ministry of Housing, Communities & Local Government, 2020)

# Example – London Borough of Tower Hamlets

- Concerns raised in 2014 regarding the financial management of the Authority, especially in respect of spending decision, entering contracts and awarding of grants. Additional concerns of electoral fraud.
- Best Value Inspection carried out by PWC, and intervention announced in November 2014.
- Commissioners appointed – Former London Fire Brigade Commissioner, 2 x Former Local Government Senior Executives and a former Metropolitan Police Assistant Commissioner
- Functions of Authority taken over by Commissioners – powers of grant-making, property disposal and to make appointments to statutory officer posts within the Council (House of Commons, 2017)
- Powers returned to Tower Hamlets in March 2017, with formal progress reporting to the Secretary of State to remain in place every 3 months.

# Concerns

- **Democratic?** – Unelected Commissioners taking over functions of democratically elected authorities.
- **Political Bias** – all but one authority in previous 12 years has been a Labour Party-controlled authority (Hill, 2022)
- **Costs?** – Costs of the Commissioners met by the Local Authority subject to the intervention

# A Policing Model?

- PEEL Inspections identify Police forces failing in their duties – focus to specific areas that are not ‘best value’.
- Interventions by Home Secretary using expanded Police Act 1996 legislation as per HMIC
- Appointment of Commissioners – external to the force and bringing in expertise in range of areas, not just policing. Involve Community Leaders.
- Increase trust – not left to forces to ‘sort out’ their own issues.
- Cost concerns at a time of fiscal tightening in Policing
- Political Bias? Operational Independence of the Police?



# US Federal Consent Decrees

- Department of Justice (DoJ) Civil Rights division can investigate agencies that are believed to engage in engage in unconstitutional practices (Jiao, 2021)
- Findings of a DoJ investigation presented to a Federal Judge and become legally binding. Court appointed Federal Monitors oversee compliance with the decree (Hustle, 2014; Phillips & Jiao, 2017)
- 40 Departments including New York, Baltimore, Seattle, Chicago and Los Angeles.
- Research in Los Angeles – improved quality of stops, arrested and operational/organisational change (Phillips & Jiao, 2017; Stone, Fogelsong, & Cole, 2009)
- Concerns of costing, lack of police cooperation and inadequate measurement criteria (Jiao, 2021)

# Thank You