

# **Policing and Crime Bill**

## **Factsheet: Minor amendments to legislation affecting Police and Crime Commissioners**

### **Background**

1. Police and Crime Commissioners (“PCCs”) were introduced in 2012 as part of a wider package of police reform enacted by the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”). PCCs provide a directly-elected, accountable local link between the police and the communities they serve and give the public a direct say in policing in their area.
2. A PCC may appoint a deputy, although there is no requirement for them to do so. In the event of a PCC vacancy arising, either temporarily (e.g. through illness) or permanently, the Police and Crime Panel (“PCP”) appoints someone as Acting Commissioner. Where in place, the Deputy PCC is the obvious person to appoint in such cases. Since the first national elections in November 2012, permanent PCC vacancies have arisen twice, triggering by-elections (in the West Midlands and South Yorkshire).
3. England and Wales is divided into 43 police areas. The names and geographical extent of the 41 police areas outside London are specified in Schedule 1 to the Police Act 1996 (the Metropolitan Police Service and the City of London Police are dealt with separately). The 2011 Act provides for a Police and Crime Commissioner (PCC) for every police area listed in Schedule 1 to the Police Act 1996. A PCC’s official title is “the Police and Crime Commissioner for [name of police area]”.

### **Deputy PCCs Term of Office**

4. The 2011 Act currently ties the term of a Deputy PCC to the term of the appointing PCC. The intention behind this was to ensure that the appointment of a Deputy PCC did not extend beyond the term of office of the PCC who appointed him or her. Experience of the operation of the 2011 Act, particularly in light of the two PCC by-elections that have taken place, has indicated there is a need to amend the legislation to provide additional flexibility to these arrangements.
5. At the moment, as a Deputy PCC’s term lasts no longer than that of the PCC’s, the term of the Deputy PCC ends as soon as the PCC’s term ends. However, it is a requirement of the 2011 Act that the relevant PCP may only appoint a person as Acting PCC if they are a member of the police and crime commissioner’s staff at the time of the appointment. Therefore, it is unclear whether or not the Deputy

PCC is a member of the PCC's staff in this scenario. Consequently, it is unclear whether or not they may be appointed as Acting PCC. This amendment to the 2011 Act ensures that the Deputy PCC would be eligible and fulfils this requirement of the legislation, should the PCP choose to appoint them to that position.

6. The Bill therefore amends the requirements in relation to the term of office of a Deputy PCC so that, in a scenario where a PCC leaves office mid-term (for whatever reason), the Deputy's term of office will run until the arrival of the newly elected PCC, whereupon it will automatically terminate. This will remove the statutory obstacle to the PCP appointing the Deputy as Acting PCC. The new PCC will then be free to determine whether they wish to re-appoint the existing Deputy PCC, replace them or discontinue the post entirely.
7. This revised process will better support continuity whilst a by-election is held.

### **Acting PCCs standing for election as PCC**

8. Deputy PCCs, who are appointed as Acting Commissioner following a vacancy arising in the office of the PCC, may wish to stand for election as PCC in the subsequent by-election. However, the 2011 Act disqualifies members of the staff of a PCC from being elected as, or from being, a PCC.
9. By virtue of amending Deputy PCCs' term of office so that they remain employed as Deputy PCC throughout the period until the arrival of the newly elected PCC, they would be disqualified from standing for election as PCC by the 2011 Act.
10. This may create a conflict between a PCP wanting to have the option of appointing a Deputy as Acting Commissioner and the Deputy who may wish to stand for election.
11. The Bill will therefore remove this disincentive by ensuring that a Deputy PCC who is appointed as Acting Commissioner should be eligible to be elected as PCC without having to cease being a member of staff of a PCC.
12. This will only apply to those Deputy PCCs who are appointed as Acting Commissioners, and is designed to support continuity. This is to avoid creating a situation whereby Deputy PCCs elsewhere in the country could stand for election as PCC, which could have a destabilising effect. However, the Bill will also provide that all DPCCs may stand for election at an ordinary election since we consider that this will not destabilise the system any more than it would be at an ordinary election.

## **Police force names**

13. The Home Secretary already has an order-making power which enables geographical alterations to be made to a police force area, together with any consequential change to the name of an altered area. However, this power cannot be used to change the name of a police area which is not changing its boundaries; to do that requires a change to primary legislation.
  
14. The Home Secretary has received a request from one PCC to amend the name of his police force area to better reflect the communities he and the force serves. Whilst it would be possible to amend the name of the force area through primary legislation, it is possible that other PCCs will wish to follow this example and change the names of their force areas. Considering each request on its merits is clearly the right approach, but the current requirement for the change to be made in primary legislation could result in lengthy delays.
  
15. The Bill therefore enables the Home Secretary to amend the name of a police force area by regulations (subject to the negative resolution procedure). In deciding whether to agree to a name change the Home Secretary would take into account the level of local support and whether the change represents value for money.

## **Home Office**

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