

## **Appendix A - Giving Police and Crime Commissioners greater powers of competence – Government consultation**

October 2021

### **1. About the Local Government Association (LGA)**

The Local Government Association (LGA) is the national voice of local government, and our members include councils and fire and rescue authorities. We work with our members to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils, so they are able to deliver local solutions to national problems.

This submission contains the response of the LGA's Fire Services Management Committee and its Safer and Stronger Communities Board.

### **2. Greater powers of competence and their benefits**

A number of our member authorities shared their views with us as a part of this consultation. The majority of these member authorities supported providing Police and Crime Commissioners (PCCs) with greater powers of competence to enhance their ability to tackle crime as well as drive efficiencies. There was support for the view that there should be a common model of powers of competence between PCCs, Fire and Rescue Authorities and Mayoral Combined Authorities.

However there was no consensus on whether PCCs should be given wider functional powers or the general powers of competence held by local authorities. In the LGA's view it is clear that either option would give Police and Crime Commissioners greater powers in their ability to take forwards work and have greater freedom to deal with crime, and these points were seen as positive by our member authorities.

Local authorities identified a range of benefits from granting PCCs wider powers of competence. These included greater clarity about what a PCC can and cannot do, the provision of consistency for Police, Fire and Crime Commissioners (PFCCs) across their police and fire roles, an enhanced ability to collaborate with local partners to respond to local issues, greater ability to commission services such as those focused on prevention and early intervention thereby reducing the numbers of people becoming involved in criminal activity, as well as the ability to work more innovatively, efficiently and effectively.

### **3. Risks associated with giving PCCs greater powers of competence**

As well as recognising the benefits in giving PCCs greater powers of competence local authorities were aware of a number of risks in doing so.

In particular they highlighted the different governance structures between councils and PCCs, which mean the decision to use councils' general powers of scrutiny are subject to greater accountability and transparency, and this was felt to be an issue especially where PCCs engaged in commercial activity through a trading company. The main checks on PCCs embarking on a course of action permitted by increased powers of competence were felt to be the PCC's chief executive, financial officer and monitoring officer, where as in councils there were additional checks and challenge provided by councils' scrutiny and audit

functions. In addition there was concern that engaging in commercial activity could pose a financial risk to police forces.

Our member authorities also highlighted the greater potential for overlap between the statutory functions of other local partners and the activity of PCCs, with resulting issues of duplication of services and confusion amongst local residents about responsibilities.

There was also a concern there was a risk fire and rescue services' resources under PFCCs could be used for policing purposes if there were greater powers of competence for PCCs, when the intent of the provisions in the Policing and Crime Act 2017 were for fire and police budgets and resources under PFCCs to remain separate.

Some local authorities also thought there could be an impact on equalities as it was felt difficult for one individual to properly reflect the full range of protected characteristics which it is their responsibility to uphold.

#### **4. Safeguards in relation to greater powers of competence**

Unsurprisingly given the risks identified by our member authorities, they supported the provision of safeguards and limitations alongside giving PCCs greater powers of competence.

Suggestions for additional safeguards included requiring PCCs to take a detailed report or business case to their police and crime panel explaining how and why they would be using their power of competence where they wished to do so, with there being regular update reports to panels on the use of the powers of competence. In some circumstances it was thought the PCC should have to seek their panel's approval for the use of their power of competence before doing so. There was also some support for panels being given a power of veto over a PCC's use of their powers of competence. A number of member authorities also made the point that panels would need additional resources to be able to properly hold PCCs to account for their use of any greater powers of competence they were given.

It was also felt there should be a requirement on PCCs to consult with local partners, especially councils, before using their powers of competence. Some of the respondents also felt the proposals to give PCCs greater powers of competence should be linked to the considerations in Part 2 of the PCC Review being conducted by the Home Office of increasing the accountability of PCCs to their residents, such as through the introduction of a power of recall in relation to PCCs.