



THE GOVERNMENT RESPONSE TO THE FIRST
REPORT FROM THE HOME AFFAIRS COMMITTEE
SESSION 2013-14 HC 69

Police and Crime Commissioners: Register of Interests

**Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty**

August 2013

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2 Marsham Street
London
SW1P 4DF

This publication is also available for download at www.gov.uk/home-office

ISBN: 9780101869225

Printed in the UK by The Stationery Office Limited
on behalf of the Controller of Her Majesty's Stationery Office

ID 2580181 08/13 32456 19585

Printed on paper containing 75% recycled fibre content minimum.

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Introduction

The Government is grateful to the Home Affairs Select Committee for its report *Police and Crime Commissioners: Register of Interests* published on 23 May 2013. This document is the Government's response to that report.

Police and Crime Commissioners (PCCs) are the most significant reform to policing in a generation. For the first time the public have been able to directly vote for an individual to represent their community's policing needs, who works in the full gaze of the media, and is directly accountable to them.

Transparency is a vital element of police reform. In recognition of this, *The Elected Local Policing Bodies (Specified Information) Order 2011* requires PCCs to publish key information. This includes a register of interests including all other pecuniary or paid interests, expenses, budgets, contracts and tenders, senior salaries, and key decisions. The intention is for the public to use this information to hold PCCs to account. To further support this, the Government is working to enable PCCs to publish key information on Police.uk.

It is important that information is readily available to the public to support them in holding PCCs to account. In support of this, and to ensure checks and balances on PCCs, police and crime panels (PCPs) have been introduced in every police force area to scrutinise the actions and decisions of each PCC. These panels must make sure information is available for the public, supporting them in holding the PCC to account.

The Government notes that the Committee plans to conduct further inquiries into PCCs and looks forward to receiving the results of these inquiries in due course. The following sections deal with each of the Committee's comments in more detail.

Scrutiny of PCCs

We recommend that where a PCC proposes to exercise his power to suspend a chief constable under section 38 of the Police Reform and Social Responsibility Act, there must be immediate review of the action by the Police and Crime Panel. In addition, the Police and Crime Commissioner must give the Panel and the chief constable a written explanation of the reasons for the suspension. (Paragraph 10)

While there is no specific statutory requirement for police and crime panels (PCPs) to review the suspension of a chief constable, PCPs must review or scrutinise the actions and decisions of a PCC (section 28(6)(a) of the Police Reform and Social Responsibility Act, 'the Act') and make reports or recommendations to the PCC concerning those actions and/or decisions. This includes a decision to suspend a chief constable, which is clearly one of the more significant actions that a PCC could take.

While there is no requirement for the PCC to provide the chief constable or PCP with a written explanation of the reasons for the suspension, paragraph 11 Schedule 8 of the Act requires a PCC to notify the relevant PCP if they suspend a chief constable. The PCP then has the power to summon the PCC and members of the PCC's staff to attend a meeting and answer questions, for the purposes of reviewing the suspension (section 29(1)).

Suspension under section 38(2) should only occur in a case where the PCC is considering calling on the chief constable to resign or retire under section 38(3). Paragraphs 12 to 16 of Schedule 8 set out in detail the role of the PCP in that process, including the provision of written reasons and holding a scrutiny hearing.

As a public body, public law requires a PCC to act reasonably and fairly.

The Home Office must monitor compliance with legal responsibilities to publish information and publish a list of non-compliant PCCs. (Paragraph 14)

The Specified Information Order clearly specifies the information that PCCs are under a duty to publish. A key role of the Chief Executive, in their capacity as monitoring officer, is to ensure that the PCC has complied with all legal duties. Furthermore, the PCP is responsible for scrutinising the actions and decisions of the PCC which should include their compliance with statutory duties.

Given the significance of this information the Home Office has reminded PCCs and their Chief Executives to take steps to ensure they meet the requirements set out in legislation.

Where Police and Crime Commissioners are considered to have exceeded their powers or otherwise behaved inappropriately, it is unacceptable that those who expose the matter should be at risk of losing their jobs, or face other reprisals. (Paragraph 21)

The Government is clear that the staff of the PCC and the police force play an important role in drawing attention to any wrong-doing and these offices must respond appropriately to any disclosures of this nature.

The law protects whistleblowers in particular circumstances; an employee is protected from dismissal or other adverse treatment if they disclose criminal behaviour, a breach of a legal obligation or other specific forms of misconduct to their employer or to the appropriate body.

In the case of the staff of a PCC, that body is the Audit Commission or the auditor appointed by the Audit Commission where the disclosure concerns the proper conduct of public business, value for money, fraud or corruption. Where the disclosure concerns the personal conduct of the PCC, it is the Independent Police Complaints Commission.

We strongly recommend that an independent national body such as Her Majesty's Inspectorate of Constabulary compile and publish a central register of police and crime commissioners' financial interests, pay and perks packages, gifts and hospitality, outside interests including second jobs on an annual basis. In the absence of such a register, we will attempt to do so, but it would be far preferably [sic] for an independent national body to undertake this essential function. Until this happens, we will undertake this task. (Paragraph 23)

The Government has been clear that it expects high standards of transparency and has set out the information that PCCs must publish to support the public in effectively holding them to account.

Under the Specified Information Order, PCCs have to publish a register of interests, including every pecuniary interest or other paid interest; budgets; contracts and tenders; senior salaries; expenses; and key decisions.

The Government has been clear that it is not the role of central government to establish and maintain a national register of interests. The Government has also been clear that HMIC does not have a role in inspecting PCCs; it does however play an important role in ensuring transparency and that the public have the information on policing in their area that they need to hold their PCC to account.

In order to further support the public in holding PCCs to account, the Home Office is working to enable PCCs to publish key elements of the information required by legislation on the national Police.uk website.

Salaries and offices

Police and Crime Commissioners are retaining second jobs such as directorships of large companies, which may not easily be compatible with a full time and demanding office. (Paragraph 32)

The Government has been clear that it is for the public to decide who should be the PCC for their area. PCCs are required to declare any paid or unpaid interests that may conflict with their role or affect the amount of time they have to devote to it; it is then for the public to judge.

Costs to the public

In order to ensure that PCCs allocate their budgets effectively and fairly and that OPCC budgets continue to be comparable across the country, we recommend that the Government publishes a list of the costs of each OPCC compared with previous years. (Paragraph 34)

The Government has been clear that it is not the role of Government to compile such national lists. PCCs are required to publish key information on costs to enable the public they serve to judge whether they are providing value for money.

The Home Office is working to enable PCCs to publish key elements of the information required by legislation on the national Police.uk website.



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ISBN 978-0-10-186922-5



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