Police authorities: citizenship and accountability

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POLICE AUTHORITIES: CITIZENSHIP AND ACCOUNTABILITY

By

Floyd Millen

A Doctoral Thesis
Submitted in partial fulfillment of the requirements for the award of Doctor of Philosophy of Loughborough University

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Abstract

This thesis explores the role and effectiveness of police authorities in connecting policing and the citizen and in increasing the citizen's involvement in the delivery of their policing service. The thesis examines: police authorities in the context of citizenship and in relation to accountability; and whether the operational function of law enforcement, the original charge of Keeping the Kings Peace and policing by consent - can work homogenously within a system characterised by both active and passive citizenry.

Individual chapters discuss whether police authorities have sufficient power, whether the home secretary and chief constable have too much power, and the propensity of police authorities to demand answers and call the police service to account.

As history shows, it is possible to have a police service carrying out policing functions in the absence of a police authority performing a scrutiny function; but it would be impossible to have a police authority without a police service. Therefore, the thesis argues that the added value, the relevance and the effectiveness of police authorities needs to be unambiguous.

Key words: police authority, chief constable, home secretary, tripartite, consultation, obligation, participation, decision, power, watch committees, institution, accountability, Scarman, bequeath, passive, active, social contract, falsification, rectification,
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CHAPTER 1

OVERVIEW OF THESIS

My interest in this area of criminology developed after I was approached by the Metropolitan Police Authority to be an adviser on new Home Office guidelines on Independent Custody Visiting - formerly known as Lay Visiting. My experience at the Metropolitan Police Authority raised my awareness of this very important organisation which very few people - myself included - had ever heard of. I was also intrigued about how police authorities operated and how - if at all - they engaged with local people.

Most research, discussion and debate on policing has historically been about the role and the functions of the police service. In particular, the focus has predominantly been around how the police service balances the sometimes conflicting requirement of enforcing the law and policing by consent (Scarman: 1981). Police authorities occupy a pivotal position in that they have a legal duty to scrutinise the police service and to ensure that there is an effective and efficient police service for each area. Despite this, very little research has been done on police authorities.

In this thesis I seek to do three things; firstly, to look at the role of police authorities within the tripartite system of the chief constable, the police authority and the Home Secretary. Secondly, I explore the extent to which police authorities enable citizens to feel a sense of involvement in the
delivery of their policing service and thirdly, I explore whether police authorities are able to adequately bring the police service to account. As expressed by Bayley (1991), law enforcement is the most visibly coercive tool of government and as citizens we give our authority and consent in the hope that our way of life and our assets are protected.

This research seeks to build on the existing body of work on policing and is intended to stimulate further thought and debate around:

a) The relevancy of police authorities, their potential and their actual impact,

b) The role of police authorities in relation to the citizen, the police service and accountability.

c) The views of police authority members on how they perceive their role and the role of the police authority.

In chapter two I present my methodological approach and explore a number of important themes including quantitative and qualitative approaches to research and their application within this study. Drawing on Becker (1972), Weber (1949), Denscombe (2002), Ainsworth (1962), Bulmer, (1982), Popper (1959) and others, I explore the role of bias, concepts, definition, replication and falsification within social research.

In chapter three, I provide an historical account of the development of policing and the emergence of watch committees which developed into the
police authorities that we know today. I also discuss the anomalies and the
oversights of the Police Act 1964 which even today still impacts on police
authorities. Finally, I explore the difficult juxtaposition between policing
policy at the strategic and national level, its representation in local policing
plans and the process of implementation at the local level.

In chapter four I present my theoretical approach which looks at
citizenship and policing in the context of the state’s primary function which is
to provide the conditions conducive to a harmonious and secure life
(Bentham, 1960; Held, 1999). In this chapter I explore the relationship
between the citizen and their institutions and I discuss how these various
relationships impact on the collective sense of belonging (Parekh: 2000).
Passive and active citizenry are significant features in this chapter and I
return to the proposition that whether or not we actively participate with our
institutions, the plethora of institutions and bodies that have sprung up to
represent us are indicative of the expectation on the part of policy makers
that the citizen will be engaged and that the state will be increasingly
accountable even if that accountability is at arms length through
representative bodies, regulators or Quasi Non-Governmental Organisations
(QANGOs).

The crosscutting theme throughout this thesis is the social contract
and how police authorities contribute to upholding and rejuvenating the
contract between the state and the citizen. The perception that citizens are
increasingly alienated from the decision making process is a cause for
concern and I cite the report of the Sheehey Committee (1993), the
government White Paper on police reform which led in 1994 to the Police
and Magistrates Courts Act, the Scarman report (1981) and the McPherson
report (1999) as examples of attempts to ensure that the citizen has access,
can increasingly be involved and can demand more accountability.

Chapter five focuses on accountability and explores the many ways
that police authorities can ensure that the police service is accountable.
Howard (2005), Loveday and Reid (2003) and others I discuss democracy,
accountability, engagement and obligation. In this chapter, I ask whether
increased accountability can lead to increased participation and I add that in
order for there to be increased participation, trust is the uncompromising
special ingredient that the citizen must have in the institutions representing
them.

In chapter six I present the findings from my interviews and
questionnaires and in chapter seven, I draw conclusions and discuss
possible implications for policy and practice. I conclude by discussing
whether accountability is as much about knowing what questions to ask as it
is about ensuring that there is sufficient information, checks and balances
and clarity about the mechanisms for bringing about that accountability.
CHAPTER 2

METHODOLOGY

Introduction

My aim during this chapter is to present and discuss the research methodology that I have applied to this study and to explain my choice. On the following pages I explore the advantages and the disadvantages of primary and secondary data. Whilst I have applied a qualitative approach to this research I have discussed the implications of qualitative and quantitative methodologies on social research more generally and on my research in particular. I reference the works of Black (1999) and Hirschman's (1993) research on the imbalance between the use of qualitative and quantitative methodologies; Layder (1993) and his conclusion of there being a lack of clarity between qualitative and quantitative approaches; Atkinson and Hammersley (1995) and the need for fidelity in research and Eisner and Peshkin's (1990) four schools of thought to methodological approaches. During this chapter I present a detailed discussion about the role and impact of concepts, bias, replication and definition as discussed by Weber (1949), Bulmer (1970), Denscombe (2002), Ainsworth (1962), Becker (1972), Bulmer, (1982) and Blalock (1970).

Questionnaires and interviews play an important role within grounded theory and I evaluate some of the potential difficulties presented by using questionnaires and interviews including Webb and Webb's (1932) insistence that oral accounts are notoriously unreliable, Popper's (1959) theory of
falsification and Wallace's balanced appraisal of the merits and pitfalls of questionnaires and interviews. Finally, I explore the various considerations around undertaking case studies and appraise the merits of conducting single or multiple case studies and the resource implications for undertaking sequential or simultaneous studies. Finally, I discuss the challenge and the importance of ensuring that any study is sufficiently robust and capable of comparative analysis.

Whilst outlining my methodological approach, this chapter also performs the dual function of a defence of my chosen methodology. According to Denscombe (2002), when it comes to the choice of strategy, methods or analysis, social research is rarely a matter of right or wrong. The decision is therefore about choice and whether the choices made are reasonable.

'... there is a need for social researchers to provide justification for their research methodology ... What the researcher must do is show that the adopted approach is fit for purpose, logically organised, better than alternative approaches rather than arguing that one is right whilst the other is wrong or unethical' (Denscombe, 2002: 124).

My methodological approach

It is important that I state from the outset that this was a very small research sample and there are limitations to the extent that the results from this research can be extrapolated and applied more widely.
I have designed and sent questionnaires to all forty-two police authorities and I have carried out a series of in-depth interviews. There is a degree of caution necessary when using oral evidence: according to Webb and Webb (1932: 142) '...of all recognised sources of information, oral evidence has proved to be the least profitable'. I am therefore not using questionnaires and interviews in order to unequivocally substantiate a position but that, through a process of triangulation (Mathison, 1988) I can assert that a position or a stance is relevant now at this time and place (Popper, 1959).

I have designed a concise questionnaire survey that has been emailed to all police authorities (see appendix 1). Some police authorities have generic email addresses where all correspondence is filtered to the police authority member by Member Services. However where direct contact details have been available I have emailed the questionnaire directly to individual police authority members. Some police authorities such as Hertfordshire Police Authority have a designated member to respond on behalf of the police authority.

There are approximately 760 police authority members in the 42 police authorities in England and Wales. In November and December 2007 I sent questionnaire surveys to all police authority members and initially had 81 returned and completed. In January 2008 I resent a further 200 questionnaires to police authority members and received a further 27
completed questionnaires. In total I received 108 completed questionnaires. New empirical ground has been covered by this research as nothing in literature suggests that any other researcher has had such a high level of contact with police authorities. For example, I have received questionnaire responses from 14% of police authority members. I conducted 25 in-depth interviews (see appendix 2) with specific individuals, police authority members, significant gatekeepers between the community, the police service and the police authority. My interviewees included police authority members, the former Home Secretary - the Rt Hon Charles Clarke MP-, the Chairman of the Association of Police Authorities, the Executive Director of the Association of Police Authorities, the Policy Officer of the Association of Police Authorities, the Clerk to the Metropolitan Police Authority, a former chief constable and a very senior grade 5 civil servant. There are a number of interviewees whose identity has been kept secret due to the sensitivity of the comments they have made.

Choice of method: a quantitative or qualitative approach

After selecting the subject matter to research, the next and probably the most important question the researcher is confronted with is the decision of which is the most appropriate methodological approach to apply to tackling the research question. Eisner and Peshkin identify four schools of thought to methodological approaches. The first identifies 'those who regard positivist and qualitative approaches as complementary, each having its own strength

1 See Appendix 1
and place in social research’ (Eisner and Peshkin, 1990: 11). From this perspective it is the question that should drive the method, not the method driving the question. The second school of thought identified by Eisner and Peshkin (1990) emanates from those who maintain that whilst qualitative research might be good for exploratory work it is generally a soft and less trustworthy research methodology.

Eisner and Peshkin’s third school believes positivist and scientific methods are suspect because they are based on a deterministic causal model which does not fit the social arena in which human action takes place. In his analysis Hammersley (1995: 1) goes a little further stating that ‘most of the references to positivism are negative and are disparaging if not dismissive.’ Positivism for Hammersley is rejected not only on intellectual grounds but morally and politically because it involves the disguising of value biases as objective knowledge and implies support for the socio-political status quo. Hammersley argues that in disguising bias and by accepting that this enables or creates objective knowledge, positivism is rendered morally and socially bankrupt. The fourth school of thought identified by Eisner and Peshkin denies that there are any significant differences between qualitative and quantitative methodologies and maintains that the differences that are highlighted are grossly exaggerated.

My methodological inclination is towards Eisner and Peshkin’s first school of thought which sees qualitative and quantitative approaches as complementary: this is because I believe that it is the question that should
drive the method not the method driving the question. I also accept that whilst there are differences between qualitative and quantitative methodologies, these differences may at times be exaggerated. For example, if during my research I pose the question, how many police authorities have conducted improvement plans? Answering this question lends itself to a quantitative approach requiring the gathering of empirical statistical data. Conversely, if I ask about the quality of those plans? Answering this question would primarily require a qualitative approach where the definition of quality and an understanding of social concepts and biases would be required. Here both quantitative and qualitative approaches diverge and converge and rather than rendering their individual use incompatible, their differences ensures their compatibility and complementarity.

When accepting or rejecting methodological approaches the primary consideration ought to be whether the research question can be sufficiently understood and logically argued through a qualitative and/or quantitative approach. Majchrzak (1984) and Majone (1980) were clear about the benefits of qualitative approaches and they argued that as far as policy research was concerned, technical analysis involved far more than the simple collection and analysis of quantitative data. Majchrzak (1984) saw that discourse and the rational scrutiny of information were important elements in the technical analysis of social problems. This is further supported by Alvesson and Sköldberg (2000) who maintain that empirical data is not always a prerequisite for the development of a theory and that primary reliance on empirical data runs the risk of the research being deficient on the first
occasion the data encounters unexpected circumstances. For this reason, Alvesson and Sköldberg believe that empirical approaches need to be interspersed with action research or qualitative approaches.

Implications of a quantitative approach and the use of empirical data

According to Bulmer (1982: 31):

'...the propositions of social sciences must be tested against observational data to survive as tenable generalisations ... where the production of accurate, meticulous and precise data constitutes an end in and of itself'.

In order to effectively research this thesis it is unavoidable that I will need to use empirical data: the question is therefore whether I can reasonably rely on existing data (published or unpublished) or whether primary data needs to be collected.

The quantitative approach was developed by scientists studying the physical world and was labelled positivism in the early 20th century by Whitehead and Russell (1962) in Principia Mathematica. As an approach, positivism measures the mathematical relationships between sets of variables and as a methodological approach it reaffirms the importance of imitating the natural sciences. Logical quantitative research begins with a statement of
hypotheses and through a process of deduction ends with an evaluation of the hypotheses (Bryman, 2001).

`...the positivist approach is preceded by the selection and generation of hypotheses and often followed by an attempted generalisation to a wider situation, it is accordingly not dissimilar to qualitative approaches' (Bryman, 2001: 12).

Bryman advises that caution should be taken to ensure that we do not:

`...treat positivism as synonymous with science and the scientific... [because] ...when writers complain about the limitations of positivism it is not entirely clear whether they mean the philosophical term or a scientific approach more generally' (Bryman, 2001: 12).

For Gephart (1988), because of its reliance on empirical data, the central core of the quantitative approach is positivist. Bryman (2001) questions whether the social world can and should be studied according to the same principles, procedures and ethos as natural science which sees setting up formal experiments as the only way of establishing causal links (Light, Singer and Willett, 1990). Maxwell (2004) also agrees with the positivist approach that the social world can be studied according to the same principles, procedures and ethos as natural science.
‘...when compared with descriptive, relational, and experimental approaches only experimental inquiries enable the researcher to determine whether a treatment causes an outcome to change’ (Maxwell, 2004: 243).

Hirschman (1993) found that there was a great imbalance between quantitative and qualitative publications and that between the 1980’s and the early 1990s the use of quantitative models to test consumer behaviour theories was most prominent. Hirschman proposed that this drive towards quantification had decontextualised entities and constructed artificial linkages on the basis of worth and utility. Wallendorf and Bucks (1993) and Gould (1995) felt there was room for researcher introspection as a method of focusing awareness along with extrospection - a focus on the external world.

Black (1999) sees everyday observations as haphazard, careless and unsystematic, whereas the observations carried out by scientists endeavour to be specific, objective, well focused, systematic and most importantly, capable of being replicated. ‘The difference between commonsense explanations and scientific ones lie in the way the two originate’ (Black, 1999: 2).

I have seen no guarantees or evidence to support the assertion that studies which are systematic and organised in this way are anymore likely to produce valid explanations than other approaches. Bryman explains that:
'The doctrine of positivism is difficult to pin down and to outline but for some writers it is a descriptive category that describes a philosophical position that can be discerned in research; for others it is a pejorative term used to describe crude and often superficial data collection' (Bryman, 2001: 11-12).

For Layder (1993: 110) the status of the '...distinction between qualitative and quantitative is ambiguous ... no longer useful or simply false'. Strauss (1987: 278) warns that researchers must stop themselves from thinking in quantitative terms; for example 'what percentage of x will do y, with what probability', as this is unhelpful.

**Implications of a qualitative approach**

While the positivist approach is dominant in the physical and natural sciences, the qualitative approach is more frequently applied in the social sciences. In contrast to quantitative approaches where variables are tightly defined, have limited overlap and can readily be measured, qualitative approaches embrace concepts which are more ambiguous or for which there exists a range of interpretations (Bryman, 2001). The qualitative approaches reject the practices and norms of natural sciences and see social reality as constantly shifting (Bryman, 2001: 20). The reliance of quantitative research on quantification, verification and duplication in the collection and analysis of its data results in social reality being viewed as an external objective reality (Gephart, 1988). In contrast, Morse (1994) explains that qualitative research relies on inference, insight, logic, luck, words and social interpretation and
rather than quantification in the collection and analysis of data, it emphasises an inductive rather than a deductive approach with the emphasis placed on generating theories as opposed to being concerned with the testing of theories as in quantitative approaches (Goulding, 2002; Morse, 1994; Bryman, 2001).

Qualitative approaches also have difficulty with replication; 'If a second researcher were to study the same group or society the experiences and findings would differ, it is therefore difficult to measure real changes' (Blalock, 1970: 45). This knowledge does not however render Blalock unsympathetic to the plight of social science and he writes:

'...certain methodological difficulties make it difficult to provide definitive answers to many questions that might be asked of the social scientists, some of these difficulties are shared by all the sciences physical as well as social and stem from limitations inherent to the scientific model' (Blalock, 1970: 9).

According to Kvale (1983: 74), the purpose of qualitative research is '...gathering descriptions of the life and world ..... with respect to the interpretation of the meaning of the described phenomenon'.

Bryman (1984) offers a compromise and suggests that linking qualitative and quantitative approaches offers a more sophisticated way of treating the comparability of the different methods of investigation. Anderson
(1986: 159) identifies that 'methods do not uniquely pick out particular theories and that scientific goals may be achieved via alternative methods'. For example, the analytical tool employed by qualitative researchers is words as opposed to numbers and statistics. Qualitative researchers employ linguistics, social and psychological skills to interpret and analyse situations. There are, however, exceptions to this such as content analysis which according to Berelson (1952: 18) and Holsti (1969: 14) is essentially a systematic and objective quantitative technique. Morse (1994) has explained that as a technique, content analysis is also widely used by qualitative researchers and involves the search for patterns through the analysis of the content.

Whilst it is a useful methodological approach, I believe that adopting a content analysis approach would alter the essential fabric of the subject matter of this thesis, resulting in the research becoming preoccupied with the process of content analysis to the detriment of the broader aims of the thesis. Atkinson and Hammersley (1995) allude to this and cautioned that rather than being preoccupied with methodology the social scientist ought to be preoccupied with fidelity to the phenomenon under study. Bryman (2001) supports this and asserts that the qualitative researcher is on a journey of discovery rather than one of verification. I also agree with Bulmer (1982: 166) when he states that:

'Social science is likely to contribute most by blending its theoretical insights with empirical inquiry by cultivating the interpretation and
understanding of the world through a judicious mixture of the concrete and the abstract'.

The impact of bias, concepts and definitions within social research

Within any research the potential of bias and its impact requires careful consideration. Becker (1972) noted that when studying social phenomena social scientists are caught in a crossfire between those who urge them to be neutral and value free and those who maintain that ‘...if the scientist does not express deep commitment to a position then their work is shallow and useless’ (Becker, 1967: 239). Becker maintains that this is a false dilemma as one would have to accept that it is possible to do research that is uncontaminated by personal and political sympathies. For Becker, personal and political sympathies are inevitable and so the question is not whether the researcher should take sides but on whose side they are on. Becker explains that we naturally and unintentionally fall into sympathies with people or the subject matter that we are researching and focus too much on leading questions which leads respondent to provide specific answers. In his analogy of the deviant he explains that ‘...we fail to ask those questions which can lead us to conclude that the deviant has indeed done something wrong’ (Becker, 1967: 240) and as a result our overall assessment of the situation becomes one-sided.

Becker identifies three types of bias: Subordinate bias, ‘A’ political bias and political bias. Becker describes a hierarchy of credibility which impacts on
bias; Firstly there is Subordinate bias; ‘...in any system of ranked groups we take it for granted that members at the highest level have the right to define the way things really are' (Becker, 1967: 241). Secondly, there is ‘A’ political bias. According to Becker officials lie because things are not always as they would like them to be and things do not perform as society would like them to: for example, hospitals do not cure people, prisons do not rehabilitate and schools do not educate and MP’s salaries do not match their expectations. For Becker (1967), the view of an institution from the perspective of the subordinate therefore casts doubt on the official line. This is what Becker calls ‘A’ political bias and he argues that more research is biased in favour of institutions than the citizen.

The other bias which the researcher can be accused of is political bias. Any research that may have political ramifications potentially places the researcher in double jeopardy as spokespersons on competing sides of an argument may be sensitive to the work and its conclusions. Indeed, the very statement of the question and the way it is phrased may be problematic.

‘...research can provide evidence which will enable those pursuing particular policies to give them scientific respectability; research becomes ammunition for the side that finds the researcher’s conclusions most congenial and supportive’ (Bulmer, 1982: 156).

Implicit to discussions on bias is the assumption that the researcher is
either swayed between left or right or that they are opposed to or accepting of an argument or position. In reality, however, this is rarely the case and there is no carte blanche position on bias as researchers may hold sympathies for more than one side of a debate which may vary and fluctuate resulting in a myriad of sensitivities and biases being reflected throughout the work. As Hammersley (1995: 188) notes ‘... research is political in some respects and not in others and it is relative to how one defines the terms involved, especially the word 'political' itself'.

Whichever side we are on, Becker argues that we must work in such a way that ‘...a belief to which we are especially sympathetic could be proved untrue’ (Becker, 1967: 246) for Becker this is the ultimate neutralising effect of owning one’s bias.

**Concepts**

The ambiguity of concepts, definitions and the ability to replicate sit at the very heart of this debate about methodology and has always been the central cause of controversy between those social scientists who adhere to a qualitative approach and those who are more aligned to the processes and procedures of the natural sciences. Blalock (1970) explains that this debate is not exclusive to social sciences but is also prevalent in physical sciences. In order to deal with the inherent ambiguity of concepts Blumer (1970) encouraged the use of sensitising concepts rather than definitive definitions. For Blumer, terms like institutions, citizenship, race, ethnicity, attitudes, social
class, social process and discrimination are vague because they allow rough identification without permitting a determination of what is or is not covered by the concept. Blumer, however, does not think there ought to be definitive concepts and argues that whilst sensitising concepts are limited - because they lack specific attributes or benchmarks - we ought to continue to develop them as they provide the user with a general sense of reference and guidance in approaching empirical instances.

Weber (1949: 92-93) identified a difficulty which was that the language used by social sciences is '...ambiguous constructs created to meet the unconsciously conceived need for adequate expression, and whose meaning is definitely felt, but not clearly thought out'. For Weber the ideal type is created not as a definitive description of a definite aspect of reality, nor is it a hypothesis but it can aid description and explanation. Hence, whilst 'this mental construct cannot be found empirically anywhere, in reality' (Weber, 1949: 90), it provides a useful tool with which to aid our understanding and explanation of our world. One of the inherent difficulties of attempting to define concepts explicitly is that with each definition the reality of the lived experience is changed or altered through the eyes of the definer. Because it defines the experience, like Brewer (2000) and Hammersley (1995), I believe that the lived experience is valid and significant enough to be relevant and included in the research.

Blumer's contribution to solving the problem of concepts is to develop precise and fixed procedures that will yield a stable and definitive empirical
content whose success depends on imaginative life studies that are slow, tedious but have the virtue of remaining close to their natural world.

Bulmer (1982: 53) observes that different disciplines define concepts in different ways and the implication for social policy is that researchers – in the same way that they ought to justify their methodology (Denscombe: 2002) - must define their terms and justify the definition that has been selected. The definitional crisis deepens for Bulmer when one considers that concepts are not used consistently even within a single framework. A good example of this is Ainsworth’s (1962) concern with the consequences of a lack of love. Ainsworth looks at the term maternal deprivation and how it is used to describe rejection, hostility, cruelty, over-indulgence, repressive control and lack of affection. Rutter (1972: 128) also adds to the discussion by explaining that ‘...experiences included under the term maternal deprivation are too heterogeneous and the effects too varied for it to continue to have any usefulness...’.

It is argued, however, that if a variable can be precisely defined and distinguished it can be measured and if its occurrence is frequent enough it can be usefully studied using quantitative methods (Black, 1999; Denscombe, 2002; Bulmer, 1982; Goulding, 2002; Bryman, 1984, 2001; Blalock, 1970). From this position sensitising concepts can positively aid the replicability and generalisability of social constructs.

Due to the possibility that quantitative methodology provides a higher possibility of controlling internal and external variables, quantitative
approaches are preoccupied with measuring. The genesis of this preoccupation is that positivists see the possibility of exact replication aided and guided by mathematical and scientific measurability as the defining and central characteristic that enables the same conclusions to be drawn time and time again. Qualitative research is however more concerned with identifying and distinguishing concepts, rather than measuring them because, as Blalock (1970) says, replication in social sciences has been rare due to practical considerations encapsulated in the need for the researcher to demonstrate originality, the need to publish, the importance of literary style and novelty. Finally, for Blalock (1970: 44-45), due to there being fewer social scientists than the myriad of subjects to study, the researcher spreads to new areas of study rather than provide a '...thorough, systematic, and tedious examination of the old'.

The importance of generalisation for quantitative research

For Donmoyer (1990) the criterion for scientific rigour in quantitative research is its capacity to make generalisations. Whilst the ability to make generalisations may be problematic for qualitative studies, Donmoyer suggests that this difficulty can be addressed through the use of an alternative language for the criteria. I have already discussed some good examples: constructing ideal types (Weber: 1949), developing sensitising concepts (Blumer: 1970), effectively using our biases (Becker: 1972), or dismantling the distinction between qualitative and quantitative approaches (Layder: 1993). Donmoyer sights schema theory and its concepts of assimilation,
accommodation, integration and differentiation to characterise how generalisation occurs in experiential learning and believes that applying this language to qualitative research gives it '...far more utility for applied fields than was traditionally believed' (1990: 198).

For the quantitative researcher, generalisation is achieved through various channels including ensuring that the size of the sample is sufficiently wide to allow the researchers to sample cases that may be typical of the subject or the question being researched. If the sample is correctly drawn then the results are deemed to be applicable to those in the actual sample group and it is also generalisable to a specified population: this is what Yin (1994) calls statistical generalisation.

For Gomm (2000) it is a mistake to base the robustness of research on this approach first because there will never be enough cases. Secondly, although it is possible to observe and measure human behaviour at the individual level without involving the subjects of the research and even to formulate law-like generalisations about the behaviour of individuals en masse, the value of observational measurement becomes more problematic as the scale of observed behaviour grows. Thirdly, behavioural patterns may be established which provide a prima facie case for generalisation; however without knowing the intentions of those involved, prediction is fragile and as Brewer states (2000: 50), '[as] ...the observer's experience is an important and legitimate source of data [it is equally important for us to understand the meaning and intentions behind the action]. Jørgensen' (1989) agrees that the
observer uses his/her initial observations from which to formulate single or multiple hypotheses which are then discarded or refined in the research. I am therefore inclined to support the view that whilst a compendium of research tools from qualitative and quantitative approaches can be employed in most research, social science does require a different and distinct research approach from the traditional sciences which may be narrative, phenomenological, or ethnographic.

**Grounded theory**

In contrast to ethnography, grounded theory has its origins in symbolic interactionism and according to Glaser and Strauss (1968: 3) 'The ultimate goal of the grounded theory researcher is to develop theory that goes beyond thick description'. The researcher is expected to interpret actions and develop a theory which incorporates concepts of 'self, language, social setting and social object' (Schwandt, 1994: 124). Using the principles of grounded theory the researcher primarily collects interview data, makes multiple visits to the field, develops and intertwines categories of information, writes theoretical propositions or hypotheses or presents a visual picture of the theory. Using the principles of symbolic interactionism, Glaser and Strauss first articulated grounded theory research in their book *The Discovery of Grounded Theory* (1967). They maintained that theories should be grounded in data from the field especially in actions, interactions and the social processes of people. Glaser argued that the theory should only explain the phenomenon under study whilst Strauss insisted on the use of coding matrixes to conceptualise
beyond the immediate field of study. Despite the difference between Strauss and Glaser 'the approach has maintained credibility and is a commonly used research methodology' (Goulding, 2002: 45). For Lincoln and Guba (1985: 300) the central criterion of grounded theory is '...it's credibility, its ability of transferability, its dependability and confirmability'. For Hill and McGowan (1999), the approach provides reciprocation between data collection, analysis and theory and allows frameworks, criteria and observations to emerge and evolve throughout the study.

At the very heart of grounded research is the desire to broaden its explanation of a process, an interaction or an action amongst individuals. In its attempts to achieve this the approach not only relies on existing theories but because it accepts that theory evolves during research and that inquiry is context bound, grounded theory generates its own themes and categories (Goulding, 2002). For example, during the course of this research a number of questions have arisen which have enabled the development of new theories around the role of police authorities. Firstly, it is clearly laid out in the Police Act 1964 that all police authorities are under a duty to secure the maintenance of an 'adequate and efficient' force for their area (Police Act 1964: Section 4.1). Over recent years, due to the increased attention from the media and politicians the role and responsibility of police authorities has risen in prominence. One of the thought provoking questions is whether the catalyst for this increased prominence has been as a response to the terrorist threat and the role of the police (and by extension the expectation and responsibility of police authorities) or whether the police authority's role has actually
expanded, or whether the long running debate about devolving responsibility from the centre of government down to the local level has had an influence on the role and workings of police authorities and other similar public bodies. What is provided by employing a grounded approach is the possibility to delve into the detail and the lived experiences of the participants and the institution. Strauss and Corbin (1998: 12-13) explain that in grounded theory ‘...the researcher does not begin with a theory then proves it, but starts with an area of study and what is relevant in that area of study is allowed to emerge'.

The grounding of theory in data, the process of research inquiry, making comparisons and asking theoretical questions ensures that the development of theory is possible. For Glaser and Strauss (1967), adding the respondent's data ensures that the theory is fully grounded. Grounded theory according to Bryman (2001: 397) ‘...represents the most influential strategy for conducting qualitative data analyses'. Goulding (2002) notes that the grounded approach is flexible enough to allow new theories to be generated. For these reasons, the grounded theory approach is aptly suited to my research.

**Interviews and questionnaires**

One of the primary sources of information for grounded theorists is the interview. Interviewing is a very flexible technique suited to a wide range of research purposes.
'At one extreme the interviewer may simply read out a list of questions and alternative responses ... At the other extreme the interviewer adopts a 'non-directive' almost conversational style, allowing the interviewee to determine the course of the discussion' (Drever, 1995: 1).

For Wallace (1954) the disadvantages of using questionnaires include the potential high non-return and low response rate. In order to prevent a low response rate, intensive follow up work is needed via, telephone calls, letters, personal interviews, etc. For Wallace there is also the likelihood that those who return and answer the questionnaire may collectively hold differing opinions than non-respondents, leaving the non-respondents as a collection of individuals for whom nothing is known. The advantages for Wallace of using questionnaires included that questionnaires permit wide coverage for the minimum expenditure of effort and money, enabling wider geographic coverage and yielding greater validity through larger and more representative samples. Questionnaires permit more considered answers and they are more effective in situations where group consultations may influence the responses. On the issue of generalisability, a questionnaire provides greater uniformity in the way questions are posed and gives respondents anonymity and privacy.

All interviewees in this research were advised that if they wished to remain anonymous or if they wanted to speak off the record they were free to do so. Anonymous interviews enable the researcher to draw out important issues to the phenomenon being studied by allowing participants to describe
in detail their experiences. Those interviewed are more likely to provide useful contributions to the research, expounding on existing theories and being potential catalysts for new theories and ideas.

Unstructured, semi-structured, face to face, open-ended or ethnographic interviews are generally favoured in qualitative approaches and grounded theory (Goulding, 2002). Interviews are particularly favoured because they are deemed to be flexible enough to enable the research to enter areas previously not considered. However this flexibility comes with potential difficulties. Fontana and Frey (1994) outline those as difficulties in gaining entry, understanding the language, understanding the culture\(^2\), gaining trust and establishing a rapport with the interviewee.

As noted by Blumer (1970), interviews involve an element of anthropology which requires the researcher to learn new languages and to understand the subtle cues and nuances of communication. This for Blumer (1970) highlights the need to arrive at commonly accepted definitions through sensitising concepts. Realistically, however, the researcher cannot reasonably be expected to understand the plethora of cues and nuances of those being researched which in-turn increases the likelihood of errors, misjudgement or misunderstandings in interpretation. Some attempt can be made to limit the incidents of error by comparing interview findings with other data obtained through triangulation.

\(^2\) A theme I return to in chapter 5
Mathison (1988: 15) states: 'Extending this metaphor [triangulation] to social phenomena, the researcher (navigator or military strategist) can use several kinds of information to determine the truth (location) about some social phenomenon (an island or the enemy').

As noted by Bryman (2001: 303) problems are also found in other approaches such as statistical sampling.

'...statistical sampling is a redundant exercise because committing to interviewing x percent of an organisation's membership may mean you end up wasting time and resources because you could have confirmed the significance of a concept or its connections with other concepts by using a much smaller sample.

There are other problems associated with interviews (particularly face-to-face interviews) including the possibility of leading questions, discomfort due to the sensitive or personal nature of the subject matter, perceived breaches in societal codes of politeness, cultural variances in interaction between the sexes, ages and religions or confidentiality concerns.

Another issue that may affect the data gathering process is that the interviewer may have insufficient depth or understanding of the subject matter to inquire and draw out pertinent issues resulting in the interviewee inadvertently or by design being less than open in revealing information and the interviewer being unaware that omissions are being made (Goulding,
2002; Haslam, 1999; Bulmer, 1982; Fontana and Frey, 1994). Attempts can be made to address some of these concerns through re-interviewing. However, the unintended consequence of re-interviewing may be that it heightens the attention of the interviewee to particular issues resulting in a change of mind or stance. Kvale (1983: 76) argues that we must guard against this and '...there must be a low degree of structure imposed by the interviewer, a preponderance of open questions and a focus on specific situations rather than on abstract and general opinions'.

For this reason verification through triangulation is important. I subscribe to the realist epistemological position that the interviewee’s account provides an important insight into real life outside of the interview situation and as such, every attempt ought to be made by the researcher to ensure the accuracy of each and every account. Although in practice, triangulation cannot occur on every issue, it is a valued baseline particularly if like Kvale (1983: 76) the researcher sees the goal of any qualitative research as being to '...research the topic from the perspective of the interviewee'. For Kvale (1983: 74), the purpose of qualitative research is to gather 'descriptions of the life and world of the interviewee with respect to the interpretation of the meaning of the described phenomenon'.

The phenomenologist Cassell places an emphasis on bracketing where the researcher '...consciously sets aside their own presuppositions about the phenomenon being researched' (Cassell, 2004: 12). This of course means that the researcher must reflect on the assumptions that he or she holds and
remain alert as to how this may colour every stage of the research process.

Conversely, Schwandt (2000) posits that intuition, interpretation and the need to understand the relationship between the researcher, the subject matter of research and the reader are important. Schwandt (2000: 194) argues that ‘...understanding requires the engagement of one’s biases ... reaching an understanding is not a matter of setting aside, escaping, managing or tracking one’s standpoint, prejudgements biases or prejudices’. I also accept the view of Schwandt regarding the importance of human opinion, thought and bias.

Using case studies

Social scientists place a high premium on standardisation and are concerned firstly, to collect data in such a way that all respondents are confronted with identical questions. Secondly, they work to ensure the generalisability of the results (Weber, 1949; Lincoln and Guba, 1985; Lewis, 1998; Blaylock, 1970). Thirdly, they are concerned with ‘specifying standard criteria for data analysis procedures so that different analysts will reach similar conclusions when confronted with the same data’ (Blaylock, 1970: 46). Case studies are increasingly being used and valued (Guba and Lincoln, 1992; Kvale, 1996; Stake, 1995; Walsham, 1995; Yin, 1994; Robson, 2002), but in addition to the points mentioned above there are additional considerations of which researchers need to be mindful. These include the use of empirical data (Bulmer: 1982), the value of primary and secondary research (Bulmer, 1982;
Bryman, 2001; Gephart, 1988), the merits of qualitative, quantitative approaches and the impact of bias, (Eisner & Peshkin, 1990; Hammersley, 1995; Layder, 1993; Black, 1999; Hirschman, 1993) and finally, the cost and time implications.

Using examples from organisational writings on technology transfer, strategic change and the management of new structures, Eisenhardt in 'Building Theories from Case Study Research' (1989) describes the potential of case studies for developing theory and argues like Bennett and George (1995) that case studies produce knowledge of high quality. For Eisenhardt, the induction of theory from case studies is an iterative process and is like the continual comparative method in grounded theory. He writes:

'The case study approach is tightly linked to data generation based on a number of steps involving the definition of the research question, selecting the cases, crafting instruments and protocols, fieldwork, analysing data, shaping hypotheses, enfolding literature and closure' (Eisenhardt, 1989: 533).

The case study approach to qualitative enquiry is focused on an in-depth description of a process, a programme, an event or activity. There are researchers (Stake: 1995), who consider the case study an object of study and others like Merriman (1988) who consider it a methodology. For Hartley (2000: 323) '...it is not a method but a research strategy'. Whichever description is most applicable, it is of peripheral value to this research. Suffice
to say, the positive arguments for employing a case study approach include that it has some unique and specific contributions to make to social research due to its ability to enable the viewing and identification of behaviours and nuances not previously envisaged as relating to the research question. The methodology also accommodates more in-depth analysis of statistical data and finally, it permits a better understanding and assessment of the situation by examining the behaviour in context (Rist, 1982).

As discussed by Rist (1982), whilst most case studies are qualitative they are also capable of being used in a quantitative way as observations can be undertaken which quantify the numbers of different types of activities or behaviours. Majchrzak (1984: 63) identifies 3 different types of case study. The first type is 'where the case study is of specific interest and has merit in and of itself...' Majchrzak calls this an intrinsic study. Secondly, Majchrzak identifies the instrumental case which is where the focus of a qualitative study is on a specific issue with a case study used to illustrate the point. The third case study type identified by Majchrzak is collective in nature and includes multiple cases where studies are compared and contrasted and the researcher is required to make generalisations.

A decision to undertake primary case studies would necessitate a high degree of clarity about the purpose and the role of the study and would require that I had fully explored the limitations of conducting single or multiple studies. In addition to that, I would need to clarify the degree to which I can
reasonably compare and contrast my study/studies in order to arrive at relevant and representative conclusions at the end of this thesis.

**Single or multiple studies and the problem of generalisability**

On the question of whether I should undertake single or multiple studies, Lewis (1998) explained that conducting a single case study provides little foundation for comparisons and poses difficulties if the researcher intends to extrapolate and make generalisation from the findings. Lewis concludes that any claims or conclusions can only be said to work or apply if they do apply in those situations and in those situations alone: I concur with this conclusion. I also agree with Stake (1995) that the purpose of the case study is not to represent the world but to represent the case in question. Notwithstanding, there does need to be scope and an understanding that generalisations may need to be drawn. Like Lewis (1998), Blaylock (1970: 46) concedes that:

‘...one of the problems raised by small-scale research is that of the generalisability of one's findings. This problem asserts itself from flexibilities in the way questions are asked, subtle differences in the working hypotheses and interpreting of the data'.

The view of Bryman (2002: 303) on statistical sampling adds weight to this point. 'By doing two or three studies you do not alter the findings i.e. you could arrive at the same conclusion by doing one study or analysing another study'.
In addition to the problem of generalisation, working with a single or a limited number of case studies presents the additional problems of the fieldwork becoming too detailed or - if restricted to a single case study - the research may be too perfunctory and not provide enough data to illuminate and explore issues that may arise within the thesis.

Goetz and LeCompte (1984: 228) argued that qualitative research acquired its own potential for generalisability by providing 'comparability and translatability' which involves the possibility of description and definition enabling other researchers to use the results of the study as a basis for comparison. Lincoln and Guba (1985: 217) suggest that transferability corresponds to generalisability arguing that '...transferability must be reassessed in each and every case in which transfer is proposed . . . the final judgment on that matter is vested in the person seeking to make the transfer'. Lincoln and Guba see the degree of transferability as being the similarity between two contexts - what they call 'fittingness'. 'Fittingness is defined as the degree of congruence between two contexts (Lincoln and Guba, 1985: 124)'.

Lincoln and Guba (1985) asserti that transferability and generalisability requires reassessment on every occasion that it is used raises the question of falsification. Popper (1959) argued that appeals to the evidence can never actually guarantee that a theory is right, only that the theory is right so far.
This is because it is always possible that new evidence may be found that contradicts the theory (Popper, 1959).

Falsification not only embodies the principle that theories are always open to being refuted but also carries with it the idea that researchers should seek to test theories in circumstances where they are most likely to be refuted.

'An advance in science is not a matter of scientists making a discovery and then proving it to be right. It is a matter of scientists making a guess and then finding themselves unable to prove the guess wrong despite strenuous efforts to do so (Crotty, 1998; 31).

For Anderson (1986: 159) '…falsification is not a workable methodology for the social sciences'. For my thesis, however, falsification is a workable methodology, as I am not seeking to identify issues that will remain constant for all times but to identify issues of interest at a single point in time which through rigorous testing could be proved wrong.

Conclusion

Like Hirschman (1985) I have given careful consideration to the fit between the research question and the methodology and I have decided to follow a qualitative grounded theory approach. Moreover, I agree with Hill and McGowan (1999) that the qualitative approach provides reciprocation
between data collection, analysis and theory and allows frameworks, criteria and observations to emerge and evolve in a fluid manner throughout the study. One of the gratifying aspects of the qualitative approach in contrast to quantitative methods is that it enables the researcher to reappraise and refine questions, facilitating an in-depth pursuit of emerging avenues of inquiry.

Similar to Pope (2000), I think it would be unfeasible and unwieldy for me to conduct simultaneous case studies as there would be significant challenges in relation to time, financial resources and difficulties with gaining access. According to Pope '... even if it is possible to conduct simultaneous case studies they are not as useful as sequential development' (Pope, 2000: 114).

An important aspect of my methodology has been the use of questionnaires and interviews which have enabled me to gain further insight into the way police authorities operate. The advantages identified by Wallace (1954) – with which I also concur - is that questionnaires permit wide coverage for the minimum expenditure of effort and money and enable wider geographic coverage and are therefore likely to increase and yield greater validity through larger and more representative samples. Questionnaires do permit more considered answers and are more effective in situations where group consultations may influence the responses. On the subject of generalisability, questionnaires provide greater uniformity in the way questions are posed and can provide respondents with a higher level of anonymity and privacy.
Interviewing respondents enabled me to draw out pertinent issues and provided me with the opportunity to explore particular issues in greater detail; for example, local accountability and the desirability of elected and appointed officials. Interviews are also more likely to provide useful contributions to research. For example, I had a number of ‘off the record’ statements from police authority members and from senior civil servants which directly led me to look into the apparently lack lustre response from the Metropolitan Police Authority into the unflattering Audit Commission report (2008) on Data Recording in the Metropolitan Police Service.

Whilst it would be useful to use both primary and secondary research, due to financial constraints I have decided to use existing case studies rather than conducting primary research. Through triangulation, via documentary research, literature reviews organisational reviews conducted by police authorities, by analysing information gleaned from public meetings, one-to-one interviews and questionnaires, I will test and assess the role and effectiveness of police authorities.
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CHAPTER 3

THE EVOLUTION FROM THE WATCH COMMITTEE TO THE MODERN POLICE AUTHORITY

Introduction

The genesis and subsequent creation of the police service in England is inextricably linked to the development of police authorities because without a police force there would be no conceivable purpose for police authorities to exist. It is also apparent from studying the literature that there was no grand design for the development of policing in the UK because the development of the police service did not occur in a logical or systematic way but was moulded by the needs and fears of society which evolved over time as those needs and fears fluctuated and changed (Critchley, 1978). Reiner (1992) also saw the establishment of the police as an unnecessarily protracted and painful process and Critchley (1978) described the Wapping murders in 1811 and the Gordon riots of 1780 as crucial turning points which significantly hastened attempts to develop a systematic policing system. In his essay on social structure and anomie Merton (1949) maintained that deviant or nonconformist behaviour was a feature of a society over-emphasising and stressing the importance of achieving goals and aspirations. The difficulty which arose was that there was no
corresponding emphasis on the institutional procedures required to obtain those goals. As there is no 'Route to progress' there exists the potential for a state of constant 'warre' and anomie. In order to stave this off, a force or system was required to force men to cooperate (Hobbes, 1980: 43) – or as Rousseau says ultimately men must be forced to be free (Rousseau, 1987: 60).

As citizens we may accept the legitimacy of our institutions and accept the level of security, order and to some degree cohesion and coercion they bring to our lives. As outlined in chapter 3 this acceptance is apparent despite or in spite of the many imperfections and failings of these institutions which may result in a deep seated erosion of trust and confidence (Berkeley, 2003; Locke, 1978; Blunkett, 2002; Marsh, 1977; Hart, 1978). As identified by Barker (1960, xii). The idea of a social contract which binds society together has two elements; firstly, there is the contract of government, between the ruler and subjects and secondly, there is the contract of society. According to Barker there cannot be a contract of government without the prior condition of there being a contract of society. As citizens we accept and endorse a multitude of social contracts. For Barker (1960) the state - in the sense of a political community and as an organised society - is based on a multitude of social contracts which permit and allows us all to conduct our lives relatively free from the fear of harm or overt exploitation. Within these parameters where the individual fails to comply and threatens to resist their obligations they will be faced with the threat or actual imposition of negative sanctions (Held, 1990).

1 See Appendix 1
There is a multi-layer of social contracts represented through the creation of regulatory and scrutiny bodies which provides important checks and balances in order to protect the citizen. Protection and simultaneous endorsement is achieved by creating an umbilical link between the individual, the state, the institution - and for the optimistic - it can be seen as an attempt to embed democracy, egalitarianism and fair play. However, for others, the functions of our institutions and their processes particularly with regard to police authorities are confusing, in fact, according to Jones (1994) the structure and workings of police authorities is intentionally confusing. There are those who do not recognise the description of intentionally confusing institutions but they see that the multiplicity of processes and procedures of institutions as further emboldening and supporting an elitist agenda. For elite theorists, the potential of mass involvement would be destabilising and they conclude that all institutions are pathological in that they all succumb – as a consequence of the social contract - to the iron law of oligarchy which is the inevitable and irreversible domination of the majority by an elite (Pareto, 1939; Mosca, 1935; Michels, 1958; Jones, 1994: 43).

Whilst human beings are obsessively self-interested, Hobbes (1980: 43) maintains that we are reasonable and have the capacity to pursue our desires as efficiently as possible. From this, Hobbes constructs a cogent argument as to why we ought to be willing to submit ourselves to a higher authority and he sees the justification for our obligation as being the knowledge that even though we are naturally self-interested, we are extremely rational. Hobbes goes on to argue
that in the absence of any force to coerce men to cooperate, life would be unbearably brutal; therefore we will rationally and instinctively choose to submit to the authority of a sovereign in order to be able to live in a civil and civilised society (Hobbes, 1980: 43). Given that most people want to avoid their own deaths, Hobbes concludes that the state of nature is the worst possible situation in which men can find themselves as it is the state of perpetual and unavoidable 'Warre' (Hobbes, 1980, 186-188) which can only be resolved by the reasonable and rational nature of man and his desire to pursue peace through a 'social contract' (Hobbes, 1980: 183).

The social contract described by Hobbes has two distinguishable elements. Firstly, individuals need to agree to establish society by collectively renouncing the rights they have against one another as in the state of nature. Secondly, one person or assembly of persons must be imbued with the authority and power to enforce the initial and subsequent contracts. If these provisos are accepted, a social contract is born and mutual benefit is realised and conventional society becomes possible. Once this is established the states three powers - the legislative, the executive, and the judiciary - become organised and the central components of the social contract finds its being as the state realises its autonomy and legitimacy (Kant, 1785; Clarke, 1994: 106).

It is therefore interesting to note that one of the most important aspects of any social contract is pursuing peace through the development of a police
service. As noted by Reiner (1992: 20), the 'cop-sided' view of history asserted that the primary beneficiaries of the newly established police service were the working class and the poor, it was surprising that there was such resistance to setting up a professional police service. Critchley (1978: 28) also found in his earlier work that the poor were worst off without a police service and as such they managed as best as they could until the reform of the rural police.

Locke (1974) saw human nature as less pessimistic than Hobbes and argued that the state of nature denoted a non-political period which was not amoral as implied by Hobbes. Nevertheless, in a society epitomised by self interest and ownership it soon becomes clear - despite the opposition during the Pitt years - that a system of policing is required to ensure the security of ourselves and our belongings if we are to sustain a peaceful society (Reith, 1938: 221; Critchley, 1967).

Those who had property became aware that it was in their interest to create a government or system to protect their assets and property from those who did not. On this basis Rousseau (1987) saw the invention of private property as the defining element of a modern society and it constituted a pivotal moment in our evolution out of a simple state into one characterised by greed, competition and inequality. He argued that governments were established, purporting to guarantee equality and protection for all, even though in a Machiavellian sense the government, by its very existence was seeking to fossilise the very
inequalities that private property had produced (Machiavelli, 2003). In fact, even though the poor had initially benefited from the setting up of a police service, the bourgeoisie benefited most from the establishment of the new system of policing because their property and security were safeguarded and the social structure on which their power was based was stabilised (Bunyan, 1977: 63-64; Brogden, 1982:71).

As discussed later in this chapter the Gordon riots, the chartist movement, the Wapping murders and a number of other incidents demonstrated the need for the fragile social contract to be strengthened and further supported. The various legislative Acts from Pitt's abortive Bill of 1785 to the Police Act 1964 served to emphasise the importance and the need not only to stave off the ravishes of the unbridled nature of man through a plethora of social contracts, but for other contracts to be developed and underpinned by the initial social contract being rooted and relevant to the exigencies of the time. The original social contract would have been insufficient to deal with modern issues of conflict between individuals, between individuals and institutions or between one institution's systems and processes and another's. Indeed, the old systems of control could not cope with the issues affecting modern policing (Reiner, 1992). For Reiner (1992: 13) and Critchley (1978: 21) the twin pressures of urban and industrial revolution were the primary causes that triggered the need for police reform.
The birth of a police service

Keeping the Kings Peace

Policing in England cannot be fully understood if viewed from the centre or in relation to a system of centralised command and control (Lee, 1901). Policing - or Keeping the King’s Peace as it was originally known - had always been a local responsibility. Six parliamentary committees (1812, 1816, two in 1817, 1818 and 1822) concluded that the development and organisation of a police system was at odds with the British system of freedom. The committees concluded that the curtailment of liberty would be too great a sacrifice for the proposed improvements in policing (Reith, 1938: 221). The then Home Secretary Robert Peel chaired the 1822 committee which acknowledged that the then system of policing was inadequate but far from supporting a new system of policing it recommended the strengthening of the traditional model already in place (Critchley, 1978).

From the reign of King Alfred A.D. 849 to A.D. 887 the responsibility for keeping the King’s peace rested with each locality and was based on the principles of collective security and social obligation. During this time, unless you were exempt - through high social position or property - every male was enrolled to undertake policing responsibilities in groups of ten families called a ‘tything’
headed by a 'tythingman'. This system relied on all members accepting an obligation for the good behaviour of each other (Lee, 1901).

The Assize of Clarendon (See Appendix 3 for a chronology of significant Acts of parliament) which was issued in 1166 described how felons were to be presented to the courts of justices or to the sheriffs. The Assize required that town's people report to the sheriff any suspicions they had about one another or any issues that could adversely affect the running of the district. Reports or presentments would be made by the tything man to a jury of twelve men of the hundred who would then forward the accusations to the sheriff. There was also The Assize of Northampton issued in 1776 which prescribed harsher punishment and put a system in place of registering outlaws and reduced the power of the sheriff. Here we saw the beginnings of the role of constable and the early use of the jury system.

Statute of Winchester

In 1285, during the reign of King Edward I the earliest road legislation - the Statute of Winchester - was put in place. This statute was largely a consolidation of features from earlier systems but primarily its main objective was to 'abate the power of felons' (Critchley, 1967: 7).
There were three distinct aspects of the statute that was relevant to the early watch committees and later to the police authority. Firstly, the statute revived the system of watch and ward where watchmen provided support to the constables in securing the town or village. This system saw the development of the first substantive distinction between policing in towns and rural areas. For example, rural regions were not necessarily walled as large towns were and the geographic areas tended to be more remote. Town areas by contrast, required more men and there would need to be an appreciation of the commercial aspect and transitory nature of movement within and between towns.

The second measure which the statute revived was the Saxon practice of hue and cry which was a means of dealing with strangers who resisted arrest by the watchman. When the hue and cry went up it signalled that the whole population was required to join in the pursuit, those who did not were seen as siding with the fugitive/s.

The third aspect of the statute that was relevant to the early watch committees and later to the police authority was that the responsibility of local policing was in the local district and the constable still retained the responsibility of presenting the offender to the court. What the statute succeeded in doing was that it reinforced the preventative aspect of policing provided by the watch at night and the ward during the day, it reinforced an element of repression through the hue and cry and it was punitive by presentment (Critchley, 1967: 7).
The duties of a constable

The duties of a constable were varied and diverse and involved setting the nightly watch and incarcerating and delivering criminals to the Justice. The constable also had the responsibility of managing staff, initiating the hue and cry, or requesting a hue and cry (warrant) from the Justice. Additional responsibilities included making presentments and bringing reports on infringements of the law. Four times during his year of office the constable would be required to attend the quarter session and produce upwards of a hundred separate pieces of paper on which he had written the affairs of the parish. The principle obligation in the Assize of Clarendon placed a direct responsibility on the parish and therefore the constable to bring to account every breach of the law. Failure to do so left the whole parish liable to a fine from the Crown and the injured party. There was also a second sanction which could be levelled at the constable, that of negligence which further added to the reluctance of men to participate if they were able to avoid becoming a constable by paying their way out.

The other way of avoiding this responsibility was through possession of a 'Tyburn Ticket' where a person who prosecuted a felon to conviction would be exempt for life from all parish offices. These certificates were widely sort after and purchased at high cost. The ability to buy oneself out of this further exacerbated the degradation of the role of constable; as a result many of those who served as constables were those least able to secure employment in other
ways and tended to be illiterate and at worst as corrupt as the criminal classes (Critchley, 1967). This old system of policing was also depended on part-time constables and watchmen and was inadequate (Elmsley, 1996). Elmsley notes that the fact that some were willing to take on the job did not mean that they were any good at it; in fact the opposite was usually the case (Elmsley, 1996: 216 & 218).

The Statute of Winchester (1285) and the Justices of the Peace Act 1361 was a transition from the frankpledge to a system based on a working partnership of the constable and justice. The advent of the justice of the peace had a serious impact on the post of constable. If a man had a trade, anytime spent as a constable could ruin his business (Emsley, 1996: 217) so as merchants, tradesmen and farmers became increasingly unwilling to undertake this unpaid and onerous roll those who could afford it would pay deputies to fulfil their obligations, the deputies themselves often then paid other deputies to fulfil the role they were paid to undertake. Thus as Ascoli (1979: 18) explained, the office of constable was never 'in theory or practice a privileged position'.

The office of constable had two distinctive characteristics: as the annually elected representative of the parish he was its executive agent which entailed making the necessary presentments at the court, Secondly, he was responsible

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2 'Frankpledge' which was a pre-emptive compulsory fixed bail set on individuals as a safeguard in anticipation of arrest.

3 I have used the word 'he' because constables at this time were exclusively men.
for keeping the King's peace and with royal approval this office was distinct from all other local offices. Policing at this time was distinctive from today for a number of obvious reasons including that there was no regulation or control over the police because there could be no higher authority or seal of approval than that of the Royal House. Even though the position of constable was not privileged, the role was unmonitored and those who were fortunate or unfortunate enough to be obliged to do it had very few checks and balances to their activities.

It was widely accepted however that the system of the parish constable was ineffective and until Robert Peel most discussions, debates, changes and attempted changes in legislation was borne out of experience of crime in London. This focus on London had the consequence that the provinces followed divergent paths in the development of their police forces. Some rural areas remained unchanged and for a longer period of time they remained under the system of frankpledge. As I have discussed earlier, this delay had a devastating impact on the poor and the working class (Critchley, 1978, 28; Reiner, 1992; 20).

Police reform: contributors and legislation

Throughout the eighteenth and nineteenth century with the exception of London there was little in the way of a recognised local government structure. The urban sprawls that developed in the wake of the industrial revolution relied on archaic institutions and customs such as parish vestries, manor privileges and
common law which soon became outdated and irrelevant. The reality as chronicled by Critchley (1967) was that after a hard day's work in the fields, the factories and the mines the working classes did not feel any sense of obligation nor indeed saw it as a priority to undertake unpaid work. The lack of voluntary input led to a systematic breakdown of law and order and although there was a general framework in place, the principles and the real life experiences that were required to embrace, give body and momentum to this system - ultimately leading to a stable society - broke down leaving the streets unsafe, untended, unlit and filthy. Lee (1901) recounted that during a parliamentary election one party secured the services of professional boxers as bodyguards to protect its candidate from the physical attacks of political opponents.

During the second half of the eighteenth century the Improvement Act (1762) significantly impacted on law and order by making provision for each town to levy a fee for local watching, lighting, paving and street cleaning. Through the Improvement Act 1762 more towns employed paid watchmen and through this, the lineage of the municipal police forces set up under the Municipal Corporations Act 1835 can be traced.

The impact of the Fielding Brothers, William Pitt's abortive Bill in 1785, the Home Secretary Robert Peel, the River police, the Bow Street Runners, the Wapping murders, the Gordon riots, Metropolitan Police Act 1839, the County Police Bill the Birmingham Police Bill and indirectly the impact of the Municipal
Corporations Act 1835 all made valuable and indelible contributions to the system of policing we have today.

For example, Henry fielding (Chief Magistrate of Bow Street) made a landmark contribution to policing through the production of a series of pamphlets on penal policy and criminology. Through his journal he educated the public on penal issues and provided descriptions of criminals through the Covent Garden Journal. His other contribution was that he formed a body of thief-takers in 1750 and recruited seven people to brake up gangs. This was set up as a commercial interest which years later evolved into the Bow Street Runners. After his death his brother John Fielding took over and elaborated on thief-takers requesting that households formed groups that would supply Bow Street with information on criminals.

The Gordon riots and Pitt's Bill were important catalysts in the evolution of the police service. In 1778 parliament passed the Relief Act repealing seventeenth century anti-catholic legislation. In June 1780 violent anti-catholic riots broke out in London as protestors marched on parliament to present a petition requesting the repeal of the Relief Act and a return to Catholic repression. During the rioting, chapels, catholic homes, prisons; public buildings and individuals in the street were attacked. It took the government and London authorities ten days to restore order by which time, 12,000 troops had been deployed and over 700 people had been killed.
As a result of the disturbances it was acknowledged that something ought to be done about policing (primarily in London). Until this time it was believed that the authority to control the police was the justices. Pitt's government however presented a Bill in 1785 to sever this link in favour of a strong police force across the metropolitan area. The Bill proposed that there were to be three salaried commissioners of police who would also serve as justices of the peace. The existing constables and watchmen would be maintained and subsumed into the regular police. The existing metropolitan justices would be stripped of their executive police functions and be concerned only with their judicial role. Due to opposition primarily from the city the Bill was withdrawn and became know as Pitt's abortive Bill. Not-with-standing this the Bill provided us with an early insight into the modern structure of policing.

The Wapping murders also marked an important period in policing. As a result of two families being murdered in the east end of London in 1811, the then Home Secretary Richard Ryder, set up a committee to look at the nightly watch and the effectiveness of various local Acts. Between 1812 and 1822 six committees concluded that the idea of organised policing was incompatible with British liberty (Reith, 1938; Critchley, 1967). The 1822 committee was set up and chaired by the Home Secretary Robert Peel and reported that it was difficult to reconcile policing with freedom of action and from interference. After his 1828 inquiry on crime in London and Middlesex, Robert Peel concluded that the system of policing was defective and that it was not in anyone's interest that a
grocer, shopkeeper or any other business person should have the unpaid added responsibility of managing and taking an active part in policing. His new Bill of April 1829 established a new police office at Westminster and two justices who were responsible for control over the new force and answerable to the Home Secretary. The act made the Home Secretary responsible for approving the size of the forces and gave him the power to command the two justices (later Commissioners). Although it did not happen immediately the Bill was applied across the country - except for the City of London.

The Municipal Corporations Act 1835 was an important piece of legislation under which police forces were required to be established in England and Wales. There was however a lack of uniformity in the establishment of the forces and each area adopted a different arrangement for governance with some boroughs - because they had the power to determine whether or not to establish a force - ignoring the act altogether (Reiner, 2000: 41). The essence of the Municipal Corporations Act 1835 was that it was a tool for rearranging the administration and management of councils with the requirement to establish a police force being only one aspect of it. The act initially only applied to the 178 boroughs in England and Wales that had been granted charters of self-government - Birmingham was not one of those towns.

The significance of Birmingham's exclusion from self-government was highlighted during the disturbances of the Chartist movement in 1839.
Although attempts at policing the streets of Birmingham had been made in the past, due to a lack of funds it had largely been unsuccessful. The chartist disturbances however forced local magistrates to request officers from the Metropolitan Police force to assist in bringing the 1839 Chartist riots under control. Chartists campaigned for what was at the time, radical parliamentary reform; they demanded votes for all men, equal electoral districts, the abolition of the requirement that members of parliament be property owners, payment for members of parliament, annual general elections, secret ballots, trade union and factory reform, and they were vehemently against the Poor Law (Ashton, 1999: 34, 35). The Birmingham police were unable to quell the disturbances and obtained reinforcement from the Metropolitan police. The impact of the Chartist riots underscored the need for the city of Birmingham to create an effective police force. The Birmingham Police Act 1839 was passed and resulted in the control of the police being taken away from the council and the Home office being authorised to establish a force of around 250 constables and 50 officers to begin policing the streets with a commissioner to manage the force who was answerable to the Home office (Critchley, 1976: 80-84).

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4 Until 1842 when the council took back control of the police
The early watch committee and police authority

With the growth of provincial police forces two systems of local accountability developed; one through the watch committee and the other through the power of justices of the peace to appoint a chief officer.

i) Watch Committees

Elected town councils appointed committees and were required to appoint no more than one third of its members to form the watch committee. These committees possessed the power to appoint and dismiss police officers/constables and establish regulations for the running of town forces (Critchley, 1967: 63). The Municipal Corporations Act 1835 removed the responsibility of police as improvement commissioners under the Improvement Act 1762 and broke the link where police were secured under the Lighting and Watching Act 1833. This meant that the role of the police came under an Act of Parliament designed specifically for that purpose.

Whilst there were some similarities between the Municipal Corporations Act 1835 and the later Metropolitan Police Act 1839 there were more significant differences; for example Metropolitan police officers received regular pay, which was not standard practice outside the Metropolitan police area; also in London, all former watchmen and constables were dismissed and new people were
employed whilst in other areas the same people were seen as a source of cheap labour and were kept on. The impact of these differences was that the boroughs appeared to be less efficient and smooth running than the metropolitan police area and they fell behind in their methods of recruitment and training.

The question of police control and accountability was a controversial one even in the 19th Century. The Metropolitan Police Act 1839 established unequivocally that the force was under the control of the Home Secretary. There were no guidelines or chains of authority for policing outside the Metropolitan police area and the only guidance issued was that watch committees would produce quarterly reports for the Home Secretary. There was also no mention of a chief constable or any other rank to take charge of officers. What resulted from this was a disorganised band of watchmen unclear whether within the right of the watch to hire and fire constables it also had the right to give orders to the police.

These uncertainties continued for a number of years with notable disagreements arising between watch committees and chief constables with some chief constables being subservient to their watch committees whilst others acted independently and at times confrontationally (Brogden, 1982; Spencer, 1985). The two most notable cases which demonstrated these disagreements were in Birmingham 1880 and Nottingham 1956. The disagreement in Birmingham centred on the change in decision by the chief constable to arrest people found drunk. For many years the Birmingham police had adopted a policy
of not arresting individuals unless they were disorderly or posed a threat to themselves or others. The chief constable decided to alter this without consultation with the watch committee and proceeded to arrest anyone found drunk. There was widespread criticism of this change and the chief constable was summoned before the watch committee and advised that he had a responsibility to consult the committee regarding changes in operational activities especially as it was likely to directly affect and impact on taxpayers. The chief constable refused to accept this or back down. The Home Secretary at the time drew attention to the Municipal Corporations Act 1835 which empowered the watch committee to take preventative action to halt misuse, or abuse of the system coupled with the responsibility of it to discharge any constable it felt jeopardised the office. The watch committee emphasised that it was inconsistent for the chief constable not to be subordinate to it or in harmony to the watch committee and advised that there would possibly be need for the chief to resign. It was only at this stage that the chief constable gave way and agreed to the request of the committee (Critchley, 1967: 131).

A similar dispute occurred in Nottingham in 1956 when the chief constable asserted that the duty of enforcing the criminal law belonged to him and not the committee. The chief constable of Nottingham suspected that members of the city council had acted corruptly and after his consultation with the Director of Public Prosecutions (DPP) he was advised to undertake further enquiries. After the Metropolitan Police's investigation, the DPP took no further Action.
Subsequently, the watch committee requested that the chief constable report details of the inquiry to them which he refused to do. The watch committee suspended the chief constable. However, the Home Secretary at the time concluded that the actions of the committee amounted to a deliberate interference with law enforcement and ruled in favour of the chief constable (Critchley, 1967:270-2).

The legal case that most clearly established the model of constabulary independence was that of Fisher v. Oldham Corporation (1930). Fisher brought an action against the Oldham Corporation and the watch committee after being imprisoned wrongfully in connection with obtaining money by false pretences. Mr Justice McCardie ruled against Fisher on the grounds that the police officer/s had not acted as servants of the borough but were exercising an original authority conferred directly on them and exercised by virtue of their office which could not be exercised through the responsibility of anyone else but the police officer themselves (Marshall, 1967: 16, 33-36). Jones et. al (1994, 13) believes this decision was wrong and argued that 'power is conferred directly on many other officials without the same conclusions being drawn'.

The two most recent examples of overt disagreement arose as a result of the Bichard inquiry and the proposed merger of police forces in England and Wales in 2005 and 2006. In 2004 the Bichard inquiry report criticised the Humberside Police and its Chief Constable Mr David Westwood for significant
failings in the handling of intelligence on Ian Huntley (the Soham murderer). The then Home Secretary David Blunkett MP lodged legal papers with the High Court in June 2004 in an attempt to force the suspension of the chief constable of Humberside, David Westwood. Despite the Home Office receiving correspondence from the Humberside Police Authority - the direct employers of the Chief Constable David Westwood - arguing that the chief constable should remain in his post, the Home Secretary used his powers under the Police Reform Act 2002 to direct the police authority to suspend Mr Westwood in order to maintain the public confidence in the force.

The other more recent occasion occurred in relation to the proposed merger of police forces. In 2005/06 following Her Majesty's Inspectors of Constabulary's (HMIC) report 'Closing the Gap'; the then Home Secretary Charles Clarke MP asked police authorities and forces to develop proposals for merging the 43 police forces in England and Wales. Police authorities across England and Wales rejected the Home Secretary's request to commit to voluntary mergers and by the deadline of 23rd December 2005 no police authority had submitted proposals despite the substantial financial incentives on offer to those who agreed to the mergers. The Association of Police Authorities reiterated its demands for assurances from the government on key issues such as funding, local accountability and timescales before it would advise police authorities to consider voluntary mergers. Bob Jones, chairman of the Association of Police Authorities (APA) issued a press release saying;
'Police authorities have unanimously rejected the Home Secretary's plans to force these proposals through [and] there are also credible alternative options which should be considered very seriously.'

Source: APA press release 22/12/2005; Times Online and PA News: 22/12/2005

Depending on ones point of view, the aforementioned disagreements may support the position that police authorities have been and are still being undermined, the examples may also support the view that police authorities are unable or unwilling to challenge - or challenge successfully - the prevailing police or Home Office position. Even with Elock's (1991) directional accountability there is, according to Jones et al (1994) an inability of police authorities to be effective instruments of accountability. This inability is caused because police authorities are tied to the explanatory and cooperative forms of accountability. Jones et al also alleges that police authorities have a propensity to bury their heads in the sand being studious civil servants; however, on the subtle and controversial issues they fall very short of the mark. The other view point is that these events demonstrate that there are countervailing interests vying for position within a pluralist system. The Association of Police Authorities (APA) sited the refusal of police authorities to present proposals to the Home Secretary on suggestions for merging police forces in England and Wales as a good example of police authorities asserting themselves (APA:2005). Silverman (2005) however, believed that this was public evidence that they were under greater political pressure than ever before.
ii) Justices of the Peace

The second system of local accountability that developed was the power of justices of the peace to appoint a chief officer.

Following the Municipal Corporations Act 1835, the County Police Act 1839 gave justices of the peace the power to appoint a chief officer of police who would hold statutory office and only be dismissed at quarter or general sessions. The act also made all county forces subject to the rules concerning government pay, clothing and accoutrements of constables (Lustergarten, 1986:42). Justices were empowered but not required to establish a force and there was no centralisation of police powers. The standing of the county chief constable was much greater than that of the borough chief and under this arrangement the chief constable was to an even higher degree under the authority of the Home office. Once in post, the only power the justices had was that they could dismiss the chief constable. The chief constable had the power to appoint constables, promote, demote, fine, suspend or dismiss constables at will. It was very apparent at this time that the chief constable performed many of the functions similar to the watch committee.
Inspection and the County and Borough Police Act 1856

It was not until the County and Borough Police Act 1856 that it became compulsory for all counties to establish a rural police force. The act also reinforced the power of the watch committee and the justices and introduced a provision for the central inspection of police forces, enabling the crown to appoint three inspectors of constabulary to assess the efficiency of all forces (Jones et al: 1994). Under the County and Borough Police Act 1856 a grant was made available to forces that served a population of over five thousand and was seen by many as an incentive for smaller areas to merge forming larger forces. The act also contained clauses which prevented the agreement from being broken once it was entered into without the Home Secretary's consent and an order could be placed in council to impose an agreement on any reluctant council. These were the new police authorities and they were required to submit statistics to the Home Secretary of crime in their area. Here we see the beginnings of a top down approach with an element of local management.

Until 1874 the Home Secretary's only real power over these police authorities was that of withholding a certificate of efficiency (Jones & Newburn, 1997). Under the County and Borough Police Act 1856 boroughs with populations of less than five thousand were not entitled to grants but in 1874 in order to adequately cover pay and clothing the exchequer increased the funds to all police forces from a quarter to one half of their total budget. According to
Critchley (1967) this move inevitably led to an increase in the Home Secretary's control over county forces. The first inspections by Her Majesties inspectorate of constabulary (HMIC) highlighted that there was no test of efficiency that could be applied or used to assess police forces and the service they provided, as a result the possibility of standardising police practice was not possible (Jones et, al: 1997). With the proposed increase in grants the inspectorate made a number of recommendations: a) that the appointment and disposal of chief constables ought to be done with the express approval of the Home Secretary; b) that the grant should not be given to any borough with a population of less than 10,000 and c) that a system of pay and pension should be set up otherwise it would be impossible to keep a stable police force. A select committee on police superannuation was set up in 1875 and in 1877 the Municipal Corporations Act imposed the first compulsory check on the formation of new police forces by stipulating that a separate police force could not be established unless the population exceeded 20,000 (Critchley, 1967:130).

On the question of who should control the police there were two camps or schools of thought, one believed control of the police was a judicial matter and the other an administrative one. Through the Local Government Act 1888 the government sought a compromise between the two positions with the development and management of the force being in the hands of a joint committee of the council and quarter sessions. The Local Government Act 1888

5 The Courts of Quarter sessions date back to 1363 when Keepers of the Peace were formally called Justices and empowered to meet four times a year. The four sessions were held at Epiphany, (Easter or Lent, Midsummer, and
established the administrative pattern for policing, establishing county councils and under their aegis, standing joint committees consisting of two thirds elected councilors and one third local magistrates to be the police authority for county forces.

What however led to the creation of the police authority as we know it was the Royal Commission established in 1960 whose report in 1962 led to the Police Act 1964. The establishing of the Royal Commission had been as a direct response to concern about police wrong doing; in particular regarding the use of force by the police, about police accountability and the degree to which it was possible to seek redress against individual officers. There was also a variety of other issues including concerns about increasing crime rates, the effectiveness of the police and their ability to address rising crime and new kinds of crime (Jones and Newburn, 1994).

The Police Act 1964

The Police Act 1964 replaced the old system of watch committees and joint standing committees with a single system of police authorities. Watch committees had previously been composed entirely of councilors, whilst half of the members of the joint standing committees were magistrates. The new authorities consisted of two-thirds councilors and one-third magistrates and as

Michaelmas. The court dealt with both criminal and administrative matters though many of its administrative functions ceased in 1988 when county councils were introduced.
discussed above there were three basic forms of authority; the single, the combined and the joint police authority.

The ineffectiveness and limitations of the Police Act 1964 becomes apparent as one analyses practical implementation issues against the legal objectives of the act. For example, the way the act defined the role of police authorities, their relationship to chief constables and the Home Secretary was limited in four ways.

Firstly, the only statutory duty that the act placed on chief constables in relation to police authorities was the requirement to submit an annual report. The Police Act 1964 permitted the police authority to request that a written report be provided to it on any matter related to policing within its area. For Marshall (1978), this explanatory type of accountability, where after the event the police explain the policies they have followed or actions they had taken, was insufficient. It can therefore be legitimately argued that this provision in the 1964 act provided little actual leverage for police authorities because in reality a chief constable could refuse to make a report if s/he believed it would contain information that ought not to be disclosed, or if it was deemed to be too sensitive to operational issues (Reiner, 2000:188). Baldwin and Kinsey (1982) had previously come to this conclusion and argued that section 12.3 of the Police Act 1964 which provided chief constables with this important opt out demonstrated that not only did the Home Secretary have power over the police authority but
that he could wield that power of influence and control within the tripartite structure. This was evidence for Baldwin and Kinsey (1982: 106) that 'police authorities were the weak successors to the watch committee and with this weakening, chief constables have become stronger' which is evidenced through the growing strength of the Association of Chief Police Officers (ACPO) becoming an effective pressure group.

The second area where discrepancies arose between the Police Act 1964 and its implementation was that the act gave police authorities no powers to instruct chief constables to change any policies set out in the reports provided to them. Lustgarten (1986) saw this position as unsatisfactory arguing that the dependence of police authorities on their chief constables/commissioners for information was likely to stymie their ability to offer effective objective oversight and criticism.

The third discrepancy is in relation to the Home Secretary as ultimate arbiter; because it serves to emphasise the power and preeminence of the government in policing matters. Lustgarten (1992) and Reiner (1992) claim that the centralisation of policy-making power, coupled with the increase in influence of central institutions has been at the expense of local accountability and that by the end of the 1980s, most important decisions about policing were taken by central bodies, in particular the Home office. In cases of real conflict between a chief and his police authority, not only would the chief constable always prevail
but the police authority would defer to the expertise of the chief (Reiner, 1992; 2000, 189; Brogden, 1977). Reiner (2000: 188) saw that the act was contradictory and vague, particularly with regard to the police authority’s power to instruct chief constables on general rules concerning law enforcement.

The fourth discrepancy was identified by Boateng (1985: 238) who noted that the Police Act 1964 had the effect outside London of institutionalising the growing authority of the chief constable, giving him sole responsibility for the operational direction and control of the force. Through the Police 1964 Act (section 4.1) the police authority’s role was defined as the general duty ‘to secure the maintenance of an adequate and efficient police force for the area’. This separation and distinction between operational and strategic roles has according to Boateng ‘bedeviled the relationship ever since’ (Boateng, 1985:238). Lustergarten (1986) saw the distinction as untenable and Reiner (2000: 189) saw it as a ‘tendentious classification, without a basis in the act itself’.

Although the 1964 Police Act set up the tripartite system giving equal powers to each of the three partners, in practice, according to Loveday (2005), power was weighted against police authorities in favour of chief constables. Loveday also observed that constabulary independence further eroded the ability of police authorities to influence policing.
In relation to London, Loveday argued that police authorities were emasculated by the abolition of the Greater London Council in 1985. The Police and Magistrates Court Act 1994 and the Police Act 1996 were important landmarks in the relations between the members of the tripartite because these Acts cut the size of police authorities from 35 members to 17, and transferred control over police budgets from the police authority to chief constables (Loveday, 2006:12).

There are two primary views about this. Firstly, that there is an overt intension to cloud the decision-making process which is served by ensuring that roles and responsibilities are unclear (Jones et al, 1994: 27); and secondly, that there has been a perceptible shift of power to chief constables and the Home office to the detriment of police authorities (Reiner, 1993). Support for this perceptible shift was evidenced when the former chief constable of Manchester - Sir John Anderton – stated that ‘the policeman is nobody’s servant and the police authority has no authority or right to give the chief constable orders about the disposition of the force because the full authority and responsibility of the force, its deployment and its resources is the sole responsibility of the chief constable’ (Times, 18 March 1982).

Disagreements between police authorities, home secretaries and chief constables served to highlight that the Police Act 1964 provided little statutory power to police authorities. Jones and Newburn (1997) also saw that police
authorities had a lack of influence which they argued was not simply due to the lack of statutory powers afforded under the Police Act 1964 but was due to police authorities narrowly interpreting their role and failing to use the powers they had. Jones et al. (1994: 62) saw 'police authorities as self-limiting and the architects of their own decline'. In addition, their lack of influence was due to their cumbersome size, a lack of expertise by police authority members, a lack of understanding by members of the scale and operation of police authorities, some chief constables accepted the important role of police authorities whilst others viewed police authorities as an annoyance.

The core functions of the police authority

Police authorities are independent bodies and there is a police authority for each of the 43 police forces in England and Wales with the only national police authority being the British Transport Police Authority (BTPA). The duty of the police authority is to set the strategic direction for the local police force whilst holding the chief constable to account on behalf of the local community for the policing service delivered.

Prior to the Police and Magistrates Courts Act 1994 there were - in England and Wales - three structural types of police authorities, the combined, the joint and the single authority (Hart, 1951).
Combined authorities were independent of the constituent local councils and because they were unattached to and arguably unaware of some of the local constraints - particularly budgetary ones - within local areas they were deemed to be less accountable than single county police authorities. Combined authorities only existed outside of metropolitan areas such as Avon & Somerset, Thames Valley, and Sussex.

Joint authorities consisted of members nominated by constituent metropolitan district councils and magistrates from the different areas. These types of authorities only existed in metropolitan areas and came into being when the metropolitan counties were abolished in 1985. Examples of joint authorities include Greater Manchester, London and West Yorkshire. Single authorities tended to function as a committee of the county council, e.g. Lancashire or Surrey.

There were also two national service authorities that performed a similar function to police authorities; the National Crime Squad and the National Criminal Intelligence Service. These have now been merged into the Serious and Organised Crime Agency (SOCA). These authorities were set up by the Police Act 1997 and came into being on 1st April 1998.

With the passing of the Police and Magistrates' Courts Act 1994 significant changes to both the composition and powers of police authorities came into force
in England and Wales. The act made police authorities independent of local government and because combined, joint and single police authority structures were local government arrangements these structures became obsolete. The act also substantially reduced the size of police authorities and the numbers of elected councillors on them and independent members were introduced to police authorities. As a result of the act, police authority membership consisted of 9 local councillors, 5 independent or appointed members and 3 magistrate members totalling 17 members. Some larger authorities had slightly more members; for example the Metropolitan Police Authority had 23 members which enabled it to more adequately represent London's size and make up.

According to the Policy Studies Institute (1997), despite initial criticisms that the Police and Magistrate Court Act 1994 represented an attack on democratic accountability, there was evidence that local police authorities were actually re-invigorated as a result of it. The Policy Studies Institute (1997) also found that the most criticised aspects of the act - the reduction in police authority size and the introduction of appointed independent members - made police authorities more active and influential and rather than increasing central control, many forces and police authorities had used local policing plans to introduce a range of local police objectives, including crime prevention and quality of life issues such as traffic calming measures and road safety. Notwithstanding this, however, police authorities were effectively less democratic and their local plans
had to take account of national issues which at times were at odds with local concerns.

Baldwin and Kinsey, (1982: 108) and Jones et al (1994: 27) agreed with Jack Straw MP in a memorandum on his Police Authorities Bill 1979; Jack Straw explained that the role and power of police authorities had been defined in terms of increased powers for the police which was not the intended purpose. The democratic scrutiny of the police had - in his opinion - been reduced to an unacceptable level. Mr. Straw MP introduced a private members Bill that would have given police authorities powers to determine general policing policies, bind chief constables to act in accordance to them, and police authorities would have the powers to appoint senior officers down to superintendents. Mr. Straw also proposed – as did Loveday and Reid (2003) - that magistrate members be removed from police authorities – a move that is now being implemented. The proposals also included a number of checks on police authorities; for example, the home Secretary would adjudicate on disputes between the police authority and the chief constable. The Bill did not become law and amongst those who were most vociferous against it was the Association of Chief Police Officers (ACPO) who saw the Bill as allowing political interference into the operations of the police. What ACPO failed to grasp however was that the involvement of the home Secretary in appointing senior officers, the home Secretary’s power to veto requests by police authorities for reports from their chief constables and the
increased funding from the Home Office to police authorities had already introduced political influence/interference at the highest level.

Conclusion

As discussed at the beginning of this chapter, there was no grand design for policing in the United Kingdom, its development was never logical or systematic but was moulded by the needs and fears of society and then evolved over time as those needs and fears fluctuated and changed (Critchley, 1978). Reiner (1992) however does not accept this analysis. Critchley (1978) described the Wapping murders in London in 1811, and the Gordon riots of 1780 as crucial turning points that hastened attempts to develop a systematic policing system. Despite the conclusions of the three committees set up in 1816, 1818 and 1822 that it was incompatible to retain a police service, the need for such a service was over time proved to be necessary. The work of the Fielding brothers, the impact of the Gordon riots and the Wapping murders all served to demonstrate the need for a systematic system of policing.

The transition from watch committees, the role of the justices and their powers to appoint chief officers along with the significant impact of the various Acts of parliament all set the scene for our current structure of policing and police authorities. Today, there is a fine balancing point to be found between policing policy on a macro level, its representation in local policing plans and its
implementation on the micro level. This potential tension between the macro, micro, the national and the local, presents a conundrum over whom or what policing is serving; is it a political structure that has security functions or is it a security structure with political functions? The juxtaposition of a sense of liberty and freedom whilst maintaining law and order is politically and morally sensitive. The obvious fear is that strong policing can lead to tyranny whilst a *laissez fair* approach may - in extreme cases - result in anarchy (Mills, 1906:8).

Police authorities stand in a pivotal position to affect and improve upon our collective experience of policing. In the following chapters I will be considering the role of police authorities in the context of citizenship, their effectiveness and their relevance to affect change, engage stakeholders and provide increased accountability.
CHAPTER 4

THE CITIZEN AND THE STATE

Introduction

My aim in this chapter is to cradle the discussion of police authorities in the wider context of the rights and responsibilities of the citizen and the state. I will be discussing these issues in the context of what it means to be a citizen, what is expected and how as an institution police authorities fulfil their primary role of ensuring the maintenance of an efficient police service and how they consult, engage scrutinise, bring to account and ensure added value to the citizen and the system of policing.

As a means of enhancing, legitimising and perpetuating the agreed norms and protocols of society and its institutions, it is essential that the citizen is able to participate economically, socially and politically. At its most basic level citizen involvement and participation reflects the citizen's trust and acceptance of society's norms and values (Blunkett, 2001; Clarke, 1994; Locke, 1978; National Consumer Council, 2002; MORI, 2003; Audit Commission, 2002; Coleman, 2005; Alibhai-Brown, 1999; Hewitt, 1996). If there is to be a smooth and effective exchange of rights, responsibilities and obligations, the relationship between the citizen and the state requires reciprocity of action not just theoretically but practically. The bequeathing by the citizen of responsibilities and powers to the state is just the beginning of the relationship.
The state's primary role is to provide subsistence, produce abundance, favour equality and maintain security (Bentham, 1960; Held, 1999). The Burkean view sees the individual citizen as directly empowered whilst Rousseau's model of democracy in *The Social Contract* (1762) is closer to our current system where the individual invests power in professional politicians and institutions. Our investing of power is channelled through bureaucrats, civil servants and politicians who then operate through various government departments and institutions. Through the Department of Health we are provided with a health service, our welfare state is supported through the Department of Work and Pensions, the Department for Business Innovation and Skills ensures that we have education and skills provision and enables business and industry to operate within set parameters and conditions. The Department for Environment Food and Rural affairs (DEFRA) oversees food, environmental and agricultural affairs, the Ministry of Justice oversees our judicial system, through the Ministry of Defence our armed forces secure our borders, the tripartite system of the Bank of England, the Financial Services Authority and the Chancellor sets the financial climate for economic activity and there are many more national agencies and bodies. This model of government and governing is further complicated - and to some extent duplicated - at the regional level through devolved authorities which includes Regional Development agencies, local Government Offices and at the local level through local councils, Local Strategic Partnerships, Primary Care Trusts (PCT) and Local Area Agreements (LAA)\(^1\) to name a few. Regulatory bodies

\(^1\) Local Area Agreements (LAA) are made between central and local government in a local area. Their aim is to achieve local solutions that meet local needs, while also contributing to national priorities and the achievement of standards set by central government.
like the Strategic Rail Authority, the British Medical Association (BMA), the Financial Services Authority (FSA), Trading Standards, police authorities and many others have the power to call various bodies to account on our behalf, ensuring transparency and fairness in the operation of the sectors and industries they monitor, scrutinise and oversee.

If the state is to function effectively it needs to secure and maintain legitimacy by gaining consent which ultimately could lead to increased involvement and participation (Blunkett, 2001; Clarke, 1994; Locke, 1978; National Consumer Council, 2002; MORI, 2003; Audit Commission, 2002; Coleman, 2005; Alibhai-Brown, 1999; Hewitt, 1996). Whilst tacit consent as postulated by Locke (1978) plays an important part within the armoury of an effective administration, what is really required, is the active participation of the citizen because active participation reflects a higher level of importance in the mind of the citizen and underpins and provides direct buoyancy to the legitimacy of our institutions and its processes (Blunkett, 2001; Clarke, 1994).

Whilst all citizens are afforded the same rights and the same responsibilities, in practice citizens are not treated equally; for example ethnic minorities and people with disabilities face discrimination, unequal access to opportunity and are poorly represented in public and political life. This is highly

Local Area Agreements seek to:

- provide intelligent and mature discussion between local and central government, based on a clear framework and shared understanding of national and local priorities
- improve local performance, by allowing a more flexible use of resources, to achieve better outcomes and devolve responsibility
- enhance efficiency by rationalising non-mainstream funding and reduce bureaucracy to help local partners to join up and enhance community leadership.

The first round of 20 LAAs was announced on the 22 March 2005, the second round of 66 LAAs was announced on the 22 June 2005 (Improvement & Development Agency: 2006).
relevant because the citizen, having bequeathed responsibilities and powers to the state to aide the smooth and effective exchange of rights, responsibilities and obligations, expects that there is reciprocity and equity not only in theory but in practice. There is therefore an obligation on the citizen but also an obligation on the state.

According to Boaden (1982), reciprocity between the state and the citizen ensures that all have equal access to become involved and to interact with society’s institutions - whether they wish to challenge or accept them. If the expected reciprocity is not maintained and there is evidence of discrimination and marginalisation, the question which then arises is whether those who are marginalised and discriminated against are under the same obligation as other non marginalised citizens to participate. In this chapter I develop this argument and in chapter five I develop the theme that even where there is discrimination and marginalisation, our institutions are more accountable today than they have ever been and that this level of accountability reflects an attempt to reduce marginalisation and discrimination. However, there is no evidence to support the argument that increasing accountability will result in increased participation (Scarman, 1986). To some extent Ignatief (1995) concurs with this and argues that the more a citizen receives from the state the more they are obliged and have an increased sense of responsibility to it. Throughout this chapter I will be looking at the

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2 Scrutiny occurs through direct election of officials; nationally, regionally and locally. Scrutiny also occurs legislatively; through bills and acts of Parliament; through select committees and appointed members. Scrutiny also occurs through the civil service, through independent auditing agencies and bodies, through the media, think tanks and the plethora of universities and research institutes.
implications of this for the citizen, the state and the ability of police authorities to engage the citizen and how this may affect the operational role of the police service.

What I hope to identify is the role police authorities can and have played in directing and focusing this sense of obligation into active participation. Unlike Ignatief, however, I do not see the defining aspect of one's responsibility or propensity to participate as being measured by the level of what one receives from the state. Why? Because the citizen is the recipient of a vast array of public services that have to be provided for everyone if they are to be provided for anyone (Titmuss, 1988: 123). It is highly probable however that the catalyst for increased participation is inextricably linked to having a plethora of meaningful opportunities for increased representation and involvement. Hoban (2004) explains that participation and involvement is apparent and/or evidenced through the degree to which the citizen is able to affect change.

I do not intend to provide a detailed critical appraisal or analysis of citizenship in relation to geographic, economic or socio-political boundaries of a country and the communities within it. What I seek to do here is to discuss the relevance of citizenship in relation to our institutions and to discuss how the work of police authorities can and has impacted on local participation.
The contentious issue of rights and citizenship

Embodied within the concept of the rights of the citizen is the notion that we all have the right to be free from offence and violence and we also have the responsibility not to cause offence. On a more strategic level, I subscribe to Marshall's (1963) approach where he sees political, social and economic rights as a long process of emergence; each occurring and emerging at different times and all having equal influence. I also subscribe to Twine (1994) who sees social rights as the all important component without which political and economic rights are impotent. For Franklin (1998: 56) there is no distinction between political rights (which he sees expressed in the right to vote) political participation (as expressed in the right to engage and use services such as health and welfare) and civil rights (as expressed as freedom from coercion and assault). Franklin acknowledges that historically, civil and political rights were seen as the only issues that were central to citizenship; this is because education, health and individual economic well being were seen as private matters attained through the market by an individual's own efforts. Within this model, citizenship did not provide social and economic status but a political and civil one which stood outside and could be attained despite inequalities in social and economic status. Twine (1994), however, argued that it was inconsistent to the sustaining of a harmonious and effective society if the third element — social rights - was absent as it provided the core underpinning of political and civil rights.

The argument of the New Right according to Plant & Barry (1990: 62)
as embodied in Hayek, Buchanan, and Friedman is that genuine rights ought to be connected to some mechanism of enforcement, otherwise the rights are not genuine. Although Plant & Barry (1990) primarily refer to a top down approach from the state, through the institution and then to the individual, when we look at the ability of institutions which are charged with the responsibility of scrutinising and holding other institutions to account, the ability and power to enforce is a crucial element of the power to scrutinise and call to account (Day and Klein, 1987). The question this raises is, with all the statutory implements at its disposal, do police authorities use their powers effectively to bring the police service to account? For example, it has been argued that the strongest and most unambiguous power that police authorities have – which is to withhold budgets - is not as effective as one might have hoped and that this power is never used even when there are sufficient grounds to do so (Stephens, 1998: 169; Jones et al, 1994: 19).

Whilst institutions with scrutiny, regulatory and oversight functions are created to aid the democratic process by increasing transparency and accountability, the creation of a police authority or indeed any other regulatory or scrutiny body does not constitute a right in and of itself. According to Flynn, (2002, 206) the citizen does however have the right to be consulted, to participate and have effective mechanisms of accountability in place to ensure the effective use of public resources. The citizen is also entitled to protection against a potentially despotic or discriminatory state or indeed police service. The commitment to an infrastructure of institutions that facilitates consultation, enhances accountability and representation ought to be central to the rights of
the citizen, designed by the citizen and working on behalf of the citizen and the state in partnership.

There have always been contentious issues around the subject of citizenship. The core contention relates to status and rights which impacts overtly on belonging and a sense of belonging (Parekh, 2000; Marshal, 1963; Bhavnani, 2001; Blunkett, 2002; Clarke, 1994; Bade, 1997). Encapsulated within any sense or notion of belonging is reciprocity, because an individual cannot be committed or be said to truly belong to any community be it political, social, religious or economic unless that community is also committed and belongs to them (Parekh, 2000). In order for a community to operate effectively there is an obligation on that community to value and cherish all its members/citizens through the granting of equal rights which is represented - although not exclusively - by the possibility of securing employment, having fair access to education, health care, housing and other opportunities in a way that is comparable to other members of that community so that each can contribute to the collective life of the community (Blunkett, 2002; Brazier, 2005; Bade, 1997; Hoban, 2004). For access and opportunity to be tangible, the possibility of progress personally and collectively needs to be reflected in the structures, policies and conduct of the political, social and economic system. Without this access and - what I have termed - 'route to progress' we are left with what Hall (1990: 175) calls the 'politics of closure' which attempts to restrict and exclude certain groups from acquiring full citizenship. For Hall (1990) those who have historically benefited from citizenship have usually been property owners, men, white people, the

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3 See Appendix 4
educated, those with particular skills, education or backgrounds: those that do not fulfil these criteria are excluded and are marginal beneficiaries.

Historically, the language of citizenship and nationality primarily referred to the nation-state in which a single nation was dominant. These demarcated boundaries seal off and enclose one society, country, community or kinfolk from others, establishing order through a nation-state (Held, 1995; Rose, 1996). Nations tend to be composed of culturally homogeneous groups of people, larger than a single tribe or community and sharing a common language, institutions, religion, and historical experience. When a nation of people have their own state or country they are a nation-state (Hall and Jacques: 1990). Canada is an example of a state which has two nations. The United States because of its shared American culture and even with its multicultural society is referred to as a nation-state. There are also nations without states; for example the Kurds. The sovereignty of the 'nation-state' has arguably become much eroded and is reflected in the increased movement of people for economic, social, and political reasons. The opening up of trade between states, countries and regions has exacerbated this and has facilitated what I have termed the 'cross-cultural symbioses' of the human state'. 'Cross-cultural symbioses' is an eclectic environment where we experience the unavoidable cross fertilisation of ideas, terms, idioms and practices. For example, historically, each religion purported to be the only truth, politics was ideologically polarised between left and right, geographically and militarily, antagonisms were between east and west, and economically

4 See Appendix 4
and politically you were either communist or capitalist. Today, however, we now accept that there are less overtly stark ideological barriers and there are significant areas of commonality and synergy. For example, economically, we no longer see communism as the direct antithesis to capitalism as businesses in both communist and capitalist countries trade on the international markets; the recent economic crisis which has seen western capitalist free market governments take commercial banks into public ownership is a contemporary example of this. Where religion is concerned there is commonality between the major religions and an infusion of ideas and practices like Feng Shui and other eastern religions which have become inextricably linked to our mainstream culture. Our recognition of diversity and its value has increased through diverse and divergent economic, social, religious and political experiences. The previously held ideas around citizenship and the relationship of the citizen to the state have also altered particularly with the decline in deference to the state (Marsh, 1977 and Hart, 1978). It is with this knowledge and in this context that I am attempting to discuss the role that our institutions can and ought to play in the shaping of our society and our experiences.

Discussions on citizenship have a distinct subtext of race. In 1970s Britain the debate on citizenship primarily centred around the question of what to do with the influx of people who had been invited from the former British colonies to help rebuild Britain. After having been invited to help rebuild the country, should the new arrivals be encouraged to stay? The experience of many ethnic communities was that British institutions and the indigenous population saw and treated them and other newly arrived people from the
colonies and Ireland as second class citizens. Whilst simultaneously giving the impression that they were full citizens the new arrivals were discriminated against and treated as outsiders on the margins of society (Millen, 2003).

Bulmer and Rees (1996) identified three periods in history when discussions of citizenship became heightened; i) just before the First World War, ii) from the Second World War up to the 1960s and iii) the period after 1980 and Marshall's *Citizenship and Social Class*. In the UK a number of specific developments have contributed to the rise in politicians, academics and other commentators reflecting on the question of citizenship. Firstly, the intense pressure that public services have been under, coupled with the widely held view that particular services such as health, education and the welfare state could not continue to be financially supported in the way that they had historically been. Secondly, greater European integration has been aided by the explosion in travel and communications technology. There has also been a steady growth in international interdependence, globalisation and the increasingly stark contrast in wealth, health and economic prosperity reflected in the widening gulf between rich and poorer nations. All these issues have compounded discussions and analyses of the meaning of citizenship in the 21st Century. The former Home Secretary David Blunkett wrote:

"...in setting out a policy on citizenship, immigration and asylum it is this recognition of global movement, mass communication and the changing international situation that has to inform our thinking if we are
determined to develop the type of society we all want to be part of" (Blunkett, 2002: 5).

The third and final concern that has contributed to citizenship rising in prominence on the political and social agenda is the rise of international terrorism and the way western governments have responded to it.

All countries face the challenges migration brings with it. British nationality is not overtly associated with membership of a particular ethnic group and as such people are not excluded from citizenship on the basis of their race or ethnic origin (Home Office, 2002: 11). It is however simplistic and blinkered to suggest that because this is not the case then the reason’s for disharmony, discomfort and alienation are not to some extent linked to race, culture and ethnic differences. The rise in extreme politics as epitomised by the success of the British National Party (BNP) in gaining seats in the 2006 local elections and two seats in the European elections in June 2009 demonstrate that any discussion of citizenship, rights and responsibilities has undertones of race, culture and ethnicity. The enlargement of the European Union together with tighter controls on immigration (through the Asylum and Immigration Act 2002), restrictions on rights to work, the Welfare Reform Act 2007 (at its heart there is a commitment to reduce the number of benefit recipients), in legal cases the removal of the right to appeal and the ending of trial by jury in certain cases implies that the governments commitment to community cohesion is at best fractured and disjointed but at worst it is
xenophobic and panders to those who wish to see a more separatist and exclusive Britain.

Whilst Turner (1993) sees citizenship as being vital in creating harmony he also sees it as a socially disruptive process where social membership becomes universalistic and open-ended. He sees citizenship as providing us with a benchmark of modernisation breaking down systems of patriarchy, gerontocracy and patrimonialism and replacing them with the unbridled competition of the market where the professions and social classes compete to attain and preserve their access to privileged resources. Turner (1993) argues that despite the socially disruptive element of citizenship, the hope is that it can and will play a vital role in creating harmony. The solution that Hobbes (1980: 185-188) presents in 'Leviathan' is that in subscribing to a social contract and to a 'common power' we will prevent the otherwise inevitable collision between citizens and avert the perpetual state of 'Warre, where every man is enemy to every man'.

Today, much weight and emphasis is given to the importance of the citizen and the role the citizen can and ought to play in civic society particularly in decision-making processes (Blunkett, 2002; Clarke, 1994; Coleman, 2005; Home Office, 2002; Social Exclusion Unit, 2001; Turner, 1993). Those of a more sceptical persuasion may support the argument that on key issues the decisions have already been made and the participation of the citizen - whilst theatrical - is still a vital part of legitimising and maintaining the legitimacy of the political process (Hoban, 2004). Hoban's (2004) research
found that decisions had already been agreed prior to wider participation and consultation and that the required further involvement was to validate previously arrived at positions.

Legitimacy and acceptance of a process is secured if it can be demonstrated that wide participation was sought and an even greater level of endorsement is achieved if participation is evidenced to have taken place and shown to have affected the decision making process. My belief is that the litmus test of inclusion and participation is not only evidenced through the participation of the citizen, but in order for the system to be viable it must do more than simply getting people to talk. People ‘must decide and do things’ (McHugh & Parvin, 2005: 22). There is however an inherent difficulty in relying on this approach: for example, how does one develop a formula for measuring the level of change brought about as a result of involvement; and is it necessary to consider measuring in this way? For example, using – as a barometer - the level of involvement and participation or the various stages leading to a conclusion or a decision does not make a decision any more or less valid, representative or effective, if anything, one could argue that it serves to complicate the process., In addition to a rigorous process, what is needed is an atmosphere that is conducive to a sense of belonging and a feeling that there is potential for change as a result of collective participation (Hoban, 1994; Parekh, 2000; Coleman, 2005). The formula that I have developed and applied to describe this is that the net benefit of participation leads to Enhanced Cultural Cohesion⁵ (ECC). It works like this: enabling a

⁵ See Appendix 4
feeling of inclusion (FI) + an opportunity for participation (OP) + a greater sense of being heard and belonging (HB) and Social Justice (SJ) = Enhanced Cultural Cohesion (ECC). Being heard and feeling listened to are critical components of any process of engagement. Coleman (2005:1) explained that the problem his research identified was that the government believed that the public did not know how to speak whilst the public believed that the government did not know how to listen, resulting in an unending cycle of disengagement, distrust and suspicion.

Alienation

From Thatcherism to Blairism, British politics has undergone substantial change which has been marked by a decline in the ‘old collectivist structures’ such as membership of traditional democratic institutions like political parties, Trades Unions and reduced voter participation locally and nationally (McHugh and Parvin, 2005). There is increased politicisation of young people through single issue causes, resulting in varying forms of political engagement through website blogs, twittering and social networking sites. Other significant shifts include changes in the delivery of public services, the reduction in the involvement and influence of the public sector in transport, health and education provision and the increased involvement of the private sector (Kavanagh, 1990; Hall and Jacques, 1990). With these and other changes, there is a corresponding similarity in the alienation experienced by the citizen and that mirrored by the alienation between our institutions. For example; politically, the executive, the legislature and the judiciary have been
involved in robust discussions and consultations on their respective roles. This situation has emerged because Parliament has increasingly seen itself as being alienated from the decision making process and has found itself in regular conflict with the executive (Norton, 2001; Flinders, 2002; McHugh, 2005; Brazier, 2005). The House of Commons through the Liaison Committee's report ‘Shifting the Balance’ (2001) indicated its concern about the balance of power between the executive and the legislature. The committee put forward reforms that it believed would go some way towards allaying the concerns that the executive had tipped the balance of power disproportionately in its favour. In its report the committee explained that Parliament was unable to exercise its supremacy over the executive because of the executive's tight party management and its control of the House of Commons timetable. The issue of Parliamentary reform and the strengthening of Parliament over the executive is a matter of increasing debate and controversy; groupings such as the Liaison Committee, Parliament First, the All Party Parliamentary Reform Group and the Cross-Party Group on Reform of the Second Chamber are actively working on this agenda as they see it as being a contributory factor in the low turnout (61%) at the May 2005 general election. The recent controversy over MP's expenses has added new momentum to the challenge around Parliamentary and wider constitutional reform. Brazier, Flinders & McHugh (2005: 88) acknowledge that 'Parliament's authority rests on public confidence' which underlies the view that a significant proportion of the electorate have disengaged from the political process due to a lack of confidence.
In the fight by Parliament to reassert itself over the executive, the perceived wisdom is that greater Parliamentary control of the executive can only realistically be achieved by Members of Parliament changing their attitudes about their roles and understanding their importance (Norton: 1983). This is similar to the position of Jones et. al (1994) who maintained that police authorities and police authority members undervalued themselves and were unaware of their real powers. During my interview with the Former Commissioner of the City of London Police - Perry Nove⁶ – he explained that the ability of the police authority was dependent firstly on the police authority having a strong and capable secretariat and, secondly, on the police authority members 'not going native'. By assuming that because the chief constable is a good and nice person that they can accept what is said at face value. The battle between the executive and Parliament demonstrates that even within our highest political institutions, our elected representatives are uncertain about the degree to which they are able to bring about influence, change and indeed the level to which they are heard. In comparison to Parliament, our humble police authorities are in no way immune from these problems.

On 28th November 2003 the government launched the biggest consultation exercise the country had ever known; it was called 'The Big Conversation'. The 'Big Conversation' was an attempt by the government to re-engage a disaffected, unattached and apathetic public with politics. Many saw it as an exercise lacking in substance and today it is difficult to credit the

⁶ Interviewed 8th July 2008.
initiative with any tangible or long lasting developments either to the legislative
process, the role of the executive, citizen participation or the political process
as a whole. What the 'Big Conversation' did assist in doing however was to
join the throng of voices elevating the role of citizenship and the rights of the
citizen to be informed and engaged. The former Home Secretary David
Blunkett (2001: 140) wrote that there was a gap that needed to be bridged
between the aspirations of citizens and the ability of the government to act on
them. What 'The Big Conversation' did was to further underscore the
responsibility that the government has towards the citizen, firstly, in terms of
disseminating information and, secondly, in relation to the citizen's right to be
consulted. One of the architects of 'The Big Conversation,' Mathew Taylor,
explained that the real challenge was how to scale up a qualitative
engagement with a small number of people into a legitimate contribution to
national policy-making (Coleman, 2005).

When consultation is undertaken it is important that sufficient
information is available to enable the citizen to understand the process, the
aims and objectives of engagement. Every attempt needs to be made to
ensure that the consultation involves a wide breadth of participants from
diverse interests and interest groups and that evidence of change can be
demonstrated (Audit Commission, 2003; Cabinet Office, 2002; Coleman,
2005; Hoban, 2004). Whether at a local, regional or national level, well
intentioned decisions invariably have unintended consequences which are at
times negative and offer only short-term solutions to very complex issues
(Millen, 2002: 5). Whilst there is no guarantee that well thought out policies -
that are subject to the rigorous scrutiny of the legislature - will not fall foul of public opinion, if a greater proportion of citizens have the opportunity of being actively involved the risk and reward of decision making is shared. Not only are the risks and rewards shared but as Rousseau (1987) – over optimistically – explains, decisions arrived at collectively will always be right and beneficial for the collective good as the general will never errs.

Rousseau’s *Social Contract* (1762) begins with the often quoted line: ‘man was born free and he is everywhere in chains’ (Rousseau, 1986: 49). This leads Rousseau to the conclusion that only through the law can man regain his freedom because the collective decision will always benefit men who ultimately must be forced to be free (Rousseau, 1987: 60). Feldman (2002) holds a counter position to this arguing that during the 1990s UK governments sought ways of protecting citizens’ rights to public provision in ways other than through the law. For example, the *Citizens Charter* programme (HMSO, 1991) sought to improve effectiveness and accountability whilst securing standards of performance by monitoring and regulation and wherever possible relieving people of the need to depend on the state. This runs somewhat counter to the general thrust of Ignatief (1995) because whilst Feldman argued that the state enabled the citizen to rely on themselves rather than the state, Ignatief (1995) saw the reliance of the individual on state provision as being the central most important component of ensuring that the citizen was increasingly obliged and had a growing sense of responsibility to the state and its continued functioning. The centre ground between the positions of Ignatief and Feldman is that the state still holds the ultimate
power, because whilst permitting the citizen a certain degree of control and autonomy, the citizen is still ultimately dependent on the benefaction of the state and that dependency appears not to be mitigated or reduced. According to C Wright Mills (1956) all politics is a struggle for power with the ultimate kind of power being violence. In this context our institutions have defined roles which we as citizens are unable to materially alter except through other institutions which we have imbued with power; i.e. we can have increased influence on the police service through police authorities. For C Wright Mills (1956) the ultimate power is violence and the state has a police service ready to do its biding; the logical conclusion of this is that police authorities have a very real and important role to play in protecting the citizen. I suggest that all citizens wish to be free but they do not wish to be forced to be free in the way that Rousseau implies. Notwithstanding, our institutions have a responsibility to gain the confidence of the people who have bequeathèd them with responsibility.

**Perspectives on Citizenship**

For Janowitz (1980: 24; Turner, 2002: 43) the term citizen is expressed in a positive light denoting a level of morality with thought and consideration for the collective good. The term may also be said to be empirical and descriptive due to the way it links obligations and rights to eligibility. It is also analytical in the protection the state offers and in the opportunities it creates for political participation. Clarke (1994: 3) concludes that out of all the descriptions we have to define ourselves the description of citizen is the only
one that is solely political. He asserts that whilst other definitions may imply a political aspect and may in fact be dependent on some form of political framework only the definition of citizen is wholly and exclusively concerned with the individual as a political being. The relevancy of this point is that there is a need—a requirement for consultation and increased engagement which can facilitate consent and balance the sometimes competing political and social agendas. This can only be brought about through the citizen's right to be consulted being brought to life by the actions of our institutions because this is the only way to ensure a harmonious society (Scarman, 1986: 102, section 4.56 – 4.58). Notwithstanding this however, the consent secured by the police is always potentially tenuous and liable to disruption in times of crisis when the coercive powers of the police come to the fore (Silver, 1967: 15 -24; Storch, 1975: 107-108; Cohen, 1979: 128-136). Again the police authority has a critical role to play. However, it cannot effectively affect situations if it is only able to respond after the event (Lustgarten, 1986).

**Active citizenship**

In ancient Greece, citizenship was not a commodity that anyone except the privileged few could attain. In order to attain citizenship one had to be free, and the ability to be free was based on affordability. Due to only a minority being able to secure the financial resources to acquire their freedom, the distinction between citizens and non-citizens was an arbitrary one based exclusively on financial wealth. There was also a clear distinction between citizenship which was participatory and citizenship which was passive. The
distinction between these two forms of citizenry was the difference in levels of participation and expectation between citizenship of the small homogeneous Greek polis and the large heterogeneous Roman Empire. The Greek ideal of citizenship was more aligned with the moral, cultural and the personal good of each citizen. Citizenship under the Roman Empire on the other hand was based around a notion of law making and administration (Low: 2000). Mouffe (1993) however warns against too nostalgic a view of the Greek polis in particular or any other idealised societal arrangement as the theoretical position does not always translate to the practical application. The uncomfortable juxtaposition between the ideal theoretical rights of the citizen against the practical application of those rights leads inevitably to the question of who belongs and who does not. In addition, the criteria for belonging and when citizenship entitlement commences or indeed when it is revoked are questions likely to always be part of the ongoing debate and controversy on citizenship and entitlement (Leonard, 2002:10-20).

Active citizenship is based on a participatory approach and works on the supposition that there is a consensus of values and an agreed concept of an objective common good (Low, 2000). From 1997 the Labour government attempted to bring the citizen closer to decision making processes by increasing the opportunities for participation. There was a plethora of new institutions to facilitate this such as the devolved authorities, the consultative and regulatory role of police authorities, in London the creation of the Metropolitan Police Authority (MPA), Local Strategic Partnerships (LSP), Regional Development Agencies (RDA), regional Government Offices, the
new Learning and Skills Councils (LSC), Connexions Service, Primary Care Trusts (PCT), Crime & Disorder Reduction Partnerships (CDRPs), also known as Community Safety Partnerships were developed as a result of the Crime & Disorder Act 1998 and the Scottish Government and the Welsh Assembly. These initiatives - although not exclusively - have facilitated an increase in the number of voluntary and community organisations, pressure and interest groups, the creation within the Home Office of the Active Community Unit (ACU), the Neighbourhood Renewal Unit (NRU). They have also given wider access and knowledge of the proliferation of initiatives such as the Single Regeneration Budget (SRB), Working Neighbourhoods Fund, the European Social Fund (ESF) New Deal initiatives, Ethnic Minority Outreach programmes (EMO) and all the regeneration monies being spent. The overall impact on people’s lives is hotly contested, but what they have done is provided opportunities for increased consultation and involvement.

Passive citizenry

In contrast to active citizenship, passive citizenry is premised on the idea of a separation and distinction between the public and private spheres. The individual is able to pursue their own goals and interests because the protection of property and liberty are the responsibility of the state (Low, 2000). For Rousseau (1987) citizenship was inextricably linked to the invention of private property, with private property being the defining element of a modern society and constituting a pivotal moment in society’s evolution out of a simple state into one characterised by greed, competition and
inequality. Passive citizenry is arguably individualistic and competitive in outlook. Civic solidarity and a sense of community could only be built on the presumption that the more a citizen received from the state, the easier it was for him/her to equate and link private interests to that of the public; hence, the welfare state was a critical institution in that realisation (Ignatieff, 1995). Ignatieff (1995: 66-7) argued that the creation of the welfare state was therefore an attempt to make citizenship a real experience.

In modern Britain one can see examples of citizenship as being both passive and active. Passive citizenship is evident because irrespective of the degree of equal access to resources and influence, the citizen is bestowed with status, rights and has responsibilities (Marshall, 1963). These rights and responsibilities include the responsibility not to cause offence, the right to be free from violence and the prevention of damage to others or the property of others. To be a citizen in ancient Rome carried legal rights and proffered protection allowing one to travel and trade unhindered. Citizenship at this time did not include within it a responsibility or obligation to participate in political life; the same is true in Britain today.

The propensity to be active citizens does however, creep up on us, because, whilst there is no overt obligation to participate there is an expectation that within the structures of local, regional and national government and in an environment of increased political and social awareness - over issues of war, the environment, schools, education, health, the rising cost of living, increased taxation, pensions, MP's expenses and the
encroachment of all things political into our lives - that the citizen will be encouraged or lured into engaging and participating. Regardless of the degree to which one is actively participating we are all to some degree participating. It is worth noting at this stage that non-participation can be seen as a legitimate act of participation, because majority rule only works if the state is also mindful of individual rights. For example, it would be disingenuous to have five wolves and one sheep voting on what to have for supper. The non-voting sheep’s legitimate abstention is part of the democratic process and speaks volumes about the options available (Healy et al, 2005). Our institutions thus have an important role to ensure they effectively represent the views of their constituents and are careful to avoid tyranny by the majority (J S Mill, 1906: 8).

If people today are increasingly passive, then what is needed is a mechanism that will allow our belonging to different communities of values, languages and cultures to be compatible with our common belonging to a political community whose rules we accepted (Parekh, 2000; Mouffe, 1993). Therefore, the question to the five wolves and the one sheep needs to be broad enough to appreciate their collective state of hunger but also sensitive enough to prevent victimisation and tyranny. Conversely, we must also safeguard ourselves from the potential tyranny of the minority. Majoritarian democracy is a necessary but not a sufficient element of democracy.
Marshall and citizenship

Marshall (1963) provided an important contribution to the discourse on citizenship. He saw citizenship as being concerned with the gaining of individual rights which were civil, political and social. Civil rights according to Marshall (1963) were primarily concerned with and related to legal equality including liberty of the person, freedom of speech, thought and faith. Within the constructs of civil rights, there is the right to own property, enter into contracts, the right to justice and most importantly, equality before the law. The institutions most associated with the establishment of these rights are civil and criminal courts.

Marshall's second sphere of citizenship is political rights. By political rights Marshall refers to the extension of the franchise and the opportunity to participate in and to exercise political influence as a member of a body invested with political authority or as an elector of such a body. The corresponding institutions are Parliament, local elective bodies (regional authorities, the devolved authorities and police authorities). Whilst being an important and vital aspect of the democratic process, political rights tackle only one area of exclusion – disenfranchisement. What is needed however is the ability and facility to enable and encourage people to participate on a variety of levels (Coleman, 2005). Some of the other barriers to participation is that people feel that very little difference is realised by their involvement: add to this the lack of trust and low representation and it is apparent that there is much more work that needs to be done in order to fully engage the citizen in

The third of Marshall’s elements of citizenship is social rights. Social rights are for Marshall expressed through the right to economic welfare and security. Social rights are seen in action through the state caring for the citizen and providing tangible services through the provision of education, health and other welfare services.

Klausen (1995: 245, 247) disagrees with Marshall’s association of social rights as being equivalent to civil and political rights. He argues that in doing this Marshall merges the provision of social policies like insurance and education as inevitable provisions of the state. Central to Marshall’s ideas on citizenship, is his description that historically the citizen was the passive recipient of the status ‘citizen’ and he charts the struggles to leading to each stage of citizens rights. As passive recipients the citizen is by default entitled to provisions and a series of entitlements which includes protection under the law. For Marshall, being a citizen does not require any form of internalising by the individual, but is a political reality designed and created by the state. Social contract theorists do not however share Marshall’s view on the passive nature of citizenship. Social contract theorists like Hobbes (1980) Rousseau (1987) Locke (1978) all have varying positions on this and other writers like Coleman (2005), Parekh (2000), McHugh and Parvin (2005) Clarke (1994), Blunkett (2002), Mill J.S (1906) and Hall (1990), see the state as playing a fundamentally crucial role in ensuring that the basic principles of social,
political, civil and other rights are upheld. One of the crucial differences between the above mentioned writers and Marshall is that within their concept of citizenship, there is reciprocity of coexistence and active participation. For these writers this coexistence is not passive neither is it demonstrably prescriptive but what it does, is it plays a central and evolutionary role in the creation and sustaining of society with its civil, political and social roles and it has the expectation that the citizen will realise the added value of actually participating.

In defence of Marshall, what he is alluding to is the altruism of the state, where, regardless of individual wishes, the state seeks to grant equality of opportunity and status to all its citizens; for example, the Race Relations Act 1976 and the Race Relations (Amendment) Act (2000) under which all public bodies including police authorities were placed under a duty to promote race equality and the new child poverty bill that the Secretary of State for Work and Pensions announced on 12th June 2009 which will enshrine in law a duty on all public bodies to eradicate child poverty by 2020. This approach is not too dissimilar to Rousseau's argument, because whilst Marshall sees the individual as being the passive recipient with the state thrusting certain rights on them, for Rousseau the emphasis is on the state's ability to impose on the citizen, arguing that the state must force the citizen to be free by forcing the benefits of citizenship on to the citizen (Rousseau, 1987: 60). Divergence, therefore, occurs between Marshall and Rousseau in the area of reciprocity of duties; for Marshall citizenship is not predicated on reciprocity, whilst for
Rousseau it is a central component, which is partly driven by the state imposing freedom.

Isin & Woods (2000) also provide a direct counter argument to that of Marshall, arguing that practices define an individual's membership and that membership could not be described as a bundle of rights and duties. For Isin & Woods (2000) people are not passive recipients but their actions create associations and liaisons which define their place within a grouping and society at large. Citizenship is therefore informed by practice and status. In a similar vein, many rights often arise as practices and then become embodied in law as conventions. Citizenship is therefore not a purely sociological, political or legal concept but is about the relationship between all three. Isin & Woods (2000) describe an evolutionary concept of citizenship which is constantly changing and reinventing itself within the confines of previous acceptability's. The term I have developed for this is 'the involuntary principle of participation' where by default our actions define through practice the parameters of our citizenship which is then upheld sometimes in law or in convention as being indicative of our status. Current discussions and debates on citizenship in the context of European enlargement and the threat of international terrorism will provide an interesting evolutionary insight into how citizenship is defined, redefined and how it affects and influences government policy and the citizen.

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7 See Appendix 4
8 The saying that 'Hard cases make bad laws' is particularly pertinent because following on from Isin and Woods the potential is for our actions and the actions of others in our communities to set precedents from which there is tacit acceptance and in time become enshrined in laws.
Twine (1994) introduces an interesting concept of citizens as commodities. He writes in *Citizenship and Social Rights* that the risks and experience of unemployment are unequally distributed and essentially reflect a person's position in the occupational class structure. Arbitrarily, and due to no action or fault on the part of individuals, citizens may be deemed as superfluous to requirements and made unemployed and unemployable. Whilst this is taking place the individual loses none of their rights as citizens and they maintain the same levels of access, influence and leverage within the democratic system. Twine largely concurs with Marshall that in order for the notion of citizenship to work, civil and political rights must be bolstered by a crucial third element. Twine's view is that if it is conducive to the continuation and development of our democracies, and in the interest of economic development that individuals are seen and treated as commodities - being employed and made redundant at will - who should pay the cost, the family or society? Twine (1994) references the commitment by governments to underwrite the citizen by providing welfare and developing various initiatives to tackle poverty and deprivation. This is where the social rights – Twine's third leg - element of T.H Marshall's typology comes to the fore and provides the support and necessary buoyancy to civil and political rights. Without the all important third leg of social rights, Twine sees the whole notion of citizenship in its current definition as being unworkable. This is in stark contrast to Klausen (1995, 245: 247) who disagrees with Marshall's - and by extension - Twine's (1994) association of social rights as being equivalent to civil and political rights. For Klausen this all important 'third leg' cannot be selectively applied, the full benefits of citizenship are not restricted but extended to all
including those newly arrived people coming into a country; regardless of their
economic contribution. To prevent access to resources that are available to all
citizens from those newly receiving the status of citizen would be
discriminatory, prejudicial and directly open to challenge by the European
Court under the conventions of contravening human rights. Furthermore, to
limit, restrict or prevent full citizenship on other spurious grounds would create
an institutionally sanctioned and accepted second class of citizen that would
lead to even more entrenched and sustained discrimination. Finally,
‘...services that are collectively organised and paid for are 'public services'
and there are a vast array of services that have to be provided for everyone if
they are to be provided for anyone, and they must be paid for collectively or
they cannot be had at all...' (Titmuss, 1988: 123).

Political context of citizenship

When a country enlarges through its open borders and welcomes new
arrivals it is the responsibility of the state through the government to calculate
and ensure that the net benefit the country will derive from those new arrivals
is greater than the potential cost. According to the National Employers Skills
survey (2003: 6) there was a 19.9% skill shortage as a percentage of all job
vacancies. This situation is compounded by the characteristic unwillingness of
indigenous communities to work in certain sectors. The view of individuals as
commodities thus facilitates a market driven economy which is seen as crucial
for economic prosperity. This has echoes of Durkheim’s thesis on the reserve
army of labour that he developed in The Division of Labour in Society (1893).
The thesis developed by Durkheim described how women were brought into the work-place in times of labour shortage; however, when the services of these women were no longer needed they were encouraged to return to the home (Bilton, 1996: 668; Bruegal, 1979; Milkman 1976; Power: 1980). Seeing the citizen as a commodity when viewed in the context of Marx’s reserve army of labour is problematic because the citizen gives the state its legitimacy and the notion at the heart of the reserve army is that the commodity may be dispensed with once their usefulness has been expended or exploited. This brings us to Twine’s (1994) question of who should pay in times of economic inactivity.

We identify ourselves and are identified by our association with and to particular groups or communities. We are identifiably recognised as men, women, children, mothers, fathers, brothers, sisters, uncles, aunts, able-bodied or disabled. We are members of religious groups, clubs and societies; and all these various definitions intertwine and overlap with our racial, economic and social identities. Whilst our many groupings and alignments appear comparatively fixed and stable they are in fact fluid and subject to change. For example, sexuality, motherhood, fatherhood, one’s capacity and willingness to earn; ownership of property, area of residency or the communities to which we simultaneously belong all hold a command over our life. Subsequent change in our relationship to these groups and communities has an impact whether known or unknown to the bearer to the extent that they are further defined by external agencies and companies in relation to their eligibility to realise specific entitlements afforded to other citizens. Agencies,
companies or associations like the Jobcentre Plus, the Inland Revenue, the police service, insurance companies, medical practitioners, banks and others have the power and authority to affect our ability to actively engage corporately in society because the categorisations and the definitions they use are supported by structures that are able to exact measures which include or exclude individuals and whole communities. Parekh (2000) understood the complexity and the plethora of communities in modern Britain and acknowledged that we are both a community of citizens and a community of communities with requirements that at times conflict (Parekh, 2000: ix).

The atrocities of September 11th 2001 along with the London bombings of 2005 have catapulted the discussion of citizenship to the top of our political, judicial and media agenda. The renewed interest has raised the temperature on the question of defining what is meant by citizenship of an international community and specifically citizenship in terms of Britain, its relationship with Europe and the rest of the world. For some, the concept of national identity is in decline along with the ideal of the nation-state, whilst for others our (the UK's) multiple identities such as Afro-British or Asian-British reflect a healthy evolution away from the narrow prescription of Britishness (Upton: 2002). The former Home Secretary David Blunkett argued that the climate of mistrust could be arrested by promoting community cohesion through the Nationality, Immigration and Asylum Bill and its subsequent act of 2002. There was much disquiet when during an interview on 25th April 2002 on Radio 4's 'The Today programme' he described 'Britain as being swamped' by immigrants. He caused further upset in a collection of essays on Britishness in which he set
out his political philosophy and that of the government's on civil liberties, security, asylum and immigration and in which he controversially stated that 'Asians should speak English at home as it would help defeat the schizophrenia between generations' (Blunkett, 2002: 77).
In February 2002 the government published a White Paper ‘Secure Borders Safe Haven’ (Home Office: 2002). The White Paper had significant areas of contention, for example, it emphasised the degree to which members of the UK’s ethnic communities had seen successive governments and the indigenous population extolling the virtues of diversity as a source of their pride. However, the reality was in fact very different as the experience of many members of ethnic communities was that far from the indigenous population and governments appearing to be proud of the increased diversity within the UK, ethnic communities had largely been ignored, sidelined and at times ostracised in the provision of services in education, policing, jobs, business, housing and social services. The impact of inadequate and poor facilities had been further compounded through violence, racial discrimination, police harassment, and disproportionately high numbers of ethnic minorities being incarcerated, resulting in a two nation Britain where differences between people and communities were amplified (Millen, 2003 and 2006). Examples of the disparity between communities has been discussed and analysed in numerous documents over the last few years including in the government’s Strategy Units final report (March, 2003) and the National Employment Panel (NEP) report (May, 2005). The Strategy Units report sought to identify how to ‘capitalise on the immense resource and talent that exists in ethnic minority communities and it also acknowledged that there appeared to be a correlation between poverty and ethnicity, (March, 2003: 3 and 5). The National Employment Panel (2005: 5 and 47) accepted that ethnic minorities were
more disadvantaged than their white counterparts and sought to present policy solutions comprising practical measures for addressing the array of labour market disadvantages. The National Employment Panel report (2005) acknowledged that ethnic minority engagement in the employment market was central to the future success of Britain, in particular it was central to the success of the UK’s major towns and cities. The report went on to explain that between 1999 and 2009 fifty percent of growth in the workforce would come from ethnic minority communities (NEP, 2005; Saggar, 2002: 87).

The White Paper Secure Borders Safe Haven (2002) was criticised secondly, because the government placed immigration, asylum and race at the heart of its agenda, the implication being that once these issues were addressed many other issues and areas of concern would fall smoothly into line. Thirdly, the White Paper was viewed as controversial because it tagged the issue of terrorism, identity cards and forced marriages together suggesting that there was some indelible connection between them. Holistically, what the White Paper presented was an unhelpful juxtaposition of citizenship with asylum, fraudulent activity, border controls, marriage/family visits, working in the UK and war crimes. The government through this paper made an association that was damaging to the perception of people currently living in the UK and those seeking refuge (Millen, 2003).

At the time of the publication of the White paper I was the Chief Executive of a social policy think tank called Race on the Agenda (ROTA). As part of the government’s consultation process, I produced a response to the
paper accepting that there was indeed a need to move towards re-establishing a sense of common values and shared civic identity and a sense of belonging around which to unite in an attempt to rebuild the social fabric of our communities and recreate a sense of common citizenship that embraced Britain's diverse experience (Millen, 2003). I emphasised that ethnic communities had for many years called for increased openness, inclusion and an adherence to a collective consciousness that was more than lip service but one that accepted all communities as full citizens contributing to Britain's success. There was, however, some feeling that there were many issues that ethnic communities needed to tackle and deal with within their communities, the White Paper appeared to be another attempt at blaming the victims whilst failing to deal with the real issues of the endemic racism that had for so long ostracised ethnic communities.

There are inherent difficulties in the current discussion of citizenship and British values, one of those being that whilst emphasising the need to celebrate diversity we are encouraged to adopt British values. However, there is no clear meaningful definition which demonstrates a coherent understanding of what this means and how it transfers into government policy. The reality is that it may be impossible to directly reflect this experience in and through government policy because according to Wills (2002:16) we are born British, English, Scottish or Pakistani but together we choose to be British. Our national Identity resides in our shared British values built on tolerance, openness, work, self-improvement and strong communities and whilst these
are by no means unique to Britain they are for Wills (2002) part and parcel of what it means to be British.

The 'cross-cultural symbiosis' of cultures, the opening up of our borders, the changes brought through global refugees, free trade, the impact of international aid, the simultaneous increasing and decreasing role - and at times, marginalisation - of the United Nations and the increase in the role and power of the European Union along with other events and occurrences all serve to challenge the symbiotic notion of communities and by extension society (Ward, 1996). Ward sees these configurations as weakening the power of society to draw its citizens together as one, to govern and to endow all with a national identity and to speak with a single voice. Both Rose (1996) and Ward (1996) concur that whilst our political, professional, moral and cultural authorities speak happily of society they found that the meaning and the term 'society' was highly questionable because society was heterogeneous with a cacophony of communities with multifaceted and incompatible allegiances and obligations. Countering this Parekh (2000: ix) posited that we are a community of citizens and a community of communities, a position which is not contradictory or necessarily a source of conflict but a position that requires nurturing, understanding and sustaining. This is critically important because according to Rousseau (1987), decisions arrived at collectively will always be to the benefit of the collective good.

As the bridge between local people and police forces, police authorities have a crucial role to play in building trust, gaining confidence and ensuring
that the collective will is reflected in local policing. Police authorities have a mandate to ensure that the views and expectations of local people are reflected in local policing services.

If we are to accept that decisions arrived at collectively will always be to the benefit of the collective good, then we need to see tangible action to ensure that the decisions arrived at collectively will indeed by correct. Through the Police Act 1996 police authorities have the legislative powers to ensure that they play this central role which is to support the police service and the local community. Section 96 of the Act requires that police authorities should secure the views of local people to prevent crime in their areas and that local communities should be informed, consulted and involved in decision making.

**Emerging forms of citizenship**

Our concept of society has wide implications for our understanding of citizenship because there are new concepts and ideas of citizenship that have emerged and become prominent over the last ten to fifteen years. For example, there are those who see citizenship from an ecological perspective and focus their attention on the rights and responsibilities that each individual has to the earth (Van Steenbergen, 1994). There is cultural citizenship which focuses on the right of all to cultural participation (Turner, 1993; Blunkett, 2002). There is minority citizenship involving the rights to enter a society and then to remain within that society actively participating and adding to its vibrancy (Yuval-Davis, 1997). There is also cosmopolitan citizenship
concerned with how people develop an orientation to other citizens, societies and cultures across the globe (Held, 1995) and finally mobility citizenship concerned with the rights and responsibilities of the visitors to other places and cultures (Urry, 1990).

From within our new global community and with the multifaceted concepts of citizenship, citizenship can no longer exclusively be defined by physical boundaries but requires an appreciation of the impacts of global economics, macro and micro political changes including devolution, and environmental and communication influences. The difficulty experienced by a state in defining and specifically identifying the values that are unique to the identity of its indigenous groups and which is exclusive to it is widely known. How for example, does one define Britishness in terms that are uniquely British? What however, is the sole preserve of a state and a government is its ability to anchor and fashion its policies and future direction on concepts and ideas that it believes is current and relevant. In the UK, our membership of the European Union and our welcoming of the new accession states like Croatia and Romania into the European Union have resulted in us redefining our understanding of our borders. Coupled with the increase in international travel and trade and the ongoing communications revolution there is likely to be a significant impact on what citizenship means in a given place at a given time. It is therefore inevitable that as society becomes more of a melting pot of cultures, ideas and ideologies that there will unavoidably be a degree of mistrust and antagonism between communities. Blunkett (2002) discussed this potential problem arguing that whilst migration increased the diversity of
society and brought significant cultural, as well as economic benefits it required careful management to prevent migration becoming a threat to community stability and good race relations. He went on to add that democratic governments needed to ensure that their electorate had the confidence and trust in the systems they were operating or people would turn to extremists for answers. Alibhai-Brown (1999) and Hewitt (1996) shed further light on this. Hewitt argued that unless white kids are able to express themselves and feel proud of who they are then they will turn to extremists. Alibhai-Brown (1999) sighted the disturbances in UK northern towns in 2001 where young white people felt that their needs were being sacrificed to the benefit of ethnic minorities as providing further support of this. In order to appeal to the disillusioned members of the host community, Blunkett argued that it was crucial to give content and meaning to citizenship and nationality. He wrote that:

‘... an active concept of citizenship can articulate shared ground between diverse communities. It offers a shared identity based on membership of a political community, rather than forced assimilation into a monoculture, or an unbridled multiculturalism which privileges difference over community cohesion. It is what the White Paper ‘Secure Borders, Safe Haven’ called "integration with diversity"’ (Blunkett, 2002: 76).

Parekh (2000) also called for a sense of belonging which would give meaning to the lives of the many. The social contract of Hobbes, Rousseau
and others chiselled out and laid the basic building blocks within which this common sense of belonging could find soil for its growth.

In an attempt to place meaning to the concept of citizenship, in September 2002 the Home Office established an Advisory Group⁹ to look at citizenship and develop a naturalisation and citizenship test. The Advisory Group's mandate was to design the content of citizenship courses and to design a ceremony which would include swearing a formal allegiance to the Queen. Those applying for citizenship would be required to pledge to uphold democratic values and respect for human rights. The Advisory Group also advised on "the method, content and implementation of the test and considered how to promote language skills and practical knowledge about Britain" (The Guardian, 10th September 2002).

Today citizenship is a compulsory subject in schools. Its key aims being to promote pupil's spiritual, moral, social and cultural development and for pupils to learn about the workings of democratic institutions. The advisory group recommended that citizenship was taught through an appreciation of three main ideas: a) social and moral responsibility, b) community involvement and c) political literacy (where students learnt about the institutions and issues of a practical democracy). The advisory group saw the teaching of citizenship as more than a statutory responsibility because understanding citizenship and

⁹ Chaired by Sir Bernard Crick (also responsible for introducing Citizenship in to schools), the group included:
Selina Ullah (Chair of an Asian Women's Centre in Yorkshire)
Satpal Hira (Birmingham City Education Department)
David Muir (Senior Lecturer In Caribbean Studies at University of North London
Ashok Ohri (Scottish Consultant on Diversity Issues).
subscribing to its values would be instrumental in enhancing democratic life for all citizens (Crick, 1998).

The need for a collective outlook, pride and shared belonging and a collective identity may be said to be at odds with the emerging sense of individualism that is evident around us. Parekh (2000) highlighted the importance of the government being clear about what it was/is trying to achieve when it spoke about citizenship and for increased clarity on the role both the state and the citizen ought to play. For instance; if we take a critical look at Britain's development over the last 15 - 20 years, it has like many other industrialised countries moved steadily towards a society characterised by a preoccupation with individualism along with a strong inclination to acquire private wealth, revering the individual above the collective. Indeed, according to McHugh and Parvin (2005) the old collectivist structures have declined considerably. During the last century Benjamin Disraeli had a view of Britain as one nation incapable of being divided through political action or on class lines; a nation where the free market would be allowed to dictate the terms of engagement and involvement on a national and international stage. One nation would be realised at the time by developing the interests of the empire revelling in patriotism and seeing the achievements and goals of the party as being synonymous with that of the whole nation (Norton, 1991:128-130). Hobbes in Leviathan (1651) acknowledged that individuals were essentially self centred and their sole motivation was hope of pleasure and fear of pain. Hobbes argued that as we move towards our pleasures a more conflicting individualistic society develops. This common driving force would see us
inevitably collide and engage in conflict with others. Hobbes presented a vision of a society that would continually be at war with itself in the absence of a covenant with which citizens agreed (Hobbes, 1980: 186). Today, we are still embroiled in this heated debate on citizenship, what it means and the best ways of achieving it harmoniously. There is, however, a quest by political leaders on all sides of the political spectrum to engage with communities through existing and new institutions. What this signals is an awakening and acknowledgement of the need for the citizen and institutions to work closely together through consultation and other forms of engagement, which is now seen as part of the staple diet of re-engaging communities.

The Social Contract

Hobbes, Locke and Rousseau believe that without the acceptance of social conventions and without citizen involvement and participation our fundamentally selfish drive will ultimately collide. This can only be abated if we allow ourselves to fall under the consensual control of a social contract or as Hobbes describes it as a supreme ‘common-wealth’ or a ‘leviathan’ (Hobbes, 1980: 227).

British history is littered with occasions which have tested the social contract. For example in 1778 Parliament passed the Relief Act repealing harsh anti-catholic legislation from the seventeenth century. In June 1780 violent anti-catholic riots broke out in London as protestors marched on Parliament petitioning the repeal of the Relief Act and a return to Catholic
repression. Chapels, Catholic homes, prisons, public buildings and individuals in the street were attacked. There were running battles between the demonstrators and the authorities. It took the government and London authorities ten days to restore order in the capital. By that time, 12,000 troops had been deployed and over 700 people had been killed.

The result of these and other occurrences has been the gradual development of our police service. In a liberal democracy policing forms an important part of the social contract between the citizen and the state and the state guarantees that the powers of the police will be exercised equitably and impartially. Police are thus given powers of arrest, they are able to exercise force and they have the resources to restrict our freedom in the pursuit of social order and the public good. In exchange for these, the police are required to act within the clear parameters of their authority and the laws which give them their authority. The 4 pillars of policing as identified by Scarman (1986) are 1) accountability and independence, 2) consent 3) balance and 4) discretion which is the most prized possession for individual officers to use in their interactions with the citizen (Scarman, 1986:147).

According to Scarman the police ought to use discretion and strive to keep the 'Queens Peace' by maintaining law and order above enforcing the law (Scarman, 1986: 103,). The relationship between the citizen and the police should not be complex; the police are the citizens and the citizens are the police, whilst occupying different positions at particular times, they are one and the same. Whilst the police may at times act as the repressive arms of the
state they are in fact the agents of the citizen. In the twenty seven years since Scarman, there has been a significant growth in community policing initiatives developed directly to provide an interface with local communities and in particular in the last seven years Police Community Officers and Crime and Disorder Reduction Partnerships have begun to realise the importance of wholesale engagement in an effort to recover an original sense of a communal responsibility for public safety and order (Newburn and Jones, 2002).

Dependency and manipulation

The purpose of the social contract is that it glues together the various components of society within agreed parameters. Institutions play a crucial role in cascading and disseminating the vision and the ethos of the government. With the full resources of the state at its disposal, the government is able to promote and follow through its political ambitions. According to McMahon (1994: 25), political power is the most important form of power because through it the government has the power to make other people the way they want them to be. According to C. Wright Mills (1956), all politics is a struggle for power with the most oppressive kind of power being violence. In order to ensure that the citizen is kept informed and understands how their rights and associated responsibilities are being affected or changed, it is important that the government is clear about the messages it is trying to relay because clarity will enable each institution to play a pivotal role in unpacking and presenting that message.
There is however a fine balancing act which needs to be struck to ensure that our institutions remain politically objective and bi-partisan. In 2005 during the House of Commons vote on the Terrorism Bill - and Clause 23 - which called for the extension of the period of detention to 90 days. Concern was raised that the Metropolitan Police Commissioner Sir Ian Blair appeared to be acting in favour of the proposed government bill. Sir Ian Blair was seen by opposition parties, some Labour MPs and political commentators to have acted in a partisan manner compromising the neutrality of the police service. Rt Hon Charles Kennedy MP - the former leader of the Liberal Democrats - said that the Commissioner of the Metropolitan Police had overstepped the mark in the way that he had supported the proposals (Kennedy, 2005). This was supported by Silverman (2005) who felt that chief constables were under greater political pressure than ever before. In 1982 Sir James Anderton the former chief constable of Manchester conceded that: ‘Community participation in police affairs, or the improvement of democracy.... is the first conscious step towards political control of the police...’ (The Times, 18 March 1982)

What Anderton was alluding to was that politics - with a small ‘p’ - was the exercise of power and with the increased intention to involve communities and enhance democracy, policing was being politically interfered with. This view however failed to acknowledge that in a society characterised by inequalities, the impact of laws, even when enforced impartially can reproduce or reinforce inequalities (Wilson, 1981). This is also supported by Reiner (1992) who maintained that whilst the impact of the law may reinforce inequality it does not follow that the enforcement is partisan by intention. This
inevitably places police authorities in a difficult position, as they are simultaneously a watch dog scrutinising the police service and bringing it to account whilst at the same time they are dependent on it for their existence.

Firstly, as discussed in more detail in chapter five, police authorities are dependent on the Home Secretary for the funding they receive and the police service is reliant on the police authority to agree its budget and release the funds. This arrangement could easily be described as a series of conflicts of interest. Police authorities are therefore inevitably reliant on the Home Secretary legislatively, because in order to have the potential to be effective they require the buoyancy and force afforded to them by acts of parliament.

Secondly, the police authority is also dependent on the police service through the commissioner or the chief constable to relay information to them via reports presented to the police authority. Baldwin and Kinsey (1982) concur with Marshall (1978) and draws our attention to section 12.3 of the Police Act 1964 because it provides chief constables with an exit clause if they think that by submitting a report it would result in the disclosure of sensitive information that could jeopardise, influence or otherwise affect operational policing. Chief constables are permitted to refer such requests for a report to the Home Secretary who has the final decision on what if anything is presented. This places the police authority at the mercy of the police service (Day & Klein, 1987). It is quite possible that the Home Office and the chief constable could agree to support each other in decisions to the exclusion of the police authority (Lustgarten, 1986; Baldwin and Kinsey, 1982; Marshall,
1978). Lustgarten (1986) sees this level of dependency as unsatisfactory and for Jones et. al. (1994: 27) the 'tripartite system is ambiguous, not at all transparent and [this confused arrangement is in their opinion] intentionally constructed'. The reality is that many of the powers conferred on the police authority are only exercisable through the authority of the Home Secretary. Even though there have been a number of acts of parliament reorganising our police service and the role of the police authority within the tripartite structure, very little has actually changed - since the Metropolitan Police Act 1839 - to affect the spread of power between the members of the tripartite system. The potential for further confusion or tension is heightened by the fact that police authorities – in their current form - are a newly introduced partner juxtaposed between two long established institutions - the Home Office and the police service - that have developed strong working ties and systems of operation over many years.

Finally, police authorities are further challenged by their primary duty to secure the maintenance of an 'adequate and efficient' force for their area (The Police 1964 Act, section 4.1; APA, 2005; Boateng, 1985: 238) which could be seen as in conflict with their scrutiny role.

Police authorities are also potentially emasculated and manipulated by secret rituals which exclude non-members from scrutinising the activities of others (Day & Klein, 1987). One of the ways in which this occurs is through coded language where outsiders are unaware and are unschooled in the subtle cues, nuances, established systems and procedures that are taken for
granted by those on the inside: this serves to further exclude others from fully participating. Through the regular and sometimes unwitting use of coded language, wider participation is stifled: police authorities should endeavour to safeguard themselves against being perpetual outsiders by increasing police accountability and the systems of checks and balances. Police authority members do need to learn the coded professional language of the police. The more familiar they become with this language the more likely it is that they will be able to hold the police to account. However, what became clear during my interviews was that the language used by many of the police authority members sounded very similar to what one would expect from police officers. This raised the question of whether police authority members were trying too hard to fit into the police culture and inadvertently relinquishing some of their autonomy and trying too hard to fit in.

It is clear that exclusion operates at numerous levels, through language, structurally through systems and through processes and practices. According to Jones et. al (1994), there is another level where efforts can be thwarted and nullified. Jones et. al argue that police authorities and their appointed members were not as aware as they ought to be of the powers they could exercise and by definition they were not as fully schooled in the subtle nuances of the police service and its personnel, as a result the proverbial wool could be pulled over their eyes.

In chapter four, I discuss examples where it can be argued that police authorities have been undermined. Of course, the counter response to the
argument that police authorities are being undermined is that the government is democratically elected, the Home Secretary is a democratically elected MP and for up to five years the government has a mandate to direct the institutions under its control and to direct the delivery of services as proposed in their manifestos. Whilst police authority members are appointed, they do not have as wide or as popular a mandate as the government which is governing on behalf of all citizens.

The interesting thing about the interplay and the relationship between the members of the tripartite system was that it was never based on equity or equality of power. Decision making and the way the tripartite system works is on the acknowledgement that each member brings something of benefit to the table. The police provide a service which aids the sustaining of law and order which prevents a constant state of 'warre' (Hobbes, 1980:186). The Home Secretary/Office provides the police authority with the mandate and the authority to regulate and scrutinise the police service (PACE, 1984:2). Police authorities bring local knowledge of issues from magistrates, independent and local authority members. The police authority is separate and distinct from the police service and it has an express mandate to consult, which enables the tripartite system to broaden the involvement of communities in policing (Scarman, 1986).

The erosion of trust in one institution can lead to an erosion of trust in others and a questioning of legitimacy (Beer, 1982). Securing and sustaining trust can be an illusive goal particularly as one can never be too sure of the
real intent of those who wish to gain the citizens trust. According to
Machiavelli in his most famous work, 'The Prince' (1532), the state is
presenting an illusion to the citizen. Machiavelli questions whether it is better
to be loved than to be feared and argues that whilst one would like to be both,
it is difficult to combine them Machiavelli therefore concludes that it is
therefore preferable to be feared. For Machiavelli, the state should actively
seek to deceive and colour its actions; knowing good, following charity,
goodness and faith but it should also know how to do evil when necessary: in
essence it should gain the trust of the citizen so that it can realise its own
selfish aims (Machiavelli, 2003).

There is a feeling reflected in the writings of many scholars including
Beer (1982) and Kavanagh (1980) that over the last twenty to thirty years the
public's trust and confidence in the government – irrespective of which party is
in government - to discharge its responsibilities effectively and efficiently has
diminished significantly. Beer (1982:119) argued that civic culture was not
only in decline but was collapsing because old institutions were failing to meet
new expectations causing legitimacy in government to falter and effectiveness
to decline. Norton (1991:401) refuted Beer's claim arguing that the data used
by Beer did not substantiate his position because his data was too narrow and
time-bound. I, however, agree with Beer (1982), Marsh (1977) and Hart
(1978) that there has indeed been a decline in trust reflecting a change in
values away from deference to the government and its institutions.
One of the key responsibilities of any state is to defend the life and liberty of its citizens whilst maintaining social harmony. I subscribe to the view of John Locke (1978) that this can only be done when there is government by consent because when a government fails in its primary undertaking and loses the trust and consent of its citizens it stands the risk of having its powers revoked or at least its authority significantly undermined.

The drive to engage the citizen through forums and various consultation groups represent an attempt by the government to increase its contact and reinvigorate its relationship with the electorate. As I discussed earlier, the 'Big Conversation' was an example of the government re-engaging a disaffected, unattached and apathetic public with politics. The real challenge, however, is how to scale up a qualitative engagement with a small number of people into a legitimate contribution to national policy-making (Coleman, 2005). Otherwise these attempts will be viewed as an inadequate dressing or plaster over the festering wound of our ailing democracy.

According to Sedgwick cited in (Clarke, 1994: 160) in order for the government to be effective, it needs to have the consent of at least a majority of its citizens. Sedgwick argues that this does not necessarily mean that the consent should extend directly to every government decision – for example through referenda - because the government needs to have the power of decision making without the active consent of the citizen. What Sedgwick is suggesting is that like Locke (1978) tacit consent is sufficient. Rousseau (1987: 60) believes that there will be times that the citizen may need to be
forced to be free because the citizen cannot be given the liberty to decide whether to fulfil their responsibilities to the sovereign whilst still receiving the rewards and benefits of citizenship. The citizen must, according to Rousseau be forced to adhere to the general will and by extension be forced to be free. Notwithstanding, at the very least, in order to protect the citizen from the tyranny of the state there ought to be checks, balances and various levels of accountability. There also needs to be a realisation by decision-makers that they can ultimately be brought to account for the decisions they take. Day and Klein (1987) maintain that accountability defines the relationship between actors through identifying who can call whom to account and who owes a duty of explanation; it also establishes power relationships the roles, forms, and direction of accountability which in turn define the distribution of authority. The bedrock of our expectations and the expectations of our state is steeped in the understanding that as citizens we are all stakeholders in society; we are also all recipients of those things (consent, legitimacy, accountability, shared values and a sense of belonging to a common community) that enables our society to operate in a functional manner (Parekh, 2000). The state and its institutions are in place to support and ensure that society and the functioning of its institutions are conducive to the well being of all its members. The citizen as the ultimate architect of the state and its apparatus has an entitlement to be consulted and be accountable because the social contract demands it.

‘The services that are provided by the state are provided for the citizen by the citize’n (Reith, 1956: 287). The mandate for the citizen to be consulted and that police authorities are accountable comes through the Police Reform
Act 2002 where police authorities were instructed to publish policing plans and strategic three-year force plans in consultation with the local police, the local community and the divergent interest and pressure groups in the area. One can never be entirely certain however if these interactions are able to bring about real change or if the agenda has already being set and decisions already been agreed. Hoban (2004) found that whilst there were positive examples of good participation, participation was more often used as a tool to achieve largely pre-decided outcomes and the wider community interpreted calls for their participation in this way. For Hoban (2004), participation is concerned primarily with building bridges, cementing, repairing and strengthening existing frameworks and processes rather than necessarily making or changing decisions. One of the consequences of this is that participants often do not feel like equal partners in the process; therefore, rather than creating more constructive forms of dialogue and sharing between different experiences and expertise, it leads to conflicts and tensions.

**Accountability through consultation and participation**

What does all this consultation, crime reduction strategies, policing plans, measurements and targets really mean? What is the relevancy of the pay and position of authority members and why should we be concerned about the tripartite relationship?

The importance and relevance of all this is that having bequeathed responsibilities and powers to the state in the exchange of rights,
responsibilities and obligations, the relationship between the citizen and the state must be reciprocal both in intention and implementation. Today it can be argued that our institutions are more accountable than at any other time in the past; they are checked and scrutinised at various ways and at numerous levels\textsuperscript{10}. Society through its myriad of institutions, individuals and group preferences alights upon decisions which reflect an aggregate position which seeks the highest level of happiness for the greatest number of people (Mills, 1906). Despite this our first-past-the-post voting system is capable of returning a winner who may have secured only 36% of the vote with the runners up collectively securing 30%, 20% or 14%. The winner whilst gaining 36% of the votes in fact had 50% of the voting population voting against them but yet that party or individual wins. In scenarios like this the question that is waiting to be answered is what is the value of being consulted and participating if your participation cannot materially affect the decision? Questions such as these go to the very heart of citizen involvement and participation because engagement needs to be real and evidenced otherwise there is a dislocation in the public's mind between their participation and their ability to make a difference (Hoban, 2004; Coleman, 2003).

If we look at the model provided by Downs (1957) he argues that those who we expect to participate in the democratic process should be seen as consumers and as consumers there is a need for incentives to encourage the consumer/citizen to participate. The main incentive is the potential of there\textsuperscript{10} Direct election of officials; nationally, regionally, locally or at a institutional level; legislatively; through bills and acts of Parliament; through committees and members; through the civil service; through Independent auditing agencies and bodies; Independent and Informed media; Independent research institutes.
being a difference in outcome that would not otherwise have occurred. Downs however saw little evidence of real incentives on offer. The accusation that very little incentives are on offer can be leveled at police authorities with their apparent inability to be catalysts for change or because there is very little evidence of them affecting the way the other two members of the tripartite system work. The reality is that regardless of the intended role for police authorities, the relationship amongst the tripartite is not a relationship of equals. I fear that viewing the relationship in term of equal partners leads observers to erroneously see every aspect of the relationship between the tripartite members through the binoculars of equality of influence, powers and outcomes.

In The Logic of Collective Action Mancur Olson (1965) presented a different position arguing that participation and those who take part do so essentially for selfish reasons and are driven by self-serving desires. Olson maintained that even when one found organisations doing charitable work, the motives of those working for the organisation have self rather than the public good at heart. Olson’s argument is very interesting as it builds on the theory of the consumer or the personal individual benefit as outlined by Downs (1957). Olson identified that it is in the individual’s interest to support collective action when s/he will benefit. Given that the numbers of those taking part in consultations with police authorities are very small, one could conclude that the majority of the population see very little incentive or benefit in their participation. Those who do participate through Community Police Consultative Groups (CPCG), Independent Custody Visiting Panels (ICVP)
and other consultation forums are beneficiaries of selective incentives which according to Olson are in their own personal self interest.

The increase in attempts to consult can be described as an attempt at realigning and rejuvenating the social contract between the state, its institutions and the individual. Social contract theorists like Hobbes, Locke and Rousseau also believed like Olson (1965) and Downs (1957) that the human driving force was fundamentally self-interested and geared towards acquiring resources that benefited individuals to the exclusion of others. I conclude therefore in line with Olson (1965) and Down (1957) that those who participate expect to see elements of change, they expect that the goods of change are not only affordable but reachable to them.

On the surface it can be argued that the typology of viewing and describing the citizen and the citizens response to participation in terms of self interested actions or viewing the citizen as a commodity can be verified and does stand up to ascertain amount of scrutiny. However, on further examination the principles of the free market cannot so easily be applied to policing because public services and services provided for the public good are provided on a very different basis and most importantly, policing is not a standardised service (Jones et al, 1994). For example, democratic values will inevitably conflict with a market based approach because the key concern of the ‘market-based’ approach is with cost-effectiveness in service delivery. Delivering the service that people want more cheaply and effectively may well be achievable, however, the need to ensure that the decision-making process
itself reproduces the wishes of the people involves lengthy decision-making processes, consulting as many people as possible and allowing minority interests to participate: this is democracy, but this is also very expensive (Jones et. al, 1994). Those who wish to use public services have a democratic right, because they pay for the service out of their taxes. In view of this democratic right of citizenship, Elock (1994: 194) argued: 'We need to bear in mind that in applying consumer models to local authority services we are not dealing with customers in the commercial sense but with citizens'.

Myhill et. al (2003) found that the vast majority of people had not heard of or did not know what the role of their police authorities were. Those who were aware of the existence of police authorities believed that they were useful. Docking (2003) in Public Perceptions of Police Accountability and Decision making outlined the lack of knowledge of police authorities and how police accountability was seen negatively amongst key target respondent groups by race.

The Home Office report Survey Civil Renewal (2003: 48) shed further light on this. The report explained that people from different ethnic groups varied in the extent to which they trusted the institutions of the police, courts, councils and Parliament. This lack of trust is therefore likely to result in less direct participation from this group. During my interview with Mr. David Dean of Nottingham police authority he explained that if the citizen does not participate they 'cannot complain later if they do not receive the service they want'. The clear implication of this is that one must participate in order to take
hold of ones rights.

The government has made provision and attempts at redressing some of the imbalances; for example under the Race Relations (Amendment) Act (2000) all public bodies including police authorities have a duty to consult on the likely impact of proposed policies on the promotion of race equality. Police authorities and other public bodies are required to publish the results of their consultations in order to ensure that the public is aware of the steps that they are taking.

Comparative representation and diversity in our institutions

The lack of representation from Black and Minority Ethnic (BME) communities in our institutions and the stark disparities in employment rates between communities - evidenced by the 15% gap in employment of ethnic minorities compared with that of the overall population see table 4:1 - demonstrates that more needs to be done by our institutions to address this issue (NEP: 2005). Furthermore, ethnic minorities tend to reside in the poorest and most deprived areas, suffering poorer health, low employment and for those who are employed, they are more likely to be paid less and have less invested in them by their employers despite the fact that ethnic minorities tend to be more highly educated having stayed longer in higher education (see table 2) (Cabinet Office: 2002).

Table 4:1
Employment rates of communities (2005)

<table>
<thead>
<tr>
<th>Group</th>
<th>Employment levels</th>
<th>Overall national employment rate</th>
<th>Ethnic minority employment rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pakistani</td>
<td>44%</td>
<td>75%</td>
<td>60%</td>
</tr>
<tr>
<td>Bangladeshi</td>
<td>45%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black African</td>
<td>57%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: National Employment Panel (2005: 6)

Table 4:2

Entry to Higher Education

<table>
<thead>
<tr>
<th>Group</th>
<th>% entering higher education</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian</td>
<td>85%</td>
</tr>
<tr>
<td>Black</td>
<td>82%</td>
</tr>
<tr>
<td>White</td>
<td>69%</td>
</tr>
</tbody>
</table>

Source: (Cabinet Offic., 2002)

If we look at the House of Commons and the House of Lords, there were only 3.4% ethnic minority ministers represented in both houses (House of Commons Library, 2004).

The House of Commons' primary role is that of representation. Once elected, members of Parliament are expected to represent all of their constituents. The 'core defining function' of the House of Commons is described as the legitimisation function which permits the elected assembly,
acting on the people's behalf, to grant (or withhold) its approval for most actions of the government (Norton, 2001: 313). The former Home Secretary David Blunkett acknowledged the importance of governments maintaining their legitimacy and argued that legitimacy would be lost if citizens felt that the shared moral principles on which they based their lives were lost in the delivery of government policy. It was therefore important that the government worked with the citizen to achieve harmony (Blunkett, 2001: 109). Such harmony can surely only exist if institutions perform their primary functions whilst increasing representation and participation from as diverse an electorate as possible.

Figures from the House of Commons Library of Social and General statistics (April, 2004) provide the following summary of ethnic minority representation.
Table 4:3


<table>
<thead>
<tr>
<th>Institution</th>
<th>% from minority ethnic group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet</td>
<td>9.5%</td>
</tr>
<tr>
<td>Other Government ministers &amp; whips</td>
<td>3.4%</td>
</tr>
<tr>
<td>House of Commons</td>
<td>1.8%</td>
</tr>
<tr>
<td>House of Lords</td>
<td>4%</td>
</tr>
<tr>
<td>MEPs</td>
<td>4.6%</td>
</tr>
<tr>
<td>Local councillors (England &amp; Wales)</td>
<td>2.5%</td>
</tr>
<tr>
<td>Public Bodies</td>
<td>4.4%</td>
</tr>
<tr>
<td>Scottish Parliament &amp; Welsh Assembly</td>
<td>Nil</td>
</tr>
<tr>
<td>Greater London Assembly</td>
<td>4.0%</td>
</tr>
</tbody>
</table>


The other important function of the House of Commons is its responsibility to scrutinise the executive. The House of Commons plays an important role in scrutinising the policies and actions of the government in debates, Parliamentary questions and within cross-party select committees. Interestingly, Parliament has two seemingly contradictory roles; firstly, it is there to sustain the executive – a role that is mirrored by police authorities who have the responsibility to sustain an efficient and effective police force - and secondly, it has the responsibility to hold the executive to account - a role which the police authority is also mandated to perform in relation to the police service. According to Flinders (2002: 2) Parliament does not perform its latter role of holding the executive to account very well. It is highly probable that police authorities - in a similar vein to Parliament - are unable to effectively
hold the police to account whilst simultaneously sustaining an efficient service. This is one of the issues that I will be looking into as this thesis unfolds.

Coleman (2005) found that seventy two percent of his sample of 2,273 people felt disconnected from Parliament and the political process. It is therefore reasonable to question what we can reasonably expect from police authorities if well known historic democratic institutions like the Houses of Parliament fail to adequately represent the citizen, fail to reflect the diversity of the United Kingdom and fails to connect with the citizen. This is brought into stark relief when we consider that parliament is well known and police authorities as institutions are barely known (Myhill, 2003).

As far as police authorities are concerned, there is no comprehensive or single source of data on the numbers of ethnic minorities who are members of police authorities. I approached the Association of Police Authorities for information on this and I was informed that no up-to-date information was available and that I had to consult each police authority individually. As a result of my own investigations, I found that with the exception of two police authorities (Metropolitan Police Authority (MPA) and the West Midlands Police Authority) police authorities were not dissimilar to other public institutions and indeed government in that they all had low levels of representation and diversity. The Metropolitan Police Authority (MPA) has 23 authority members 8 of which are from ethnic minority communities (34%) and out of 17 members of the West Midlands Police Authority 4 were ethnic minorities (0.6%).
### Table 4.4

**Numbers of Ethnic Minority members in police authorities**

<table>
<thead>
<tr>
<th>Police Authority</th>
<th>Numbers of Ethnic Minority Members out of 17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metropolitan</td>
<td>8 out of 23</td>
</tr>
<tr>
<td>West Midlands</td>
<td>4</td>
</tr>
<tr>
<td>West Mercia</td>
<td>3</td>
</tr>
<tr>
<td>Lancashire</td>
<td>2</td>
</tr>
<tr>
<td>Nottinghamshire</td>
<td>1</td>
</tr>
<tr>
<td>North Yorkshire</td>
<td>1</td>
</tr>
<tr>
<td>West Yorkshire</td>
<td>1</td>
</tr>
</tbody>
</table>

*Source: individual police authority websites, 2005*

Most would agree that it is in the government’s interest to engage with all its citizens and it is the responsibility of governments through its institutions to build trust at all levels. Berkeley (2003) argues that public authorities should focus on the needs of minority communities because by doing this they will gain a glimpse of the actions required to gain the trust of all sections of society.

John Stuart Mills (1906:5-8) had an additional concern about the rights of minorities, particularly women. In his treatise *On Liberty* and *Utilitarianism* he warned against the ‘Tyranny of the Majority’. Mills argued that in the past
monarchs held power at the expense of common people and during this time the struggle was about gaining liberty by limiting the government's power. Now through democratic processes, power is much more accessible to the citizen. The danger today is that if the legislature and policy makers blindly respond to public opinion, framing and constructing legislation and regulation in response to majority wishes, the unintended consequences could result in minority interests being ignored, diminished and sidelined which could lead to unrest that challenges the government's primary goal of maintaining security (Bentham, 1960; Mill, 1960; Held, 1999). The potential for this to happen should not be underestimated because our elected officials are elected seemingly with a mandate from the majority in whose interests they proceed to pass laws. It is with this knowledge that I argue that despite there being poor representation from ethnic groups within institutions at the local, regional and national level - including in police authorities - that legislation should continue to compel or forces our institutions - in a Rousseau like way – by placing direct responsibilities and duties on them through legislation like the Disability Discrimination Act 2005, the Race Relations Act of 1976 and the Race Relations (Amendment) Act 2000 (RRAA) to actively promote equality and opportunity. Under these new arrangements one could argue that the individual is forced to be free because the state is taking action and demanding and forcing other citizens to desist from discriminating and bringing harm to others (Rousseau, 1987).

Whilst Marshall sees citizenship as being a passive experience and one that is bestowed on those who are full members of a community, Jones's
(1994: 33) concept is more strongly linked to the individual seeing 'the good of the community as [being] inseparable from the good of the individual'. For Jones, the individual is simultaneously made by society and society is made by the individual. For this mutually beneficial coexistence to occur, self realisation is required; this self realisation is an understanding of one's position as an individual, a member of a group and one's relationship to the state and its institutions. In our participatory democracy, citizens are encouraged to be more active than passive particularly in relation to the structures and modus operandi of our institutions. For example our police authorities have a clear mandate to consult, provide an efficient service and facilitate the involvement of users. Within Jones's (1994: 142) typology of rights and responsibilities, citizens 'propel legislation' rather than follow it. The argument that flows from this is that if there is an absence of evidence demonstrating the ability of police authorities to affect, influence or change legislation or if there is little evidence of them impacting directly on people's lives then the effectiveness and the role of police authorities is brought into question. The difficulty that police authorities have is that whilst they may have the necessary tools at their disposal to affect change; police authority members appear unable or unwilling to exercise the powers that they have at their disposal. In my interview with Perry Nove (former Chief Constable of the City of London Police), he explained that it was important that police authority members did not simply accept everything that was presented to them by their chief constable because police authority members should be acting on behalf of society. Within this complex negotiated arrangement, the citizen is both the beneficiary and the scrutiniser of the police service and has a tangible vested
interest in enabling the police authority to fulfil its raison d'etre vis-à-vis the police service. A society characterised by passive citizenry is therefore not ideal for the effective working of our police authorities. A note of caution should be sounded that we do not limit the effectiveness of our institutions solely by their legislative potential or simply by their ability to stimulate participation, what we need to see is a comprehensive suite of offerings that reflect the police authorities ability and willingness, to engage, affect, influence, scrutinise and where necessary assert itself. As explained by Coleman (2005: 6 and 9) citizens understand that their every whim cannot always be implemented into change, however, what the citizen does not want is a representative that operates like a 'ventriloquist dummy'; the citizen wishes to be heard, acknowledged and engaged with.

Obligation & consent

Regardless of age, social status and ethnicity all citizens have equal access to interact with society's institutions whether to challenge or accept them (Boaden, 1982). However, as citizens we are encouraged to accept our institutions like police authorities regardless of their perceived added value and the degree to which they offer protection and support?

Rawls (1971) argued that only the most socially advantaged in society could truly be said to have a political obligation\(^\text{11}\). The logical conclusion is therefore that minority groups and other excluded communities are under no

\(^{11}\) Political obligation is a notion developed by social contract theorists and primarily sees the individual as being or having obligations to the state in later writings the notion that obligations can be owed to fellow citizens emerged.
political obligation to participate. For Hobbes the central issue was not equality because any system manned by unequalled individuals could still rule and govern all equally because the whole would be made equal because it is made up of the unequalled parts — at the heart of this is the implication that when completed, the jigsaw will fit together neatly and that in the first instance all the component parts are available and consistent with the overall picture. However, we all know that society, its norms and its institutions evolve iteratively and we are not handed a completed template or a pattern to work to. The Audit Commission (2002) reported that irrespective of race, religion or colour, the public did not believe that the police treated people equally. However, it can be argued that regardless of the perceived advantage or disadvantage, all citizens have obligations to the state and to one another because within the social contract each citizen is afforded protection from harm, access to welfare, education and the opportunity and right to participate in civic life. Therefore even at the most basic level the state does provide

Even if the police service has been found to discriminate or that it is predisposed to acting prejudicially, Elock (1991: 162) describes a directional accountability which is a multi-directional layer of accountability upwards to politicians, outwards to professional colleagues and downwards to the citizen. Police authorities have been established to form part of that system of scrutiny and to bring the police service to account. The state itself is obliged through its institutions and all its processes to service the needs of all its citizens. Hobbes (1980) in Leviathan argues that we all enter a social contract voluntarily and that within the confines of this agreed protocol our freedoms
and rights are protected through the impartially administered rule of law where our status collectively exists independently of any differences between individuals. For Hobbes (1980) and Locke (1978) the central element is that we give over to the government, its institutions and representatives the right to make political decisions and crucially within this agreement we voluntarily become obliged politically and socially. For Pateman (1979: 49) our obligation is not simply to let things happen but the content of our obligation becomes defined by our participation and by us calling others to account.

A system secures its legitimacy and accountability if those who are able to bring the institution to account are aware of the institutions existence, if they understand its roles and responsibilities and if they understand the mechanisms through which an account can be brought (Audit Commission, 2003b; Docking, 2003; Myhill, 2003). What we have in police authorities and the tripartite system is an arrangement which ought to facilitate transparency and a higher degree of accountability: in reality however there appears to be insufficient access to the process and methods by which the citizen can influence policing and by which it can be understood: according to Jones (1994: 27) there is confusion and this confusion is intentional. Whilst accountability is being channelled to the citizen it is important that the citizen is made aware of the importance of their own engagement and the value of that engagement.

The policing issues which concern local people can be highly emotive and there are a multitude of voices vying to be heard; questions are inevitably
asked as to why there are such low levels of participation from the public. It is therefore questionable how effective police authorities are in representing the diverse views of those they are serving. The availability to participate in and the frequency of consultation is in itself an insufficient barometer of accountability. The involvement of stakeholders on all sides of the political and social spectrum does not make an organisation any more or less accountable but provides an amalgam of consenting and conflicting positions which will facilitate the process of decision making. The Audit Commission (2003a; 2003b) conducted research on accountability, public trust and confidence in public services. The commission found that people trusted individuals much more than organisations because the notion of trust was based on relationship, familiarity and experience. The report found that public trust in the accountability structures of public organisations was driven by various factors including useful and credible information, the existence of external watchdogs, personal contact, and - unsurprisingly - whether they were seen to be honest and trustworthy (Audit Commission, 2003a). The audit commission rated the police as the worst of three services in providing information although the police was the institution that was seen as most likely to be controlled by an independent watchdog. The Audit Commission (2003a) found that generally, public trust in local authorities was low and the reason that it was much lower in the police was primarily because the public did not think that the police would listen to their views and also the public awareness of the regulators was low.

According to Ignatieff (1995) civic solidarity is built, strengthened and enhanced by the increased dependency of the citizen on the state which
results in the citizen being more likely to buy into its institutions. It can then be asserted that as the state increases its role as provider, as regulator and as arbiter that increased participation in society’s institutions through consultations, referendums and other forms of representation will inevitably result in our institutions being more accountable and operating in our interest. Whilst this may be true there is a dichotomy at the very heart of policing and it is the distinction between the operational remit and the non-operational function of the police service. Lustergarten (1986) argued that there was no real distinction between policy and operational matters because they are intertwined one affecting the other.

The balance between operational and non-operational policing is particularly delicate in relation to the experience of ethnic communities. It is at times difficult to see how consultations and other forms of citizen representation, participation and activity will have any lasting meaningful influence on the way policing works at an operational level. Members of ethnic communities invariably experience the direct punitive effects of operational policing. For example, according to the Metropolitan Police Service (MPS) data, the stop and search rates of Black people in London increased by 30% between the years 2001/01 and 2001/02; for Asian people by 41%, while for White people it only increased by 8%.

‘The number of stops and searches conducted in 2001/02 rose by 18% in the MPS, although during the same period this number fell by 1% in the rest of England and Wales. In the MPS this rise is mainly
accounted for by the rise of stop and searches on people from ethnic minorities': (MPA, 2004; 21).

The report into the death of Stephen Lawrence by Sir William McPherson was published in 1999 and highlighted the importance of the use of stop and search powers in the context of police/community relations and made a number of recommendations designed to ensure they were exercised in a way that would be as effective as possible in reducing crime whilst also promoting trust confidence and raising the level of accountability in policing amongst ethnic communities (McPherson, 1999). 'If the police are left to their adversarial function their contact with the public will be consistently confrontational eroding their legitimacy and public confidence' (Jones et, al 1994: 33). For obligation and consent to be realised there is a requirement that discretion is used as a primary asset in the police armoury (Scarman, 1986).

Having being charged with certain responsibilities, duties and functions police authorities have an obligation to be directly accountable to the communities within their geographic boundaries as much as they are accountable to the Home Secretary and chief constables within the tripartite structure. In the first instance accountability to the local community is of paramount importance because it is here that the effects of policing or lack of it will be felt. For particular groups, the distinction between operational and non-operational policing is irrelevant because their primary experience is adversarial. The preoccupation with the tripartite structure I believe implicitly
denies the place and importance of the citizen. It is important for the effective functioning of the service that we begin to acknowledge and readjusting our sights to understand that the tripartite is in fact a quartet of Home Secretary, chief constables/commissioners, police authorities and the citizen; this acknowledgement and inclusion enables us to see the role of the citizen as important if not more important than the current deference to the tripartite system. The system ought to work on behalf of the citizen not the citizen on behalf of it. Scarman (1986, 4.60) noted; ‘...they enforce the law on behalf of the community; indeed they cannot effectively enforce it without the support of the community’.

This can only be realised if there is clear and transparent lines of communication and accountability within and outside the infrastructure. In his work on the democratic social contract Rousseau argues that the law giver’s programme can only be presented and not enforced on the citizen due to the citizen’s right to choose. Rousseau goes further and argues in a similar vein to Broaden (1982) that it would be impossible for all citizens to be involved in the decision making process and as Pateman (1985: 152) concurs ‘what is needed is a smaller body made up of representatives who act on behalf of citizens but who cannot decide for them because authority remains squarely in the hands of the citizen’ (Pateman, 1985: 152). Interestingly Pateman (1978) discusses the notion of voluntarism which social contract theorists see as an emphasis on the assent of individuals whether through voting, acceptance of benefits or actual participation. Essentially abstention is not a neutral position; deciding to abstain brings forward Locke’s (1978)
assessment that those who abstain have given tacit consent to the status quo. The contentious question is however whether tacit consent is being given or are we and some of our institutions simply powerless?

Conclusion

Historically, the vast majority of the public had little or no access to decision-making or decision makers. Today, however, with the increase in disaffection evident in all strata of society, policy makers, bureaucrats and civil servants have moved increasingly towards engaging larger numbers of people and have attempted to tap into the ethos of collective responsibility (Millen, 2003).

In this chapter, I have discussed citizenship and our relationship to our institutions in the context of a sense of belonging and identity. I have discussed how the functions of our institutions legitimise or potentially undermine the social contract between the state and the individual. The key questions are what does citizenship mean for us all, what does it mean for the diversity of individuals and the diversity of our institutions and how can we provide a pathway to give people the capacity to participate in civic society? In all areas of public services those who think they do not and will not be receiving the same rights and the same access can only be said to have equal citizenship in name only. Access is not about being able to attend accident and emergency, It is not simply about being registered at you local primary school; it is not just about having the opportunity to have representative
individuals from various communities sitting on the board of police authorities; neither is it about being able to speak to your police authority member about the policing plan for the area or neighbour policing. Therefore the fundamental question is what difference does our representation on institutions like police authorities make? Do minority interests see variation and change in the way the local police service responds to concerns as a result of police authority activity or is there a visible tyranny by the majority?

For Locke (1978), any government rules by consent which is underpinned by the legal system, ownership of property and being within the geographic boundaries of the state. The status quo is further strengthened and legitimised by the government's responsibility to protect life, liberty and property. Citizenship ought to embody a balanced reciprocal relationship between the state and the individual and an acknowledgement of the multiplicity of roles individuals inhabit and an understanding of the macro and micro responsibilities of the state. If communities and other groups feel that they are not afforded the access, treatment or resources of others and that there is little parity of outcome then the reciprocity engendered by the act of being a citizen is compromised. It then becomes difficult to argue that there ought to be the same degree of allegiance or obligation (a theme that is developed in chapter five) from all citizens including the disenfranchised.

An example of an attempt to nullify any conflict between the individual and the institution arose out of the Scarman report (1981) and its landmark recommendations which had wide implications for citizenship, ethnicity, the
police service, police authorities and the Home Office. Police authorities as an institution with their role of scrutinising the police, representing the interest of local people, ensuring that sufficient provisions are in place to facilitate an effective police service along with their responsibilities to bring the police to account do appear to support the notion of active citizenship by encouraging involvement and participation and by making provision for the inclusion of all citizens. The evidence on the ground paints a picture of police authorities as regulatory bodies that if understood and used correctly can herald the benefits of equality of access and the benefits of citizens engaging through an adherence to the reciprocity of the social contract. The problem that initially needs to be overcome is that police authorities are little understood or indeed known about. Myhill (2003) found that those who had heard of them did not know what they were or what their role was and the name police authority was indistinguishable from that of the police.

As an institution that demands increased accountability from the service it oversees, police authorities appear to be mysterious and unidentifiable. Despite this, the existence of such an institution of accountability has the potential to bring increased legitimacy to the police service, whilst ultimately ensuring that the citizen still has control over the structures and institutions working on its behalf.

According to Coleman (2005) if our institutions - including police authorities - wish to maintain their authority and legitimacy, they need to understand that the public does not want paternalistic modes of governing but
wishes to have direct engagement. Moreover, the public do want a conversation and not simply consultation. Coleman (2005) notes that on an everyday level, people converse informally on politics. However, what was found was that there is rarely an opportunity for the representative to converse with the represented. Finally, the public requires ongoing rather than sporadic conversation and they require accountability and transparency.
CHAPTER 5
ACCOUNTABILITY

Introduction

'...the notion of authority as the right to call people to account needs to be complemented by the notion of power as the ability to call people to account' (Day and Klein, 1987: 9).

The United Kingdom has no written constitution or bill of rights, there is no single text or document which embodies our raison d'être and the terms under which we agree to live together. The elements of our constitution are held within four principle sources; i) Statute Law - which are acts of Parliament - ii) Common Law - from which certain basic principles are derived including freedom of expression, assembly and association, the royal prerogative and judicial decisions, iii) conventions of the constitution, for example, the convention that parliament must meet at least once a year, that the sovereign does not attend cabinet meetings, and that ministers who lose the confidence of the House of Commons on a major issue must resign. - conventions are not enforced by the courts -; and iv) Works of authority which have persuasive authority due to their age and/or the clarification brought to aspects of the constitution. It is therefore in the areas of Acts of Parliament, judicial pronouncements, principles of common law and works of authority that we underpin our institutions (Norton, 1991: 73-88; Jones, 1991:277-280).
According to Jones (1991) from the 1970s the constitution came into question due to successive governments failing to deliver on their promises and being unable to cope with the rise in unemployment and the slowdown in the expansion of the British economy. For Jones, it was symptomatic that at the point at which governments were seen as being unable to cope, the system of government became questioned. Our system of policing was not exempt from this questioning, and as a result, accountability and transparency rose in importance. In order to support the functions of our police service an additional tier of management and accountability was consolidated into one system which involved a partnership between police authorities, the home secretary and chief constables - known as the tripartite system.

In the previous chapter, I explored the emergence of police authorities, charting their progress from the seventeenth century through the 1964 Police Act to the Police and Magistrates' Court Act 1994 which saw police authorities become independent authorities. The role of police authorities was further re-defined under The Police Act 1996 which paved the way for police authorities to take on an acute scrutiny role and a more direct involvement in the policing of their local areas. The Police Act 1996 gave police authorities' specific additional responsibilities which included the requirement to publish local policing plans in consultation with local communities and other interest groups. The act also gave police authorities' the responsibility of monitoring performance, collecting and publishing performance information, producing efficiency and Best Value performance plans, delivering best value, accounting for the constabulary's finances, managing the constabulary's
resources, planning and deciding budgets, investigating complaints against senior police officers and monitoring overall complaints procedures through to appointing chief police officers (The Police Act 1996).

During this chapter I will be discussing the role of police authorities as accountable bodies who also have a mandate to ensure that we have an efficient police service. I will also discuss the importance of citizen involvement for accountability and I will discuss the level of additional accountability - if any - this brings.

The Stakeholders

All members of society are intrinsically interested and are key stakeholders in our police service. There are however, a number of organisations that have a legal responsibility to work with and interface with the police service in England, Wales and Northern Ireland these are:

- Association of Police Authorities (APA)
- Her Majesty’s Inspector of Constabulary (HMIC), and Audit Commission
- Association of Chief Police Officers (ACPO),
- Police Federation,

Association of Police Authorities (APA)
The Association of Police Authorities (APA) represents all 44 police authorities in England, Wales and Northern Ireland. Police authorities came together to form this national umbrella body in April 1997. The APA is similar to the Local Government Association (LGA) which is an association of all local governments. The APA has two main roles; a) to act as the national voice for police authorities and b), to support police authorities in improving how they carry out their role locally. The Association of Police Authorities is funded by subscriptions raised from all police authorities.

*Her Majesty's Inspectorate of Constabulary (HMIC) and Audit Commission*

Despite being outside the tripartite structure, both Her Majesty's Inspectorate of Constabulary (HMIC) and the Audit Commission are powerful bodies in the governance of policing. Her Majesty's Inspectors have a statutory responsibility under the Police Act 1964 to inspect and report to the home secretary on the efficiency of all police organisations. The exchequer's grant of 51% to the police authority is conditional on the police force receiving a certificate of efficiency from HMIC (Jones and Newburn, 1997).

HMIC has three main functions; i) the formal inspection of the police forces in England, Wales; and Northern Ireland, ii) it advises the home secretary on senior appointments to the police service, via the Senior Appointments Panel which it chairs and iii) it fosters links with international agencies such as Interpol and the FBI (HMIC, 2004:7).
HMIC is an important channel between the home office and the police service. It is through HMIC that the home office conveys to the police its policy concerns, ideas or suggestions and is able to gauge how its policy priorities are being implemented locally. The police service also utilises the HMIC as a means of enabling the home office to be aware of the views and thoughts of the police. The role of HMIC is central to the operational functions of the police.

Association of Chief Police Officers (ACPO)

The Association of Chief Police Officers (ACPO) was set up over 50 years ago to facilitate the development of policing policies on behalf of the police service as a whole, rather than separately in the forty four force areas. The Association advocates strong local policing sustained through the tripartite framework of local chief constable, the local police authority and the home secretary. ACPO is not a staff association but works on behalf of the police service. It is funded by a combination of home office grants, contributions from each of the forty four police authorities, membership subscriptions and by the proceeds of its annual exhibition. ACPO's members are police officers who hold the rank of Chief Constable, (Commissioner – in the case of London) Deputy Chief Constable or Assistant Chief Constable, or their equivalents, in the forty four forces of England, Wales and Northern Ireland, national police agencies and certain other forces in the UK (APA, 2006).
The Police Federation of England and Wales is the representative body to which all police officers up to and including the rank of chief inspector belong. It was established by the Police Act 1919 following a strike by constables and sergeants in the Metropolitan Police demanding pay increases, a widow’s pension, the recognition of their illegal trade union, and the reinstatement of those who had been sacked for their union activities. The strikers won on pay and within months the police union was smashed and the Police Federation of England and Wales was established (Police Federation, 2004). Since this time police officers have been prohibited - by statute - from striking: this prohibition was reinforced by the Police Act 1996. The Police Federation represents the interests of over 136,000 police officers and although it is not a union it negotiates on all aspects of pay, allowances, hours of duty, annual leave and pensions. The Police Federation is a staff association and operates as a professional body and is consulted when police regulations are made, dealing with training, promotion and discipline.

Accountability Defined

Being accountable is not solely a matter of presenting reports and accounts, but it is also about power, authority and ownership and it is the tool to help stave off feelings of being disconnected and powerlessness (Day and Klein, 1987; Conger and Kanungo, 1988; Mulgan, 2003; Gray et al, 1997). Accountability is also about the conduct and performance of an individual, a
group or an organisation and the criteria used for assessing these (Day and Klein, 1987; Jenkins and Goetz, 1999; and Mulgan, 2003). Accountability generally identifies shared expectations; provides a common currency for justification; puts agreements into context (Day and Klein, 1987: 5) and provides a sense of obligation, or a right to be called to account (Gray et al, 1997: 329); According to Mulgan (2003: 30), accountability has three interrelated elements – information, discussion, and rectification. Day and Klein (1987) maintain that accountability defines the relationship between actors through identifying who can call whom to account and who owes a duty of explanation. According to Day and Klein (1987), accountability establishes power relationships, the roles, forms and the direction of accountability which in turn define the distribution of authority.

A lack of access to accountability by others is synonymous with a lack of power and to be unaccountable to others is to be all-powerful. In this respect, being accountable is more than providing access to information, but implies a capacity of those to whom one is accountable to being able to affect change in actions. This is what Mulgan (2003: 30) refers to as ‘rectification’ and Keohane (2002: 479) calls ‘the ability to impose a cost’. The very poor often lack capacity and the ability to demand accountability and so depend to some extent on the actions and assistance of others (Jenkins and Goetz, 1999). I subscribe to the view of Kilby (2004) who maintains that the nature of ‘downward’ accountability of public bodies to their local constituency is central to the empowerment process as it determines the distribution of power between the participants, local people or constituency. As stated by Day and
Klein, (1987: 9). '....authority as the right to call people to account needs to be complemented by the notion of power as the ability to call people to account'.

For Fox and Brown (1998) accountability is a process where actors hold other actors responsible for actions. Moore (2000) says that accountability is primarily about responsibility whilst for Fetterman (1996) it means giving an account for decisions with particular attention to expenditure whilst having a responsibility to the people affected directly. Ultimately, accountability is to stakeholders - which include beneficiaries, boards, donors, staff, partners, and peers - for the results and impacts of performance and the use of resources to achieve that performance.

Fetterman (1996) acknowledges that whilst accountability is used synonymously with transparency, there are distinctions between the two. Accountability is about providing an account for decisions, actions, and their consequences whilst transparency is about providing information not necessarily an explanation.

For Pyper (1996:3) accountability is about stewardship and responsibility. For stewards to be effective and to meaningfully undertake their responsibilities the allocation of resources is essential. In addition to resources, the ability to place restrictions in order to enforce or underscore the seriousness and/or importance of an issue is vital. In short, the steward needs control of the issues for which it is accountable and needs the ability to implement punitive measures as it sees fit thus supporting Day and Klein's
perceived importance of power. In short, according to Fetterman, (1996: 211) institutions must respond to demands that emanate from multiple sources.

**Accountability Described**

There are a number of accepted mechanisms through which accountability may be realised.

1. There is the democratic model where elected representatives are able to communicate with an institution on the sort of service they require and hold that institution accountable for delivering it.

2. There is also accountability through the direct election of officials (Howard, 2005; Loveday and Reid, 2003).

3. Accountability can also be aided through the legislative process where the actions of governments and institutions are defined, strengthen or curtailed by legislation.

4. There is legal accountability, by which an institution is held to account for the use or misuse of public resources.

5. Accountability can also be realised through committees and appointed members.
6. There is also accountability through an impartial civil service where elected representatives are supported by qualified and experienced staff capable of offering independent advice and information,

7. There is financial accountability, by which an institution is audited and held to account for delivery, value for public money and appropriate public spend. This involves the use of efficiency models, quality standards and other tools that report on the economy, efficiency and effectiveness of the institution and how it uses public resources (Gray: et. al: 1997).

Other ways by which accountability can be achieved include through the media, through the work of independent research institutes and the involvement and participation of charities, think tanks and lobby groups.

Along with internal accountability where officers are accountable within an organisation there is what Elock (1991) calls directional accountability involving ministerial and parliamentary accountability. If policing is to be effective, efficient, fair and impartial, all these and other permutations of accountability need to be factored in. Loveday and Reid (2003: 58), however, maintain that rather than aiding accountability, multiple lines of reporting may be more confusing to the public and in their experience leads to police chiefs evading responsibility for their performance.
Due to the many interconnected and different levels on which accountability operates it cannot simultaneously be achieved at all levels. It is therefore important that we understand the type of accountability or transparency we desire and ensure that our institutions are malleable and capable of providing this.

Society, clearly recognising and accepting the importance of law and order, enters into a social contract conferring authority to the state which in turn constructs laws and establishes order through institutions, such as the judiciary, the legislature, the criminal justice system, health and education institutions and the police. These institutions are interrelated in their respective remit of ensuring life and property is safe and protected from harm. This, however, can only be achieved effectively and consistently with consent, which is not unconditional but subject to trust in our institutions being maintained by sufficient checks, balances and systems of accountability which prevent the erosion of trust (Home Office, 2003a; Audit Commission, 2003a and 2003b; MacPherson, 1999).

The Audit Commission (2003a) found that people trusted individuals more than organisations because the notion of trust was based primarily on relationship, familiarity and experience. Public trust in the accountability structures of public organisations was driven by various factors including useful and credible information, the existence of external watchdogs, personal contact and whether they are seen to be honest and trustworthy (Audit Commission, 2003a). One of the inherent difficulties with realising
accountability is that the citizen invariably accepts that those in control of public resources are accountable yet the average citizen is unable to adequately verify this. The mistake that public servants make is that they assume that as citizens we understand and are able to identify which institutions and through which process a call for an account can be made. It is often unclear who accounts to whom, at what level, at what stage and the degree of that accountability and who has the power to demand and realise this call for accountability (Day and Klein, 1987). This may invariably lead to an erosion of trust (National Consumer Council, 2002: 1; MORI, 2003; Audit Commission, 2002; Coleman, 2005; Blunkett, 2002; Beer, 1982; Marsh, 1977; Hart, 1978). Day & Klein (1987) viewed accountability in relation to occupations and saw some occupations as intentionally adopting methods of working and communications that excluded non-members from scrutinising their activities. This can logically lead one to question whether police authority members - who incidentally are not experts on policing - are sufficiently informed and knowledgeable about the language and culture of the police service to ensure that they are effective at bringing the police to account. Jones (1999) thinks they are not.

The creation of regulatory authorities like the Financial Service Authorities (FSA), the Strategic Rail Authority (SRA), the British Medical Authority (BMA), the Audit Commission, - and although it was set up in another era (1856) - Her Majesty's Inspectorate of Constabulary (HMIC), the Independent Police Complaints Commission (IPPC) are part of a holistic attempt to provide an increased layer of scrutiny and accountability ensuring
that at a national, regional and a local level there are clear guidelines and areas of responsibility to ensure accountability for the services being delivered.

As far as accountability and the police service are concerned the police are subordinate to the law; just as all other citizens and institutions are. However, for Marshall (1978: 61-63), the police ought to be accountable not in the subordinate sense but in the 'explanatory and cooperative sense'. The primary concern of the citizen is that they receive the service they require, that money is spent wisely and that there are structures in place to ensure transparency and accountability. Things can only be effectively achieved if the police see themselves as subordinate, accepting that they must explain their actions and cooperate with others.

In Marshall's explanatory and cooperative sense and as seen in the recommendations from Lord Scarman in the Scarman report (1981), it is imperative that the public and the police have clear lines of communication working in partnership to maintain trust and ensure effective policing. In recent years there has been a shift in the tone of policing to community policing, intelligence policing and policing by consent. This re-emphasis has opened the way for new levels and types of engagement through consultations with local communities and interest groups. It has become clear that the police themselves now acknowledge that policing is not a task for the police alone but one in which the wider society has a stake. Credit for this new emphasis is due to the work in 1970s of the former chief constable for Devon and Cornwall.
John Alderson. The views of John Alderson greatly impacted on Lord Scarman when he gave evidence to the 1981 Scarman inquiry. Scarman concluded that 'the police enforce the law on behalf of the community and cannot effectively enforce it without the community' (Scarman, 1986: 4.60). Rank and file police officers were critical of policing by consent and saw it as a distraction from the core task of fighting crime (Reiner, 1991: 106). This feeling was particularly prominent because the concept of community policing and policing by consent was a difficult notion to grasp, to monitor or to assess. There was and to some extent still is no uniformity or clarity on how policing by consent should operate (Stephens, 1988: 92).

Public knowledge of the existence of police authorities is crucial if the authority is to be effective and have the credibility required to undertake its role. Both Myhill (2003) and Docking (2003) in their respective research found little public awareness about police authorities and their roles. The call for greater public accountability dictates that the institutional mechanisms set up to bring about that accountability have: a) sufficient expertise, b) that there is knowledge of the institution its role and mechanisms, c) that it is autonomous of being unduly influenced and d) that it has the resource capability to deliver.

In most cases the above requirements have indeed been met: for example police authorities arguably have the basic structural framework, resources and relevant powers to enable them to perform their functions. They have responsibility for setting the police budget; they have the additional resources and expertise of its members who are magistrates, independent and local authority members. There is also the appointment of civil staff.
whose role it is to support the appointed members in their work for the authority. Both police authority members and the civil staff work closely with the local police force to produce local policing plans and the chief constable or commissioner reports on a monthly basis to the authority on the activities of the force.

In addition to the above, there have been calls for the strengthening of police authorities which has, according to Jones and Newburn (1994) sprung from concerns that the division of responsibility between the home office, police authorities and chief constables are deliberately confusing and thereby obscures the decision making process; and secondly, that there is a shift of power away from police authorities to the home office and chief constables (Reiner, 1993). The compound effect of this according to Jones (1994) is that there are very few checks and balances in the system not only because police authorities and its members have insufficient knowledge but because they lack the formal powers they need to exert real influence:

Notwithstanding this, police authorities and other public bodies have a responsibility to ensure that;

- Public funds are spent as agreed and in accordance with procedures.
- That resources are used efficiently. Justifying and quantifying the degree to which resources have been used efficiently is a problematic task and requires that one measures the outputs against the value of the service and compares it with the cost of provision. Later in this
chapter I will be discussing the various mechanisms that have been used to facilitate this like the best value reviews, the 37 performance indicators collectively known as Professional Policing Assessment Framework (PPAF) and Activity Based Costing (ABC).

- That resources have been used to achieve the intended results (Flynn, 2002: 206).

In Guardians of Race Equality Millen (2003: 39) stated that ‘...unless you measure, how will you know and if you measure, what will you know...?’ I underscored that the terms of measurement require clear parameters. Measuring the efficiency and effectiveness of an institution and its processes are fraught with difficulties. For example, if arrest rates are used as a significant indicator of police success, then by simply increasing the arrests of trivial offenders the figures will reflect that the police are having more success and are more effective at arresting criminals. If, however, the indicator is the clear up rate, again the figures can be skewed by those who are arrested agreeing to accept responsibility for other similar offences to which they may, at best, have spurious links and, at worst, have no connection at all. The potential for this increases when a convicted person can receive no further or additional punishment for accepting responsibility for other crimes. The degree of success in police performance cannot therefore be adequately measured by reference to quantitative analysis or performance indicators alone. The Audit Commission (1996) explained that increased police presence on the street had not proved to have a direct impact on crime.
However, the general public felt a greater sense of safety and security with an increased street presence even if the action was not cost effective. Performance indicators ought to be refined and used with caution and they ought not to be used solely or primarily as indicators of public satisfaction or to assess police performance.

In order to develop any effective measurement for reviewing performance, an understanding of the ethos of the police service as outlined in its statement of common purpose is required.

'The purpose of the police service is to uphold the law fairly and firmly: to prevent crime; to pursue and bring to justice those who break the law; to keep the Queen’s peace; to protect, help and reassure the community and to be seen to do all this with integrity, common sense and sound judgement. We must be compassionate, courteous and patient, acting without fear or favour or prejudice to the rights of others. We need to be professional, calm and restrained in the face of violence and apply only that force which is necessary to accomplish our lawful duty. We must strive to reduce the fears of the public and, so far as we can, to reflect their priorities in the action we take. We must respond to well-founded criticism with a willingness to change' (Metropolitan Police, 2008)

The Policy Studies Institute (1996) concluded that in order to carry out this mission statement the police service needed a large pool of skill and resources at all levels and that measuring in a quantitative way through the
use of performance indicators that were decreed from the centre worked against this. The Policy Studies Institute stated that the relationship of the tripartite system could not be understood in contractual terms or in terms of command but required an understanding and acknowledgement that the relationship had to be one of partnership. Loveday and Reid (2003) reported that their research supported the proposition that central control did not deliver more effective policing and furthermore, top down performance measurements distorted police priorities whilst a bottom up approach was more conducive in helping police forces become more effective.

Accountability through financial allocation

The home office pays 51% of the police budgets for each force and the police authority pays the remaining 49%. Interestingly, police authorities are also dependent on the home office for its money; this raises questions about the degree of authority and autonomy police authorities really have. The immutable fact, however, is that all funding ultimately comes from the state and it does not necessarily follow that this arrangement necessarily compromises the independence, autonomy or objectivity of police authorities.

Under the provisions of the Revenue Support Grant the actual contribution from central government to the police has increased substantially (Jones & Newburn, 1997: 19). The total central government contribution including the Revenue Support Grant generally amounts to over 76% (Jones & Newburn, 1997: 19). If after an inspection Her Majesty's Inspector of
Constabulary (HMIC) refuses to issue a certificate of efficiency to the police force the home office has the authority to refuse to pay its share of the police authority budget. The reality, however, is that the withholding of funds has never happened. Reiner (1991: 268) also found that chief officers had little regard for the influence and power of HMIC. Loveday (2000: 45) supported this conclusion stating that the influence of HMIC had declined significantly since the 1980s and that the members of the Association of Chief Police Officers (ACPO) did not view HMIC as important in the policy making process. This is yet another reminder that the process and ability to bring to account requires legitimacy and power without which the process is rendered useless. Jones (1997) recounts that the home office is seeking to strengthen the role of HMIC by the appointment of relatively young chief constables to the inspectorate where in the past inspectors tended to be retired chief constables. In addition, the decision in 1989 to publish the reports on individual forces - which hitherto remained private - further underscored the seriousness of this change (Jones et al, 1997: 20).

Stephens (1988) explained that the police authority budgetary powers were draconian and not as effective as a means of influence as it implied. Hewitt (1996) saw police authorities as performing house-keeping functions and for Reiner (1992) they were largely ineffective. In recent times police authorities have been found wanting even in performing their house keeping roles. As a result of the Bichard enquiry (2004a) the former Home Secretary David Blunkett described the Humberside police as poor and as ranking 42nd out of the 43 police authorities, Mr Blunkett demanded the resignation of the
chief constable as a result of the failings that the inquiry identified. It is surprising however that the endemic failings found by the Bichard enquiry and referenced to by the then home secretary had not been identified by HMIC inspection. The prima facie evidence supports the conclusion of Reiner (1991: 268) when he found a lack of respect for HMIC because if HMIC had identified and noted these failings it (HMIC) would and should have refused to issue a certificate of efficiency until such time that the police service in question met the minimum requirement.

Trust and confidence in a public body and its officials is crucial if it is to undertake its responsibilities effectively and efficiently. Any perception of failings or that the organisation is ill prepared whether due to a lack of expertise or inept systems and procedures impacts significantly on the perceived legitimacy and the trust that the public will have in it (Locke, 1978; Blunkett, 2001; Clarke, 1994; Hoban, 2004; Beer, 1982; Blunkett, 2001, 109; Berkeley, 2003; Hart, 1978).
Accountability, trust and the police authority under fire

As a result of the police strikes of 1918 and 1919 the Desborough Committee was formed and its recommendations were embodied in the Police Act 1919. The Police Act 1919 gave the home office increased powers over pay, conditions and discipline. A department was set up in the home office which had responsibility for policing. From this time police accountability became more centralised and some argued at the expense of local accountability (Jones, Newburn & Smith, 1994; Lustgarten, 1986). Lustergarten saw local accountability being eroded; this was evidenced when one looked at the very strong influence and control that the home office has through legislation and through constabulary independence which increased the freedom of chief constables. For Jones, Newburn & Smith (1994) the Police Act 1946 provided additional evidence of the systematic erosion of police authority power because through this act the Home secretary received the power to forcibly amalgamate police forces with populations of less than 100,000 people. However, simply having the power to invoke legislation does not automatically mean that change is inevitable because in order to bring about change, a certain amount of partnership, consultation and negotiation is required.

There is nevertheless a growing feeling that police authorities have little real control or power and are unable to bring chief constables and their police services to account (Reiner, 1999; Loveday, 2005; Jones, 1997). Whilst the tripartite system is designed to ensure clarity and accountability, on close
scrutiny the arrangement appears to be ambiguous and as Jones (1994: 27) argues this ambiguity is intentionally created. For example, there have been a number of high profile cases in Humberside and in Nottingham which have led to confusion about the relationship between police authorities', the home office and chief constables.

*The Humberside Police Authority*

As a result of the Bichard inquiry report in 2004, the Humberside Police and its Chief Constable Mr David Westwood were heavily criticised for failings in the handling of intelligence on Ian Huntley the Soham murderer (Bichard: 2004).

Lawyers acting for the then Home Secretary Rt Hon David Blunkett MP lodged legal papers with the High Court in an attempt to force the suspension of David Westwood (Humberside’s Chief Constable). Despite receiving correspondence from the Humberside Police Authority - the direct employers of David Westwood - arguing that the chief constable should remain in his post the home secretary pressed ahead and used his powers under the Police Reform Act 2002 to direct the police authority to suspend Mr Westwood in order to maintain public confidence in the force.

The Humberside Police Authority failed to comply with the request and the Home Secretaries asked the High Court to enforce the law. In a television interview (Channel 4 News 22/06/04) Rt Hon David Blunkett MP asserted,
"I remain of the view that Chief Constable Westwood should not have operational control of the force while Humberside Police Authority and I consider the appropriate way to respond to Sir Michael Bichard's findings." Source: Channel 4 News 22/06/04

Although the home secretary won the High Court battle upholding the suspension of Mr Westwood the government were facing legal challenges which would result in a lengthy procedure to sack Mr Westwood; it therefore agreed to reinstate Mr Westwood as chief constable on condition that he retired in March 2005 - 12 months earlier than he had originally planned. The will of the police authority was overruled by the home secretary but the chief constable still remained in post for no other reason than to prevent a costly legal battle in the event of the chief constable deciding to pursue the case. The central argument that the public confidence needed to be re-established was relegated by financial and political considerations.

Nottingham Police Authority

A much earlier example occurred in Nottingham in 1956. The chief constable asserted that the duty of enforcing the criminal law belonged to him and not the committee. The then Home Secretary Gwilym Lloyd George upheld in his favour concluding that the actions of the committee (police authority) amounted to a deliberate interference with law enforcement (Critchley, 1967: 270-2). There was also Fisher v. Oldham Corporation (1930)
where constabulary independence served to undermine the position of the authority. This case underscored that the ultimate authority over the actions of a police officer was and still is not the commanding officers, the police authority or even the home secretary but that it is up to the personal judgement of the individual officer to interpret the law as he/she sees fit at the time. Day & Klein (1987: 105) identified conscience as being the most important master which sat above the police authority, the home secretary and the chief constable as the unique authority held by individual officers. Jones, Newburn, & Smith (1994) believed this overemphasis on discretion and conscience to be wrong and argued power was conferred directly on many other officials without the same conclusions being drawn and also that police discretion needed to be understood in reference to the overall structure of policing.

The structure of police authority accountability

There are a number of steps that have been taken to further enhance the legitimacy and accountability of the police service. The three members of the tripartite system - the police authority, the home secretary and the chief constable - are accountable to each other. They are also individually and collectively accountable to parliament the executive, the cabinet and the citizen. Police authority staff are accountable through the line management structure and then to police authority members. The police authority members are magistrate members, local authority members, and independent members selected based on their specific expertise and are accountable for the
decisions they make on behalf of the authority. This is what Elock (1991: 162) describes as directional accountability: a multi-directional layer of accountability upwards to politicians, outwards to professional colleagues and downwards to the citizen. There may for example be disagreements and conflicts between the different layers and groupings within Elock's directional accountability model: for example, the call for an increased police presence on the street needs to be weighed against budgetary considerations such as the real impact on crime prevention, the impact on local and national policing plans and securing agreement through the tripartite system. There is potential for confusion and ambiguity in the decision making process and as decisions meander through the various levels of accountability, it can be cumbersome and confusing.

By setting out four guiding principles the former home secretary Rt Hon David Blunkett MP maintained that he was clarifying and strengthening accountability arrangements for policing in England and Wales. The four principles he identified were:

i) The need to protect the political independence of the police;

ii) The need for clear accountability mechanisms to support more effective services;

iii) Transparency about who is responsible for tackling crime and holding the police accountable;

At times what is required is greater transparency, a term which is used interchangeably and is seen as synonymous with accountability. There are however distinctions between the two. Accountability provides an account for decisions, actions, and their consequences, whilst transparency is about providing information and not necessarily an explanation (Fetterman, 1996: 212). However, as discussed earlier, the power to call to account is central to accountability, the legitimacy of one's mandate and to ensuring that there is transparency (Day and Klein, 1987). This is because the power to call to account defines the relationship between actors clarifying who owes a duty to whom (Raine et al, 2006: 9).

As already discussed there is – what I would call - an inherent confusion between the members of the tripartite system which is compounded in three ways. Firstly, a ‘...chief constable is not obliged to report to the police authority but can make representation to the home secretary circumventing any requests of the authority’ (Reiner, 2000:188). Secondly, as will be discussed in more detail, most members of police authorities know very little about policing and are at the mercy of the police service to provide them with the data and information from which they make decisions, and finally, citizens are largely unaware of police authorities and their role. Myhill et al, (2003) found that those who had heard of police authorities did not know what they were or what their role entailed and, furthermore, the name police authority was not distinguishable from that of the police. Despite there being systems and processes in place designed to facilitate increased transparency and
accountability, in light of the above it is hard to see how police authorities can effectively be said to bring real accountability on behalf of the citizen.

*Accountability through regulatory bodies*

Consultation and engagement are important constructs for the architecture of any public body that wishes to increase its accountability. The landscape for engagement has changed and broadened significantly since The Police Act 1964. ‘Historically, most people had little or no access to decision-making or makers, today however, there is a tangible move on the part of our institutions towards engagement, involvement and an attempt to tap into the ethos of collective responsibility’ (Millen, 2003; 2). This has been evidenced in recent years by the creation of regulatory bodies and the emergence of numerous agencies and QUANGOS like Regional Assemblies, Local Strategic Partnerships, Regional Development Agencies, Government Offices, Learning and Skills Councils (LSC) and the Connexion Service.

Despite these attempts to engage the wider population and to demonstrate increased accountability, there has been a compendium of incidents and occurrences including the Hatfield crash 2000, the death of Victoria Climbie and the subsequent Laming (2005) report, the inquiry into the death of Baby P (2008); the Alder Hey hospital organ scandal, the 1986 BSE crisis, failings and underperformance in the health service, the murders and subsequent inquiry into the GP Harold Shipman, the killing of Zahid Mubarak in his prison cell, the high numbers of deaths in police custody (Home Office:
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2004), Westminster Council and the Dame Shirley Porter votes for home scandal in the late 1980's, the murder of Stephen Lawrence, the police reaction and the resulting Macpherson (1999) report, the Iraq war and MP's expenses: these and many other incidents have all contributed to an erosion of trust and have led to the significant drive for in-depth discussions and strategic input from those sections of society that have been perceptibly on the margins and likely to experience higher levels of deprivation, exclusion and discrimination (Alibhai-Brown, 1999; Hart, 1978; Hewitt, 1996; Blunkett, 2002; Beer, 1982).

Accountability through public bodies necessitate that plans, strategies and ideas for the development and progress of the organisation are put into place and implemented. When problems occur corrective actions are identified and implemented.

Corrective action and accountability through policing plans

Following the Scarman report (1981) into inner-city disturbances, the Police and Criminal Evidence Act (1984) required the regulatory body of the police - the police authority - to consult the public prior to setting local police objectives. The Police and Magistrates Courts Act 1994 gave increased responsibility to police authorities to consult locally on their policing objectives. The legal requirement for police authorities to make arrangements to obtain the views of people in their local area and to take account of the views of communities in setting local police priorities was consolidated under the
Police Act 1996.

The Crime and Disorder Act (1998) created Crime and Disorder Reduction Partnerships (CDRP) under which police forces and local authorities, in co-operation with police authorities and other agencies, were required to consult the public on a local audit of crime and disorder and a strategy for tackling them. The Crime and Disorder Act 1998 was a significant step forward in the drive towards increased accountability and representation because under it, and for the first time, local authorities became 'responsible authorities having a statutory responsibility to develop local crime and disorder strategies with the local police. The onus for crime prevention was now a joint responsibility between the police and local authorities (Crime and Disorder Act, 1998: section 5 (1-3)). The act required that all authorities – which included police authorities – should conduct audits to review the levels and patterns of crime and disorder in their area and to publish an analysis of that review. The purpose of the crime and disorder audit is to inform the partnership of crime and disorder in their area and identify the methods of developing and implementing plans. An important requirement that was set out in the act was that the audit involved local people and consequently looked to develop a wider perspective of how crime impacted on the community and how the community could have an impact on it. Police authorities were however not afforded the same status as local authorities or the police service: the passing of the Police Reform Act (2002) rectified this and police authorities were being given the same status as police forces and local authorities on Crime and Disorder Reduction Partnerships (CDRP).
The Police Reform Act 2002 also introduced the requirement to publish policing plans and strategic three-year force plans which was supported by a 5.4 per cent increase in funding in 2003 and a minimum 4 per cent increase in 2004 and 2005 to help implement police reform.

Pulling together policing priorities in one place, setting national objectives to measure how police forces were performing was a key aspect of Section 8 of the Police Act 1996. The first National Policing Plan was published and was introduced as part of the Police Reform Act 2002. The plan set out key priorities including: fighting serious crime and anti-social behaviour, driving up detection rates, tackling the fear of crime in order to improve public reassurance and engaging all sections of the community in the fight against crime.

All police authorities are required to produce an annual policing plan which must consider the views of the Community Police Consultative Groups. The Crime and Disorder Act 1998 provided the remit for partnerships to be inclusive of agencies and individuals in their area. There was however a fear that because local authorities had more resources than police authorities that local authorities would expect to have a greater degree of influence over the local police leaving the police authority with very little influence as they each attempted to reach their targets of crime reduction and agree policing priorities. It is true that this situation could possibly arise because police authorities do not appear to impact (directly) on operational policing in the
same way as the activities of the Crime Reduction Partnerships at the local and district level. At the end of their study of six police authorities Jones and Newburn (1997) concluded that although chief police officers still dominated policy and the planning process the Police and Magistrates Courts Act 1994 gave police authorities potential strength that was yet to be applied in full. They concluded that if police authorities worked in a seamless way with the chief of police then there would be very little room for the authority to be undermined or sidelined at the local level. We can therefore see that police authorities are potentially more powerful than may be initially apparent. However, the degree of influence and power that they can exert is very much dependent on their ability to work in a unified way at the local level with local authorities, fire and rescue authorities, local health boards (in Wales), Primary Care Trusts (PCT) as outlined in The Crime and Disorder Act 1998.

Prior to the Police Reform Act 2002\footnote{Police Reform Act 2002 instructed police authorities to publish policing plans and strategic three-year force plans in consultation with the local police, the local community and the various interest groups in the area.}, Jones and Newburn (1997: 80) had found that following the Police and Magistrates Courts Act 1994 the first policing plans that were produced had very little involvement from police authorities and local communities and were very ‘police-driven’. Jones and Newburn (1997) researched the various types of police authority involvement in police plans and identified three categories of police authorities, the ‘rubber-stampers’, the ‘re-drafters’ and the ‘junior partners’.

\textit{The rubber stampers}
The rubber stampers were found in a minority of police authorities and was typically characterised by the chief constable producing a draft plan quite late into the process which only enabled the police authority to make cosmetic changes before the plan was published.

**The re-drafters**

Jones and Newburn (1997) found that the re-drafters were the largest group and had more of an input as they were involved in a more extensive consultation process.

**The junior partners**

The third group was the ‘junior partners’. Whilst this group had more involvement they were called junior partners because the police force continued to take the lead on the design and development of the plan. All of the police authority members that I conducted in-depth interviews with recorded that they were involved in the design and planning of the policing plan. However, without conducting detailed comparative research similar to that of Jones and Newburn (1997) it would be difficult to assess the level and depth of that participation. For example, Jones and Newburn (1997: 215) found that ‘information was largely controlled by the police and that the information presented had already been subjected to the political process of decision-making’. This concurred with Hoban (2004) when he found that participation was often used as a tool to achieve largely pre-decided...
outcomes. Jones and Newburn (1997: 15) go on to state that in their case studies, it was apparent in one of the forces that they observed ‘that the flow of information was, if anything, too great and overwhelming’ which resulted in the police authority being unable to effectively scrutinise.

Accountability through performance monitoring and efficiency targets

Police authorities were required through the Magistrates Court Act 1996 to monitor performance measures. As part of the development of the Policing Performance Assessment Framework (PPAF), New User Satisfaction Measures (NUSM) were developed which improved on the 2003/4 Best Value performance indicators. User satisfaction measures take account of the experience of users not just at the initial stage of police action, but in the subsequent activity. The surveys are structured around three identified stages of user contact: first contact, response and then follow-up. Delivering information about user experience which can be implemented by forces and police authorities to improve service delivery is seen as a critical aspect of monitoring performance.

PPAF was developed by the home office and HMIC and was launched in October 2005 with support from the APA and ACPO. Its ultimate aim is to drive up police performance in seven key performance areas of;

i) Reducing crime,

ii) Investigating crime,
iii) Promoting safety,
iv) Providing assistance,
v) Citizen focus,
vi) Resource use
vii) Local policing

(The Police Act 1996, Section 6).

In order to assess the efficiency of the service the Magistrates Court Act 1996 demanded the production of an efficiency plan because the home office saw efficiency targets as an important tool for ensuring that increased public funds were being used as productively as possible. The argument was that increased value for money would contribute to the delivery of better quality policing outcomes, recycling resources to the front line and increasing citizen focus (Home Office, 2005).

The home office categorises efficiency in terms of cashable and non-cashable gain. In its guidance it explains that an increase in efficiency is achieved when:

'A particular level of output of a particular quality is achieved for less cost (cashable gain); or more output and/or output of better quality is achieved for a particular cost (non-cashable gain)' (Home Office, 2005a: 1).

In their annual policing plans for 2005/06 police authorities were expected to account for spend by including a statement of planned actions to
deliver efficiency gains, whether the intended gains are cashable, or non-cashable and how the gain will be applied. Police authorities are also expected to indicate the potential impact of measures beyond 2005/06. For efficiency gains in excess of £100,000 police authorities are required to identify risks to performance arising from the planned actions and how they are being managed (Home Office, 2005).

Since the inception of efficiency plans all police authorities and police forces have had an annual target for efficiency gains equivalent to 2% of their net revenue expenditure. In 2003/04 the service claimed it delivered gains of £242.05m (2.65%) and has been requested to make efficiency improvements of 3% per year from 2005/06 to 2007/08. Half the gains are to be cashable to support policing activity or to be used to balance budgets (Home Office, 2005:1). Whilst 'cashable and 'non-cashable' efficiency gains are not in and of themselves indicators of performance, they are increasingly being used by the government and its agencies to measure the results and effectiveness of its policies and interventions.

**Accountability through Best Value reviews**

Ensuring that there is best value in the provision and execution of services is important to ensure that there is transparency and accountability. There are three core elements within the best value review framework a), an obligation to review all functions of the authority b), the use of performance measures to assess the extent to which an authority is securing best value via
performance indicators and c), the production of a Best Value performance plan to report on how an authority is securing Best Value. Police authorities have a central role in reflecting the concerns of the public and in shaping the local police service to ensure it meets the needs of the communities being served. Wholesale reviews of all functions of the authority must be carried out on a five year programme showing performance against the Best Value performance indicators. Given the current financial crisis government departments are been asked to make efficiency savings of up to 10%.

The Local Government Act 1999 (Section 6) placed a duty on all public bodies to achieve Best Value in the provision of services to the public. This duty applied to police authorities from 1st April 2000. Amendments were made to the Police Act 1996 by the Local Government Act 1999 amending sections 8(2) and 54 of the Police Act 1996. Section 8(2) amendment meant that the Best Value local performance plan would become part of the local policing plan and section 54 amendment gave HMIC the power to inspect police authorities for the purposes of Best Value.

Through the duties and responsibilities under Best Value and also the general duty under the Police Act 1964 to secure the maintenance of an efficient and effective police force for its area, the police authority are in an ideal position to show leadership in encouraging a focus on the key challenges facing the police service and in ensuring the effective delivery of policing services to the public. This can be further enhanced as under this duty police authorities are required to consult users of its services.
The performance indicators of the Best Value review are geared towards assessing the value of provision through the four C's of Comparing the service, Consulting with the local community and relevant stakeholders, Competing to ensure that the authority receives a fair deal and Challenging the way the service is provided by working in partnership with other stakeholders from within the public, private and voluntary sector in order to secure an efficient and effective service.

Both Her Majesty's Inspector of Constabulary (HMIC) and the Audit Commission are involved in inspections and an implementation officer is put in place to ensure implementation of any recommendations from the reviews. Generally, each recommendation is budgeted and aligned to a performance indicator so that it can be measured. Milestones are set and anticipated efficiency gains and benefits are included in the plan which is audited at the post implementation review stage. An action manager is allocated for each recommendation and a target date is set for implementation. The implementation plans are monitored by the Police Authority Performance Scrutiny Committee and audited by HMIC. A Best Value steering group consisting of the police authority and police members has been established nationally to oversee the Best Value process. Its purpose is to advise, inform and make recommendations to the Police Authority Performance Scrutiny Committee and to The Strategy Team on the development of the Best Value approach, efficiency plans and delivery of continuous improvements in Quality of Life Policing.
Very few would doubt that the process of Best Value can act as an effective tool for transparency and accountability for the expenditure, processes and procedures adopted by public bodies. What is however unclear is the extent to which the reviews act as an effective method of accountability between police authorities and the police service; i.e. is the police authority able to place the police service under effective scrutiny as a result of the conducted reviews? This is a subject that I will return to in chapter 6 where I discuss Crime Data Recording in the Metropolitan Police Service.

Accountability through financial resources

Another important responsibility of the police authority is the power to plan and decide the constabulary's finance and overall budget (The Police and Magistrates' Courts Act, 1994: Section 27). The police authority receives approximately 85% of its funding via central government grants has the responsibility of holding the chief constable to account on how the budget is spent.

The costing system that is used is known as Activity Based Costing (ABC). ABC focuses on the Borough Command Unit (BCU) focusing on the total cost of policing enabling comparisons to be made over time across police forces and between BCU. The benefit of this system is that it provides managers with a suite of information on Best Value processes, enables police
authorities and forces to identify how resources are being used and provides guidance on how to make efficiency improvements. At the heart of ABC is the promise that it increases accountability and identifies gaps between resource usage and priorities thus allowing better comparison between forces. From 2003-04, ABC became a mandatory requirement of the National Policing Plan.

Delivering the service that people want more cheaply and effectively may be seen as desirable. However, the need to ensure that the decision-making process reflects the wishes of people may be less definable in terms of cost and resource allocation. The priorities of effective service delivery and inclusive participatory decision-making appear to conflict. Lengthy decision-making processes, insistence on consulting as many people as possible, allowing minority interests to participate is democratic but may well undermine effectiveness (Jones et al, 1994).

Complaints and Investigations

Another important and powerful tool of accountability is the police authority's remit to investigate complaints against senior police officers and monitor overall complaints procedures against all police officers (The Police Act 1996, Sections, 67-69).

HMIC externally monitor police complaints performance. The focus of HMIC is on overall efficiency and effectiveness measured against national standards and priorities whilst police authority's measure performance against
their own local policing plans and also have an interest in complaints from a public accountability perspective especially in relation to complaints against senior officers.

Whilst police authorities have certain statutory duties\textsuperscript{2} in relation to complaints, it appears that the Independent Police Complaints Commission (IPCC) is better placed than police authorities to undertake investigations. This is because of the four important components of the IPCC's guardianship role when dealing with complaints against police officers and staff. The first component is to monitor, review and inspect police force complaints systems, the second component is, promoting confidence in the complaints system as a whole, thirdly, ensuring the accessibility of the complaints system and finally, drawing lessons and promoting the role of the IPCC (IPCC, 2005)

Jones et al. (1994) explain that the police like other public bureaucracies have very little real interest in being more efficient and cost effective because they are not incentivised in this way. According to Jones et al. (1994: 31), due to the monopolistic like nature of policing, the police are largely able to follow their own agenda due to a lack of external constraints.

\textsuperscript{2} Keeping themselves informed about complaint and discipline matters within their force; Provide the IPCC with the information and documentation to carry out its functions (including inspection); Ensure that the IPCC or person nominated by the IPCC has access to any police premises and material/documentation within those premises during the course of an investigation; Ensure that the Investigating Officer carrying out the investigation is given all the assistance that they may reasonably require; Refer complaints or misconduct matters to the IPCC, where the Chief Police Officer has decided not to; act as the 'appropriate authority' in the recording and investigation of complaints and conduct matters against officers of ACPO rank. This includes a statutory requirement to obtain and preserve evidence in such cases.
Their overriding objective as with other public bodies is to secure increasingly more resources from the government. Jones et al. (1994:31) have stated that: ‘...not only have the police not moved on from their outdated management practices and models but police authorities have consistently adopted the police line that a decline in the service is primarily due to a lack of sufficient resources from central government.’

Evans, (1991:12) has maintained that ‘...symptomatic of the monopoly culture there has been a deficit of innovation and no need for the police to maintain a competitive edge as seen in the private sector’. The highly debatable assumption of Evans is that the private sector is better than the public or indeed the voluntary sector. It is important to appreciate that Evans is writing for the right wing think tank the Adam Smith Institute.

*Increased accountability through Independent Custody Visiting (ICV) and Police Community Consultative Groups (CPCG)*

Disturbances occurred in Liverpool, Birmingham, Sheffield, Nottingham, Hull and other cities in the UK. Scarman (1986) argued in the aftermath of the riots in Brixton and the high numbers of deaths in police custody that in order to strengthen local accountability a provision for random checks 'by persons other than police officers' were to be undertaken; these were Lay Visitors (1986: section 7.7, 7.10). Scarman also recommended that a statutory duty should be imposed on police authorities to consult locally about policing priorities. In his report into the 1981 Brixton riots Lord Scarman
recommended the setting up of Police Community Consultative Groups (PCCG's – sometimes referred to as CPCG's) or liaison committees as a demonstrable structure for enhancing the accountability of the police. Scarman (1986: part V, 8.39) explained that police consultation with their local communities would not undermine police independence or have any negative impact on police secrecy.

Police Community Consultative Groups (PCCG) were established under section 106 of the Police and Criminal Evidence Act 1984 (PACE). Both CPCG's and ICV's were set up specifically to facilitate harmonious police-community relations and to involve communities in discussions about their police service. Today, police services conduct consultations primarily through the Police Community Consultative groups (PCCG) or its interchangeable name Community Police Consultative Groups (CPCG). As discussed in chapter 3, when one speaks about consultation the question of representation is pertinent because. Communities need to feel that 'their representatives are ordinary enough to represent them and extraordinary enough to be representatives of them' (Coleman, 2005: 5). The other problematic issue is that the participants wish to feel that they are a valued part of the process with the potential to affect change: however invariably, there is a feeling of alienation (Hoban: 2004).

Along with the recommendation to set up Community Police Consultative Groups Scarman also recommended establishing Lay Visiting Panels (LVP) now renamed Independent Custody Visiting Panels (ICVP).
Section 51 of the Police Reform Act 2002 became effective 1st April 2003 finally placing Independent Custody Visiting (formerly known as Lay Visiting on a statutory basis. ICV is a system where volunteers attend police stations to check on the treatment of detainees and the conditions in which they are held. The visits take place unannounced and as long as those conducting the visits have gone through the appropriate checks as outlined in the Joint Guidance of Association of Police Authorities (APA) and the home office (2002) they are permitted to inspect the overall conditions in the custody suite.

For Scarman (1986) the independence and accountability of the police were critical elements for effective policing. Scarman shared a common belief that was shared with other writers like Marshall, G. (1967: 16, 33-36) that neither politicians, pressure groups nor anyone else should be able to tell the police what decisions to take, how to employ their resources or whether to enforce the law or not in particular cases (Scarman, 1986). Scarman maintained that the exercise of police judgement had to be independent, he also emphasised the regulatory role of police authorities along with the consultative role of Police Community, Consultative Groups. Scarman emphasised that the police were subject to the law and needed to act appropriately within it, adding that as servants of the community they were enforcing laws on the community’s behalf therefore accountability and effective consultation were the methods by which independence and accountability could and ought to be sustained (Scarman, 1986).

An agreed or preferred method of consultation has never been
prescribed for police authorities; each authority decides on the process and method it feels is most appropriate. Despite the focal role CPCG's need to play in facilitating harmonious police relations they appear to be little more than discussion forums and as such lack any real powers and are unable to affect change in police authority or police service priorities. Similarly, police authority members and consultative group members appear to be too reliant on the information they receive from the police. Both groups are inclined to accept explanations provided by the police regarding their actions or lack of actions and they are likely to accept explanations of constraining factors on the police which may be due to inadequate resources, particular policy or political priorities affecting the ability of the police to provide a reasonable or effective service. Even if they disagreed vehemently there is very little that they can do and the perception is that the scrutiny by authority members and CPCG's is insufficient, ineffective and far from rigorous (Reiner, 1991 and 1992; Jones and Newburn 1994). Jones et. al (1994) found that police authority members had a strong pro-police bias; whilst there is no suggestion that the only way to be rigorous is for police authority members and CPCG members to be consistently opposed to the police, what it does suggest is that the forum of the CPCG needs to be part of the authoritative process that enables change and not a forum whose views are predetermined.

Accountability is also served through Independent Custody Visiting (ICV) administered by Independent Custody Visiting Panels (ICVP).
Both ICV and CPCG have historically been funded through the respective police authority with the exception of the Metropolitan Police Service area. Before the creation of the Metropolitan Police Authority in 2000 by the Greater London Authority Act 1999, the Metropolitan Police Service was directly answerable to the home secretary, rather than a police authority as other borough and county police forces were. With the creation of the Metropolitan Police Authority there was concern about the degree of autonomy Independent Custody Visiting Panels and Community Police Consultative Groups would have from the new police authority. Up until then ICVP’s and CPCG’s were answerable to the home secretary who had little real input or overview of the work being undertaken.

The other important area of responsibility of the police authority is its remit to appoint chief police officers. This power is subject to the approval of the Home secretary and is covered by section 11 of the Police Act 1996. In practice, the police authority draws up a list of candidates in consultation with the home office. The Police Reform Act 2002 gave police authorities the power to dismiss chief police officers in the interests of efficiency or effectiveness and gave them more extensive powers to require resignation not just retirement. Reiner (1992: 237) found chief constables paid more attention to the home office than to local police authorities whom they regarded as the ‘junior partners’ Reiner also felt that the influence of chief constables had increased since the reconstitution of local authorities due to the Police and Magistrates Courts Act 1994 because it made police
authorities independent of local government thus giving chief constables more powers at the expense of police authorities.

**Accountability through Representation**

During the Thatcher years 1979 - 1992 the idea that public services were inefficient and needed to adopt market based business models mirrored the private sector grew in credence. The Labour government from 1997 adopted the principle of introducing the market into public service delivery through Public Private Partnerships (PPP) funded through Public Finance Initiative (PFI) schemes. As discussed above, this quickly led to the concepts of value for money and Best Value. Regulatory bodies like the Audit Commission and Her Majesty's Inspectorate of Constabulary (HMIC) were engaged with increased vigour to report and advice on police efficiency (Jones, 1991). The real reasoning behind this was that from the 1970s due to successive governments failing to deliver on their promises and being unable to cope with the rise in unemployment and the slowdown in the expansion of the British economy, the government was seen as being unable to cope and the system of government came in for questioning (Jones, 1991). Our system of policing was not exempt from this questioning and as a result accountability and transparency rose in their importance and in order to support the functionality of our service an additional tier of management and accountability was created in 1856 which involved a partnership between the police authority the Home secretary and chief constables: otherwise known as the tripartite system
By virtue of its unique responsibilities and powers, the act of policing can easily destabilise society. In order to operate efficiently the institutions of the state and in particular policing, require holistic acceptance, understanding and consent from the citizenry. Society, including its institutions, processes and procedures has consented to unite around certain core values enshrined not in a single written constitution as discussed earlier but in the hearts and minds of citizens reflected in statute, judicial pronouncements, common law and conventions thereby ensuring that the rules of engagement and methods of application are consistent within the parameters of that consent (Hobbes, 1980; Locke, 1978; Rousseau, 1987; Norton, 1991). Given the delicate balancing act that must be struck, the home office is eager that police authorities play an increasingly high role in engaging with local communities and bringing citizens into the consultation process (Home Office, 2003).

The involvement of the voluntary and community sectors in policing has also being realised and increased in priority through Crime & Disorder Reduction Partnerships (CDRP). The home office and the Association of Police Authorities (APA) have also set up a National Practitioner Panel (NPP) to develop a knowledge base in the area of consultation and citizen focus and to devise a strategy for disseminating good practice which involves pilots to test innovative ways of building dialogue with the public.

Often a connection is made between accountability and democracy; the implication being that one begets the other and that a high level of
accountability infers a greater degree of democracy which will be reflected in increased political participation. This however does not necessarily follow. Scarman (1986) found that increased accountability did not automatically result in increased consultation and participation. The Maud committee (1964) also found no evidence to support the premise that local government with its multifaceted functions and layers of bureaucracy was anymore democratic.

The Maud committee looked at election polls and the extent to which the public individually or through various associations were drawn into involvement and found that the system of local government (at that time) was obsolete and only relevant when local government provided limited services. From Maud, a model was developed and used in local government which enabled greater accountability coupled with effective control. Under this model members collectively controlled officers and were politically responsible and accountable to the public. Members also had the responsibility to be selective and take decisions by committee in regards to the work and agreed direction of the authority. They were responsible for reviewing progress and reporting back on issues of concern or interest and officers were responsible for the day to day administration of the authority. This division of labour emphasised that members should be more concerned with outputs, whilst officer's primary concern ought to be with inputs and the process. The Maud committee also recommended that there should be open public meetings where members of the public could meet with authority members.

All public authorities - including police authorities - adopted this
approach and it is now interwoven into the way they undertake their work and engage with their primary and secondary stakeholders. The Metropolitan Police Authority (MPA) for example, has regular rotated monthly meetings in the 33 boroughs of London. These meetings provide the public with the opportunity to meet and discuss issues of concern in the local borough. Generally, the borough commander or another senior officer will attend and representation will be sought by the MPA from the Community Police Consultative Group and the Independent Custody Visiting Panel along with other voluntary and community groups from within the borough.

Attendance at these meetings tends to be poor and unrepresentative of the local community. The fundamental issue of accountability remains one of whether the citizen sees the police authority as a sufficiently robust institution to bring the police to account and whether police authorities - who occupy a pivotal position of influence - can influence the police.

Accountability through mergers

Following HMIC's 'Closing the Gap' (2005) report, the former Home Secretary Right Honourable Charles Clarke MP asked police authorities and forces to develop proposals for merging their police forces. Police authorities across England and Wales rejected the home secretary's request to commit to voluntary mergers and made it clear on 7th December 2005 that they were not prepared to meet the home secretary's deadline of 23rd December 2005.
As the 23rd December deadline approached, no police authority or police service had submitted a business case despite a government offer of financial incentives to those who agreed to the mergers. A further incentive was presented which was that the extra money would be found by taking funds away from those police authorities who were not prepared to agree to mergers by 23rd December 2005 (Home Office, Sept 22nd, 2005).

On 22nd September 2005 the Association of Police Authorities reiterated its demands for assurances from the government on how the new arrangements would be funded and on local accountability and timescales before it would advise police authorities to consider voluntary mergers. In a press release issued by the Association of Police Authorities, its Chairman Bob Jones said:

‘No police authorities have submitted full business cases to the home office. Rt Hon Charles Clarke MP’s offer of financial inducements to police authorities that agree before Christmas to voluntary mergers was an attempt to divide and rule...' ‘Police authorities have unanimously rejected the Home secretary’s plans to force these proposals through with indecent haste, and we believe there are also credible alternative options which should be considered very seriously...' (APA: 2005).

There are of course other occasions where there is consensus amongst the members of the tripartite system and the citizen is discontent and at odds with the decisions taken. For example, the police response during the
May Day disputes in London in 2002 - and most recently in 2009 - saw huge crowds of protestors blockaded on London streets and prevented from dispersing – a technique known as kettling. The Metropolitan Police Authority fully supported the police service and the police actions of containing the crowds in an attempt to prevent further disturbances as witnessed in previous years (MPA, 49/02). Members of the Metropolitan Police Authority (had been embedded with the Metropolitan Police in Scotland Yard viewing the activities on the day on CCTV. In the subsequent MPA meeting after the event it was clear that there was disquiet from members of the public about the tactics the police had used; there was however much praise for the police by the chair of the police authority Lord Toby Harris. A similar situation occurred again in September 2004 during the pro-fox hunting demonstrations outside the Houses of Parliament. Police officers were witnessed beating demonstrators with their batons in an attempt to disperse the crowds: in the following meeting the MPA supported the methods of the police service despite a) members of the public and the media showing discomfort with the treatment handed out and b) despite police guidelines which strictly forbade officers striking individuals on the head with batons. As a result of continuing events of this nature the IPPC is now investigating a series of complaints as a result of alleged police brutality during the anti-capitalist rally in 2009.

For Jones et al. (1997) there is a palpable inability by police authorities to be effective instruments of accountability outside the explanatory and cooperative forms, and on subtle and controversial issues they see police authorities as falling short of the expected mark.
Police authority members and committees

Police authorities are free-standing bodies, independent and separate from local councils. As outlined in chapter 4 police authorities generally have 17 members – 9 are councillors, 3 are magistrates and 5 are independent members.

The home secretary may increase the size of the police authority if appropriate but councillor members must always comprise a majority of one.

Appointment of members

- Members are appointed for a term of four years.

- Councillor members are appointed by the relevant council, or where there is more than one council in the police authority area they are appointed by a joint committee of the relevant councils.

- Appointments must ensure, as far as practicable, that political parties are represented on the police authority in order to reflect the proportion of their members on the council. The Metropolitan Police Authority has twelve members of the Greater London Assembly who have party political allegiances and are appointed by the Mayor.
• Magistrate members are appointed by the local magistrate's panel or Magistrates' Courts Committee.

• Independent members are appointed by a process which involves a selection panel consisting of the home secretary and the councillor and magistrate members of the authority (Home Office, 2004).

Police authorities usually hold full authority meetings once a month. In attendance at these full authority meetings will be the chief constable/commissioner, members of the police authority, the public and the press. As well as participating in full police authority meetings, members of police authorities work through a number of separate committees that contribute to providing an efficient police service. These committees fulfil an advisory role and whilst some committees meet in private, the vast majority report to the full police authority, covering important areas of constabulary management and the authority's legal responsibilities.

Payment for members

The Scheme for the payment of member's allowances is made in accordance with the provisions of Section 107 of the Criminal Justice and Police Act 2001.

Table 5:1

Basic and special responsibility allowances
<table>
<thead>
<tr>
<th>Position</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority member</td>
<td>£10,200</td>
</tr>
<tr>
<td>Chairman</td>
<td>£15,960</td>
</tr>
<tr>
<td>Deputy Chairman</td>
<td>£6,792 (Extra)</td>
</tr>
<tr>
<td>Chairmen of committees (and Audit), Community Engagement and Corporate</td>
<td></td>
</tr>
<tr>
<td>Policy, Performance and Review Committees</td>
<td></td>
</tr>
<tr>
<td>Chairmen of Complaints and Professional Standards and Standards Committee* and the Health and Safety Board</td>
<td>£2,832 (Extra)</td>
</tr>
</tbody>
</table>

Source: greater Manchester Police Authority website 27th August 2007

There are variations between police authorities in the way they adopt and implement payment schemes. Within its scheme the MPA makes an additional distinction to that expressed in the Criminal Justice and Police Act 2001. Under the Greater London Authority Act 1999, those Greater London Assembly members appointed to the MPA are disbarred from claiming an allowance in respect of their membership of the MPA as they already draw a salary from the Greater London Authority. These members can however, claim travel and subsistence expenses. Independent and Magistrate members are however, eligible to claim both an allowance, travel and subsistence expenses. From 1st June 2005, the basic allowance payable to all Independent and Magistrate members of the MPA in the financial year 2005/06 was as follows;
Table 5:2

**Basic and Special Responsibility Allowances**

<table>
<thead>
<tr>
<th>Position</th>
<th>Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent &amp; Magistrate member</td>
<td>£17,154</td>
</tr>
<tr>
<td>Chairman payable in addition to the basic allowance:</td>
<td>£17,772</td>
</tr>
<tr>
<td>Deputy Chairman</td>
<td>£6,792</td>
</tr>
<tr>
<td>Deputy Chairs of the Authority, Chairs of main committees and members with responsibilities for agreed portfolios</td>
<td>£3,463</td>
</tr>
</tbody>
</table>

*Source: MPA Website 1st April 2005*

Very little is known about the make up of police authority members nationally or the role local communities play in the nomination of representatives. Most people are unaware of their police authority let alone who the police authority member is and due to the nomination process not being promoted significantly in local areas the degree to which they can be said to speak on behalf of various communities is questionable; as a result the question of who is actually being represented is a contentious one.

It would appear that the overarching criticism of police accountability is that despite the very clear duty of the police authority to secure an adequate and efficient police force for an area it is still unclear who is ultimately responsible for policing (Jones, 1994). For Loveday and Reid (2003) the key ingredients of accountability are the power to appoint and dismiss chief
constables as well as the ability to set and determine the force's budget. For Loveday and Reid (2003: 58) further accountability can be realised by introducing elections for all police authority members as they believe this would give the police authority a visibility and legitimacy it currently lacks and would give local people an opportunity to get personally involved. For Loveday and Reid, (2003: 59) directly electing the police authority chairman supported by a panel of appointees consisting of local councillors and HMIC experts is a preferable way forward. The advantage of this is that it would create high visibility, a focus for local accountability and would be based around existing structures.

Police authorities have been criticised for being out of touch unrepresentative bodies that need to be more relevant and accountable to the citizen. In his Manchester speech 'Respect for Others' (February: 2005), the former conservative party leader Michael Howard unveiled plans to scrap remote and unaccountable police authorities and replace them with directly elected local police commissioners. Mr Howard insisted that elected commissioners would improve accountability and allow the citizen a far greater ability than they currently had to influence the type of policing and police priorities in their local area. The net result of this according to Michael Howard would be that communities would be better able to hold chief constables to account, the new commissioners would have the powers which existing police authorities currently had and police commissioners would be created in 42 of the 43 police force areas, while in London the Metropolitan Police force would be accountable to the elected Mayor of London who would
assume the responsibilities of the Metropolitan Police Authority and the appointment of the Metropolitan Police Commissioner would continue to remain the responsibility of the home secretary.

Mr Howard explained that the police were more formally accountable than they had ever been; the trouble however was that they were accountable to quango's and bureaucrat's instead of local communities. The citizen was separated from the police by a wall of bureaucracy and political correctness; his new approach would provide real local accountability through police commissioners being visible and elected. These tangible changes with direct accountability appear to be Michael Howard's attempt to sure up the social contract. Loveday & Reid (2003: 59-60) whilst not arguing for directly elected commissioners go much further arguing for the police to be more directly accountable to mayors and council leaders. They argue that chief constables and commissioners should be put on short term contracts and be subject to being dismissed by the mayor or council leader. These and other measures would in their opinion significantly increase police accountability and provide a more desirable service to the citizen; doing this would however overtly politicise the police service in a way that many would see as undesirable. The evidence from my research (see chapters 6 and 7) does not support the assertion expressed by Michael Howard that directly elected commissioners would be beneficial in creating more accountability.

Whilst there are police consultative groups which do offer an opportunity for accountability through discussion and debate; these groups
are unrepresentative and there is little evidence of their impact or holistic effect on policing policies. In practice, local people do not have the opportunity to really influence local policing either through the police authority or through consultative groups because the perception is that the police service is accused of merely informing the police authority after the event and the police authority itself appears to essentially inform the community of what has or is taking place (Day & Klein, 1987; Marshall, 1978; Reiner, 2000). Whilst there may be opportunities for debate, most interactions between the police authority and local communities appear to serve the function of justifying the position of the police service and supporting the general thrust of police action.

Conclusion

The tools at the disposal of the police are considerable and can be used in a very direct and physically imposing way. The police are one of the many institutions that play an important role in upholding, sustaining and reaffirming society's protocols, behaviour and our obligations to each other and to the state. The uniqueness of policing above all other institutions is that we have thrust upon the police the potentially limitless and timeless power to act in a physically repressive way to preserve property and life. At the very minimum, the police service has our tacit consent to physically coerce citizens by detention and restraint when our systems or agreed protocols are challenged or placed under extreme levels of strain. The institution of policing is the ultimate physical buffer and the last standing ground that prevents a
complete breakdown of our civilisation and its values. Ironically, because as citizens we have given this power away, it is questionable whether we can easily demand it back.

In some limited way I think we can demand it back, not through emasculating the police but by working in partnership with police authorities as responsible authorities\(^3\) (Jones & Newburn, 1997). In theory, police authorities provide us with a tier of control, regulation and accountability and give us the opportunity to roll back the powers of the institution of policing. Scarman (1981), however, was of the opinion that we could not seize this power back, but he believed that we could significantly influence it by ensuring that the police were independent, accountable and that there was consent and balance between the responsibility to prevent crime, protect life and property and the preservation of public tranquillity.

The police authority's ability to bring the police to account is also potentially hampered by the combination of it being at once, part of the system of policing and also being required to monitor that service and hold it to account. As similarly reflected by Flinders (2002:2), who found that the relationship between parliament and the executive with its dual role was largely ineffective. The relationship between the police service and police authority is in some respects a relation between collaborators rather than one between a service provider and a regulator. Whilst I accept that collaboration

\(^3\) The definition of responsible authorities represented a levelling of the field as police authorities became responsible authorities under the Crime and Disorder Act 1998
is essential for effective policing, the difficulty appears when scrutiny and accountability are being sought.

On consent and balance, Scarman asserted that the police responsibility to prevent crime, protect life and property and the preservation of public tranquillity warranted the use of particular skills which emanate from the conflict which inevitably arises between the duty of the police to maintain 'the Queen's Peace' (maintaining law and order) whilst at the same time enforcing the law. Scarman (1981) noted that the priority of keeping the Queen's Peace had long been accepted by the police as requiring higher prioritising than enforcing the law. Scarman brought forward another idea that he saw as been central to common sense policing. At the heart of effective balanced and consensual policing is the requirement for the police to use discretion. For Scarman crime and public disorder were aberrations from normality, law enforcement therefore had the potential of putting tranquillity at risk if it were enforced to the exclusion of other sensitivities - which in the long term is counterproductive. Police discretion therefore ought to be utilised as the central tool in the police armoury which in turn contributes to maintaining harmony, rather than enforcing law and order at the expense of harmony and tranquillity.

Police are accountable through the law and although there is no direct evidenced link between accountability and representation, for Scarman, the only way to establish a link is through setting up a liaison committee (Scarman, 1986: 5.58, 5.61). Day & Klein (1987: 6) maintain that political
accountability began with the division of civic labour where individuals were charged with carrying out activities for their fellow citizens. This responsibility was not a personal one and as such carried no individual or personal guarantee or commitment. This delegation of responsibility gives rise to the need for political and institutional accountability which in turn ought to give rise to accountability through representation.

I am interested in who or what defines the scope of accountability and discretion and what issues can or cannot be discussed in the open. Who sets the parameters for judging performance because at present performance is set and monitored against the police's own plans? Surely accountability ought to be more than a responsibility, commitment or obligation to explain. Accountability is in my view inextricably linked to hierarchy; it is about answering in relation to delegated powers or functions. It is the possibility that these powers and responsibilities can be revoked if the answers or responses are deemed insufficient. This is what Mulgan (2003: 30) refers to as 'rectification' and Keohane (2002: 479) calls 'the ability to impose a cost'. As stated previously accountability is linked to obligation and the responsibility of all parties to source representation and participation (Day and Klein, 1987; Jenkins and Goetz, 1999; and Mulgan, 2003).

The discussion of police authorities as threatened, undermined or sidelined leaves one uncertain about the real role and influence they have. It would appear that police authorities are primarily bureaucratic institutions having a procedural and process relevance but in reality having little ability to
alter or define key issues that directly impact on them or their locality. However, if one looks at the Police and Magistrates Court Act 1994 and the Crime and Disorder Act 1998, there is provision within the acts to ensure that police authorities are stronger when they work together as responsible authorities (Jones and Newburn, 1997). Police authorities have an arsenal of resources that they can draw upon and it is not that they have insufficient powers that is limiting their effectiveness but police authorities undervalue themselves and are unaware of their real powers (Jones et al, 1994: 56).

Where confidence and trust are concerned the public is satisfied that the police are controlled by an independent body (Audit Commission, 2002: 9). In Policing after the Act (1997) Jones and Newburn’s research found that police authority clerks expressed that as a result of the Police and Magistrates Courts Act 1994 they were operating in a more business like way. Smaller authorities conducted most of their business in full authority meetings and less in committees whilst the larger police authorities did the opposite. The meetings in the smaller authorities were mainly concerned with the police authority’s business as opposed to the business of scrutiny and accountability. This is significant because it highlights that the size of a police authority is a defining factor in whether scrutiny and accountability are of a higher priority than managerial expediency. The researchers also found that the introduction of policing plans added another interesting dimension to the equation because policing plans required increased monitoring on a local basis. However, police authorities were increasingly preoccupied and focussed on managerial and organisational issues rather than the strategic
policy issues governing local policing. The researchers concluded that there was a move towards a calculative and contractual accountability as opposed to accountability based on explanation and cooperation.

True accountability is about knowing the questions that need to be asked and ensuring that within the structure of the system there is sufficient information, checks, balances and power to support and enhance that ability. There needs to be a wider understanding of what the strategic areas of police authority controls are, the varied levels of accountability and the mechanisms for halting or changing a course of action. Boaden (1982) offers a convenient opt out by stating that it is easy to develop a greater degree of accountability, representation and democracy in smaller communities. Maybe he is correct and the level of accountability we are expecting from our larger institutions in larger communities is unrealistic. I conclude, however, that even if what we are seeking is unrealistic, it may be worth striving to achieve as much equity, accountability and transparency as possible.

Accountability should run through the bloodstream of the whole body of a police service and it is at least as much a matter of the culture and ethos of the service as it is of the institutional mechanisms which allow it to take place. All the mechanisms and procedures are worthless if the culture works against openness. Essentially if the police refuse to be fully accountable does the police authority have the ability to force through and demand that accountability?
In chapter 4 I discussed the role of the Police Act 1964 and discussed how it further defined police authorities and their relationship to chief constables and the home secretary. I discussed some of the inherent problems with the act, for example, it provided little actual leverage for police authorities because the only statutory duty that the act placed on the chief constable in relation to his police authority was the requirement to submit an annual report - after the event - in which the police would explain the policies they had followed or actions they had taken (Marshall, 1978; Reiner, 2000). This explanatory accountability was for Elock (1991) fundamentally flawed. Moreover, through the act police authorities had no powers to instruct chief constables to change or amend policies presented to them. In addition, due to operational independence the police are not answerable to anyone because no one could tell them what to do. I also discussed the transforming effects of the Police and Magistrates Courts Act 1994 which made police authorities independent of local government and the further levelling of the field as police authorities became responsible authorities under the Crime and Disorder Act 1998.

Given these and other legislative changes, their implications and the ongoing polarised debate regarding the strategic and operational responsibility of police authorities and the police service, I am interested in the impact of all this on the police authority's mandate of enhancing accountability and facilitating increased representation and ensuring that the service provided is driven and supported by the government and the community in partnership.
In the forthcoming chapters I will be exploring the perception of police authority members, and attempting to demystify the police authority, whilst assessing the degree to which police authorities have engaged with their communities and looking at whether there has been any tangible impact on local participation.
CHAPTER 6
THE POLICE AUTHORITY:
INTERVIEW AND QUESTIONNAIRE

Interview and questionnaire results

There are 760 police authority members in the 43 police authorities in
the United Kingdom. In November and December 2007 I sent questionnaires
to all police authority members and initially had 81 returned and
completed. In January 2008 I resent a further 200 questionnaires to police
authority members and received a further 27 completed questionnaires
totaling 108 (14.2%). New empirical ground has been covered by this
research as the literature reveals no similar survey which has focused on
police authority members has been undertaken. I received questionnaire
responses from 14% of police authority members and I conducted 23 in-depth
interviews with specific individuals who are significant gatekeepers between
the community, the police service and the police authority. My 25 interviewees
included 17 interviews with police authority members, the former Home
Secretary - the Rt Hon Charles Clarke MP- the Chairman of the Association of
Police Authorities, the Executive Director of the Association of Police
Authorities, the Policy Officer of the Association of Police Authorities, the
Clerk to the Metropolitan Police Authority, a former chief constable and a very
senior grade 5 civil servant. The identity of a senior Civil Servant has been
withheld due to the sensitivity of the comments they made.
Between 1964 and 1994 there has been a small body of work on police authorities (Jones & Newburn; 1994, 1997; Brogden; 1977; Reiner, 1991). In the last decade however, the research undertaken for this thesis is the most recent academic work on police authorities and the only academic work to look at the role of police authorities in the context of citizenship and accountability. What I have sought to do through this thesis is to add to the existing body of work on police authorities and to explore ideas and thoughts around the following:

a) The relevancy of police authorities, their potential and their actual impact,

b) The role of police authorities in relation to the citizen, the police service and accountability.

c) The views of police authority members on how they perceive their role and the role of the police authority.

As mentioned above, the total number of respondents that returned completed questionnaires was 108. However, the total number of responses for each question varies considerably as some respondents provided multiple answers to some questions. As I stated in chapter 2, this was a very small research sample and there are limitations to the extent that the results from this research can be extrapolated and applied more widely. The results of my research are as follows.
Ultimate responsibility for policing

This research has shown that 68 out of the 126 (54%) responses by police authority members to the question of responsibility accepted that the police authority was ultimately responsible for policing in their area and as far as responsibility was concerned they ranked the police service and the home office in second (29) and third (21) place respectively (Fig.6:1).

Figure.6:1

Who is ultimately responsible for policing?

![Bar chart showing responses to who is ultimately responsible for policing.]

The question of 'who is ultimately responsible for policing' was — in effect — a statement of duty rather than legal responsibility. Whilst members accepted that responsibility for policing ultimately lay with them as police authority members, further analysis of the responses reveals a clear disconnection between the perceived balance of responsibility (Fig.6:1), the right to make final decisions in disputes (Fig.6:2), and the perceived...
possession of power (Fig. 6:3). Responses to Figure 6:3 show that whilst members felt the police authority had the least power within the tripartite system, they perceived that it had the most responsibility. This viewpoint was further reinforced when members responded to the question: ‘who they thought had the final decision in disputes?’ (Fig. 6:2). The overwhelming view was that the home secretary clearly had the final decision. In-depth interviews with police authority members shed further interesting light on this issue. Mr. Chris Drew an independent member of Llandudno Police Authority forcibly emphasised during the interview that wherever the power and final decision lay, it was most definitely not with the police authority. He explained:

‘... I sometimes ask in a meeting - and publicly - if we vote against this [action, policy or direction] what will happen? and the answer is that it will go ahead anyway!’

In contrast to the view of Chris Drew, Gary Bell (Councillor member of Lancashire Police Authority) believed that if there was a way to block a policy or plan of action that members felt would have an adverse effect on communities they could - if they so desired - find a way of blocking it. Colin Mann (Councillor member of Gwent Police Authority) said that there were times when it was clear that the chief constable felt that he had to pursue a particular operational measure and would do so regardless of opposition from the police authority. During this interview Councillor Mann explained that whilst the police authority is not involved in the day to day operational management of budgets, it has an overall responsibility to look at
departmental budgets. He went on to explain that the absolute overall control that the police authority can exert is in setting the precept. For example, in the 2008 settlement the Gwent chief constable wanted a 5% increase in the precept. The police authority however rejected this and set the precept at 4.5%. Whilst this was not necessarily an example of a dispute, it was evidence of how the police authority could effectively use its power and influence to go against the wishes of the chief constable. Colin Mann (Gwent Police Authority) went on to add that the police authority has the power to dismiss the chief constable and this is a very powerful tool to have (in reality the police authority can recommend that the Chief Constable is dismissed but the ultimate decision remains with the Home Secretary. As I conclude in my final chapter, having the power to do things is only part of the jigsaw.

Figure 6:2

In disputes who has the final decision?

Fig.6:2 shows that the vast majority of my sample show of police authority members believe that the home secretary has the final decision in
disputes. Fig. 6:3 also provides contemporary support to the position expounded by Reiner (1991) that the home secretary and chief constable hold the balance of power. Reiner (1991) observed that during the dispute over the purchase of plastic bullets and CS gas in Northumbria, the chief constable got his way primarily because the police authority could only exercise influence as long as the chief constable and the home office permitted the police authority to do so. Even though the police authority appealed against the original decision, the Court of Appeal rejected their appeal on the grounds that the home secretary had powers under the Royal Prerogative to do what he felt was necessary in order to keep the Queen’s Peace (Reiner, 1992: 240). According to Reiner (2000: 189) and Brogden (1977) in cases of real conflict between a chief constable and his police authority not only would the chief constable always prevail but the police authority would defer to the expertise of the chief.

Figure 6:3

Where does the balance of power reside?

<table>
<thead>
<tr>
<th></th>
<th>Home Office</th>
<th>Chief Constable</th>
<th>Police Authority</th>
<th>Equally</th>
<th>Treasury</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of responses</td>
<td>83</td>
<td>17</td>
<td>10</td>
<td>6</td>
<td>13</td>
</tr>
</tbody>
</table>
In relation to the tripartite system, the questionnaire asked where police authority members thought the balance of power rested. The results are interesting because even though Her Majesty's Treasury (HMT) sits outside the formal tripartite system arrangement, thirteen police authority members felt that HMT wielded sufficient power and in fact had more power than the police authority and came close to the power and influence of the chief constable (Fig. 6:3). During our in-depth interview, Councillor Michael Ash (Cumbria Police Authority) explained that those members who saw the Treasury as an important power base did not quite understand how public finances worked. He explained that the balance of power was - in his opinion - tilted in favour of the home office. Interestingly, he also cited that the Association of Chief Police Officers (ACPO) potentially wielded more power than the police authority or the police authority's representative organisation the Association of Police Authorities (APA).

On the question of the balance of power, one police authority member explained:

'[the balance of power] is at different places on different things, Budget largely lies with the mayor, legislation and regulation lies with the home office and operational policing lies with the commissioner... the police authority provides the consistencey that does not exist with the other tripartite members; the rest influence and exert power at particular times, we [the police authority] are the thread that runs through, we are not only involved sporadically but we are there side-by-side throughout
and have the input on recruitment, discipline and setting objectives'.
(Cindy Butts - MPA).

Closer analysis of Fig.6:3 suggests that there is a lack of understanding by a large number of police authority members of the full responsibility and powers to affect change that they - through the police authority - have, particularly budgetary powers. Fig.6:1 reflects that police authority members accept their responsibility: however, the collective responses between figures 1, 2, and 3 suggest that much more needs to be done to train and re-skill members. This concurs with the views of Catherine Crawford (Clerk of the Metropolitan Police Authority) who explained during our interview that because the police authority receives the funds and is responsible for the budget, it is crucially important for members to understand fully the budget and the impact it has on policing.

**Operational and strategic responsibility**

Interviewees expressed a variety of views on the issue of operational and strategic responsibilities. Karim Murji, independent member of the Metropolitan Police Authority, explained that whilst it could be argued that historically there were operational and strategic roles, there never has been and there is still no clear distinction between activities deemed to be strategic and those purporting to be operational and furthermore, legally, the distinction does not stand up. For Lord Harris (Independent member and former chair of the Metropolitan Police Authority):
'...Some issues are strategic in that they have a wide ranging impact; but it all blurs into one and drawing a hard and fast line was never helpful. As a police authority we ought to be able to take a view on all things rather than be preoccupied on whether it is an operational or strategic issue.'

Perry Nove, the former Commissioner for the City of London Police, saw no distinction between operational policing and strategic policing. He argued that before implementation, all decisions are strategic then as they are implemented they become operational. Catherine Crawford (Metropolitan Police Authority Clerk) explained that people were drawn into defining operational independence but as one could not fully define it '...it is better to have a loose definition behind which police officers cannot hide'. Catherine Crawford explained that the benefits of applying a wider definition included that the police authority would not be restricted when looking into and reviewing police activity, whilst a narrower definition rather than making it more robust, could emasculate the police authority and reduce the scope of the scrutiny function of the authority. It is possible that the fear of transgressing into areas that could be defined as operational has already paralysed some police authorities and is what led Jones and Newburn (1997) to conclude that many police authorities narrowly interpreted their role and failed to effectively use the powers they had.
The former Home Secretary Rt Hon Charles Clarke MP interestingly saw the balance of power as primarily residing with the chief constable and saw that the onus was on the police authority to find a way to work with the chief of police whom he saw as controlling operational policing. Jones et. al (1994: 27) believed that there was an intention to cloud the decision-making process through unclear roles and responsibilities. Reiner (1993) noted that over time there had been a detrimental shift of power away from police authorities to chief constables. Chris Drew (independent member of Llandudno Police Authority) felt that the relationship was ‘...more about influence rather than power’ which suggested that far from the ‘self limiting’ description of Jones, Newburn and Smith (1994: 62), the police authority was able to exercise its influence through a more complex process of negotiation rather than through the overt display of power. Even those interviewees like David Rogers (Sussex Police Authority), who thought the police authority was not as effective as it could be or other members like Chris Drew (Llandudno Police Authority) who felt that the police authority would be unable to push through things that the chief constable or the home secretary did not support, agreed that the authority could exercise its influence through negotiation rather than through the overt display of power. Furthermore, and unsurprisingly, those who I interviewed accepted that the ability to influence was a more potent tool in the armoury of the police authority than the actual use of sanctions.

According to Councillor David Rogers OBE (Sussex Police Authority) ‘the home office consistently tries to tip the balance in its own favour but the
police authority's role is to remind them [the home office] that the local view is of crucial importance.'

*Training*

Whilst 96 members had received regular training (Fig.6:4), 38 members (Fig.6:5) thought that the training they had received was insufficient for the tasks they were expected to undertake: four members were unsure of its usefulness, whilst 25 respondents thought the training was sufficient.

Figure 6:4

*Do you (police authority members) have regular training and briefing days?*

- Yes: 96
- No: 13
The majority of police authority members - 81 out of 94 - agreed that the tripartite system was still relevant (Fig.6:6). Karim Murji (independent...
member of the Metropolitan Police Authority) explained that '...whilst the structure is a tripartite one it is not a tripartite relationship because the three legs of it are not equal and have never been so'. Mr Murji explained that the relationship has in reality been a bipartite one between chief constables and the home office with the home office being the dominant player setting the precept\(^1\) and controlling the overall strategic direction of the police service. As I discussed in chapter 3, according to Fred Twine (1994), where there are three supportive pillars in any structure, each pillar plays a key role in ensuring the equilibrium and the stability of the structure. If the tripartite system operates in a bipartite way - as described by Karim Murji - or if the role of the authority is diminished (Jones and Newburn, 1994; Loveday, 2005; Reiner, 1992) a structural problem arises which potentially challenges the stability of the whole system. In this context, and with the knowledge of the police authority as the third leg providing a scrutiny and an accountability role, we should not understate or underestimate the important function it plays in nurturing and supporting community cohesion, by encouraging local involvement.

\(^{1}\) The precept is set by the police authority in consultation with the chief constable or in the case of London, the commissioner.
The position of the police authority within the tripartite structure is?

The responses were evenly balanced between those members who saw the police authority as subservient (35) or equal (35) within the tripartite system. However, 48 members saw police authorities as being neither subservient nor equal but as playing a different and complementary role.

Despite this, there has been a consistent ambiguity about the roles of the members of the tripartite system. Catherine Crawford (Clerk of the Metropolitan Police Authority) acknowledged that the relationship within the tripartite system was indeed ambiguous and was made even more confusing because the parameters of the operation of the tripartite partners had not been set out clearly in any single document. Catherine Crawford cited the Patten Report (1999) on the setting up of the Northern Ireland Policing Board which looked at the relationship with the policing board (police authority) as the most comprehensive and useful document so far produced as it provided what she described as 'a hitherto unrealised clarity on the role of the three
partners'. Fionnuala Gill (Executive Director of the Association of Police Authorities) also acknowledged that if the Patten Report were applied to England and Wales, it would reduce any confusion and provide clarity of roles and responsibilities between the members of the tripartite system.

Rachael Whittaker, (Magistrate member of the Metropolitan Police Authority) effectively summed up the inherent confusion between the police authority, the chief constable and the home office.

‘the home office have a role to play but they do not know what role they want to play, they fail to understand democracy and democratic accountability, they are overly prescriptive as shown during the proposed merger2. The home office has too many low level people ticking boxes and there is a lack of joined up thinking...’ (Rachael Whittaker, Magistrate member of the Metropolitan Police Authority).

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2 In 2006 the Home Secretary Charles Clarke proposed a number of changes to the police service. A then significant part of the reform agenda involved the merging of the police service from 43 to 12 police areas.
Within the tripartite system is the police authority proactive or reactive?

<table>
<thead>
<tr>
<th>Proactive</th>
<th>Reactive</th>
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<tbody>
<tr>
<td>71</td>
<td>81</td>
<td>5</td>
</tr>
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</table>

On the question of whether members thought their police authority was proactive or reactive, Fig. 6:8 shows that over 81 of the 157 responses indicated their belief that the police authority was more reactive than proactive.

Lord Harris (Independent member of the Metropolitan Police Authority) saw the police authority as primarily a proactive body; setting the agenda, the tone and actively pursuing issues. Lord Harris believed that in order to effectively fulfill its role police authorities had to be proactive. Cllr David Rogers (Sussex Police Authority) explained that as a police authority Sussex tried to be proactive but '...at the end of the day we are lay people and are not involved 24 hours a day, seven days a week'. Mr Chris Drew (Llandudno Police Authority) also echoed this and saw his police authority as more reactive than proactive. '...there is a degree of inevitability because just in
terms of energy and resources there is a squad of people [police and civil staff] paid and working fulltime... this is where the power lies'.

Figure.6:9

Who is responsible for investigating complaints against senior police officers?

![Bar chart](image)

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police authority</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police service</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Home office</td>
<td>7</td>
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<td></td>
</tr>
<tr>
<td>HMIC</td>
<td>5</td>
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</tr>
<tr>
<td>IPCC</td>
<td>82</td>
<td></td>
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</tbody>
</table>

Figure.6:10

Is this responsibility compatible with the strategic role of the police authority?

![Bar chart](image)

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>75</td>
<td>15</td>
<td>16</td>
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</tbody>
</table>
Fig. 6: 9 shows the complexity of police authority members understanding of who is responsible for investigating complaints against senior police officers. Seventy five members (Fig. 6: 10) see a clear fit with the authority's strategic role and its responsibilities for overseeing complaints against senior officers – an area that has huge operational implications. It does however appear contradictory that in Fig. 6: 7, 35 respondents saw the police authority as subservient yet 75 responses received in Fig. 6: 10 reflected an understanding and acceptance of the police authority's pivotal role of overseeing complaints against senior officers. The apparent contradiction is brought into sharp focus when one considers that overseeing complaints against senior officers could not be effectively undertaken by a subservient body; ergo, the police authority cannot be as subservient as some would conclude unless the process of complaints is not as transparent as we assume it is, or the police authority members are too sympathetic to the police service to offer any real challenge. Simultaneously, 75 respondents (Fig. 6: 10) saw the responsibility of overseeing complaints of senior officers as being fully compatible with the overall role of police authorities. It is therefore highly probable that members do not see themselves or the police authority as being as powerless or as subservient as suggested in figures 6: 1, 6: 2 or 6: 3 and in relation to Fig. 6: 8. The police authority is capable of being assertive when necessary.
Eighty four members (Fig.6:11) see themselves as primarily representing the residents in their local areas while 39 saw that they had a responsibility to represent the police authority. What is clear is that in order for police authorities to be effective there needs to be a balance between the responsibilities of members to represent and consult with local people - which is a responsibility given to police authorities under the Police and Criminal Evidence Act (1984), The Police and Magistrates Courts Act (1994) and The Crime and Disorder Act (1998) - and the responsibility of the police authority under the provision of the Police Act (1964) (section 4.1) ‘to secure the maintenance of an adequate and efficient police force for the area’. The job description for police authority members clearly reflects this aspiration stating that members are appointed to fulfill a dual role; ‘... to represent the views of the police authority within local communities and the views of local communities to the authority’ (Leicestershire Police Authority, 2007). Gwent

<table>
<thead>
<tr>
<th>Category</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Themselves</td>
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</tr>
<tr>
<td>Police authority</td>
<td>39</td>
</tr>
<tr>
<td>Police service</td>
<td>6</td>
</tr>
<tr>
<td>Residents</td>
<td>6</td>
</tr>
<tr>
<td>Other</td>
<td>6</td>
</tr>
</tbody>
</table>
Police Authority's definition states that the role of the member is 'To represent the interests of all those who live in, work or visit Gwent and to ensure that the views of local people are reflected in the nature and style of local policing' (Gwent Police Authority, 2007).

Cindy Butts (Metropolitan Police Authority) explained that it was much easier to say whom she did not represent: 'I do not represent a political party or a [geographic] constituency of people but the views of ordinary people. I'm black, female, a Londoner, I used to be young but not now; I am the youngest member of the authority and I bring all these to the table.' Catherine Crawford (Clerk to the Metropolitan Police Authority) explained that 'members represented all Londoners but not in the same way an MP represents a constituency. For example, MPs vote on issues and pass legislation, a letter from an MP to a public body or department must be responded to, MPs have a duty to hold weekly surgeries and respond to issues raised by constituents'. Police authority members operate quite differently.
On the question of whether police authorities were doing enough to represent residents, the police service and the wider community, 73 responses (Fig.6:13) indicated that members thought their police authority was doing enough to represent those within its remit and area of responsibility. Even though 61 responses (Fig.6:12) indicated that members
felt that they and other members like themselves were doing enough to represent those they had identified in Fig.6:11, 39 members (Fig.6:12) indicated that as members they were not doing enough whilst 18 were unsure about whether they were doing enough to represent effectively.

At the heart of the question of whether police authority members are doing enough to represent the interests of those who depend on them is the question of whether members know how to bring the chief constable/commissioner to account and more specifically what questions to ask. According to Day & Klein (1987) police authority members lack sufficient knowledge and understanding resulting in them being unable to ask the right questions. This situation is made worse because members are unaware of their legal powers which invariably render them relatively powerless and unable to exert real influence or control. Metropolitan Police Authority member Rachael Whittaker explained that in her experience,

'... in order to know what questions to ask you read a lot! The commissioner is at our behest and we know what to ask by doing our own research in the same way journalists do. If we attend meetings and expect things to be handed to us we are not doing our job'.

Both David Rogers OBE (Councillor member of Sussex Police Authority) and Greg White (Councillor member North Yorkshire Police Authority) believed that local knowledge and experience were vital if members were to be effective and to know what to ask.
Chris Drew (Independent member of Llandudno Police Authority) explained that members are appointed not as experts but because they have been 'round the block' and the variety of experience that comes to the authority particularly from those with public sector experience is considerable. This response implies that members are pragmatic and aware that their scope of effectively holding the police to account is potentially restricted by the resource and time implications that go along with the terms of their appointment.

Consultation and participation

Figure 6.14

*Are people likely to participate if they feel represented?*

![Bar chart showing responses](chart)

Fig.6:14 shows that out of 106 responses, 83 indicated that there would be a positive impact on active participation if local people felt represented. This view is consistent with the thesis of Michael Ignatief in The *Myth of Citizenship* (1995) where he argued that the more a citizen received
from the state the more they were obliged and had an increased responsibility to it. In the next chapter I will discuss the implications of this and the wider opportunities that it provides.

Figure 6:15

How effective are Community Police Consultative Groups (CPCG)

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<tbody>
<tr>
<td>very</td>
<td>14</td>
<td></td>
<td></td>
</tr>
<tr>
<td>fairly</td>
<td>33</td>
<td></td>
<td></td>
</tr>
<tr>
<td>hardly</td>
<td>41</td>
<td></td>
<td></td>
</tr>
<tr>
<td>not at all</td>
<td>17</td>
<td></td>
<td></td>
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</table>

Figure 6:16
Do they attract a representative audience?

Given the importance of consultation, 47 members saw the Community Police Consultative Group (CPCG) as very or fairly effective and 58 thought CPCG’s were hardly or not at all effective (Fig.6:15). The overwhelming view amongst those police authority members who responded to this particular question was that where the old consultative arrangements were still in place 77 (76%) out of 101 responses indicated that the forums did not attract a sufficiently representative audience (Fig.6:16). Cindy Butts (Metropolitan Police Authority) colourfully described CPCG’s ‘...some of them are really shit! Some of them are really good...’.

Richard Barnes (Metropolitan Police Authority) explained that consultation is a valued tool but added:

‘... I am not sure that we know how to do it [Consultation] properly because the consultations are not altering the outcome: the crucial
thing about consultation is intent; if you just follow statute it becomes mechanical but you have to consult and communicate at the same time'.

Bob Jones of West Midlands Police Authority and the Chairman of the Association of Police Authorities explained that people wanted to know what the police were doing on the ground at the local level and in the West Midlands the Neighbourhood Management Forum was a much better arrangement than CPCG's for facilitating this level of local accountability.

Measuring the impact of police authorities

Figure 6:17

Does the police service respond differently as a result of the involvement of the police authority?

![Bar chart](image)

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td>80</td>
<td>22</td>
<td>4</td>
<td></td>
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</tbody>
</table>
Of the 106 responses to the question on the effect the police authority has had on the police service, 80 respondents felt that there was a difference in the way the police service responded or reacted as a result of the police authority's presence and intervention (Fig.6:17). As an example of how the police authority had affected the police service, one member cited the impact of the MacPherson Report (Stephen Lawrence Inquiry, 1999) on the police service and the implementation of recommendation 61 of the MacPherson report which called for police officers to record all stops and searches. The implementation of recommendation 61 was initially opposed by the police service and the Police Federation (see chapter 5) but with the united support of police authorities recommendation 61 was implemented in England and Wales in April 2003.

Further evidence of the impact of police authorities on the police service was presented by Cindy Butts (Independent member of the Metropolitan Police Authority) who cited the management of the police budget and the regular monthly public meetings which saw the chief officer and other senior officers reporting to the police authority.

Richard Barnes (Magistrate member of the Metropolitan Police Authority) noted that where finance was concerned there was clear evidence of the impact of the police authority on the police service. He explained that in the Metropolitan Police Service there were only 3 or 4 qualified accountants managing a £2.4 billion budget and by the time the Metropolitan Police Authority was set up in 2000 the police service had only just gone over to
double entry book keeping. Mr Barnes was alarmed that in accounting terms the police service did not know where the money was coming from or where it was going and crucially like Mr Drew (Landudno Police Authority), Mr Barnes saw those police authority members with local authority backgrounds as being critically important in getting the finance of the police service into a 'manageable and understandable state'.

Both Dr Laurie Bush (Independent member and former Vice Chair of Sussex Police Authority) and Rachael Whittaker (Magistrate member of the Metropolitan Police Authority) agreed that the role of police authorities in human resources had and would continue to play an invaluable role in impacting and affecting the police service. According to Rachael Whittaker, the Human Resources Committee was the enabler for bold decisions that were made on remuneration which resulted in the increased ability of the police service to attract top quality ACPO officers. Through the Human Resources Committee the police authority was able to secure £30m into the budget to address disparities between the pay of civilian staff working for the police and those who were employed by the home office on different pay scales even though they were doing the same job.

Agreeing virements to budgets, the introduction of community support officers, adapting to new financial systems, being subject to open public meetings, all collectively provide some evidence to support the assertion that police authorities have been instrumental in increasing the openness and
accountability of the police service in England and Wales; but it is by no means a definitive or conclusive assertion.

Enhancing accountability

Figure 6:18

Can accountability be strengthened by electing police authority chairs and members?

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<tbody>
<tr>
<td>yes</td>
<td>52</td>
<td></td>
</tr>
<tr>
<td>no</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>unsure</td>
<td>13</td>
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</table>

According to Howard (2005), Loveday and Reid (2003) accountability could be enhanced and supported by the direct election of officials including police authority members and chief constables/commissioners. The results from my survey have shown that whilst 52 police authority members believed that accountability could and would be strengthened by electing police authority chairs and members (Fig.6:18), there was no evidence to support the assertion that the process of elections would make the work of the police authority more accountable or indeed more effective. Michael Ash (Councilor member of Cumbria Police Authority) explained that ‘electing members would
be stupid and electing chief constables would be equally stupid!' Cindy Butts (Independent member of the Metropolitan Police Authority) also supported this position and explained that elections would not make the police authority more efficient and that she was certain that the elected route would simply maintain the status quo by electing white male professionals. If there was any doubt that this would be the case, Cindy Butts advised that one only had to look at the House of Commons which through a similar electoral system had consistently returned white, predominantly middle class males as Members of Parliament.

Lord Harris the former chair of the Metropolitan Police Authority agreed with the prevailing view of interviewees in this research that electing chief officers made very little sense; ‘... the electoral process would not [in my opinion] give you professional competence, but different skills.’ He did however echo a similar view to that articulated by Loveday and Reid (2003: 59) that ‘electing the chair of police authorities had some virtue because it would give clear political accountability’ and like Loveday and Reid, Lord Harris saw this as a preferable way forward.

Notwithstanding this, Lord Harris added that the overriding consideration that needed to be borne in mind was the public's limited capacity for elections and he saw little value in electing members through free standing elections; what was of more importance for him was the breadth of experience and diversity brought to the police authority by independent and magistrate members who may not otherwise have gained a place on the
police authority through an elective process. Dr Bush of Sussex Police Authority believed no change was needed and concluded that the balance was about correct and whilst a councillor's election to the local council did not transfer a mandate from the council directly to the police authority, elected councillors still had a clear representative mandate which was valid to all their other public appointments including their responsibilities on the police authority.

Figure 6:19

*Would electing members be more democratic than appointments?*

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<thead>
<tr>
<th></th>
<th>57</th>
<th>25</th>
<th>21</th>
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<td></td>
<td></td>
</tr>
<tr>
<td>no</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>unsure</td>
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</table>

Even though 57 respondents thought that electing police authority members would be more democratic than a recruitment process (Fig.6:19), the reality is that the merits of appointing through a recruitment process cannot be assessed against that of an electoral one because both processes are attempting to select people using different criteria. Those members that I interviewed generally accepted that whilst an elected system would be more
democratic, selecting members through such a process was far less desirable. Karim Murji (Metropolitan Police Authority) asked 'why would you elect a commissioner of police when you do not elect the head of the fire service or the head of any other similar service?' Loveday and Reid (2003) were also of the opinion that if all members were elected, the lack of independent non-politically partisan members on police authorities would not be good for local communities.

Figure 6: 20

Would elected chief constables improve accountability and give the local community a greater say?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Unsure</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>92</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>

On the prospect of electing chief constables or commissioners, 92 members (Fig.6:20) did not believe that elections would improve accountability or increase the voice of the local community and there was consensus that trained professional police were best placed to fill these roles as opposed to professional politicians.
‘... Policing is a professional responsibility and any suggestion of political influence in the appointment of a senior officer would be a mistake’ (former Home Secretary Rt Hon Charles Clarke MP).

Councillor member of Sussex Police Authority David Rogers OBE added that ‘... an elected chief is far too American for my liking ....’. Thirty respondents believed that directly electing chief constables/commissioner would result in a reduction in accountability because this accountability would be to the electorate and not accountability in terms of stewardship (Pyper, 1996), rectification (Mulgan, 2003: 30) or ‘the ability to impose a cost’ (Keohane, 2002: 479). Forty seven respondents believed elected chief constables would have no impact whatsoever and only 13 respondents thought that there would be an increase in accountability (Fig.6:21).

As we saw in Fig.6:7, 35 members saw the police authority as the most subservient member within the tripartite system; however, 43 members saw the police authority as playing a different but complementary role. According to Marshall (1978: 61-63) the police ought to be accountable - to the police authority - in the ‘subordinate, explanatory and cooperative’ sense.

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3 See chapter 5 pages 163 and 217
Even though 84 police authority members saw their primary role as representing local people (Fig. 6: 11) 86 members felt that the citizen did not know about the police authority (Fig. 6: 23) and 13 members were unsure whether or not the citizen knew about them. I will return to this in the next chapter to discuss the implications of this.
Do you think citizens are aware of the distinction between the police service and the police authority

On the question of whether the public was aware of the distinction between the police authority and the police service, the overwhelming response was that 86 out of 105 members did not believe that the distinction was known. However, according to Lord Harris (Metropolitan Police Authority),

'... people will accept that there is some structure that holds the police to account. At the most you may have a high profile police authority chair who may impinge on the consciousness of the public and even then it is a small number of the public that will notice even that'
On the question of whether national policing plans were at odds with local priorities, 53 members believed that the plans did impact negatively or contradict local priorities versus 49 who did not (Fig.6:25). One police authority member that I interviewed explained that in the larger city areas there was no conflict between local and national plans because local plans were heavily dictated by the national agenda - which in itself the member argued served to demonstrate the dominance of the home office. The member went on to explain that in the provincial towns there was a real possibility of conflict; for example, if the national concern is with level 2 criminality but the local area is concerned with level 1 criminality. Leigh

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3 Level 1 - Local issues - usually crimes and criminals and other problems affecting a Basic Command Unit or small force area. The scope of the crimes will be wide ranging from low value thefts to great seriousness such as murder. The handling of volume crime will be a particular issue at this level.

Level 2 - Cross Border issues - usually the actions of a criminal or other specific problems affecting more than one basic command unit. Problems may affect a group of Basic Command Units, neighbouring forces or a group of forces. Issues will be capable of resolution by Forces, perhaps with support from the National Crime Squad, HM Customs and Excise, the National Criminal...
Gothard (Independent member for Staffordshire Police Authority) agreed that this sort of conflict did indeed occur but added that there was some inevitability to this, as some issues such as terrorism must be a national priority even though at times its implementation could conflict with local concerns. Ultimately, Leigh Gothard felt that with enough pressure at the local level members could usually swing the emphasis to reflect local concerns.

Another interviewee from the Metropolitan Police Authority who wishes to remain anonymous explained that the potential for conflict depended on the personality of the chief constable/commissioner and explained that chiefs of police were at times arrogant and this would have a significant affect on priorities. For example, one member explained that the former Commissioner of the Metropolitan Police Service (Sir John Stevens) was more open than the then Commissioner Sir Ian Blair who 'locks out the police authority which breeds conflict and a lack of understanding'. In another interview a member explained that they know of one police authority where the members could not visit the police without the chief constable being informed first and agreeing to the visit. What Reiner (1991) found, however, was that most chief constables made efforts to develop good working relationships with their police authorities in order to ensure that policing policy was largely in tune with local needs. However, the police authority must be able to exercise its power to call the chief to account. Greg White (Councillor Member of North Yorkshire Police Authority) provided the most startling assessment explained that the

Intelligence Service or other national resources. Key Issues will be the Identification of common problems, the exchange of appropriate data and the provision of resources for the common good.

Level 3 - Serious and Organised Crime - usually operating on a national and International scale, requiring Identification by proactive means and response primarily through targeting operations by dedicated units and a preventative response on a national basis (www.dcpa.police.uk/Devon and Cornwall Constabulary 2007).
police authority can enhance its influence and concentrate the mind of the chief constable by awarding relatively short fixed term contracts of employment of up to three years for relatively young senior officers.

'...authority [which is] the right to call people to account needs to be complemented by the notion of power as the ability to call people to account' (Day and Klein, 1987: 9).

In the final chapter I present further conclusions and provide some recommendations for policy and practice.
As I discussed in chapter 4, what led to the creation of today's police authority was the 1960 Royal Commission which then led to the Police Act 1964. The Royal Commission was established to review the constitutional position of the police, to clarify the arrangements for its control and administration and to consider the functions of police authorities. The need for the review also arose as a response to wider public concern about increasing crime rates, questions about where responsibility for policing lay and the need to ensure that complaints against the police were effectively dealt with. Entwined within this was the growing acknowledgement of the changing nature of crime and the police's ability to address it (Jones and Newburn, 1994; Royal Commission on the Police, 1960).

Consultation, participation and obligation

As I discussed in chapter 4, citizenship in ancient Rome did not include a responsibility or an obligation on the citizen to participate in political life (Low, 2000). The same is true in Britain today, however, even though there is no compulsion or obligation on the citizen to participate, it is important that when the citizen is asked or expected to participate that there is evidence of their input and the possibility of that involvement contributing to change. The
conclusion of Hoban (2004) was that decisions had already been made prior to the call for wider participation and as a result, the involvement that was being requested was simply to validate previously arrived at positions. Whilst conducting this research I understood the logic of those police authority members who alluded to there being a correlation and a cause and effect between being involved in decision making, having visible increases in participation (Fig.6:14) and enhanced or improved accountability. Lord Scarman (1986) however concluded that there was no evidenced relationship between increased accountability and participation. I would suggest, that further in-depth study may identify that there is a direct relationship between increased accountability and increased participation. An interesting question however, would be whether there is, or would be a noticeable difference in reaction by members of the tripartite system if the citizen coordinated themselves through various community or voluntary groups and called for increased accountability as opposed to the media being the primary instrument through which these calls are made.

Figure 7:1  *Is the citizen obliged to participate?*
Those police authority members who indicated in their questionnaire that the citizen had an obligation to participate tended to provide explanations which included:

- 'Because they pay council tax',
- 'The citizen needs to know how the police use their powers because they [the citizen] are the first to complain',
- 'To hold officials to account',
- 'Policing is only effective with the consent of everyone'.

Mr. David Dean of Nottingham Police Authority was quite vociferous in his response and explained during our in-depth interview that if the citizen did not participate they '...cannot complain later if they do not receive the service they want.'

We ought to be cautious when assigning an obligation to participation, because assigning an obligation implies that non-participation justifies or is a precursor for a reduction in the citizen's right to demand redress or to raise a dissenting voice. Non-participation cannot be used to justify a reduction in the rights of the citizen nor can it be used to temper or make the voice of the citizen less legitimate because citizenship is not linked to active participation but is a right bequeathed on them (Marshall, 1963). In addition to Marshall's view of a right being bequeathed on the citizen, policing is a public service paid for through taxation and there is no quid pro quo or a commercial or consumer relationship, because having security and being free from harm is
one of the rights conferred on citizens. Whilst I agree with Locke (1978) that the duty to participate is critically important and that abstention is not a neutral position, Locke appears to mistakenly conflate the duty to participate with his argument around abstention and tacit consent. As a result of this, Locke concludes that because abstention is not a neutral position, abstention gives tacit consent to the status quo. Cindy Butts (Metropolitan Police Authority member) appears to share my thoughts and explained that:

'...irrespective of the lack of citizen participation it in no way lessens the citizen's right to know and one must not forget that usually the citizen does not react or participate until they feel that there is something to react to - they will opt in as they see appropriate'.

Rather than giving tacit consent to the status quo, the citizen's lack of participation may be a reaction to the fact that the citizen feels that their views, thoughts and ideologies are not sufficiently being represented. The converse of Locke's (1978) view may in fact be true, because the very act of citizen participation could be construed as giving active support to the status quo. I therefore conclude that irrespective of the level of the citizen's involvement, the remit and the ability of police authorities to discharge their responsibilities and to call the chief constable to account is important for the effective and efficient administration of policing. Without an exchange of ideas, information, openness of processes and the acceptance of responsibility, a stalemate may ensue between the state and the citizen. When describing consultation and participation Coleman (2005:1) explained
that '... the government believed that the public did not know how to speak whilst the public believed that the government did not know how to listen resulting in an unending cycle of disengagement, distrust and suspicion.'

Citizenship ought to embody a balanced reciprocal relationship between the state, institutions and the individual. Within this reciprocal relationship there ought to be an acknowledgement of the multiplicity of roles individuals inhabit and an understanding of the macro and micro responsibilities of the state. If individuals and communities feel that they are not afforded fair access, equal treatment or access to resources and they feel that there is little parity of outcome to and through the system, it is reasonable to conclude that irrespective of the consultative mechanisms that are at the disposal of the citizen, the expected reciprocity of active participation will not occur. Olson (1956) argued that people participate out of self-interest. However, if there are communities which feel excluded and increasingly alienated; even though the best opportunities of improving their lives may be by engaging with the process, the lack of a sense of belonging (Parekh: 2002) due to being excluded and alienated means that it is questionable whether society can expect that these communities should have the same degree of allegiance or that an obligation can be placed on them to participate. We all benefit from the police service, however, the citizen does not equate the various services they receive from the police and other public bodies as in any way related or linked to their willingness or propensity to engage in civic activities. Indeed, as I have discussed in chapter four and five, as far as policing is concerned, most people are not aware of the existence of their
police authority (Dalgleish et. al, 2003). Given the inherent difficulties of trying to conclusively prove that police authorities would perform better if more and more people participated, it would be objectionable if citizens were penalised as a result of their lack of participation in police authority consultations. I would venture to conclude that a lack of participation does not indicate a general lack of interest in policing, but reflects the inability of police authorities to make themselves and their important functions know.

During indepth interviews, interviewees reiterated that the police authority's specific duty to consult local people and to improve the service on behalf of local residents should enable greater awareness and increased participation. Olson (1956) argued that those who participate do so to fulfil their self-serving desires and he built on the thesis of Downs (1957) who saw the individual as a consumer and that it was in the individual's interest to support collective action when s/he will benefit. There are obvious limitations to applying this utilitarian consumerist approach to policing. Those limitations include the fact that policing is a public service, as a service it is free at the point of delivery and as such the level of delivery cannot strictly be measured in relation to supply and demand. For Jones et al. (1994) the idea of a consumer or customer has no meaning in the context of policing because interactions between the police and members of the public tend to be bourne out of conflict rather than consent. The production of policing plans and the performance assessment regime could all be seen from the perspective of the consumer, however, meeting the needs of citizens requires much more than meeting the requests of a consumer.
Following the Scarman report into inner-city disturbances in the early 1980s, the subsequent Police and Criminal Evidence Act (1984) required police authorities to consult the public prior to setting local police objectives and to publish a local policing plan: this duty was reinforced by the Police and Magistrates Court Act 1994 and The Police Act 1996.

The Police Act (1996) consolidated:

- The legal requirement for police authorities to obtain the views of local people about policing matters
- The need to seek the co-operation of local people with the police in preventing crime and
- The need to take account of the views of communities in setting local police priorities.

The Crime and Disorder Act (1998) created Crime and Disorder Reduction Partnerships (CDRPs) under which police forces and local authorities were given the duty to co-operate with police authorities and to consult the public on a local audit of crime and disorder and in developing a strategy for tackling it.

The Local Government Act (1999) also placed a duty on police authorities to achieve Best Value in the provision of services to the public and
under this duty, police authorities were required to consult all users of their services. Finally, under the Race Relations (Amendment) Act (2000) all public bodies - including police authorities - have a duty to consult on the likely impact of proposed policies on race equality. This drive towards multi-agency consultation following the Crime and Disorder Act (1998) and the expansion of consultation in the public sector is seen as a positive step by Dalgleish et. al. (2003)

However, this research has found (Fig.6:13: 246) that where there is a high level of expectation and acceptance of the need for consultation and communication, a proportionately significant number of police authority members believe that the police authority is not doing enough to represent local people. Furthermore, Fig.6:12 (246) showed that in total, 40 (39%) police authority members questioned their own usefulness and what it was that they and the police authority were doing as far as representation was concerned.

In view of the importance that police authority members participating in this research have placed on increasing participation and their acknowledgement that they can play an important role in increasing participation, it is clear that unless police authorities and police authority members become more proactive in reaching out and engaging with local people then not only will they be failing in their legal duty as stated in the Police Act 1996, the Crime and Disorder Act 1998 and the Local Government Act 1999 but they will be increasingly meaningless, ineffective and lacking validity and legitimacy.
in the modern service delivery state, it can be argued that the way in which public services impinge on the lives of citizens may be more important, as the embodiment or negation of the democratic ideal, than parliament or central government' (Jones, Newburn and Smith 1994: 1).

Police authorities need to overhaul their consultative arrangements. Elliott and Nicholls (1996) found that police authorities tended to rely heavily on traditional police community style meetings but by 2003 Dalgleish (2003) found that police authorities had begun to reassess their methods of consultation. Raine et. al, (2006) explained that good accountability depended on good communication processes and they cited that neighbourhood policing was an exciting development which if adequately resourced could deliver much in terms of public reassurance. In 2005, the Association of Police Authorities (APA) established twelve 'Accountability Pilots' led by police authorities and found that Bedfordshire, Merseyside, North Wales, Suffolk and Thames Valley each offered valuable opportunities for participation and learning by police authority members. The APA concluded that attendance at Neighbourhood Action Groups which had been established across Thames Valley, the Neighbourhood Panels in Ipswich and Suffolk and the various PCCG/CPCG and Police and Community Together (PACT) meetings would enable police authority members to hear at first hand how neighbourhood policing was working. The key priority as identified by the APA was to give opportunity for dialogue and exchange. It is clear from this research that
failure to provide these opportunities will see police authorities become increasingly irrelevant to people's everyday experience of policing.

One of the challenges for police authorities is to ensure that they are not seen as the mouth piece of the police service simply justifying and informing the community of what the police are doing (Day & Klein, 1987; Marshall, 1978; Reiner, 2000). The other challenge for police authorities is that local people do not know – in sufficient number - that police authorities exist and therefore do not see themselves as having the opportunity to influence local policing through the police authority. This problem is further augmented by the fact that police authority members see the police authority as having minimal power.

Participation through consultation is therefore only meaningful if people's views can be seen to make a difference and to influence the development of policy. The litmus test of inclusion is therefore not only evidenced through participation, but in order to be viable, it must do more than simply getting people to talk, 'people must decide and do things' (McHugh & Parvin, 2005: 22). In addition to a rigorous process, what is needed is a sense and expectation that change may ensue from one's participation (Hoban, 1994; Parekh, 2000; Coleman, 2005).

In addition to the possibility of change, the question of intent is also important in establishing the nature and the relevancy of participation. Those being asked to participate will inevitably form a judgment as to whether they
think the intention is primarily to enhance the validity of a process without there being any real chance of affecting the final decision (Hoban, 2004), or whether the intent is to demonstrate that participation is important in affecting the decision making process and even the final decision/s. In order for there to be any possibility of change, there must be knowledge of police authorities and an awareness of the work that they are charged with undertaking.

Awareness of police authorities

As demonstrated by the results in chapter six, the majority of police authority members believed that local people knew very little about their police authority. Staffordshire Police Authority’s independent member Leigh Gothard explained that whilst the lack of awareness of the police authority could be concerning, realistically, even though Staffordshire Police Authority was making stringent attempts to inform and consult with local people, it was difficult to say with any accuracy what level of knowledge there was of the police authority. In a sustained attempt to raise its profile, Staffordshire Police Authority produces a 6 monthly newspaper called ‘Safer Staffordshire’ which is delivered to every home and provides general information including the name of the Neighbourhood Officer, the Police Community Support Officer (PCSO), the Inspector and all the telephone numbers residents require in order to make contact with a person as opposed to a machine. This information is sent out jointly with the local police service. There is also a Crime and Disorder Reduction Partnership (CDRP) - in the Trent Valley - which involves the three district councils each publishing a monthly newsletter.
highlighting what the partnership of police service, fire service, primary care trust (PCT), the local business community and the council are doing. Leigh Gothard explained that 'even with all this activity only about 30% of people really knew about the police authority'. The anecdotal evidence from Mr Gothard coincides with the research findings of Jones and Newburn (1997), Myhill (2003) and Docking (2003) who all found little public awareness about police authorities and their roles.

The importance of police authority members establishing and developing local links and having local knowledge and contact is crucial if police authorities are to build trust. The Audit Commission (2003a) concluded that the notion of trust was based primarily on relationships, familiarity and experience and that people trusted individuals far more than organisations. The Commission concluded that public trust in the accountability structures of public organisations was driven by credible information, the existence of external watchdogs, personal contact and the degree of honesty and trustworthiness individuals had in these structures. The findings from this research leads me to conclude that police authorities need to do more to communicate what they are doing in terms of their governance and the arrangements for local policing. Secondly, the public needs to demand more from their police authority members – who are in fact their ambassadors. If police authorities continue to be ambivalent (see figure 6:12) on the question of whether or not they are doing enough to represent local interests it is difficult to see how police authorities will ever be truly effective or trusted. Lord Harris (Metropolitan Police Authority) speaks to this by asserting that the
citizen is happy to know that the police are being brought to account by some independent body even if they are not quite sure what that body is. This resonates with the findings of Dalgleish et. al. (2003:3) who found that when participants in their research learnt about police authorities the participants concluded that police authorities '...were necessary and useful, but only if they were effective.'

Part of the answer to the lack of wider awareness of police authorities may lie in the centralisation of policy-making powers. Lustgarten in The Governance of Police (1986) asserted that the centralisation of policy-making power, coupled with the increase in influence of central institutions had been at the expense of local accountability. Reiner (1992) argued that by the end of the 1980s the most important decisions about policing were taken by central bodies, in particular the Home Office. This is hardly surprising when one considers that many of the powers conferred on the police authority are only exercisable with the approval of the home secretary and are subject to changes by him/her.

On the question of whether the public was aware of the distinction between the police authority and the police service, 86 out of 105 members did not believe that the distinction was known. I agree with Lord Harris of the Metropolitan Police Authority that people will accept that there is some structure that holds the police to account. I will also accept that the consequence of a lack of awareness does not directly affect the police authority's ability to discharge its responsibilities because the efficiency and
effectiveness with which the police authority discharges these responsibilities will be judged in different ways. For example through, agreed performance indicators, monitoring systems, through internal and external assessments and against the local and national policing plans.

This research has uncovered that police authority members charged with this important responsibility have a low level of trust in their own abilities and the rigour with which they are representing the interests of the wider community. Police authorities can only be effective if members are confident in their own abilities, if they know what it is that they are doing, if they know what it is that they are supposed to do, if they have the confidence and sufficient tools to bring the chief constable/commissioner to account and if they know what questions to ask. I interviewed a Grade 5 civil servant who advised me that – with the exception of Sussex Police Authority – police authorities and in particular police authority clerks tended to be fearful of their chief constables/commissioners and they showed an alarming level of deference to them. Surprisingly, the Metropolitan Police Authority was one of those singled out as protesting that it was good at bringing its commissioner to account but in reality – with the exception of the debacle over the shooting of Jean Charles De Menezes in July 2005 - there was very little evidence of a challenging relationship. The civil servant went on to explain that where challenges did take place they occurred within very narrow and ‘almost’ agreed boundaries which could lead one to conclude that policing by consent was by prior arrangement between the police authority and the commissioner and not by the public. On the issue of knowing which questions to ask, according to Day
& Klein (1987), police authority members lacked sufficient knowledge and understanding resulting in them being unable to ask the right questions. This situation is made worse because members are unaware of their legal powers which invariably renders them relatively powerless and unable to exert real influence or control. In response to this, I draw on the answer given by Rachael Whittaker (Magistrate Member of the Metropolitan Police Authority) who explained that police authority members had to research and like good journalists they had to follow and investigate issues. In so doing, police authority members would be supporting and enhancing the rigour of the police authority and bolstering its ability to bring the police service to account. This runs slightly counter to Day and Klein (1987) because they argued that in order to be effective, police authorities needed to firstly understand the legal parameters of their powers. However, this research has shown that a full understanding of the legal parameters of their powers may in fact have very little direct impact on the ability of the police authority to bring the police to account. What police authority members like Rachael Whittaker have argued is that what is needed is an inquisitive mind and the ability to investigate.

Measuring the impact of police authorities

In seeking to identify the impact and the degree of change that police authorities have had on the police service, it is useful to set the historical context. In chapter 4, I discussed the various difficulties experienced in implementing the Police Act 1964 which included that police authorities had no powers to instruct chief constables to change any policies set out in their
reports to the police authority. Lustgarten (1986) saw this as unsatisfactory and argued that the dependence of police authorities on their chief constables/commissioners for information was likely to stymie the authority’s ability to offer effective, objective oversight and criticism. Whilst it cannot be denied that police authorities are indeed reliant on the chief constable for information, it is important to note that police authorities do have the powers to call the police service to account firstly, through the appointed members, secondly, through the diligence and effective support of the police authority secretariat and finally, through the police authority responding to the concerns of local people. Whilst acknowledging that the police authority was dependent on the chief constable/commissioner for information, Rachael Whittaker (Metropolitan Police Authority Member) explained that this relationship was not unique to police authorities and indeed local authorities and all other public bodies were just as dependent on their chief executives. As articulated by the senior civil servant that I interviewed, this dependency should not be based on a subservient relationship but on a relationship of mutual benefit and it should not prevent the police authority from having an impact on the work of the police service.

As I discussed in chapter 6, there are a number of specific areas where it can be claimed that the police authority has had an impact on the police service including the management of the police budget to the introduction of regular monthly public meetings where the chief constable and other senior officers report to the police authority. There is also a greater level of accountability which according to Lord Harris of Haringey (former chair of the
Metropolitan Police Authority) has seen the Metropolitan Police Authority (MPS) authority become more open, transparent and accepting of the concept of accountability. Lord Harris added that there was much more financial discipline along with governance improvements. According to Richard Barnes (Greater London Authority Member of the MPA) there is increased financial scrutiny and financial oversight. In the area of policing, Lord Harris sees 'a turn round in the moral direction ... [and a] ... closer relationship with the public... it is no longer an us and them relationship'. He explained that the police appreciated the added value of employing individuals who spoke second languages, had secondary qualifications and specific areas of knowledge that hitherto had been in short supply. Other notable things which have impacted on the police service as a result of the police authority have been the introduction of police community support officers, the increase in ethnic minority officers and the readiness of the police service to confront difficult issues like stop and search.

Whilst the extent of the direct impact of police authorities on the police service is debatable, what is clear, is that many of the examples cited above have come about as a result of the overall public duty that public bodies must adhere to in order to ensure that their provision meets the needs of the whole community. Much of these developments are supported, enhanced and augmented by statutory tools, such as Acts of Parliament (Race Relations Amendment Act 2000, Disability and Discrimination Act 2005) and the duty on public bodies to produce local and regional strategies which highlight how deprivation, worklessness and crime will be addressed. Even though the
direct impact of police authorities on police services is the subject of much debate, what we have is an important insight into the pivotal role police authorities - as the ‘third leg’ of the tripartite system - can play in encouraging police services to move forward on a plethora of issues. It cannot be asserted however, that these examples in themselves are sufficient tests of the robustness of the impact of police authorities on the police service, because at most they can only be said to be contributory factors.

Metropolitan Police Authority member Karim Murji sees the potential difference that police authorities are able to make as being embedded within the remit of their various committees. He explained that each police authority committee has a work programme, a set of objectives and a structure to address the issues that arise. For example, the Professional Standards Committee (PSC) has a remit to monitor and ensure that the police service is performing well and ensuring that complaints are dealt with professionally. With the Planning and Performance Committee (PPC), Mr Murji states that there is a robust regime to consider and monitor performance against the policing plan targets and any performance indicators set locally or by external organisations. However, to simply rely on and have faith in the structure and its processes as sufficient evidence of the impact of police authorities – as Mr. Murji does – is I think naïve and reflects a blinkered approach to understanding the nature of society, human interaction and the interaction between individuals and institutions. The structures, procedures and processes in which Mr Murji has confidence are a road map to assist in achieving influence, accountability and an effective police service for the area.
Having systems, processes and procedures does not automatically result in effective implementation.

The tripartite system

Of the 94 respondents answering the question on the relevancy of the tripartite system, 81 agreed that it was still relevant (Fig.6:6). Karim Murji (Independent member of the Metropolitan Police Authority) explained that the three legs (of the tripartite system) were unequal and had always been so. He added that the relationship had in reality been a bipartite one between chief constables and the home office with the home office being the dominant player. In chapter 3 and 6 I discussed Twine (1994) and I outlined his thesis that there where three supportive pillars in any structure with each pillar playing a pivotal role in ensuring that there was equilibrium and stability within the whole. If the tripartite system operates in a bipartite way, as described by Karim Murji or if the role of the police authority is diminished (Jones and Newburn, 1994: Loveday, 2005: Reiner, 1992) a structural problem arises which potentially challenges the stability of the whole, particularly where the third pillar – in this case the police authority - plays a scrutiny role, whilst it has an accountability function and legal duties around community cohesion.

The error that social scientists, policy advisers and civil servants make is that they fail to grasp the concept that the tripartite system was never based on equality of input, output (policies, procedures, directives) or outcomes (implementation results, and the exercise of power) between its members. In
fact, the tripartite system is and has always been hierarchical. At its optimum, the police authority is a proactive, innovative and dynamic institution, supported by knowledgeable members who in turn are supported by a robust secretariat. At its minimum police authorities can be seen as functionally procedural institutions in so far as they work within the strictures which the other two members of the tripartite system permit them to work within. After conducting these interviews and securing a 14% response to the questionnaires, it is still unclear where police authority members see police authorities on the scale ranging from dynamism to functionally procedural.

Figure 7:2

Is the ability to impose punitive measures important for accountability?

![Bar Chart]

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The predominant feeling amongst the police authority members that participated in this research is that the police authority is the least powerful body within the tripartite system and when viewed alongside the Her Majesty's Treasury HMT), the authority is even less powerful (Fig.6:3). Whilst 67 out of 110 questionnaire responses (Fig.7:2) affirmed that punitive measures were
an important tool in the armoury of the police authority, the views of those I interviewed showed that members believed that even though the police authority was the least powerful member of the tripartite system, members preferred to achieve change through influence rather than coercion. Notwithstanding this reticence to apply sanctions, police authority members should not underestimated the usefulness of imposing sanctions because as explained by Day and Klein (1987) the ability to use punitive measures is crucial if the police authority is to mean anything. During my interview with a Grade 5 civil servant, the civil servant rhetorically questioned why it was that no police authority had ever dismissed a chief constable. The civil servant explained that a chief constable had never been dismissed because whilst police authorities are the legal employers of the chief constable, police authorities are very much aware that they are at the mercy of the home secretary whose permission must be sought before such an action can be taken. The real question therefore is whether previous Home Secretaries have thwarted the wish of police authorities to dismiss chief constables. If the answer is yes, then it not only reinforces but it underscores the argument that the police authority can only act in so far as a chief constable and particularly the home secretary permits it to.

This is therefore not simply about whether or not police authorities have the appropriate power or tools at their disposal, but it is about the ability and inclination of each police authority to utilise the tools it does have at its disposal. I liken the situation of police authorities to placing a Porsche engine in the body of a Robin Reliant. You will - in theory - have a very powerful
vehicle. However, in reality, the vehicle would be unsafe and unable to withstand the thrust and power from the performance Porsche engine, rendering it almost unusable.

Having the power and the ability to impose a decision or solicit an action in itself is not sufficient to ensure that an institution’s services and policies are effectively and successfully implemented. The real questions are whether the police authority has sufficient power, whether the home secretary and chief constable have too much power, and about the police authority’s propensity to demand answers and call the police service to account. A significant portion of being able and confident enough to do this will depend on the police authority members understanding the countervailing forces and the plurality of interests that is brought to bear and affect the issues of the day. As history shows, it is possible to have a police service carrying out policing functions in the absence of a police authority performing a scrutiny function; but it would be impossible to have a police authority without a police service. This latter point raises questions about the added value along with the importance and relevance of police authorities. Underlining these points are also questions about the independence of police authorities and the degree to which they are willing to be the critical friend to their respective police services. If police authorities are unable or unwilling to make their presence felt, they will increasingly be seen as bringing nothing new and merely espousing and justifying the existing position of their police service.
The police authority's role is to scrutinise the police service and to ensure that there is an efficient service for its area. However, with members feeling that the police authority is relatively powerless within the tripartite system, it is legitimate to ask whether police authorities effectively scrutinise their police services. Finally, it is worth considering whether instead of police authorities increasing accountability, they may be bringing a greater degree of transparency to the work of the police service (Fig.7:3).

Accountability

Stewart (1984) provided a useful insight into the nature of accountability by highlighting a five-fold hierarchy or ladder. At the lowest level he suggested that the focus of accountability might have some basic considerations such as whether the police budget was being spent as agreed or whether activities were lawful: this he termed Probity or Legal Accountability. At the next level there was Process Accountability which was primarily concerned with whether the systems and processes were adequate for the task(s) - whether there was adequate training to ensure that a competent service could be provided. Performance Accountability was the next level and was concerned with how well tasks were being carried out and how well performance compared against targets. The penultimate level is Programme Accountability which looks at the extent to which the overall intended impacts - in the public domain - are being achieved. The final and highest level on Stewart's ladder is Policy Accountability. This level speaks to the question of whether the most important and pressing issues are being
addressed; for example, whether more attention should be directed at crime prevention or crime detection. These two final levels are where I see that police authorities can exercise significant power, influence and leverage by ensuring that the police service evaluates and directs its resources appropriately. Stewart (1984) drew a further distinction between Managerial Accountability which he saw as more internally focused and the more externally orientated Public Accountability which played an important role in Policy Accountability.

Figure 7:3

Do you see a distinction between accountability and transparency?

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My research has shown that the dependence on the chief constable as referred to by Lustergarten (1986) is by no means absolute. The members who participated in this research believed that the police authority had marginally more control over final decision making than the chief constable (Fig.6:2). The reality however is that irrespective of what the respondents
believe, police authorities do not even have marginally more control over
decision making than their chief constable. Magistrate member (Metropolitan
Police Authority) Rachael Whittaker elaborated on this adding that whilst the
Metropolitan Police Authority was dependant on the commissioner, the
dependency had to be placed in context. She asserted that this potential
dependency could be mitigated by members knowing what questions to ask
and ensuring that they were well informed and read a lot.

Being accountable is not solely a matter of presenting reports and
financially accounting, but it involves power, authority, and ownership. Being
accountable is also an important tool to help stave off feelings of
disconnectedness and powerlessness (Day and Klein, 1987; Conger and
Kanungo, 1988; Mulgan, 2003; Gray et al. 1997). In chapter 5, I described
accountability as being more than a procedural construct because the notion
of accountability held within it a number of important elements including
having access, the ability to influence decisions, the opportunity for
'rectification' (Mulgan, 2003: 30) and the allocation and acknowledgement of
responsibility (Moore: 2000) which incidentally, are all valuable components of
having and exercising power. Being accountable is therefore much more than
providing access to information, it is also about those who are being called to
account being aware that if necessary they can be compelled to give an
explanation for the actions they have taken (Mulgan, 2003:30; Keohane,
2002: 479).
Accountability through performance

Lustgarten (1986) saw the inability of police authorities to instruct chief constables to change policies - outlined in their reports - as unsatisfactory and as having the potential to impact negatively on the police authority. Whilst police authorities could benefit from having increased power, one could equally argue that police authorities already have the necessary statutory tools, the basic structural framework, resources and relevant powers to enable them to perform their functions to a higher degree of effectiveness than they are currently doing. For example, police authorities are able to call the police service to account through the Policing Performance Assessment Framework (PPAF, the New User Satisfaction Measures, through the production of efficiency plans, the local and national policing plan, the Best Value performance programme and the very rigorous Activity Based Costing (ABC). The police authority is also able to investigate complaints against senior police officers, monitor overall complaints procedures and it has the mandate to appoint chief police officers.

Councillor member of Sussex Police Authority David Rogers (OBE) explained during our interview that in respect to specific crimes and community engagement, the police service was now much more performance driven than it had ever been. The former Home Secretary the Rt Hon Charles Clarke MP also explained during my interview with him that whilst car crime and burglary could be more easily measured through performance
management processes's he was of the opinion that violent crime and antisocial behaviour policing was subject to too much measuring.

Richard Barnes (Greater London Authority member of the Metropolitan Police Authority) proclaimed that; 'Performance measures are rubbish! ... They are over complicated, far too extensive and endeavour to define in legal terms the undefinable'. Whilst Mr Barnes sees little virtue in performance measures, his overall belief that they are too extensive may in fact be true, but his assertion that performance measures endeavour to define the undefinable is undermined when subjected to closer scrutiny. For example, in chapter 5 I discussed and concluded that performance measures were an important part of being accountable particularly through the responsibility on public bodies to ensure that money was spent as agreed and in accordance with laid down procedures (Stewart, 1984). There is also a necessity that the administrators and stewards (Pyper, 1996) of resources should be able to assess any gain that has been achieved as a result of particular levels of activity and be able to measure, justify and quantify the degree to which the resources have contributed to achieving the intended results (Flynn, 2002: 206). Whilst the process of measuring performance may be fraught with difficulties, these difficulties do not override the need for performance measuring, because unless we measure we will have no way of knowing the impact or the effect of measures (Millen, 2003: 39).

Notwithstanding the importance of performance measuring, Jones and Newburn (1997: 215) saw the potential for confusion being compounded by
constant measurements and they argued '...there are so many performance objectives, indicators and measures that the rational consumer ... would most likely be overwhelmed by the variety'.

Jones and Newburn go on to assert that with Her Majesty’s Inspectorate of Constabulary (HMIC), the Audit Commission, the Association of Chief Police Officers (ACPO), Key Performance Indicators (KPI), local Performance Indicators (PI) Public Service Agreements (PSA) there is a strong case for rationalising the amount of information produced.

In addition to the above observations, defining and correctly recording what is a crime is problematic. For example, there has been an increase in so-called hybrid offences where criminal sanctions are attached to breach of orders that are initially determined by civil processes (such as Anti Social Behaviour Orders). Now, the breach of such an order can attract a penalty of up to five years imprisonment (Holder and O'Cinneide, 2007: 135).

Farmer (1996: 27) wrote that ‘defining the scope of criminal law in substantive rather than formal or procedural ways is notoriously problematic because of the rapidly growing and shifting corpus of criminal law’. As I will discuss below, the Metropolitan Police Service’s inability to accurately record crimes has proved to be a problem which the Metropolitan Police Authority appears to be unable to rigorously address. Further research would need to be undertaken to explore whether the problem experienced by the Metropolitan Police Service in accurately recording crime also applies to other
police services and other police authorities in the way they have responded. However, what is clear is that with all the tools that the police authority has at its disposal, the success or failure of police authorities does not primarily rest on the need for new tools or on the need for more statutory instruments but it rests on the ability of members being studious enough to be effective instruments of accountability (Jones and Newburn, 1997). One interviewee remarked; ‘... the [Metropolitan] police were largely uncontrolled until the police authority came into being... [and]... the authority has dragged some of the secret processes of the police into the open’.

Richard Barnes (Metropolitan Police Authority) feared that in the quest for increased accountability we were looking at the wrong sort of accountability. Richard Barnes argued that the police authority ought to be accountable in terms of answerability and that this answerability must go down to the ward level because local people know what is going on, whose car has been stolen and whose house has been burgled. Being able to respond in this way was for Mr Barnes the true measure of answerability and by extension a broader level of accountability would follow. Jones and Newburn (1997) however, saw a broader restriction on police authorities which was that they were restricted because they were tied to explanatory modes of accountability rather than being able to call the police service to account by imposing actions or sanctions.

Police authorities do have opportunities to call the police service to account. In order to do so effectively, police authorities need to adopt the
position of being a ‘critical friend’ to the police service (Raine et. al, 2006: 28).
In February 2008 the Metropolitan Police Authority’s (MPA) report on ‘Crime Data Recording’ in the Metropolitan Police Service (MPS) was a damning indictment on the Metropolitan Police Service. The MPA’s two Scrutiny Chairs of the Scrutiny Panel, Karim Murji and Richard Sumray wrote in the foreword of the report that:

....accurate recording is vital to issues of public confidence. At a time when overall levels of crime in London are declining, concerns about violent crime and the fear of crime persist. If the police are to show real evidence of addressing public concern there must be trust that the figures recorded are accurate. In addition, accurate recording is an important process that can help to drive intelligence, tasking and performance improvements in the Metropolitan Police Service (MPS). Furthermore, accurate data recording is essential to enable the Metropolitan Police Authority (MPA) to effectively hold the MPS to account’ (MPA, 2008: 3).

The report clearly identified evidence of systemic failures in the workings of the MPS in its structures of supervision, its policies, processes and training and it identified conflicts of interests (MPA, 2008:15). The report finds were as follows;

*Structures and supervision*
Where structures and supervision were concerned the supervision of crime records was judged to be inadequate and there was inappropriate supervision. The Crime Recording Oversight Group (CROG) had become an executive, rather than an advisory board resulting in a lack of independence of CROG. Concern was expressed also that the reductions in external auditing could result in a further fall in data quality standards (MPA, 2008: 3).

Policy and processes

The report concluded that where policy and processes were concerned the MPS needed to prioritise the focus on data quality at a very basic level by ensuring that the correct address or house numbers were recorded (MPA, 2008: 3). This could only be done by Borough Operational Command Units (BOCU) and central Senior Management Teams (SMT) demonstrating their ongoing commitment to data accuracy and quality – by implication this means that there was a lack of commitment to data accuracy and quality in the MPS. Which as outlined in the previous page meant that the police authority was unable to effectively hold the police service to account (MPA 2008:3).

Training and resources

Concerns were raised that call handling targets focused on time to answer calls rather than on the quality of information relayed. The report recorded that interviewees felt that the quality and provision of training for
officers and staff was inadequate and the report noted that civilian staff required more training than officers in legal definitions and legislation.

*System failure and conflicts*

Probably the most disturbing aspect of the report was that it concluded that there was pressure being applied to Crime Management Unit (CMU) staff to achieve targets which then affected the accuracy of crime recording (MPA, 2008: 6). The wider implication of this systematic inaccurate recording of crime data is that it affected the ability of the police to tackle crime effectively and it provided an incomplete picture of what was occurring potentially leading to police officers and public safety being compromised.

As a result of the findings the Metropolitan Police Authority noted that:

'...work has already been carried out to address some of the crime recording and data accuracy problems .... The MPA is also pleased to note that, following the production of the initial draft report .... the MPS has already submitted a preliminary plan of action. This plan addresses many of the issues raised in the report ...[but]... should be further developed to include timetables and resource implications to allow its progress to be monitored by the MPA' (MPA, 2008: 4).

However, the Audit Commission (2007c) found that there was no evidence of effective scrutiny of the action plan arising from their audit. The
Audit Commission also identified that the MPA needed to develop a more proactive approach as there was little evidence of members defining the police authority’s expectations concerning data quality.

As far back as 2003 the Audit Commission’s report (The Way Forward) focused on the National Standard for Incident Recording (NSIR) which was introduced to increase accuracy and consistency around non-crime incident recording\(^1\). The Commission found that the national average for compliance to the incident recording standard was 79% but the MPS had below the average compliance at 69%. The MPS also had the highest error rate in the ‘NSIR sub component category’ of any police service at 42% whilst nationally the error rate was 29% (Audit Commission: 2003).

The Audit Commission (2007c) also found little evidence of supervisory intervention in amending incident closure codes despite supervision procedures being in place at both Central Communications Command Centres and Integrated Borough Operations (IBO). In addition, a large proportion of Anti-Social behaviour (ASB) incidents which were passed to Safer Neighbourhoods teams were closed with little evidence of mechanisms being in place to ensure that incidents were appropriately deployed and resolved (MPA, 2008: 13).

It is quite startling that the above failings of the MPS have not led to an internal inquiry led by the Metropolitan Police Authority. Questions also ought

\(^1\) NSIR data informs Statutory Performance Indicators (SPIs), Key Performance Indicators (KPIs) and contributes to Assessments of Policing and Community Safety (APACS).
to be asked about the role, responsibility and the effectiveness of HMIC to inspect the police service in England and Wales and to ensure that police authorities are effectively fulfilling their statutory duties.

The budgetary powers of the police authority

There are a number of obvious reasons why police authority members ought to understand their budgetary powers; firstly, the police authority holds the budget for policing in its area, secondly, the police authority decides on the allocation of funds to the police service, and thirdly, the police authority along with Her Majesty's Inspectorate of Constabulary (HMIC) has the power to withhold the certificate of efficiency and by extension to withhold funding to the police service (Jones and Newburn, 1997). Given the magnitude of errors and the potential catastrophic effects that could arise, and have arisen with the MPS data recording there is prima facie evidence that the MPA could have withhold the certificate of efficiency from the MPS.

Quite apart from the police authority's power and its legal right to withhold a certificate of efficiency, there is another consideration which the police authority would need to explore, and it is this. If a police authority decides to withhold the certificate of efficiency from a police service, in addition to the huge political implications of this action the police authority would itself be defaulting on its primary duty to provide an effective police service. Secondly, taking this action would present a direct challenge to the authority of the chief constable and if the home secretary supported the chief
constable the decision would also be a direct challenge to the Home Secretary.

In reality, the power to withhold a certificate of efficiency is effectively unenforceable, not only because the police authority would find itself in breach of section 4.1 of the Police Act 1964, but it is unenforceable on a practical level because although the Police Act 1964 established the tripartite system and gave equal powers to each of the three members within it, in reality, the Police Act 1964 was weighted against police authorities and in favour of chief constables (Reiner, 1993; Loveday, 2005). As a direct result of the inconsistencies within the act (see chapter 4) the nature of the tripartite system relationship is seen as intentionally confusing and ambiguous (Jones, Newburn and Smith, 1994: 27). Notwithstanding these real or perceived difficulties it would have been a significant gesture if – in this case – the MPA had taken decisive action by refusing to issue the MPS with a certificate of efficiency. Unfortunately however, confusion has persisted between the members of the tripartite system because there is a lack of clarity around the convergence and divergence of the roles and responsibilities of the tripartite members and there is also ambiguity around operational and strategic policing. Firstly, Perry Nove (former Commissioner City of London Police) saw no real distinction between operational and strategic policing because he saw all decisions moving from being strategic to operational. During the interview he argued that this is not a zero sum game, because strategic planning and oversight does not endemically inhibit or run counter to operational considerations and operational planning and considerations do not negate the
value or input of strategic oversight. Decisions are interrelated and simultaneously impact on operational and strategic policing.

In light of the findings of this research, it is reasonable to expect that the relationship between the members of the tripartite system can be made much clearer. An important step towards realising this would be if the Pattern recommendations – in particular recommendation 23 - were applied to England and Wales. Recommendations 22 and 23 of the Patten Report called for;

‘...the provisions of the Police [Northern Ireland] Act 1998 to be simplified so that the respective roles of the Secretary of State (or successor), the Policing Board and the Chief constable are clear’ (Patten Report, 1999: 6.16)

In addition, recommendation 23 called for the repealing of provisions in section 39 of the Police [Northern Ireland] Act 1998 that the Secretary of State may issue guidance to the police as to the exercise of their functions. (Report, 1999: 6.18).

**Implications for policy and practice: Social contract and participation**

My research has shown that police authority members acknowledge that they ought to do more to represent their varied audiences. I have shown that police authority members see the police authority as subservient.
Respondents to this research acknowledged and were aware that police authorities were only able to act with the permission of the home secretary and the chief constable. There was also a feeling that police authorities were relatively impotent which was in part evidenced by the reluctance of police authorities to dismiss their chief constables. The underlying issues which these speak to include the question of what - if any - benefit can be derived by encouraging the citizen to engage and what is the added value of wider participation and involvement. I concur with Down's (1957) argument that there is little evidence of real incentives on offer. Even if there were a glimmer of hope that benefits could be accrued by increased participation, the fact that police authority members are questioning the benefit of their own work raises significant questions about the collective ability of police authorities to be a catalyst for change or improvement.

In relation to the citizen, what does all this mean for the work, the role and the responsibility of police authorities? The White Paper: *Building Communities, Beating Crime* (Home Office, 2004) and the initial consultation Paper *Policing: Building Safer Communities Together* (Home Office, 2003) signalled the degree of importance that the government (Home Office) placed on consultation and community engagement. The plethora of initiatives across the public sector around consultation and community engagement reveals two things; firstly that there is an understanding that a one-size-fits-all approach to engagement does not work and secondly, that these and other initiatives can be seen as an attempt at realigning and rejuvenating the social contract between the state, its institutions and the individual. In chapter 3, I first
introduced the theme of the social contract through the works of Hobbes (1980), Locke (1978) and Rousseau (1987). Hobbes believed that at its core the human driving force was fundamentally selfish and geared towards acquiring resources that benefited themselves to the exclusion of others.

Building on from the social contract approach, the evidence from this research clearly suggests that there are three things that we the citizen and our institutions need.

Firstly, as individuals, we would collectively benefit from a greater understanding of the social contract and the embodiment of that contract between ourselves and our institutions.

Secondly, this relationship will only be effective and productive if there is confidence and trust that those institutions will work on our behalf. The absence of these two elements will, - as social contract theorists argue - leave us in a state of perpetual confusion with our institutions willing us to participate by devising new themes, mechanisms and structures for our participation whilst the citizen sits and watches the constant flow of initiatives without being stirred to increase their overall participation and preferring instead to disengage.

The third thing that is needed is for police authorities to realise that in addition to their statutory responsibilities to provide an adequate police service for their area, they have the responsibility to effectively reach out to
local people, to be accountable to them and to represent them.

When the citizen is called upon to engage and participate there is also an expectation from the citizen that with their involvement will result in change (Olson, 1965; Downs, 1957). If however, police authorities are unable to exert sufficient influence on the police service and on the members of the tripartite system, it is highly questionable whether the citizen can reasonably expect to see change as a result of their participation. More significantly, two issues arise; firstly, a question hangs over the usefulness and relevance of police authorities - in their current form. Secondly, the Association of Police Authorities which is the body that represents all police authorities ought to be an influential partner: however questions have been asked about the quality and the ability of its senior management team about whether they are able to speak authoritatively on behalf of police authorities. So far there is little evidence to suggest that the APA is playing an effective role.

Accountability

Having the ability and the necessary powers to call the police service to account is significant tool in the armoury of the police authority. However, the lack of evidence of police authorities effectively holding police authorities to account raises questions about the continuing legitimacy of their mandate (Raine et al, 2006: 9). In order to effectively bring the police service to account the police authority's role needs to be unambiguous and the mechanisms through which that accountability can be realised should be clearly defined
and understood. According to Bob Jones, (Chair of the Association of Police Authorities) due to the support police authority members receive from civil staff, police authority members are much more effective than they had previously been in bringing the police service to account. Anecdotal evidence that I have received throughout this research has clearly pointed to the fact that the functionality and effectiveness of police authorities is connected to the size of their secretariat. I clearly understand that police authorities like Avon and Somerset, Humberside and Wiltshire may not necessarily need the same number of support staff as larger police authorities such as the West Midlands Police Authority or the Metropolitan Police Authority, however, police authorities could benefit from agreeing the types of staff and minimum numbers of support staff required to enable smaller police authorities to function more effectively and consistently.

The power to demand or call another to account for their actions or omissions is central to accountability as it defines the relationship between actors and clarifies who owes a duty to whom (Day and Klein, 1987). According to Fetterman (1996: 212) accountability provides an explanation for decisions, actions, and their consequences whilst transparency is about providing information and clarity of processes. It is highly probable that rather than increasing the accountability of the police service and the chief constable, police authorities are bringing increased transparency to their actions. As described by Bob Jones (Chair of the Association of Police Authorities) '... the onus is on the police authority to ask rather than the police
service to tell." As I discuss later in this chapter this emphasis needs to change.

Competing agendas

The conflict between national and local policing priorities presents a conundrum when trying to establish who controls the police, who has greater influence over them and who the police see themselves as being answerable to.

As previously discussed, the perceptible shift of power away from police authorities in favour of the home office and chief constables does not automatically mean that police authorities are unable to discharge their responsibilities. What it does mean however is that police authorities are somewhat restricted and constrained due to uncertainty about their remit and their position in the tripartite system. As previously discussed, chief constables can appeal directly to the home secretary and refuse to amend or to elaborate on a report that they present to their police authority. This leverage can directly undermine and inhibit the scrutiny function of the police authority. The possibility of chief constables to circumvent their police authorities in this way should be limited because the chief constable should be responsive to the wishes of his employer - the police authority.

The citizen, having bequeathed responsibilities and powers to the state to aid the smooth and effective exchange of rights, responsibilities and
obligations, expects that there is a reciprocal and equitable relationship between himself and the institutions of the state. Not only is there an obligation on the citizen to live according to the agreed norms and values of society but there is also an obligation on the state and its institutions to support the conditions conducive to this through the work of the police service, the police authority and Her Majesty's Inspectorate of Constabulary (HMIC). The police authority members that took part in this research believed that citizens would increasingly engage if they felt represented. Like Lord Scarman (1986) I could find no evidence of there being any correlation between increased accountability and participation. However, is as Popper (1959) argued, evidence in and of itself can never actually guarantee that a theory is right only that the theory is right so far. Popper's theory of falsification not only embodies the principle that theories are always open to being refuted but also carries with it the idea that theories should be tested in circumstances where they are most likely to be refuted. Police authorities therefore need to test this by doing more to increase local participation. Police authorities should not strive primarily for increased public participation to prove that they are relevant, important or indeed as an indication of their popular appeal but they should strive to be increasingly rigorous and effective in representing local interests to the police; in representing the police to local people and in working with the police service to represent all positions to the Home Office.

Elock (1991: 162) describes a multi-directional layer of accountability upwards to politicians, outwards to professional colleagues and downwards to
the citizen. There may, for example, be disagreements and conflicts between the different layers and groupings. In order to ensure harmony, the police authority needs to set out clearly the terms and parameters of the engagement it is seeking because this clarity will ensure that there is openness, transparency and maturity around what can be achieved when engaging with the public directly or indirectly through voluntary and Third Sector organisations.

**Appointed or elected officials**

The former Conservative Party leader Rt Hon Michael Howard MP in his speech 'Respect for Others' in Manchester (February: 2005) suggested that increased accountability could be achieved by scrapping remote and unaccountable police authorities and replacing them with directly elected local police commissioners. Mr Howard insisted that elected commissioners would improve accountability and give the public a more direct say in the running of their local police forces and increase the citizen's influence over the type of policing and police priorities in their local areas. This was supported by the Conservative Party's manifesto in 2005;

'Chief constables will be accountable to police commissioners. Working together, police commissioners and chief constables will set local policing priorities. Local people will be able to hold them to account for their performance. London has a directly-elected Mayor and the Metropolitan Police Force has a unique national role. We will therefore
transfer the powers of the Metropolitan Police Authority to the Mayor. But the home secretary will retain the power to appoint the commissioner of the Met in consultation with the Mayor' (Conservative Party Manifesto, 2005: 5).

During my interview with – the now Shadow Home Secretary - Chris Grayling MP² he explained that the Conservative Party’s position was now more in favour of directly elected chairs of police authorities rather than elected police commissioners.

Given the inability of police authorities to influence, adequately represent the citizen, or to challenge the police, it would be easy to conclude that police authorities should be dissolved or like Rt Hon Michael Howard MP that they should have all their powers transferred to an elected mayor. Neither of these options is desirable because, transferring police authority powers to a mayor – as opposed to a Mayor chairing a police authority - would see power concentrated in too few hands and the legitimacy of a single official deciding and implementing policing policy would be questionable. There is also the other issue which is that policy would then become even more politically partisan as seen when the Mayor of London, Boris Johnson withdrew his support for the Commissioner of the Metropolitan Police Service resulting in the Commissioner - Sir Ian Blair tendering his resignation.

² Interviewed on 11th June 2008
The apparent ineffectiveness of police authorities does not necessarily mean that they are not currently fulfilling an important and valuable role. However, in order for police authorities to be more responsive to local issues, it would be entirely consistent for the position of police authority chair to be an elected one. The tripartite system of chief constable, home secretary and police authority - represented by an elected chairman - would appear more relevant because the strategic and operational decision making and the direction of policing locally would be decided by the police authority, headed by the elected chairman and the chief constable in consultation.

During my interview with Lord Harris (former chairman of the Metropolitan Police Authority) he explained that the electorate had a limited capacity to participate in elections and that it would be counter productive to hold separate elections for the chair of a police authority. I accept the logic of his argument and that the elected mayor should also be the chair of the police authority. This would ensure that the police authority had an increased profile locally and in conjunction with the statutory responsibility that I think ought to be placed on the police service - to consult with the police authority - the police authority would be an indelible fixture of local accountable policing.

This is by no means the panacea and there would need to be checks and balances in place to prevent unintended consequences becoming acceptable norms. For example, in London it would be easy to conclude that if the elected mayor was also the chair of the police authority then the Metropolitan Police Authority could be subsumed into the Greater London
Assembly (GLA): this is not desirable and I would not recommend that this happens.

Rebalancing the relationship

Whilst police authorities have a statutory responsibility to consult with the public in order to determine annual local policing priorities, there is no similar responsibility placed on the police service to consult with police authorities. A statutory responsibility should be placed on the police service that it must consult with its police authority. Bob Jones (Chair of the APA) explained that police authorities have a statutory right to ask the chief constable to report on any issue, however, the onus was on police authorities to ask questions rather than the police service to tell; a statutory responsibility reversing this and placing the onus on the police service would begin to address this imbalance. This is a wish but power inevitably clusters at the top; we therefore need strengthen all of our institutions.

Police authorities can also influence the national policy agenda through their representative body the, Association of Police Authorities (APA). In 2006 the APA’s joint report with ACPO on the Comprehensive Spending Review (CSR) provided a positive picture of the APA and ACPO working together and calling on the government to acknowledge and address the funding gap which arose as a result of the Comprehensive Spending Review. The APA has had other notable successes, for example, its response to the Home Affairs Committee inquiry into police reform and the subsequent Police Reform Act
2002 and the visible role played by the Chairman of the APA (Bob Jones) in resisting the proposed police mergers. However according to a number of interviewees the secretariat of the APA needs to be more robust, dynamic and confident in leading the policy debate on policing and in influencing the direction of travel of policy now and into the future. One area that the Association of Police Authorities could begin looking at is staffing. For police authorities to efficiently discharge their responsibilities there needs to be guidance and an acceptance – which is supported by funding – that a minimum level of secretariat support is required for all police authorities. The onus is therefore on the APA to argue this case on behalf of police authorities.

Responses to questions and other comments from my in-depth interviews have clearly shown that police authority members recognise gaps in their training. It therefore appears to be a sensible course of action for the APA to lobby for increased funds to support more training. I would also suggest that members of the tripartite system ought to revisit the time commitment required from members and the remuneration paid. The increasing demand on the time of police authority members makes it extremely difficult for members to serve the authority whilst undertaking other work. This can also serve as a disincentive to those who are able to offer much needed expertise on police authorities.

What is clear is that police authority members are pragmatic and they are aware that their scope of effectively holding the police to account is potentially restricted by the resource and time implications that go along with
the terms of their appointment. Police authorities need to increase their effectiveness by attracting people with a wider pool of knowledge. In particular there is a deficit of members with professional business and financial expertise to augment and broaden the knowledge base of the police authority. The question is how fast and how far will police authorities go to ensure that irrespective of the wider level of participation that they are effective and responsive. At the end of the day active citizenry is not a precondition for an effective police service.

In conclusion, the evidence from my interviews, questionnaires and desktop research show that whilst the functions and the responsibilities of police authorities are important, the current structure and arrangement has resulted in police authorities being seen as not fit for purpose. Any proposed changes must ensure that even if they do not directly increase democracy, they increase accountability by reconnecting the citizen with policing.

Finally, Police authority members are pragmatic and aware that their scope of effectively holding the police to account is potentially restricted by the resource and time implications that go along with the terms of their appointment. Police authorities need to increase their effectiveness by attracting people with a wider pool of knowledge. In particular their is a deficit of members with professional business and financial expertise to augment and broaden the knowledge base of the police authority. The question is how fast and how far will police authorities go in ensuring that we have a responsive police service irrespective of the wider level of participation. At the
end of the day active citizenry is not a precondition for an effective police service.

Implications for policy and practice

The Impact of police authorities

As stated earlier, due to the relatively small number of in-depth interviews and questionnaires the results from this research can only be said to be representative of the views and opinions of the participants. Whilst some generalisations can be made generalisations need to be treated with caution.

This research has identified specific areas where police authorities have impacted positively on the police service, for example;

1. The Metropolitan Police Service has implemented new up to date systems, procedures and processes for managing its budgets. As far as the Metropolitan Police Authority is concerned financial discipline has increased,

2. The regular attendance and questioning of chief constables, commissioners and senior officers at open public police authority meetings has improved transparency and the police service appears increasing accepting and comfortable with this type of accountability.
3. The moral direction of some police authorities had noticeably changed over time.

**The future of police authorities**

1. Even though most people do not know about police authorities I accept that wider knowledge of police authorities is not a prerequisite for police authorities being effective. Knowledge, however, is an important part of informing and building confidence within local areas therefore a lack of local awareness does raise questions about the effectiveness of police authorities to engage, to reach out and to be relevant to local people.

2. Police authority members conceded that the training they received was poor. Consequently, 39% of the members surveyed were unsure about how effective they were and what it was that they were really supposed to be doing. A total rethink and restructuring of the training programme for police authority members is urgently required.

3. Evidence from my in-depth interviews suggested that smaller police authorities conducted the majority of their business in full authority meetings and less in committees. On initial observation this appears to be a more open and transparent way of working, however, on further investigation these meetings were mainly concerned with the police authority’s own business as opposed to
the important business of bringing the police to account. Indeed as Jones and Newburn (1997) asserted, these authorities were preoccupied with managerial and organisational issues rather than the strategic policy issues governing local policing. Larger police authorities seemed much better at bringing the police service to account.

4. Although the question of the number and size of police forces – and by extension police authorities - was outside the scope of this research. In light of the above observation I would advise that we revisit the proposed merger originally presented by Rt Hon Charles Clarke MP and reviewed by Rt Hon John Reid MP. Reducing police forces from 43 to 12 or even 8 could help to reduce the sheer weight of pressure on smaller police authorities and also enable the Association of Police Authorities (APA) to focus more clearly on the needs of its members. This process however, should only be undertaken on the proviso that a clear allocation of resources is committed from the outset and that there is sufficient time for consultation and wide scale engagement.

Policing by consent

5. A police authority Clerk explained that ‘we should not lose sight of the fact that policing is primarily concerned with enforcing the law’. My view on this is that enforcing the law is best achieved by having due regard to 'Keeping the Kings Peace' which will ensure that
policing continues to be by consent. The emphasis is very important and therefore the police authority needs to ensure that policing is undertaken with these sentiments in mind.

6. If police authorities are fulfil their responsibility of bringing greater transparency and accountability to the police service. Their role needs to be clearly defined and understood. The Patten Review of Policing in Northern Ireland holds valuable lessons.

The Association of Police Authorities (APA)

7. Whilst there was almost unanimous praise for the Chair of the Association of Police Authorities (Cllr Bob Jones) a number of interviewees felt that the APA’s Senior Management Team was not effectively representing them. This situation was further compounded by the feeling that the APA was being pulled in 43 different directions.

8. One of the constraints on police authorities is that chief constables can appeal directly to the home secretary and refuse to amend or elaborate on reports that they present to the police authority. The leverage that this gives to chief constables could be used to undermine and potentially inhibit the scrutiny function of the police authority. The ability of chief constables to do this should be limited
and the chief constable should be responsive to the wishes of his employer - the police authority.

9. Police authority members need to be aware of the distinction between engagement, strategic oversight and accountability. For example; accountability occurs within a very clear legislative framework and even where police authorities have the relevant powers this research has identified that they appear unable or unwilling to exercise them (see Crime Data recording in the Metropolitan Police Service.

10. Although the findings from this research provides a snapshot of opinion and cannot be said to be widely representative, the distinction between Strategic and Operational policing appears to be overplayed. A former chief constable explained that all decisions were strategic before they became operational and the role and involvement of the police authority was crucial at all stages. A police authority clerk also explained that if their police authority became bogged down in the debate they would be forever trying to second guess everything they did.
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APPENDIX

Appendix 1

Structured Questionnaire to Police Authority Members

Please complete the questionnaire below.

Feel free to add additional comments

Your confidentiality and anonymity are assured as this questionnaire is not for publication only for inclusion in my PhD thesis.

1. Who is ultimately responsible for policing in your area?
   - Home office
   - Police service
   - Police authority
   - Other

2. Is the tripartite governance structure relevant today?
   - Yes
   - No
   - Unsure

3. Where does the balance of power reside in this structure?
   - Home office
   - Chief Constable
   - Police authority

4. Does the nature of the relationship allow the police authority to be proactive to events or reactive to them?

   Proactive
   - Yes
   - No
   - Unsure

   Reactive
   - Yes
   - No
   - Unsure

5. The position of the police authority in the tripartite system is;
   - Equal
   - Subservient
   - Different but complementary

6. Who is responsible for investigating complaints against senior police officers? Tick one or more boxes
   - Police Authority
   - Police Service
   - Home Office
7. Is this a reasonable or compatible area of responsibility given the police authority's strategic role?
- [ ] Yes
- [ ] No
- [ ] Unsure

8. Who do members represent? Tick one or more boxes
- [ ] Themselves
- [ ] Police Authority
- [ ] Police Service
- [ ] Residents in boroughs
- [ ] Home Office
- [ ] Other

9. Are members doing enough to ensure that they are representing the views of their constituents?
- [ ] Yes
- [ ] No
- [ ] Unsure

10. Do you think your police authority is doing enough to ensure that it is representing the views of its constituents?
- [ ] Yes
- [ ] No
- [ ] Unsure

11. Are people more likely to participate if they feel represented?
- [ ] Yes
- [ ] No
- [ ] Unsure
- [ ] Makes no Difference

12. Is there a noticeable change in the way the police service responds, reacts or acts as a result of the police authority involvement?
- [ ] Yes
- [ ] No
- [ ] Unsure

13. Do you think electing police authority chairs and members can be a useful part of strengthening the authority's accountability and independence?
- [ ] Yes
- [ ] No
- [ ] Unsure

14. Would elected Chief Constables improve accountability and give the public more of a direct say in the running of their local police forces?
15. Would it increase maintain or have no effect on accountability?
   - Yes
   - No
   - Unsure
   - Increase
   - Maintain
   - Reduce
   - No effect
   - Unsure

16. Are police authority members too sympathetic to the police?
   - Yes
   - No
   - Unsure

17. Is the police authority subservient to the police service?
   - Yes
   - No
   - Unsure

18. Do you benefit from regular training and briefing days?
   - Yes
   - No
   - Unsure

19. Is this level of training sufficient?
   - Yes
   - No
   - Unsure

20. Are you happy with the selection process for members?
   - Yes
   - No
   - Unsure

21. Would the process of electing members more democratic than the process of appointing members?
   - Yes
   - No
   - Unsure

22. In disputes who do you think has the final decision within the tripartite system?
   - Police Authority
   - Home Secretary
   - Chief Constable

23. Do you believe that the citizen has an obligation to participate in the consultation of the police authority?
24. Do you think the general public knows about police authorities?
   - Yes
   - No
   - Unsure

25. Do you think the public are aware of the distinction between the police service and police authority?
   - Yes
   - No
   - Unsure

26. Does the system of national policing plans and policing priorities contradict the sense of localism and ownership?
   - Yes
   - No
   - Unsure

27. How effective are Community Police Consultative Groups (CPCG) as a vehicle of consultation?
   - Very effective
   - Fairly effective
   - Hardly effective
   - Not effective

28. Do they attract a representative audience?
   - Yes
   - No
   - Unsure

29. Do you see a distinction between accountability and transparency?
   - Yes
   - No
   - Unsure

30. Is the ability to invoke punitive measures important for accountability?
   - Yes
   - No
   - Unsure

31. Is the police authority able to place the police service under effective scrutiny as a result of monitoring reviews?
   - Yes
   - No
   - Unsure
32. Should the police be told what to do or should the police authority be told what the police are doing?
☐ Told what to do
☐ Told what the police are doing
☐ Mixture of both
☐ Unsure

33. Do you feel confident that the police authority is able to bring the police to account?
☐ Yes
☐ No
☐ Unsure

34. Are you confident in your ability as an authority member?
☐ Yes
☐ No
☐ Unsure

35. What is the role of HMIC?
☐ Audit
☐ Quality
☐ Monitoring

36. Did ‘Closing the Gap’ reflect the general view of police authorities?
☐ Yes
☐ No
☐ Unsure

37. Were the proposed mergers the solution to the problems identified?
☐ Yes
☐ No
☐ Unsure

38. Is there an identified budget to assist the authority in delivering on the plan?
☐ Yes (how much)
☐ No (how much would you require)
☐ Unsure

Feel free to add any additional thoughts or comments you may have.

If you are willing to participate in a brief (20 min) interview please indicate by leaving your contact details below.
Semi-Structured interview schedule

Describe the tripartite system and how the police authority fits within it?

Probe about the other two partners

39. What are the primary responsibilities of the police authority?

40. Is the tripartite governance structure relevant today?

41. Where does the balance of power reside in this union?

42. Is the tripartite relationship ambiguous?

43. Does the police authority investigate complaints against police officers? PROBE if so what types?

44. Do you see this as a compatible area of responsibility for the police authority? Probe is it reasonable!

45. How are disagreements dealt with? PROMPT; In relation to budgets the police authority may have a particular view and the police service disagrees, how is this resolved?

46. What noticeable changes have the police authority brought about since its inception?

47. Who do members represent?

48. What difference if any does the public representation on police authorities make?

49. Does the police service respond and act differently as a result of the citizen's involvement? PROBE What about from ethnic minorities

50. Is there a noticeable change in the way the police service responds, reacts or acts as a result of the police authority involvement?

51. What is the key element of the police authority that defines its independence from the police service?

52. How else can the independence of the police authority be bolstered?

53. Would elected police authority members increase the independence of police authorities?

54. Would elect commissioners/Chief Constables improve accountability?

55. Is the police authority subservient to the police service?
56. What regular training and briefing days do members have? PROBE: Is this sufficient? Is it good training?

57. In your view what does the police authority mean to the local citizen? PROMPT Does the general public know much about police authorities

58. How frequently do you consult the citizen? PROMPT, can you do more?

59. What does the police authority do with the citizens' input?

60. The Police authority represents a cross cultural community: how does the members themselves reflect this. PROMPT has it found it necessary to react or re-position itself in response to the ethnically diverse community?

61. Locally are there any powerful groups that have an interest and participate with the police authority. Are there marginal groups that are not being heard?

62. Do you think the public is aware of the distinction between the police service and police authority?

63. How well do citizens respond to attempts to consult them?

64. Why do police authorities undertake 'Public Consultation'? PROMPT: How do they

65. How effective are CPCG's as a vehicle of public consultation? PROMPT are there other forms used apart from CPCG's

66. Do CPCG's attract a representative audience?

67. Do you measure citizen involvement? PROMPT How & why

68. How are the views of the public followed through, analysed or actioned?

69. Is there sufficient public access and influence within the tripartite system?

70. To what extent are the consultation processes of the police service and police authority joined?

71. What impact does the police authority have on the police?

72. Do you believe the work of the police authority is valued by the home office and police service?
73. When the Citizen's Charter was instituted in 1991, public services had to set out what they were trying to deliver. They had to say what they thought the taxpayers were entitled to receive for their money. Can a direct correlation be made between cost and delivery?

74. It was also decided that services should set their own targets, 'own' their charters, rather than have them imposed from outside. Do national policing plans conflict with local priorities?

75. For the police authority is there a distinction between accountability and transparency? PROMPT How is the police authority transparent in the way it works? PROMPT How is it accountable?

76. To whom is the police authority accountable?

77. Do reviews act as an effective method of accountability? PROMPT Give me an example of where this has happened?

78. Is it necessary to consider measuring in this way? PROMPT to previous question

79. Have the police authority ordered the police service to do anything?

80. To what extent do you rely on the police for data and information?

81. What specific power does the police authority have over the police?

82. In your view do you think there is a good range of skill sets amongst your authority members?

83. What was the process and type of consultation that you undertook on your previous policing plan?

84. Do the national policing plan and local policing plan complement each other?

85. What is the role of HMIC?

86. What powers of sanction does HMIC have over the police authority and police force?

The Local Government Act 1999 requires Police Authorities to produce a Best Value Performance Plan and undertake Best Value Reviews of its functions.

87. What types of best value reviews have you undertaken?

88. What did the review identify in terms of the aims and clarity of the authority's work?
89. Do you have an improvement plan?

90. Who is leading on it? Possible interview of the person

91. Is there an identified budget to deliver on the improvement plan? PROMPT if yes how much if no how much would be required?

92. How do you distinguish between operational and non-operational policing in the context of the independence of chief constables/commissioners?

93. What's your view of “closing the gap”?

94. How do the proposed mergers facilitate increased local involvement?

95. Who is ultimately responsible for policing?

96. Can I see documentation of the consultation process?

97. Can I have a copy of your best value reviews

Appendix 2

List of Interviewees

- **North Yorkshire Police Authority**
  Councillor: Potter 23rd October 2007

- **Nottingham Police Authority**
  David Dean

- **Llandudno Police Authority**
  Independent Member Mr. Drew, 23rd July 2007

- **Sussex Police Authority**
  Councillor Member David Rogers, 23rd July 2007

- **Former Home Secretary**
  Rt Hon Charles Clarke MP, 19th December 2006

- **Sussex Police Authority**
  Independent Member Mr. Laurie Bush, 27th July 2007

- **Former Chief Constable City of London Police**
  Perry Nove, 8th July 2008

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• Cumbria Police Authority:
  Councillor Member Michael Ash, 3\textsuperscript{rd} November 2007

• Staffordshire Police Authority:
  Independent Member Mr. Gothard 14\textsuperscript{th} December 2006

• Metropolitan Police Authority:
  Independent Member Cindy Butts 25\textsuperscript{th} January 2007

• Metropolitan Police Authority:
  Magistrate Member Rachael Whittaker 22\textsuperscript{nd} January 07

• Metropolitan Police Authority:
  Director Catherine Crawford 20\textsuperscript{th} November 2006

• Metropolitan Police Authority:
  Independent Member Karim Murji, 25\textsuperscript{th} January 2007

• Metropolitan Police Authority:
  Magistrate Member Richard Barnes, 20\textsuperscript{th} February 2006

• Metropolitan Police Authority:
  Independent Member Lord Harris 26\textsuperscript{th} February 2007

• North Yorkshire Police Authority:
  Councillor Member Greg White 19\textsuperscript{th} February 2008

• Dorset Police Authority:
  Councillor Member B.G Cooper 19\textsuperscript{th} February 2008

• Lancashire Police Authority:
  Councillor Gary Bell 19\textsuperscript{th} February 2008

• Gwent Police Authority:
  Councillor Member Colin Mann, 20\textsuperscript{th} February 2008

• Essex Police Authority:
  Councillor Member Robert Chambers 19\textsuperscript{th} February 2008

• Senior Civil Servant: Name withheld
  19\textsuperscript{th} January 2007

• Shadow Work and Pensions Secretary:
  Chris Grayling MP 11\textsuperscript{th} June 2008

• Association of Police Authorities
  Policy Officer Cat McIntyre 29\textsuperscript{th} February 2008
Appendix 3

Chronology of Acts

Statute of Winchester (1285)

Authority for local law-enforcement derived primarily from the Statute of Winchester (1285), which, although essentially a codification of much earlier measures, encompassed instructions on the communities’ obligations regarding the possession of weapons and maintenance of the king's peace. As a precaution against violent assaults, robberies and other unlawful acts, there were provisions concerning watch keeping. The statute specifically gave the power to constables and watchmen to arrest suspicious strangers, who were to be kept under guard until further investigation by the justices or, as was the norm by the fourteenth century, at gaol delivery. Two constables in each hundred (a subdivision of counties), who were responsible to the county keepers of the peace, were entrusted with the inspection of arms and on two occasions each year were to check that the watchmen were armed according to their competence. They held the titles of capitales constabularii et custodes pacis—"constable of hundreds and keepers of peace" (Adam and Stephens: 2005).
Justices of the Peace Act 1361

The title Justices of the Peace derives from 1361, in the reign of Edward III. An Act of 1327 had referred to "good and lawful men" to be appointed in every county in the land to "guard the Peace". Justices of the Peace still retain (and occasionally use) the power conferred or re-conferred on them in 1361 to bind over unruly persons "to be of good behaviour". The bind over is not a punishment, but a preventive measure, intended to ensure that people thought likely to offend will not do so.

For the following 600 years, and continuing today, Justices of the Peace have undertaken the greater part of the judicial work carried out in England and Wales on behalf of the Sovereign. For most of that time - until the invention of our modern system of local government in the 19th Century - JPs also administered the country at a local level. They fixed wages, built and controlled roads and bridges, and undertook to provide and supervise locally those services thought by the Monarch and by Parliament to be necessary for the welfare of the country (Her Majesty’s Court Service: 2005).

Improvement Act 1762

This act impacted on law and order by making provision for each town to levy a fee for local watching, lighting, paving and street cleaning. Through the Improvement Act 1762 more towns employed paid watch.
Birmingham Police Act 1839

The Birmingham Police Act 1839 took control of the police away from the council authorising the Home office to establish a force of around 250 constables with 50 officers to begin policing the streets, and a commissioner answerable to the Home office to manage the force.

Metropolitan Police Act 1839

The act established that the force was under the control of the Home Secretary. Metropolitan police officers received regular pay, which was not standard practice outside the Metropolitan police area. Also in London all former watchmen and constables were dismissed and new people were employed, however in other areas the same people were seen as a source of cheap labour and kept on.

Municipal Corporations Act 1835

Municipal Corporations Act 1835 removed the responsibility of police as improvement commissioners under the Improvement Act 1762 and broke the link where police were secured under the Lighting and Watching Act 1833. This meant that the role of the police was exclusively to keep the peace. The act empowered the watch committee to take preventative action to halt misuse, or abuse of the system coupled with the responsibility of it to
discharge any constable it felt jeopardised the office. It was a tool for rearranging the administration and management of councils with the requirement to establish a police force being only one aspect of it. The act initially only applied to the 178 boroughs in England and Wales that had been granted charters of self-government

County Police Act 1839

County Police Act 1839 gave justices of the peace the power to appoint a chief officer of police who would hold statutory office and only be dismissed at Quarter or General Sessions. The act also made all county forces subject to the rules concerning government pay, clothing and accoutrements of constables. Justices were empowered but not required to establish a force and there was no centralisation of police powers. The standing of the county chief constable was much greater than that of the borough chief and under this arrangement the chief constable was to an even higher degree under the authority of the Home office. Once in post the only power the justices had was that they could dismiss the chief constable. The chief constable had the power to appoint constables, promote, demote, fine, suspend or dismiss constables at will.

County and Borough Police Act 1856

Boroughs with populations of less than five thousand were not entitled to grants but in 1874 in order to adequately cover pay and clothing the
exchequer increased the funds to all police forces from a quarter to one half of their total requirement.

The act made it compulsory for all counties to establish a rural police force. The act also reinforced the power of the watch committee and the justices and introduced a provision for the central inspection of police forces, enabling the crown to appoint three inspectors of constabulary to assess the efficiency of all forces. The act made a grant available to forces that served a population of over five thousand and was seen by many as an incentive for smaller areas to merge. The bill also contained clauses which prevented the agreement from being broken once entered without the home secretary's consent and an order in council to impose an agreement on any reluctant council.

**Municipal Corporations Act 1877**

Municipal Corporations Act 1877 imposed the first compulsory check on the formation of new police forces by stipulating that a separate police force could not be established unless the population exceeded 20,000.

**The Local Government Act 1888**

The Local Government Act 1888 established the administrative pattern for policing, establishing county councils and under their aegis, standing joint
committees consisting of two thirds elected councilors and one third local magistrates to be the police authority.


The act made police authorities independent of local government and because combined, joint and single police authority structures were local government arrangements the 3 structures became obsolete. The act also substantially reduced the size of police authorities and the numbers of elected councillors on them and independent members were introduced to police authorities. Police authority membership as a result of the act consisted of 9 local councillors, 5 independent or appointee members and 3 magistrate members totalling 17 members. Some larger authorities had slightly more members; for example the Metropolitan Police Authority had 23 members which enabled it to more adequately represent London's size and make up.

Magistrates Court Act 1996

The provisions within the act are as follows

- Publish local policing plans (Section 8, Police Act 1996),
- Monitor performance measures, including collecting and publishing performance information
- Produce an efficiency plan
- Deliver Best Value,
- Consider the Constabulary's finance and resources, plan and decide the overall budget
- Investigate complaints against senior police officers and monitor overall complaints procedure
- Oversee the Custody Visitors Scheme and have an input into the appointment of authority members.
- Appointing Chief Police Officers.

The Police Act 1964

The *Police Act 1964* replaced the old system of watch committees and joint standing committees with a single system of police authorities. Watch committees had previously been composed entirely of councilors, whilst half of the members of the joint standing committees were magistrates. The new authorities consisted of two-thirds councilors and one-third magistrates with there being three basic forms of authority; the Single, the combined and the Joint police authority.

The 1964 *Police Act* set up the Tripartite system giving equal powers to each of the three partners.

The 1994 Police and Magistrates Act and the 1996 Police Act

The 1994 Police and Magistrates Act and the 1996 Police Act cut the size of police authorities from 35 members to 17, got rid of direct elections to
the authorities and transferred control over police budgets from the police authority to chief constables.

Appendix 4

Terms and definitions that I have developed

1. **Route to progress** refers to the transparent channels and opportunities available to individuals and communities to improve their positions and attain success. It denotes available routes reflected in the structures, policies and conduct of the political, social and economic system.

2. **Cross-cultural symbioses**; the unavoidable cross fertilisation of ideas, terms, experiences, religions, idioms and practices which enter a particular dominant culture and become inextricably linked to it and over time being incapable of separation.

3. **Enhanced Cultural Cohesion (ECC)**. ‘Cross-cultural symbioses can lead to ECC. FI + OP + HB = ECC. Enabling a feeling of inclusion (FI) + an opportunity for participation (OP) + a greater sense of being heard and belonging (HB) = Enhanced Cultural Cohesion (ECC).

4. **Involuntary principle of participation** we participate involuntarily by the intrusion of the media and the outside world into our homes and private space,
5. Functionally procedural institution responsibilities and duties can only be performed by them in so far as other parties permit it to function. What it then does is provides a functional service which is functional.

Appendix 5

Crime Data Recording Scrutiny report update.
## ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>APA</td>
<td>Association of Police Authorities</td>
</tr>
<tr>
<td>ACPO</td>
<td>Association of Chief Police Officers</td>
</tr>
<tr>
<td>PACE</td>
<td>Police and Criminal Evidence Act</td>
</tr>
<tr>
<td>CPCG</td>
<td>Community Police Consultative Group</td>
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<tr>
<td>PCCG</td>
<td>Police Community Consultative Groups</td>
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<td>CDRP</td>
<td>Crime Disorder Reduction Partnerships, ...</td>
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<td>Independent Custody Visiting</td>
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<td>Local Strategic Partnership</td>
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<td>RDA</td>
<td>Regional Development Agencies</td>
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<td>GO</td>
<td>Government Offices</td>
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<tr>
<td>LSC</td>
<td>Learning and Skills Councils (CDRP)</td>
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<td>British Transport Police Authority</td>
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<td>Department for Environment Food and Rural affairs</td>
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<td>Local Area Agreements</td>
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<td>British Medical Association</td>
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<td>FSA</td>
<td>Financial Services Authority</td>
</tr>
<tr>
<td>FI</td>
<td>Feeling of Inclusion</td>
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<td>OP</td>
<td>Opportunity for Participation</td>
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<td>HB</td>
<td>Heard and Belonging</td>
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<tr>
<td>ECC</td>
<td>Enhanced Cultural Cohesion</td>
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<td>Her Majesty's Inspector of Constabulary</td>
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<td>Government Association</td>
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