



***Local Leadership and Public Trust:
Openness and Accountability***

Draft Submission by the Association of Police Authority Chief Executives to the 12th Inquiry of the Committee for Standards in Public Life

Introduction

We are grateful to the Committee for the opportunity to submit evidence. While the larger part of its Inquiry addresses matters that are outside the scope of our association, some of the matters set out within the Committee's Issues and Questions Paper are of central relevance to the work of police authorities; they also engage directly with some of the key strategic considerations occupying the leaders of the policing 'sector' at this time.

Our submission has been drafted with an eye to proportionality and brevity and we will gladly elaborate on any of the matters referred to in this response.

In supplying this evidence we have followed the advice set out in the Issues and Questions Paper (paragraph 1.23) and have answered the two key sections which seem to us to affect police authorities most directly but have not confined our submission to answering the specific questions set out. The submissions here are generic to the work of police authorities and we make no specific submissions in respect of Chapter 3 – London Government.

Our Association

The Association of Police Authority Chief Executives (APACE) is the professional body which represents chief executives and other senior staff within police authorities. The Association's objectives are to:

- provide professional support and development for its members
- liaise and work closely with the Association of Police Authorities (APA)
- provide a forum for professional debate
- represent and promote the interests of members to key stakeholders

The Role of Police Authorities

Although forming part of the local government arrangements, police authorities are different from local authorities in a number of ways. Rather than rehearse the full range duties and responsibilities of police authorities here we have summarised the key areas below; we have also attached a list of statutory obligations **[appendix A]**

In broad terms, as the bodies corporate, police authorities:

- set the policing budget for their police area (delegating responsibility for its expenditure to the chief constable (or Commissioner);
- hold the chief constable (or Commissioner) to account for the policing of its area;
- secure the maintenance of an efficient and effective police force;
- consult their communities on policing priorities and practices

- ensure that the force complies with the European Convention on Human Rights;
- appoint and dismiss chief officers and handle complaints against the most senior ranks;
- are the employer of all police staff and
- provide audit and corporate governance.

It can be seen then that police authorities have few 'executive' responsibilities in relation to policing; they provide the governance while the police force is responsible for delivery of policing services.

Appointment of Members

Under the present arrangements members of police authorities are appointed by one of two routes. The first route (for independent members) is by competitive selection against a set of competencies developed in association with the APA, the Home Office and Skills for Justice. The appointment process for their assessment and selection is governed by statutory instrument¹ and is run by the Police Authority following a public advertisement in the local area with the assistance of a selection panel comprising police authority members, an independent assessor and a representative of the Home Secretary.

The second route – which applies to councillor members who are in the majority – is via a process under which the first-tier local authorities in the Police Authority's area acting through a joint committee of them all (or similar agreed basis) which meets and appoints the local authority councillor representatives to serve on the Police Authority. By way of example, in the case of the West Yorkshire Police Authority the arrangement is made between the Police Authority and the Association of West Yorkshire Authorities.

¹Police Authority Regulations 2008, 2008/630

In order to maintain and reflect the appropriate political balance within the area, the selection process is governed by an algorithm which is agreed with the local authorities (we attach a spreadsheet as an example: **appendix B**).

While the current process of appointment from local authorities produces the appropriate political balance, the method of appointment to police authorities by local councils has attracted significant attention recently. Sitting at the heart of the public confidence debate in policing it is also the subject of the Green Paper "From the neighbourhood to the national: policing our communities together"², has been the focus of a high profile campaign by the APA and LGA and is still very much at the top of the police governance agenda.

Although these are paid positions, in contrast to the appointment of independent members there is no formal selection process for councillor members and no job description, role requirement or competency framework against which any such process might take place. There is no requirement for councillor members to undergo any form of training or development, nor for any members to undergo any performance assessment. As a result the extent to which their individual contribution to the work of their police authority is visible – either to their communities or to their local authorities – is very limited. While some such members have embraced the broader principles of personal and professional development, local accountability and leadership, experience within police authorities across England and Wales suggests that many opportunities to do so are often met with reluctance or even resistance largely (though not exclusively) on the basis that councillor members regard themselves as being accountable solely to their local councils and their electorate.

Against this background we believe there is significant room for improvement in the extent to which members are accountable either to their own authorities or to the communities on whose behalf they purport to act. This matter is

² Cm 7448

being considered by the government in the form of a review by former Home Secretary, David Blunkett MP; it will also form part of the forthcoming inspection of police authorities by HMIC and the Audit Commission³.

In all the circumstances we believe that there is an opportunity to increase the connection between member appointment and delivery of the wider corporate plans of both our police authorities and the local authorities with whom they work.

Local Accountability

We agree unreservedly with the view expressed in the White Paper *Modern Local Government: in touch with the people*⁴ as reproduced in your Questions Paper: that local people should know who takes decisions, who to hold to account and who to complain to when things go wrong.

The *regulation* of police authorities in such things is clear and is set out principally in the Police Act 1996 and the subordinate legislation made thereunder. Police authorities follow the machinery of local government in terms of standards and their enforcement. Police authorities have a Code of Conduct predicated on the Nolan Principles and the Good Governance Guide⁵, one of the staples of which is functional clarity and definition. However, the extent to which the *role* of those authorities and their members is understood by the communities in which they operate is questionable.

The Committee will be aware of the Green Paper (*supra*) in which the government set out its national proposals for strategic reform of policing in England and Wales. Among the many themes and strands on which it drew, the paper identified the accountability of police authorities as being central to public confidence in local government of criminal justice and quality of life

³ following pilot inspections in Derbyshire, Kent and West Yorkshire

⁴ CM 4014

⁵ Delivering Good Governance in Local Government – Interim Guidance Note for Police Authorities and Forces in England and Wales: 2007 CIPFA

issues; the Green Paper also identified the need for police authorities and their work to be more visible, more capable and better supported. Our Association provided a detailed response to the Green Paper, as did the Association of Police Authorities (APA) and the Committee is invited to consider those submissions.

While the Green Paper's proposal to introduce the concept of direct election to police authorities was ultimately withdrawn from the ensuing Policing and Crime Bill, there remains a measure of cross-party political agreement on the need to reinforce the nexus between the communities who rely on policing services and those who provide them, though not on the manner by which this could be achieved..

The Association welcomes the recognition in the Green Paper of the work done by Sir Ronnie Flanagan in his Review of Policing published in February 2008⁶. We believe that the distinction between answerability, responsiveness and structural accountability is a useful platform from which to develop improved connection between the public and the police. We would agree however that this is an area of local accountability and leadership where there is scope for development and would suggest that – beyond matters of theology and faith - it is unrealistic to expect people to place their trust in something they can neither see nor understand.

The historical description of local government given in the Committee's Issues and Questions Paper (at paragraph 2.4) still chimes with the experience of many of our members and in parts could be a fairly accurate reflection of some of the decision making within police authorities today.

As the Local Government Association (LGA) has pointed out⁷ police authorities work for the public rather than the police. In discharging their range of statutory duties police authorities are advocates, not for the police

⁶ The Review of Policing by Sir Ronnie Flanagan: Final Report HMIC ISBN 978-1-84726-578-4

⁷ Policing Green Paper LGA Response 10 October 2008

but for the policed; they are the community conscience and the answer to the *quis custodiet* question: they watch the watchdogs. Unlike local authorities, police authorities' scrutiny role calls for and examines performance data of another organisation over which they have no executive direction or control – a function which resides entirely in the chief constable or Commissioner. In this way police authorities ensure that there is a convincing, evidence-based explanation behind relevant policing activity, policy and expenditure from the top of their respective police forces. However, the role of police authorities goes beyond scrutiny and involves decision making around activity and expenditure in a way that almost contradicts their role as independent monitor or regulator of local policing. There is, we believe, a lack of clarity around the separation of these functions, both outside and on occasions within police authorities, raising the specific question of independence.

Independence

Whatever the constitutional realities, it seems to us that for the public to have confidence in a locally appointed and accessible public body holding their chief officers to account, the two organisations should be different – and seen to be so. By way of illustration the communities of West Yorkshire have through the present legislative arrangements:

- the West Yorkshire Police and
- the West Yorkshire Police *Authority*.

While the functions of the two bodies are very different, the names are virtually identical.

We would propose that whatever decision is taken by government on the future make up of authorities, there should be a change in the name of the governing body to reflect and distinguish its role from that of the police. We believe this relatively simple move would clarify some of the current misunderstanding and, at the same time, improve public trust. One suggestion would be that the authority becomes (for example) the

Independent Policing Board for West Yorkshire. Another more radical departure from the *status quo* might be the Communities' Policing Board for West Yorkshire.

Such a change:

- could be achieved by minor amendment to schedule 1 to the Police Act 1996
- would, by changing the name to *policing* rather than 'police' , be consistent with the broadening of the focus within the criminal justice sector and the functions of relevant agencies such as the National Policing Improvement Agency (NPIA)
- would not affect the other aspects of the legislative provisions governing the tripartite structure.

In support of this proposal the Association would cite the governance arrangements for policing in Northern Ireland. The move from the Royal Ulster Constabulary to the Police Service of Northern Ireland was accompanied by a move from a police authority to the Policing Board. The Association understands that the change in title is regarded by senior officers in the Northern Ireland Policing Board as having been significant in gaining public confidence and demonstrating clarity of role.

In practice the way in which police authorities discharge their role on behalf of communities is plainly not enough – or not plain enough - as the clamour for direct elections shows. It is clear that politicians want more (and it is the parliamentary politicians not local councillors and certainly not the public given the findings of the APA research⁸). However, the discharge of our responsibilities also covers some of the complexities of policing that are not easily visible to local people (particularly around Counter-Terrorism activity,

⁸ see the response of the APA to the Green Paper consultation

serious and organised crime, internal audit and efficiency and productivity). In sum, the populist cry for direct elections (in whatever guise) reveals the level of understanding about the totality of police activity but does not address it.

Against this backdrop we turn to the first of the two main Issues and Questions areas in the Committee's paper that affect police authorities:

Issues and Questions – Para 2.29 - Key Elements to an Effective Accountability Framework

In our view the overarching concern of all public bodies should be public confidence. While we welcome the government's move to replace the morass of centrally-driven targets to the single confidence question, it did not need a Green Paper to make its importance plain: it is axiomatic. Arguably, confidence in our public services is as much a part of our critical national infrastructure as our buildings, businesses and other bulwarks of a safe and secure society. The supra-ordinate goal must, we believe, be for our communities to have confidence in those carrying out complex and critical activities in their name: if we can not achieve this then the chances of our succeeding in our individual business plans are fundamentally undermined from the outset.

If we are to achieve that confidence police authorities will need to have two things:

1. a framework giving them the capability and capacity to represent their communities fully and effectively. This much was expressly accepted in the Green Paper and the Association welcomes that recognition and the proposals for the enhanced role being suggested for police authorities and
2. a presence and profile within local communities that allows people to identify both the members of their authority and the contribution which they and the authority make to the policing of their area.

Capability and Capacity

In terms of capability and capacity the Association would wish to draw a comparison with the support given to local authorities.

In April 2003 the Department for Communities and Local Government committed £100m to fund jointly a Capacity Building Programme in local authorities⁹.

The Capacity Building Programme was aimed at supporting local government improvement, following the earlier introduction of Comprehensive Performance Assessment. The focus was on developing the corporate capacity of councils, strengthening and expanding existing initiatives, piloting new models and approaches and providing seed corn funding for new initiatives. The programme aimed to enhance and develop councils' confidence, leadership and skills to drive forward improvement as well as to develop their capacity to learn, innovate and share knowledge and expertise about what works and how. It was underpinned by four areas of focus:

- leadership - focusing on elected member and officer capacity both individually and collectively;
- corporate capacity - for example peer support, performance support, and transfer of knowledge and learning;
- workforce capacity - focusing on issues around recruitment and retention, strategic HR, and people management; and
- support for generic skills - for example procurement, performance management, and financial and project management.

⁹ This was as part of a three year initiative to support improvement in local government in collaboration with partners such as the Audit Commission, the Improvement and Development Agency and local authority representative organisations such as Local

Additional funding was secured in the Comprehensive Spending Review 2004 which has extended the programme to 2008. This has provided the opportunity to take a longer-term look at capacity building in local government, but it is not accessible to police authorities.

The Association is also aware of funding being made available through Regional Improvement and Efficiency Partnerships to support local authorities through the comprehensive area assessment process and would argue that serious consideration be given to similar programmes to enhance the existing capacity and capabilities of police authorities.

In making this submission we would draw the Committee's attention to the conclusion of the Home Affairs Committee in its last report where it stated that:

"We do, however, welcome the Government's further proposal to raise the capacity and influence of police authorities by introducing guidance on capacity, improving training and skills development and removing barriers to exchange of data from police force to authority. It is doubtful, however, whether their capacity can be much improved without more resources."¹⁰

Presence and Profile

Turning to the second of the requirements for gaining public confidence, as we have described them the arrangements for policing are unique. Under the direction and control of the chief constable (or Commissioner) the relevant police force has sole responsibility for the delivery of policing services. The police authority has a statutory duty to hold the chief officer to account for this delivery but in many cases the authority's ability to do much more than provide a form of strategic level audit is limited.

Government Associations and the regional Employers' Organisation and regional partners such as Regional Centres of Excellence.

¹⁰ HC 364-I 10 November 2008 at para 247

The police authority is the employer of all non-warranted employees but, in most cases, it delegates over 99% of its budget and a similar degree of control and direction over its employees to the chief officer. Anecdotally, one former Home Secretary is accredited with the following explanation of the tripartite system of police authority, chief constable and government: “one gets all the money, one gets all the power and one gets all the blame”. The extent to which each of the tri-partners recognises themselves within that description varies significantly but we believe that there remains some force in the observation by criminologist Robert Reiner that police authorities always pay the piper but never get to name the tune¹¹.

Notwithstanding these legal issues, the extensive and important work of police authorities and their members takes place, we submit, in a way that is largely unknown, unnoticed and unacknowledged. While many police authority members can – and do – embrace the Principles of Selflessness, Integrity and Objectivity, the extent to which anyone can claim to demonstrate Accountability, Openness and Leadership must surely be in direct proportion to the degree of responsibility, accessibility and capability they are afforded. Without a far greater profile and presence we believe that police authorities’ potential in providing local leadership will continue to be unrealised.

We turn to the second of the Questions and Issues section: that of statutory officers.

Issues and Questions Para 2.37 - Statutory Officers

Responsibility for the direction and control of police forces is given wholly and exclusively to chief constables (and commissioners in the Metropolitan and City of London Police forces). There is therefore no parallel between the role and accountability of statutory officers of police authorities and their counterparts either in local government or in non-departmental public bodies.

¹¹ The Politics of the Police (Third Edition) Robert Reiner (2000) Oxford University Press

In managing their own affairs however police authorities are required to appoint a chief executive and a treasurer (see below). Practices differ widely across the 43 authorities of England and Wales with some employing full-time staff in these roles while others appoint to one or both roles on a part-time basis or contract for their services with other bodies such as local authorities. Nevertheless, the differences in role between chief constables (or commissioners) and chief executives are almost certainly a mystery to the general public, as is the role of the police authority chair.

While there is a very clear statutory framework by which chief police officers are held to account,¹² no such framework exists for chief executives and senior officers of police authorities. This was raised within the context of the Green Paper which proposed powers for the Home Secretary to remove chief executives from police authorities where forces were underperforming. As was pointed out in various quarters, accountability for an outcome without the ability to affect it is at best unproductive and certainly unfair. While there are some parallels with local government legislation, the position of police authority statutory officers generally is unique.

To assist the Committee we have summarised the legal position of statutory officers:

- Under the Local Government and Housing Act 1989 (s.4) a “relevant authority” is required to designate a Head of Paid Service. The definition of “relevant authority” does not include a police authority.
- Under section 5 of the same Act a “relevant authority” is required to appoint a monitoring officer. The definition of “relevant authority” for this purpose includes a police authority.
- Under the Local Government Act 1972 (s.151) and the Local Government Finance Act 1988 (ss.112 – 114) a police authority is

¹² under the provisions of the Police Act 1996 as amended

required to arrange for one of its officers to have responsibility for the proper administration of its financial affairs.

- Under the Police Act 1996, (s.16 as amended), a police authority is required to appoint a chief executive.
- Under the Local Authorities (Standing Orders) (England) Regulations 2001 (SI/2001/3384) (reg 6 and Schedule 3) a local authority is required to incorporate in standing orders the provisions set out in schedule 3 to the Order in respect of disciplinary action against the head of the authority's paid service, its monitoring officer and its chief finance officer. These regulations only apply to a local authority which does not include a police authority¹³.

The reasons for not including police authorities within the ambit of the 2001 Order can only be speculated upon, but it is probably true that at the time of the making of the Order, the majority (though by no means all) of the holders of the positions of clerk (as it then was), monitoring officer and chief finance officer of a police authority were held by officers already holding the corresponding posts within the relevant or related local authority. To the extent that those officers had that protection through their "mainstream" employment it could have been perceived that no additional protection for them was warranted, though there is no record of consideration being given to the – even then – cases where officers holding the statutory roles were not employed by a related local authority.

The situation that may have existed in 2001 is most assuredly no longer the case. The majority of those holding the three statutory roles of chief executive, monitoring officer and chief finance officer are no longer employees of a related local authority. With the changing emphasis on the role of police authorities and the growing emphasis on accountability both for authorities

¹³ other than the Common Council of the City of London

and officers, it can now be strongly argued that the provisions of regulation 6 of the 2001 Order - requiring the adoption of standing orders in respect of disciplinary action - should now be applied to police authorities generally. There has always been an argument that such protection should have existed anyway for the monitoring officer and the chief finance officer if he/she were not employed in a similar position by the relevant local authority. In the light of changes relating to the role of the chief executive, the case can now be made, we submit, even more strongly for all three office holders in police authorities to be given the statutory measure of protection that their counterparts in local government already enjoy.

Conclusion

The principal question facing police authorities is, in our view:

“How are we to set the strategic direction for policing in a way that ensures public confidence, political impartiality and personal accountability?”

In our submission the current arrangements, while they go some way towards achieving these aims, do not provide the complete answer to this question.

We would suggest that, as a general principle, you cannot achieve accountability without visibility. Public bodies cannot hope to win the confidence of their communities unless the framework under which they operate inculcates the appropriate degree of Objectivity, Accountability and Openness against which their joint and several performance can be understood, measured and assessed.

As the outgoing Chief Inspector of Constabulary has proposed, instead of a centralised approach focusing on more resources and staff, the system should be opened up to create the space for “entrepreneurial and innovative solutions from the leaders of the police service at all levels”¹⁴. In our submission, we and our communities should look for that leadership, not only in the police forces delivering the service but also in their police authorities,

¹⁴ *Ibid*

their members and officers. They are, after all, public servants and Leadership is one of the Seven Principles of Public Life.

APACE

3 February 2009

Police Authority Statutory Duties and Responsibilities

Overarching Responsibilities

- **To secure an efficient and effective police service**
(S6, Police Act 1996)
- **To hold the chief constable to account for the exercise of his functions and those of persons under his/her direction and control**
(S6 Police Act, as amended by paragraph 7, Schedule 2, Police and Justice Act 2006)

Collaboration

- **To collaborate with other police authorities to jointly provide equipment, premises, or other material or facilities, where appropriate, and to approve proposals made by the chief officer to work jointly with other forces**
(S23, Police Act 1996);
- **To provide advice and assistance to an international organisation, institution or a police body outside the UK, subject to the consent of the Home Secretary, for which the authority can charge**
(S26 Police Act 1996);
- **To secure that arrangements are made by the police force maintained for its area to cooperate with other police forces where such cooperation would be:**
 - **In the interests of the efficiency or effectiveness of the police force maintained for its area; or**
 - **In the interests of the efficiency or effectiveness of one or more police forces maintained for the areas of other police authorities**
(6ZA Police Act 1996 – and SI 82/2008)

Complaints

- **To investigate complaints about the conduct of ACPO rank officers or where appropriate refer complaints to the IPCC**
(S13 and Schedule 3 Police Reform Act 2002);
- **To keep informed of the working of the complaints and discipline procedures, including direction and control matters**
(S77 Police Act 1996 and S14(2) and 15(2) Police Reform Act 2002)
- **To have regard to any guidance issued by the Home Secretary or the IPCC on complaints or disciplinary matters**
(S83 and 87 Police Act 1996 and S22 Police Reform Act 2002)

Consultation and Engagement

- **To consult local businesses on setting the policing precept each year**
(S65 Local Government Finance Act 1992);

- **To make arrangements for obtaining:**
 - The views of local people about the policing of their area; and
 - The co-operation of local people in preventing crime and anti-social behaviour in there are

(S96, Police Act 1996 and S2 of the Police and Justice Act 2006 – Paragraph 30 of Schedule 2)

Discharge of Functions and Delegation

- **Police authorities may arrange to discharge any of their functions through a joint committee**
(S101 and 102 Local Government Act 1972);
- **Police authorities may arrange to discharge any of their functions by a committee, sub-committee, officer or member of the authority**
(S101 and 107 Local Government Act 1972, as amended by S3 Police and Justice Act 2006);
- **Police authorities may arrange for the chief officer of police or the deputy chief officer of police to discharge the functions of a police authority, who may in turn arrange for the discharge of those functions by a person under his direction and control**
(S107 Local Government Act 1972 as amended by Ss 43 and 93 Police and Magistrates Courts Act 1994).

Efficiency and Effectiveness/Continuous Improvement

- **To secure the maintenance of an efficient and effective police force for its area**
(S6 Police Act 1996);
- **To secure best value**
(S3 Local Government Act 1999, as amended by S4 the Police and Justice Act 2006 and Part 7 Local Government and Public Involvement in Health Act 2007), which includes an obligation to secure continuous improvement (within force and authority), and also prescribes approaches to a number of other matters, such as procurement and the treatment of staff employed under procurement arrangements (e.g. Transfer of Undertakings (Protection of Employment) Regulations 1981 and subsequent amendments);
- **To comply with directions given by the Secretary of State where s/he believes a force or authority is failing to discharge its functions in an effective manner, subject to HMIC's comments**
(S40 and S40A Police Act 1996 – inserted by Schedule 2 Police & Justice Act 2006);

Equalities and Diversity

- **General and specific duties on police authorities under a number of Acts to eliminate discrimination and promote equality of opportunity in relation to gender/trans-gender, race, religion, sexual orientation, disability, age, etc. These duties apply both as an employer towards officers and staff of the police force and/or police authority, and as a public body towards members of the public. These include:**
 - **Equal Pay Act 1970**

- **Sex Discrimination Acts (1975 and 1986 – as amended by the Equality Act 2006)**
 - **Race Relations Acts of 1965, 1968 and 1976 (as amended by the Race Relations (Amendment) Act 2000)**
 - **Disability Discrimination Act 1995 (as amended by the Disability Discrimination Act 2005)**
 - **Employment Rights Act 1996**
 - **Equality Act 2006**
- **To put in place, Race, Disability and Gender Equalities Schemes and monitor the force equalities schemes**
(Race Relations (Amendment) Act 2000, Disability Discrimination Act 2005 and the Equality Act 2006).
 - **To promote diversity within Force and within the Authority**
(S6ZA Police Act 1996 inserted by paragraph 8, Schedule 2 of the Police & Justice Act 2006 and The Police Authorities (Particular Functions and Transitional Provisions) Order 2008 (SI No 82/2008))
 - **To monitor and scrutinise the use of stop and search and stops by the Force**
Codes of Practice under Police & Criminal Evidence Act 1984)
 - **To monitor and scrutinise the Authority's and Force's employment procedures and practice**
(Race Relations Act 1976 (Statutory Duties) Order 2001 – SI 2001/3458);

Finance

- **To hold the police fund and maintain accounts**
(S14 Police Act 1996)
- **To agree the police budget and set the precept**
(S19 Police Act 1996 and S39-43 Local Government Finance Act 1992)
- **To decide the charges for the provision of special police services**
(S25 Police Act 1996)
- **To comply with any direction made by the Secretary of State as to the budget requirement**
(S41 Police Act 1996)
- **To pay out of the police fund any damages or costs awarded against the police in respect of torts or in relation to the settlement of a claim**
(S88 Police Act 1996)
- **To receive grants from any local council which falls wholly or partly within the authority area either unconditionally or subject to conditions agreed with the chief constable**
(S92 Police Act 1996)
- **To accept gifts of money or gifts and loans of other property including commercial sponsorship of any activity of the authority or force on such terms as appear to it to be appropriate**
(S93 Police Act 1996)
- **To conduct a review at least once in a year of the effectiveness of its system of internal control and prepare an Annual Governance Statement**

(Regulation 4(2) of the Accounts and Audit Regulations 2003, as amended by the Accounts and Audit (Amendment) (England) Regulations 2006.

Health and Safety

- **As employers, to discharge the duty for the health and safety of police staff and police authority staff, and ensure that the chief officer likewise discharges his/her duties as an employer**
(S2 Health and Safety at Work Act 1974 and Police (Health and Safety) Act 1997);
- **To discharge duties for the health and safety of non-employees and ensure the chief officer does likewise**
(S 3 Health and Safety at Work Act 1974), and to ensure the premises within the police force estate are safe (S4 Health and Safety at Work Act 1974);
- **Police authorities (and chief officers) potentially liable for death caused by serious failings in the management of an organisation**
(Corporate Manslaughter and Homicide Act 2007).

Human Resources

- **To appoint and dismiss the Chief Constable, the Deputy Chief Constable and the Assistant Chief Constable (ACPO rank officers), subject to the approval of the Secretary of State**
(S11, S11A, S12 Police Act 1996, S123 Criminal Justice and Police Act 2001 and Police Regulations);
- **To suspend and, where appropriate, be the disciplinary authority for the Chief Constable, the Deputy Chief Constable, and the Assistant Chief Constables**
(S11 and 12 Police Act 1996)
- **To be consulted by the chief officer about deputising ACPO rank officers to exercise the powers of the chief officer in his/her absence**
(S12A Police Act 1996 – as amendment by Schedule 2, paragraph 15, Police & Justice Act 2006);
- **To comply with police regulations made about conditions of service of police forces**
(S50 Police Act 1996)
- **To compile and maintain a list of independent people to sit on misconduct panels**
(Police Reform Act 2002 and Police (Conduct) Regulations 2008)

Human Rights

- **General duties as a public body to comply with the Human Rights Act 1998;**
- **To monitor the performance of the police force maintained for its area in complying with the duties imposed on that force by the Human Rights Act 1998 the Police Authorities**
(Particular Functions and Transitional Provisions) Order 2008
(S.I. 2008 No. 82).

Information

- **To comply with the requirements of the Freedom of Information Act 2000**
- **To comply with the requirements of the Data Protection Act 1998**
- **To comply with the requirements to share information about crime and disorder** (S17A and 115 of Crime and Disorder Act 1998 (as amended by Schedule 9, Police & Justice Act 2006 and the Crime and Disorder (Prescribed Information) Regulations' (Statutory Instrument 2007 1831))

Membership

- **Police authorities to consist of members who represent relevant councils (who must be in a majority) and independent members (at least one of whom must be a magistrate)**
(Schedules 2 and 3 Police Act 1996 (as amended by Police & Justice Act 2006 and the Police Authority Regulations 2008 (SI 630 2008)).

Partnership

- **To nominate one or more members of the authority to answer questions on the discharge of the authority's functions at a meeting of a relevant council when given reasonable notice of this by the council**
(S20 Police Act 1996);
- **Designated as 'responsible authority', with duty to work together with other 'responsible authorities' in formulating and implementing crime and disorder strategic assessment and partnership plans, and in consulting communities about crime and disorder matters**
(S5 Crime & Disorder Act 1998, Schedule 9 Police & Justice Act 2006, The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 (SI No 1830);
- **To exercise its functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent crime, disorder and anti-social behaviour in its area**
(S17 Crime & Disorder Act 1998 and Schedule 9 Police & Justice Act 2006);
- **To co-operate with the responsible local authority in determining LAAs, and to have regard to local improvement targets which relate to it in exercising its functions, subject to having been consulted by the responsible local authority about the LAA and having given its consent to the target for which it is responsible**
(S103-S113 Local Government and Public Involvement in Health Act 2007).

Planning / Performance Management

- **To publish a policing plan setting out the local policing objectives during that year and the proposed arrangements for policing the area in the coming three years, following consultation with local people and the chief officer, and consistent with the Secretary of State's strategic policing priorities**
(S 6ZB Police Act 1996, inserted by paragraph 9, Schedule 2, Police & Justice Act 2006)
- **To monitor the performance of the force against the policing plan**

(S6ZA Police Act 1996 inserted by paragraph 8, Schedule 2 of the Police & Justice Act 2006 and The Police Authorities (Particular Functions and Transitional Provisions) Order 2008 (SI No 82/2008)

- **To have regard to the strategic policing priorities determined by the Secretary of State**
(S6 Police Act 1996 as amended by paragraph 7, Schedule 2, Police & Justice Act 2006)

Reports

- **Before the beginning of each financial year to issue a policing plan setting out the authority's objection for policing its area and proposed arrangements for policing for a three year period**
(S.6ZB Police Act 1996).
- **To produce annually a local policing summary**
(S157 Serious & Organised Crime and Police Act 2005).
- **To issue such reports as are required by the Secretary of State**
(S 6ZC Police Act 1996, introduced through paragraph 9, Schedule 2, Police & Justice Act 2006.)
- **To comment on any HMIC report on the force and any comments made by the chief constable about the report and to publish those comments**
(S55 Police Act 1996)
- **To receive the chief officer's annual report to the police authority, submitted as soon as possible after the end of each financial year**
(S22 Police Act 1996;)
- **Discretionary power to require the chief officer to submit a report on such matters in connection with the policing of the area as the authority may specify, in the form specified by the authority**
(S22 Police Act 1996).

Standards

- **To adopt an approved Code of Conduct setting out the conduct expected of members of the authority and requiring members to sign an undertaking to observe the authority's code**
(S49-52 Local Government Act 2000, as amendment by Part 10 of the Local Government and Public Involvement in Health Act 2007)
- **To have in place a Standards Committee to promote high standards of conduct within the authority and monitor the operation of the authorities code of conduct, and hearing initial complaints about the conduct of members**
(S53-56 Local Government Act 2000, as amendment by Part 10 of the Local Government and Public Involvement in Health Act 2007)

Statutory Officers

- **To ensure that an officer with prescribed accounting qualifications is designated as Chief Financial Officer (i.e. Treasurer), with responsibility for the administration of financial affairs and compliance with financial obligations**
(S151 Local Government Act 1972 and Ss 112-114 Local Government and Finance Act 1988);

- **To ensure that an officer is designated as the Monitoring Officer with responsibility for ensuring the authority is compliant with legal requirements** (S5 Local Government and Housing Act 1989). The person appointed as the Monitoring Officer cannot be the same person as the Chief Financial Officer (i.e. Treasurer) above.
- **To ensure that a person is appointed as Chief Executive to the police authority** (S16 Police Act, as amended by paragraph 18, Schedule 2 Police and Justice Act 2006)

Other

- **To maintain an effective Independent Custody Visitors scheme** (S51 Police Reform Act 2002)
- **Authorities are designated as a 'relevant person' for the purposes of agreeing a 'police services agreement' for the policing of designated airports** (S25B Aviation Security Acts 1982, inserted by Schedule 1 Civil Aviation Act 2006).
- **A 'relevant partner' under the Children's Act 2004, with a duty to co-operate with local authorities in protecting and safeguarding the welfare of young people and to have regard to the same when carrying out its own duties** (Ss 10 & 11 Children's Act 2004).