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## **Abstract**

### Localism and police governance in England & Wales: Exploring continuity and change

Trevor Jones and Stuart Lister

This paper develops further criminological understandings of 'localism' in police governance and contribute to broader theoretical discussions about 'governance' in contemporary policing, via a critical analysis of major recent law and policy reforms in England & Wales. Recent legislation has brought important changes to the balance of constitutional-legal powers and institutional architecture of police governance. However, we argue that for several reasons, it is problematic to interpret these developments in straightforward terms of greater 'localisation'. First, in so far as there has been a decentralisation of control, this represents a growth of 'regional' rather than 'local' auspices of power. Second, there is widespread evidence of continuing interventionism by 'the centre, asserting strong influences on local policing via a range of national bodies. Third, important developments in the wider context of police policy-making – most importantly the conditions of austerity – have circumscribed the capacity of Commissioners to set their own policy agendas and resulted in a retranchment of policing provision at the most 'localised' geographical units of neighbourhoods. Indeed, the combination of decentralising formal responsibility for policing policy and restrictive central financial controls amounts in practice to a 'devolution of blame' by the centre for falling service standards. Finally, we argue that the growing complexity and fragmentation of police governance cannot be captured adequately by 'vertical' analysis of central-local relations. Whilst central influences remain predominant, policing policy networks have become more diverse, with important developments at 'horizontal' levels locally, regionally and nationally. Within this more fragmented governance framework, central influences continue to drive local policing, but primarily via a range of 'arms length' institutions and techniques.

## **Localism and police governance in England & Wales: Exploring continuity and change<sup>1</sup>**

**Trevor Jones (Cardiff University) and Stuart Lister (University of Leeds)**

In recent years, debates about the democratic accountability of the police in England & Wales have been revitalised by the introduction of directly elected Police and Crime Commissioners (hereafter ‘Commissioners’). Established in 2012 to replace local Police Authorities as the primary ‘local’ political authority to which police forces are held accountable, these new constitutional office-holders represent the most significant structural reform to the institutional architecture of police governance in England & Wales for over fifty years (Jones *et al.* 2012; Reiner, 2013; Lister 2013). Importantly, a discourse of localism imbued their introduction, promising to ‘give power to the people’ in what local police forces do, how they are run and how they are held to account (Reiner, 2016). Reformers thus claimed that Commissioners represent a significant advance in the democratic governance of the police, but also a major reversal in the long-term trend of centralisation of policing in England & Wales (see Herbert, 2011).

Since the election of the first tranche of Commissioners, several scholars have considered whether, in fact, their introduction does represent a genuinely ‘democratic’ reform of police governance (Loader, 2013; Turner, 2014; Reiner, 2013, 2016; Lister and Rowe, 2015). This paper, by contrast, explores whether their introduction, and the wider accompanying reforms, have resulted in a transfer of power from national to local political institutions. In so doing, it interrogates the statutory arrangements of the revised police governance framework, but also how power is exercised within it. Whilst the reforms render important changes in the balance

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<sup>1</sup> The authors wish to acknowledge the generous support of the editors of this special issue during the writing of this paper. They also wish to thank Adam Crawford and Adam Edwards for providing insightful comments on an earlier draft of it.

of formal constitutional-legal powers within the new framework, and there is some evidence of this visible in Commissioners' growing policy-making innovation and assertiveness, we argue the changes should not be interpreted in straightforward terms of greater 'localisation'. First, in so far as Commissioners represent an attempt to devolve powers away from central government, they should be seen as 'regional' rather than 'local' auspices of power. Second, there is widespread evidence of continuing interventionism by 'the centre' primarily via a range of national bodies within the policing landscape. Third, wider developments in police policy-making have constrained the *de facto* powers of Commissioners to set their own policy agendas, notably the financial conditions of austerity. Indeed, we argue that the combined impact of political decentralisation, financial austerity and restrictions on local tax revenue is resulting in what amounts to the 'devolution of blame' by central government to regional and local auspices of power.

More broadly, we argue that whilst central influences continue to shape police policies at the local level, these are not exerted primarily via central government edict. Rather, they are manifested via a panoply of indirect - but highly effective - 'steering' mechanisms involving a range of national bodies that sit outside of what might be termed the 'core executive' (Edwards, 2016) of the national state. Accordingly, we posit that notions of 'who governs' police policy agendas should move beyond a linear 'zero-sum' analysis of the balance of formal powers along the central-local axis. Whilst centrifugal forces remain predominant, these play out within an increasingly fragmented and complex network of competing centres of governing power over policing policy, with a diverse range of 'policy actors' emerging at different levels in the policing policy network. These are now better understood within more nuanced frameworks such as notions of 'multi-centred governance' (Edwards 2016; Edwards *et al.*, 2017; Devroe *et al.*, 2017), rather than one-dimensional notions of 'centralisation' or 'localisation' in which political powers are constituted by or against the 'core executive'. In

sum, the paper seeks to develop further criminological understandings of 'localism' in police governance and contribute to broader theoretical discussions about 'governance' in contemporary policing, via a critical analysis of major recent law and policy reforms in England & Wales.

The paper is organised into the following sections. The first contextualises current police governance developments in England & Wales, situating them within the longer history of central-local relations. In so doing, it identifies key dimensions of the widely acknowledged centralisation of policy influence over recent decades, before drawing on broader scholarship on 'governance' to help make sense of contemporary changes within the policing landscape. The second details the *de jure* reconfiguration of the formal legal framework of police governance brought about by the reforms, then considers evidence of growing *de facto* policy-making assertiveness by Commissioners since 2012. The third identifies how 'central' influences continue to provide a strong steer within the wider networks of police policy-making and limit the degree to which the reforms can be understood as straightforward 'localisation'. The final section provides some concluding observations about the growing complexity of police governance in England & Wales.

### **Centralisation, governance and policing in England & Wales**

Traditional analyses of police 'governance' have deployed the term in a rather straightforward way to refer to the constitutional and institutional framework for the development and monitoring of police organisational policy (see e.g. Lustgarten, 1986). Most police governance scholarship up until the early 2000s focused almost exclusively on the 'vertical' axis of influence (central-local) over public policing institutions, with some discussion of the challenges of developing democratic mechanisms for governing policing arrangements at the supranational level (Walker, 2008). *Contra* the general thrust of wider arguments about

'governance' of crime control (see below), the dominant theme of academic discussions of police governance in England & Wales has been the long-term process of centralisation by which national state institutions exerted an ever-tighter grip over policing policy to the detriment of 'local' democratic accountability (see e.g. Marshall, 1978; Lustgarten, 1986; Jones *et al.*, 1994; Savage, 2007; Reiner, 2010). Most commentators concurred that this process has long historical roots, but that it accelerated during the decades following the 1964 Police Act, reaching its zenith during the first decade of the new Millennium (Jones, 2008).

The most important dimension of centralisation was the power of the Home Office during the 50 years prior to the 2012 reforms. Under the 'tripartite structure' of police governance established by the 1964 Police Act, the Home Office already had significant formal legal powers that circumscribed those of the other parties in the governance framework (Jones *et al.*, 1994; Reiner 1991). Nonetheless, from the 1980s onwards it purposefully increased its influence over policing, issuing more frequent and directive policy circulars, tightening controls over senior police appointments and higher police training, and applying increasingly forensic frameworks of centralised performance management (Savage, 2007). Over the period, 'local policing' became more heavily micro-managed from 'the centre', its focus and activity driven substantially by targets and directives set by the Home Office. By the middle of the 2000s, it had overseen the introduction of a 'National Policing Plan', supported by national objectives, priorities and targets for police, and the Police Standards Unit to monitor the performance of local forces and intervene in those seen as 'failing'. Most significantly, the Home Office controlled the greater proportion of police funding, which, when added to the contributions of local authorities and other central governments grants to police budgets, meant that most funding of provincial forces came from national government.

Another significant aspect of 'centralisation' was the influence of other national institutional bodies in the policing policy network from the 1980s onwards. Whilst these bodies were not part of the 'core executive' of the state, as many were either completely or partly independent of central government departments, they were highly influential in shaping a 'national' policing agenda. In particular, the Association of Chief Police Officers (ACPO), the representative body for Chief Constables increasingly operated as a national policy-making body encouraging standard approaches across forces, and what was then called Her Majesty's Inspectorate of Constabulary (hereafter 'the Inspectorate'), which adopted an increasingly directive approach to performance inspections during the last two decades of the 20<sup>th</sup> century. Legally mandated by the Police Act 1996 to report on the efficiency and effectiveness of the police, the Inspectorate operated akin to a 'police regulator' (Savage, 2007), albeit without direct powers of intervention and control. Other agencies tasked with promoting 'value for money' in the public sector exerted further significant 'national' influence, particularly the Audit Commission (subsequently abolished in 2015) and the National Audit Office, the former gaining a key role in setting police performance indicators (Jones *et al.*, 1994). New policing institutions designed to counter 'cross-border' crime and security threats also emerged during the latter part of the 20<sup>th</sup> Century, such as the regional crime squads and the Serious and Organised Crime Agency, a precursor to the National Crime Agency, established in 2013.

Viewed in aggregate, the centralising effects of these developments led Reiner (2010) to conclude that England & Wales had experienced the emergence of what amounted to a *de facto* 'national' police force. Even during this period, however, police governance should not be represented plainly in terms of hierarchical 'command and control' by central state institutions. Whilst overall 'central' influences were clearly in the ascendancy, the police policy-making network was always a complex amalgam of different groups, coalescing on some issues but competing on others (see Ryan *et al.* 2001). In addition to the various national

institutions outlined above, the picture was complicated further by a range of other bodies involved in policy formulation, including but not restricted to other police staff associations, local government associations, Members of Parliament and national campaigning bodies (see Jones *et al.*, 1994). Local Police Authorities too had a role, albeit they became increasingly de-politicised and primarily administrative in function (Jones and Newburn, 1997; McLaughlin, 2005) as power accrued towards the centre and across the broader policing policy network. Thus, acknowledgement of the 'vertical' growth of central influences over policing should be qualified by recognition that during the period the policing policy network in England & Wales was already becoming increasingly diversified along the 'horizontal' dimension.

The period from the late 1990s saw further 'horizontal' diversification of influences over policing at levels below the nation state with the emergence of several other 'governing authorities'. Such developments included the establishment of community safety partnerships in local authority areas following the 1998 Crime and Disorder Act, and, at a more 'local' level again, the emergence of 'Neighbourhood Policing' in the 2000s. Most significantly, following New Labour's 1997 General Election victory major constitutional reforms resulted in devolution of distinct governing arrangements for Wales, Scotland and Northern Ireland as well as the establishment of an elected Assembly and mayor for London. The second decade of the new millennium has seen further significant devolution moves in other parts of England, with the Cities and Local Government Devolution Act 2016 establishing an elected Mayor for Greater Manchester (incorporating the previous role of the Commissioner in that metropolitan area), with several other large cities to follow (see Edwards *et al.*, 2017).

Viewed from this perspective, then, it is important to note that an exclusive focus on formal legal powers operating along the central-local axis risks over-simplifying the already complex and multi-dimensional 'circuits of power' (Clegg, 1989; Edwards, 2015) that characterise the



policing policy network in England & Wales. This speaks to notions of 'governance' that are quite distinct from the more modest way in which the term is used in most scholarly discussions of 'police governance'. Writers in a range of fields have used the term to refer to a transformed (and circumscribed) role for the nation state in western polities as governing power is 'de-centred' downwards to regional and/or local bodies, upwards to supranational bodies, and outwards to the commercial and voluntary sectors (Jones, 2012). In stark contrast to much of the work on 'police governance' such scholarship emphasises the growing *limitations* of the sovereign nation state in governing 'crime control' (Garland, 2001), and the increasing influence of alternative governing 'nodes' in civil society, supranational institutions, and in the commercial sector (Johnston and Shearing, 2003). More broadly, debates about the 'de-centring' of the nation state are based on assumptions about the nature of 'sovereign power' within liberal democratic societies equating it with 'a property that emanates from, or is constituted against, the 'core executive' (Edwards, 2016: 240). Against this, Edwards argues that a more strategic conception of political power is required to capture the complex and poly-directional nature of governing security in contemporary societies. Such arguments draw on earlier work in political science, which proposed that 'governance' (power operating via attempts to steer diffuse policy 'networks') has increasingly displaced hierarchical, 'command and control' modes of 'government' (Rhodes, 1997).

Following from the above discussions of the shifting balances of power over police policy formulation since the introduction of Commissioners, Edwards' notion of 'multi centred governance' and its associated *strategic* conception of power has much to offer analyses of changes in the police policy-making regime. This is not to argue that the 'sovereign state' has been stripped of its powers to shape policing, as powers dissipate throughout a shifting mass of 'governing centres' at different levels in the system. On the contrary, the role of the police – in western industrial societies at least – remains fundamental to how the central state seeks to

govern security (Crawford, 2006). It is widely acknowledged, however, that state powers are exercised alongside and through a more dispersed assemblage of central and local institutional formations. In this sense, a complex mesh of local, national and international influences has long acted on police policy in England & Wales, even during the height of 'centralisation'. Within this, there is little doubt about the real expansion of 'central' influences over police policy-making, which were clearly increasingly significant in the period from the late 1960s onwards. But rather than via the operation of formal legal-constitutional powers (i.e. the 'command and control' activities) of the sovereign state, the predominance of central influences is accomplished by a more diffuse range of steering mechanisms and the strategic control of various resources that policy actors bring to negotiations of 'governing coalitions' within police policy-networks.

In 2012, then, the introduction of Commissioners into what was already a complex pattern of governance, in which central influences were dominant but often exercised indirectly via 'rule at a distance', raised formidable challenges for those who wished to adjust the balance of powers in the policing policy-making framework away from 'the centre' and towards more local auspices of power. The next section considers the meaning of localism within the Coalition Government's police reform programme, the governance framework that emerged from it, and the early impacts of the revised arrangements.

### **Police governance in England & Wales: Empowering 'the local'?**

Over the last two decades the concept of localism has gained increasing political traction within policing, as within several other public policy domains (see e.g. McLaughlin, 2005; Raine, 2013). Much of the political appeal of 'localism' can be attributed to the absence of consensus over its use and meaning (Morgan, 2007). Clarke and Cochrane (2013:8) identify that within the public policy reforms of the Coalition Government localism was invoked to

describe the decentralisation of political power to bodies or nodes presumed to be local.

Localism, they suggest, was advocated as a policy solution to the perceived problems of power being concentrated in 'the centre', creating inefficiencies in the local delivery of public services, a lack of fairness in failures to create local solutions to entrenched policy problems, and a democratic deficit resulting from the disconnect between Government and citizens (see HM Treasury, 2010). These rationalities and mentalities permeated the Coalition Government's plans for police reform. The consultation document, for example, declared that responsibility for policing would be shifted 'out of Whitehall' and returned 'to Chief Constables, their staff and the communities they serve' by initiating a 'transfer of power in policing - replacing bureaucratic accountability with democratic accountability' (Home Office, 2010: 2-3).

The reform programme, enacted in law by the Police Reform and Social Responsibility Act 2012 (hereafter 'the Act'), established a quadripartite model of governance, drawing together Commissioners, Police and Crime Panels, the Home Office and Chief Constables into a web of interlocking institutional relations. The central pillar of the reforms was the election every four years of a Commissioner in each force area to hold the Chief Constables to account. Tasked also with maintaining an efficient and effective police force, Commissioners determine the force priorities, following consultation with their local publics, set the police precept of local taxation, which combined with central funding constitutes the force budget, and appoint the Chief Constable. As they also have the authority to remove the Chief Constable, the legislation created a vertical chain of accountability, from Chief Constable to the Commissioner, and from Commissioner to the public via the ballot box.

The Act also established a Police and Crime Panel (hereafter 'the Panel') in each force area to scrutinise and review the Commissioner's key decisions, including the appointment of the

Chief Constable, the setting of the police precept, and the drafting of 'Police and Crime Plan' and annual reports. Comprising local councillors and co-opted independent members, the Panel can question the Commissioner and make recommendations on the Police and Crime Plan. Owing to how the law defined and structured their role and powers, however, Panels provide only limited checks on the authority of Commissioners (Lister, 2014).

Whilst the Commissioner holds the Chief Constable to account, the Home Secretary is authorised to intervene in any force deemed to be failing. In addition, the Home Secretary must issue an annual Strategic Policing Requirement, identifying national threats to which forces must pay due regard. Importantly, the Inspectorate gained monitoring responsibilities in both these matters, thus strengthening its central oversight role. Despite this, the reforms were widely posited as ushering in a far less interventionist approach than had functioned previously (see e.g. Herbert, 2011), allowing Chief Constables, as the final constituent in the quadripartite model, 'greater freedom' from central government over how they direct and control police resources (Statutory Instrument, 2011: 4).

This greater freedom for Chief Constables has been tempered by what appears to be a significant shift in the balance of powers between Chief Constables and the 'local' political institution of accountability. Prior to the advent of Commissioners, the long-established doctrine of 'operational independence' had allowed most Chief Constables to resist direct influence by local Police Authorities in police affairs. The new model has moved towards a principal-agent relationship 'in which the Commissioner, as principal, holds the Chief Constable [as agent] to account' (Loveday, 2018: 29), but who in turn has an electoral imperative to ensure the force performs well. Even though the 'Policing Protocol' warns Commissioners against interfering in 'operational matters', the high number of departures of chief constables prior to and after the reforms demonstrates that in major disagreements between these

parties, it is the latter who holds the whip hand.<sup>2</sup> That said, it is evident that Commissioners and Chief Constables have become increasingly reliant on each other to work together effectively not only to develop a shared vision for local policing, but also to deliver on government expectations that police forces must 'do more, with less'. It is for this reason, we would argue, that Commissioners appear to be increasingly appointing Chief Constables from within the ranks of their own force and so with whom they have some familiarity.

The programme of reforms undoubtedly reflects a significant realignment in central-local relations within police governance. Accordingly, the experience of the first six years of the reformed framework has provided evidence of some important swings towards what might be viewed as more 'localised' direction and control over policing. In this respect, Raine (2014), drawing on interviews with Commissioners, identifies three areas where they are making a considerable difference. First, he suggests Commissioners have become high profile, local leaders resulting from their public engagement responsibilities. Likewise, the House of Commons Home Affairs Committee (2014) cited evidence of growing public awareness of the role of Commissioners, which may be partly attributable to shifts in the governance model, from part-time committee to full-time individual figurehead, from indirectly elected to directly elected, and from a narrow to a broader remit (see Raine, 2016: 114). Whilst not in itself compelling evidence of enhanced localisation, this does at least suggest the potential for Commissioners to effect change, particularly in public awareness of whom the police account to for matters of policy.

Second, Raine (2014) draws attention to the role of Commissioners in setting force priorities and personally taking responsibility the delivery of the local Police and Crime Plan. Whilst this observation indicates a shift in responsibilities within 'horizontal' relations at the local level

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<sup>2</sup> The Policing Protocol is a secondary piece of legislation detailing how constituents in the quadripartite model should exercise their functions in relation to each other (see Statutory Instrument, 2011).

rather than along the 'vertical' central-local axis, from Chief Constable to Commissioner, it may well be that these plans are more ostensibly 'local' than those required under the previous legislation, in that they are no longer required to include national targets. Indeed, to ensure this, one Commissioner published a 'local' Police and Crime Plan for each local authority area within the force area (Chambers, 2018). Furthermore, there is evidence of Commissioners driving policy innovations, which some commentators interpret as evidence of greater responsive to public concerns and enhanced local influence (Loader and Muir, 2016; Loveday, 2018). Whilst in 2014 the Home Affairs Committee held back from declaring the new governance model 'a success', it too drew attention to recent local policy innovations, whilst claiming that Commissioners were bringing enhanced clarity to the leadership of local policing (HCHAC, 2014).

Thirdly, Raine highlights the influence of Commissioners both on the criminal justice sector and on community safety. The latter has seen the decentralisation of some budgets previously allocated directly from 'the centre', as Commissioners act on their responsibilities to fund various local programmes of work, including victims' services, drug testing and treatment programmes, crime prevention initiatives and other community-focused schemes. Similarly, the recent expansion of the role of Commissioners to include (voluntary) responsibility for the governance of fire and rescue services, and the establishment of directly elected Mayors to six cities and combined authorities in England & Wales, arguably signifies a continued central government commitment to localism (Loveday, 2018). More broadly, owing to the extent to which the exercise of their functions impacts on and is impacted by the activities of other public, voluntary and private sector agencies, Commissioners are becoming variously involved in an array of local and regional municipal partnerships and civil society coalitions (Raine, 2016).

It is important, therefore, to acknowledge the ways in which the reforms are effecting change. They emerged from a consensus view across all three main political parties that the balance of influence in the police governance framework had tipped too far towards 'the centre'. The reforms included a substantial transfer of *de jure* constitutional-legal powers to 'the local' dimension of governance along with the major change to the institutional architecture represented by Commissioners. As discussed, there have been important examples of growing policy-making assertiveness, innovation and influence by Commissioners. That said, even if we restrict our gaze for the moment to developments 'below' the nation state, there remain reasons to be cautious about interpreting the reforms as heralding a new era of 'localised' policing.

An important issue concerning local-central relations in policing is the meaning of 'local'. Of course, this is a relative term and the sense of scale and place it depicts depends on one's vantage point. Use of the term 'national' to describe influence exerted at the level of 'England & Wales' is already fraught with difficulties, not least due to the complexities arising from the devolution settlement within the UK (see Edwards *et al.*, 2017). That point aside, whilst it seems clear that the reformed police governance framework includes genuine elements of decentralisation it is important to remember that the 43 police forces of England & Wales – for which Commissioners (or Mayors) are elected – are in reality 'provincial' forces covering large geographical areas that often include several cities, towns and many neighbourhoods. The governance of the police across such large and heterogeneous 'localities', raises acute political challenges of securing dialogue, representation and responsiveness with and between widely divergent interest groups. But these challenges are not merely political, they are also spatial and administrative.

We referred earlier to the promotion of ‘Neighbourhood Policing’ during the early 2000s, but a perennial difficulty with such programmes of ‘localised’ policing is that they are often constrained by the centralised nature of budgetary and policy-making powers *within* police force areas. Thus, the fact that key decisions about resource allocation and deployment are made at higher levels within the force restricts the scope for innovation in response to ‘local’ problems. Viewed from the positions of individual local authorities or, even more so, ‘neighbourhoods’, enhanced policy-making powers at the force level may be viewed as a form of relative centralisation. Further, Commissioners are to varying degrees embedded in partnerships and networks that stretch far beyond their own force areas. The development of regional collaborations between forces to share operational resources may also be perceived as increased centralisation by members of more ‘localised’ policing policy networks. Furthermore, the wider network connections of Commissioners may influence their ‘local’ decisions over priority setting and resource allocation, particularly their national, party-political affiliations (Lister and Rowe, 2015).<sup>3</sup>

It is also important to acknowledge the brittleness of the local democratic mandate of Commissioners, which arguably serves as a symbolic constraint on their ability to exert enhanced influence within the broader framework of police governance. Infamously, the turnout for the first Commissioner elections in 2012 averaged a derisory 15 per cent (the lowest in British electoral history). Reformers, however, suggested that this was an inevitable result of limited public knowledge and understanding of this new democratic institution. By the time of the second tranche of elections for Commissioners in 2016, there was – inevitably – more public awareness of the institution, reflected in an increased overall turnout of 26 per cent, partly because the elections coincided with other elections in England & Wales. This

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<sup>3</sup> Following the outcomes of the 2016 elections of Police and Crime Commissioners, only three of 40 Commissioners self-declared as being ‘Independent’ of a national political party.



remains, however, an extremely low level of voter turnout, which compares poorly with the most recent local elections in England (in which 36 per cent of the electorate voted). It seems fair to say that the idea of Commissioners has yet to capture the imagination of the voting public (Jones *et al.*, 2017), raising questions about the 'democratic' legitimacy of Commissioners within the overall governance framework.

### **Reversing the tide? The persistence of central influence**

As Newburn (2011) has observed, governments have previously made overtures towards ideas of localism within a variety of policy domains, including policing, which have not resulted in the transfer of power initially promised. In what follows, we argue for caution about the extent of the decentralising effects of the new governance model by demonstrating how central state institutions have retained or even increased their practical influence in shaping local policing.

#### ***The enduring influence of the 'core executive'***

A core irony of localism is that as a political project it remains the gift of 'the centre'. Moreover, and as a consequence, governments can legislate for and enact their own vision of localism, granting themselves a key role in determining what happens locally, for instance, by imposing conditions on local actors to ensure they attend to their responsibilities in ways that accord with the wishes of 'the centre' (Clarke and Cochrane, 2013). As discussed above, for example, the Act requires forces to respond appropriately to the 'threats' identified by the Strategic Policing Requirement or face consequences such as the risk of reputational damage and possible resourcing implications (see HMICFRS, 2014). From this viewpoint we can see that the 'freedoms' handed to Commissioners and Chief Constables to govern locally retain an element of conditionality. Hence, although the Home Office has shown a more 'hands off' role, for example, by removing national objectives and performance targets a short time after the Coalition Government took office (Greenwood 2010), the 'core executive' continues to exert

strong influence on local policing, particularly through a variety of techniques of 'governing at a distance' (Rose, 2000). To the fore, here, the 'core executive', often entailing joint approaches of the Home Office and HM Treasury, has established a combination of 'carrot and stick' type policy instruments to act as levers of policy development, reform and change within policing.

Central to the 'carrot' approach has been the use of competitive funding schemes to incentivise police forces to develop activity in support of national objectives and programmes of work. Since 2013, for instance, the Home Office has run annually the 'Police Innovation Fund' (2013-2018) and the 'Police Transformation Fund' (2016-18), both of which are funded by 'top-slicing' the overall budgets of Commissioners, before reallocating this funding among those forces that bid successfully for a proportion of the overall funds. In 2018/19, the Police Transformation Fund awarded £175 million to forces to support specific projects, equivalent to 2.4% of central government funding for Commissioners (National Audit Office, 2018). Although the use of such 'incentivised funding' has raised concerns among local actors (see HCPAC, 2018), it has nonetheless become a key governmental technology of control within policing policy. Hence, in 2018/19, of the £8.6 billion central government funding for the police in England and Wales, £945 million was 'reallocated' to forces to be spent by forces on centrally-determined priorities. This equates to 11 per cent of the total police service budget, an increase of one per cent from the equivalent figure for 2017/18 (HCPAC, 2018: 17).

The 'carrot' of greater funding has been also used to encourage broader and sector wide, workforce reforms. Most recently, for instance, a central funding increase to support police pay rises appeared to be conditional 'on the Treasury seeing progress on workforce and pay reform from the service as a whole' (NPCC, 2018: 12). Clearly, however, driving sector-wide reforms is particularly challenging in the current fragmented institutional arrangements for

policing and its governance (see Hales, 2018). This underlines the important observation that the 'core executive' is itself not a homogenous entity, comprising a range of central government departments with the capacity and motivation to influence policing. The financial context of austerity has seen the Treasury, already the most powerful of central government departments, exerting growing influence over local policing, a point developed further below. Indeed, it appears that the Treasury, rather than the Home Office, is the primary 'core executive' department driving policing reforms via its stringent control of the purse strings.

Even so, since 2012 there have continued to be examples of the Home Office taking a 'hands-on' approach to policing. In 2014, Theresa May, the then Home Secretary, responding to concerns over police use of stop and search powers stated, "let me be absolutely clear: if 'stops and searches' do not continue to fall, if the use of these powers does not become more targeted, and stop-to-arrests ratios do not improve, then a Conservative Government will not hesitate to bring in primary legislation to make it happen" (May, 2014). Accompanying this directive, which held up the 'stick' of imposing 'top-down' regulation, the Home Office and College of Policing published the 'Best Use of Stop and Search' scheme – and accordingly, police use of the power fell significantly over the two-year period following this intervention (see Home Office, 2018). More recently, in 2017, Amber Rudd (May's successor as Home Secretary), attracted a raft of criticism from police for introducing a scheme nationally that required police officers to complete an extensive audit trail each time they used force against citizens (Home Office, 2015). Both these direct interventions signalled that the 'core executive' retains significant potential and, from the evidence, the will, as well as the policy instruments, to exert strong influence over local policing.

***An inspector calls: the influence of the national Inspectorate***

Alongside the Home Office, it is evident that the national Inspectorate continues to play a strategic role in shaping police policy, thus maintaining this key axis of central state influence within policing. An 'arms-length' non-governmental body, without powers to direct police forces, the Inspectorate nonetheless can make recommendations to the Home Secretary, who may intervene accordingly. During the last decade, for instance, the Inspectorate has done much to institutionalise the 'vulnerability agenda' within local forces, primarily by bringing it to the fore of its inspection and monitoring processes. In support, Amber Rudd announced in 2016 that "...protecting the vulnerable is a priority concern of mine as Home Secretary and as I'm sure you'll agree, it must be the key focus for all police and staff too" (Rudd, 2016). Subsequently, the safeguarding of vulnerable people has become a common priority of Commissioners, with forces required to show 'continuous improvements' in how they seek to protect 'vulnerable groups' (HMICFRS, 2018; see also APCC and NPCC, 2017). Although this development is tied to a broad shift in British policing towards the proactive management of 'problems' based on assessments of 'threat, harm and risk', the Inspectorate has purposefully steered this policy agenda (Shannon, 2018). Linked to this agenda, and similarly supported by policy statements from the Home Secretary (see May, 2014), over the last decade the Inspectorate has implemented a major programme of work focused on 'domestic abuse', which is designed to ensure that this *de facto* national objective is embedded within police priorities (see HMICFRS, 2017).

Given its on-going steering activity, and despite since 2012 not having to report to the Home Secretary, it is unsurprising that the Inspectorate continues to be perceived as serving 'national' rather than 'local' interests (see HCPAC, 2015; HMICFRS, 2017), but also that its role has led to tensions with Commissioners. These have emerged, in particular, over the resource implications of forces accommodating the Inspectorate's PEEL ('police efficiency, effectiveness and legitimacy') inspection regime, which ranks forces by performance, but also from the

recent imposition for forces to publish an annual 'Force Management Statement' detailing management, resource and performance information, including plans to meet public demands for service. Furthermore, since the advent of its PEEL inspection regime, coupled with the readiness of Sir Tom Winsor, its civilian lead since 2012, to engage in a wide range of police debates, from national pay structures to decisions of Commissioners to dismiss Chief Constables, the national steering role of the Inspectorate has become more evident, not less so (see Winsor, 2016). Also, its position within the police governance landscape has arguably been strengthened by the demise of the ACPO, which, coupled with the shift to civilianisation of the Inspectorate's senior staffing, has weakened the capability of Chief Constables to challenge it (Holdaway, 2017). Moreover, the fact that the Inspectorate's budget increased by 66 per cent between 2010 and 2015 (HCPAC, 2015: 10) whilst police force budgets shrank significantly, demonstrates the strategic importance of its enhanced role as a vital lever of 'central' influence. This broader context of financial austerity has had further major implications for the operation of powers within the police governance framework, as discussed in the next section.

### ***The financial context: Centralised funding and austerity***

Notwithstanding the important shifts in constitutional-legal powers outlined above, Commissioners remain but one part of an assemblage of governing institutions within a highly centralised system of funding and control (Newburn, 2011). It remains the case that for almost all forces, central government grants comprise the greater proportion of their funding (House of Commons Library, 2018), creating a relationship of 'resource-dependency' between Central Government and Commissioners (see Pfeffer and Salancik, 1978).<sup>4</sup> In this context Raine (2014:

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<sup>4</sup> English and Welsh Police forces overall receive 66 per cent of their funding from Central Government. This figure includes Home Office police formula funding, formula grant previously paid by the DCLG and legacy council tax grants, as well as additional Welsh Government support for forces in Wales.

10) argues, although Commissioners have the collective potential ‘to effect a significant shift in the power balance from the centre to locality in criminal justice....as long as the bulk of public funding for local services continues to come from the centre, it is evident that resource dependency is likely to remain potentially problematical’. From this perspective, it is the central state, and specifically HM Treasury, which has extended its control over policing.

The reliance on central funding has been thrown into sharp relief by the recent austerity policies driven by the Treasury. Indeed, since 2010 the greatest single factor shaping policing in England & Wales has been the swingeing financial cuts brought by the Government’s public finance austerity policies. Since 2010/11 this has led to a 30 per cent reduction in the Home Office grant to Commissioners, resulting in 19 per cent less funding for forces once the local police precept is accounted for (National Audit Office, 2018). This has resulted in major staffing reductions during a period when forces are grappling with increasingly challenging forms of ‘cross border’ criminality, increasingly complex criminal investigations, many involving historic and multiple victims, and a wide array of crime and order-maintenance problems arising from the impact of austerity cuts on other public-sector agencies. By 2018, the total police workforce in England & Wales had fallen by 18 per cent since 2010, including 15 per cent fewer police officers, 21 per cent fewer police staff and 40 per cent fewer Police Community Support Officers (National Audit Office, 2018). The police staff associations have been quick to point out how these impacts have been felt most acutely at the level of local policing. In 2015, a Police Federation survey found that 33 out of the 43 police forces in England & Wales had either scrapped or merged their local neighbourhood policing teams, leading to claims of the ‘death of Neighbourhood Policing’ (May, 2015). Whilst such claims may be over-stated, a weight of evidence now shows that the key influence over the last five years on local policing is national funding policies (Police Foundation, 2018).

Under the conditions of austerity, of course, 'indirect' mechanisms of central influence via the offer of 'additional' funds for government-specified policy initiatives become much more difficult to resist, as forces struggle to balance the books. Significantly, local innovation is further hampered by restrictions on the ability of Commissioners to raise (additional) funds via the local police precept, due to a centrally-imposed 'capping' on annual increases. Proposed rises that are above a threshold set by central government must be agreed by a referendum of local council taxpayers. Although in 2018 the Government lifted the amount that could be levied on each household for the local police precept, arguably signalling the direction of travel in central-local funding contributions, the entire police funding model remains tightly controlled by 'the centre'. As such, it functions as a significant governmental constraint on the policy autonomy of Commissioners.

This links to a key feature of how the financial context has shaped the localism agenda in policing. Whilst, in some cases, significant institutional reforms and shifts in the balance of formal powers have matched the rhetoric of localisation, central restrictions over financial autonomy have remained tight. Furthermore, as decisions over 'how' resources are to be used are now framed as an entirely local matter, the 'core executive' has been able to deflect criticisms of falling standards of public service, growing levels of violent crime and concerns about the capacity of the police to protect the public. For example, during recent exchanges between the then Home Secretary, Amber Rudd, and the elected Mayor of London, Sadiq Khan, about rising rates of violent crime in the capital, Rudd stated that the job of elected mayors and Commissioners 'needs to be about cutting crime, delivering on the priorities you were elected on....so when crime stats go up, I don't just want to see you reaching for a pen to write a press release asking for more money from the Government' (quoted in *London Evening Standard*, 1/11/17). Such statements of blame avoidance by Ministers have become increasingly prevalent within debates over policing, emphasising a core governmental appeal

of the ideology of localism. Whilst the scale of the financial cuts to the budgets of Commissioners queries the extent to which power has actually been transferred from Whitehall, it is evident that 'scapegoating' and 'buck-passing' have gained greater currency as political strategies of the 'core executive' in the politics of policing (see Weaver, 1986).

### ***Setting standards: Central influences on the practices of policing***

Established in 2012 as part of the Home Office's plans for strengthening national policing structures, the College of Policing (hereafter, 'the College') has become an important institution within the landscape of policing. As the professional body of the police workforce, it has five key areas of responsibility (setting national standards of professional practices, developing the research evidence base, supporting workforce professional development, supporting collaborations, and developing ethical approaches). In promoting a 'professionalised' model of policing, the mission of the College has a distinctively normative orientation (College of Policing, 2015). Central to this ambition, it has developed both a Code of Ethics and an education and qualifications framework for police officers. It is clear, however, that Commissioners and police forces still have the room to resist such reforming central pressures. Both these programmes of work have been variously received at the local level: the latter, failing to be embedded by all forces (HCHAC, 2016); the former, generating tensions with Commissioners owing to concerns it will lead to high rates of abstraction from duty as officers attend educational courses (Lander, 2018). Nevertheless, they demonstrate how new national policing institutions attempt to shape local policing via indirect methods of exhortation and persuasion, rather than via direct command. Although the Government's ambition is for the College to become independent of the Home Office, the Home Secretary can issue it with directives regarding the exercise of its functions and must approve both its regulatory statements and appointments of its directors. As such, the College functions as an



‘arm’s length’ body of the Home Office, not officially part of the ‘core executive’ of the state but still an important part of a wider regulatory assemblage operating at the national level (Holdaway, 2017).

During the same period, there have been significant changes to the national police complaints (‘watchdog’) body which have strengthened further the hand of ‘the centre’ in directing local policing policy. In 2014-15, the Independent Police Complaints Commission (IPCC) received a substantial uplift in resources, increasing its capability for dealing with serious and sensitive cases of police misconduct. Pointedly, however, as with the recent increase in resources for the Inspectorate, these funds were ‘top-sliced’ from the local budgets of Commissioners. Subsequently, owing to on-going performance concerns, in 2018 the complaints body was re-named the Independent Office of Police Conduct (IOPC). Like the College, the IOPC has placed emphasis on setting and monitoring ‘local’ standards, but in the context of how forces handle public complaints (IOPC, 2018). Although the legislation strengthened the police watchdog’s powers to intervene and determine how complaints were handled, its Director General has emphasised the importance of the complaints body developing a forward-looking, ‘learning’ not ‘blaming’ culture, which is focused on sharing ‘lessons’ with forces to improve policing practices (Lockwood, 2018). Alongside the College, the complaints body has a key role in the attempt of the ‘centre’ to ‘re-professionalise’ the police, which Holdaway argues is pivotal to the Home Office’s overall vision for governing the police through a ‘looser coupled system’ of national and local institutions (2017: 590).

### **The growing complexity of police governance in England & Wales**

We noted earlier that notions of ‘local versus central’ have been a dominant theme in analyses of police governance in England & Wales, but that even prior to the introduction of Commissioners such a binary approach was becoming increasingly problematic. This paper,

however, has shown how over the last three decades the central state has configured a sizeable institutional architecture designed to 'steer' the role and functions of police forces (Savage, 2007; Holdaway, 2017). National level institutions remain key aspects of this architecture, including the Home Office, the National Audit Office, the national Inspectorate, the College of Policing, the IOPC and the (re)constituted National Chief Constables Council (replacement for the now defunct ACPO). At times working in tandem with alliances of local interests, such bodies continue in varying degrees to assert important influence over the direction of 'local' police policy.

These developments are entirely consistent with the broader notions of 'governance' discussed at the beginning of this paper (Rhodes, 1997; Edwards, 2016). Changes since 2012 demonstrate the growing complexity and institutional fragmentation of governing processes in policing. They underline the importance of a range of policy actors and variegated levers of influence, in contrast with traditional constitutional analyses of the operation of formal legal powers and core 'state' institutions of 'police governance' (Marshall, 1978). That said, it is clear that the central state maintains significant influence, not least because of its greater financial, legal and symbolic resources when compared with other actors in the policing policy network. Despite the growing complexity of the policy process, the central state retains its capacity to define various interests as legitimate, to give shape to political organization, and to decide which policy actors to incorporate into the policy-making process.

The degree to which governing authorities at the national state level are successful in promoting their own policy agendas is, however, dependent on a range of contingent factors that facilitate and constrain the actual exercise of their influence within these policy networks. These factors have continued to maintain and in some cases enhance the influence of the core executive's agenda and constrain that of alternative governing authorities, including

Commissioners. In the language of policy networks, whilst there has been an undoubtable shift in terms of formal legal powers, this has not been matched by other kinds of resource. Central state institutions retain a major advantage in terms of bureaucratic and administrative and, crucially, financial resources. The important symbolic resource for Commissioners of local democratic legitimacy via electoral mandate has been weakened by the extremely low turnouts in successive elections. This constrains the *de facto* powers of Commissioners to advance their policy agendas within policing policy networks, although clearly under certain conditions, Commissioners have been able to build sufficient governing 'coalitions' to effect important changes, as noted above. Paradoxically, and relatedly, in what might be termed an irony of localism, Commissioners have developed a strong collective voice at the national level, particularly through the Association of Police and Crime Commissioners (APCC). This association has, for instance, jointly published with the National Police Chiefs' Council, the Policing Vision 2025, a national plan which aims to 'shape decisions around transformation and how we use our resources to help to keep people safe' (APCC and NPCC, 2016: 2). As such, we have seen further horizontal diversification of governing interests at the centre as new 'national' institutional mechanisms emerge in which policy coherence appears to be a goal of both 'local' and 'national' interests.

## **Conclusions**

Constitutional debates about police governance are significant as they raise fundamental questions about to whom the police are accountable, who controls and influences what the police do, and whose specific interests the police prioritise (Lustgarten, 1986; Walker, 2000; Reiner, 2010). The broad package of police governance reforms introduced by the British Government in 2012 brought significant structural change and important shifts in the balance of formal legal powers between the various parties in the police governance system. The hinge

of these reforms was a directly elected single-figurehead at the force level to whom Chief Constables are accountable. Evidently, the statutory responsibilities of Commissioners give them significant political authority to shape local policing policy agendas. However, as this paper has argued, there are reasons not to over-state the extent to which (or simplify the ways in which) the reform programme has reconfigured the balance of influence from the central to the local level.

The local governance of the police remains enmeshed in an edifice of central state or quasi-state institutions. To varying degrees, the role of these institutions circumscribes key aspects of the governance and executive functions of Commissioners, leaving police governance subject to a complex mix of local and national influences, in which the latter remain highly prominent. The role of central state bodies, as well as a range of quasi-state national level institutions, in shaping local policing does not appear to have rescinded to the degree implied by much of the political rhetoric that surrounded the reforms. Indeed, in some senses such 'national' influences have increased. We have drawn attention to the persistent influence of central state institutions over developments in policing policy via direct intervention by the Home Office, the influence of the Inspectorate, and the impact of newly established national institutions such as the College of Policing and the Office for Police Misconduct. The broader conditions within which these institutions currently operate, particularly the financial context of austerity, has paradoxically strengthened the influence of central government and, in particular, HM Treasury.

This continuation of central influences should not be interpreted as a straightforward concentration of 'command and control' power over policing by the 'core executive'. Rather, it operates in more subtle ways, within an increasingly complex police policy-making network characterised by bargaining, coalition-building and mechanisms of indirect 'rule at a distance'.

Indeed, notwithstanding the continued importance of central influences within the system, we would argue that the 'central-local' focus of much of the discussion about police reforms fails to capture the complexities of what is an increasingly 'multi-centred' governing system (Edwards, 2016); although, to adapt Crawford's (2006) argument, the 'core executive' remains much more than 'one node among others', not least because of its control of the purse strings and the effectiveness of its strategies of indirect rule. The 'strategic' conceptions of political power implied by such notions are consistent with what we consider to be a key function of localism in the UK Government's police reform agenda of the last decade. A stated aim of reducing police forces' reliance on central government funding since 2010 was to stimulate the emergence of innovative local responses to do 'more with less' (Innes, 2010). A more pessimistic interpretation, however, is that police governance reforms amount to a strategic move by a central government attempting to deflect criticism for the consequences of its radical austerity policies. On this view, in effect, we are witnessing a 'devolution of blame' for deficiencies in policing (see also Muir, 2018). Whilst central government retains considerable influence of the priorities and patterns of local policing, concerns and criticisms about the decline of neighbourhood policing or perceived rises in violent crime (for example) can be deflected by Ministers to Commissioners and elected mayors. In an era of continued austerity combined with increasing demands upon policing, this raises significant risks of 'responsibility without power' for Commissioners as they continue to face the challenge of achieving democratic legitimacy.

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