



Home Office

Giving Police and Crime Commissioners greater powers of competence

Government Consultation

This consultation begins on 1 September 2021

This consultation ends on 27 October 2021

Consultation Questions

Role/Job title	Strategic Director for Communities
Organisation	Warwickshire County Council

1. Do you think PCCs should be given greater powers of competence to enhance their ability to get upstream of crime issues as well as to drive efficiency and make better use of police estates?

	Please select one of the following options
Strongly agree	
Agree	X
Neither agree, nor disagree	
Disagree	
Strongly disagree	

Wider Functional power of competence

2. Should PCCs be granted a **wider functional power** of competence including the power to do **anything indirectly related to their functions, no matter how many times removed and to charge and trade?**

	Please select one of the following options
Strongly agree	
Agree	X
Neither agree, nor disagree	
Disagree	
Strongly disagree	

3. What do you see as the benefits that may come from granting PCCs a **wider functional power** of competence?

The main benefits would be

- Greater flexibility to pursue more creative and innovative initiatives, potentially collaboratively in partnership with others public sector partners, without the risk of legal challenge, where those initiatives can be linked to the functions of PCCs as set out in the Police Reform and Social Responsibility Act 2011
- Maintains PCC focus on key statutory functions
- Avoids diverting attention / resources away from the key functions of PCCs
- Avoids the potential for riskier, commercial type ventures which diverge from the role and focus envisaged of PCCs

4. What do you consider to be the risks of granting PCCs a **wider functional power** of competence?

We do not consider there to be any significant risks of granting PCCs a wider functional power of competence, other than potentially the risk of there being a lack of legal certainty around certain creative initiatives that a PCC may wish to consider in collaboration with other public sector partners, including other blue light services. However, we consider that this risk could be effectively managed and would not act to prevent a PCC from pursuing collaborative initiatives with partners which have a wider community benefit.

5. If PCCs were granted a **wider functional power** of competence, do you consider that additional safeguards or limitations on those powers would be necessary?

Yes - please provide details of what safeguards or limitations on the powers you think would be required.	
No - please explain	No – functional powers of competence have been available for combined FRAs for some time and as far as we are aware, the experience of operating this framework has not indicated that additional safeguards are required
Don't know	

General power of competence

6. Should PCCs be granted a **general power** of competence which would give them the power to do **anything** that an individual can do so long as it is not prohibited by legislation?

	Please select one of the following options
Strongly agree	
Agree	
Neither agree, nor disagree	
Disagree	X
Strongly disagree	

7. What do you see as the benefits that may come from granting PCCs a **general power** of competence?

Benefits would include

- Greater flexibility to pursue more creative and innovative initiatives, potentially collaboratively in partnership with others public sector partners, without the risk of legal challenge

8. Please explain what you consider the risks may be to granting PCCs a **general power** of competence.

- PCC is distracted from the main purpose of role and attention is diverted towards commercial enterprises / new income generating initiatives at the expense of the functional requirements of role
- Without additional checks and balances in place on the activities undertaken by the PCC, there is a risk that some activities undertaken in exercise of such a wide power could pose a financial/ reputational risk (particularly in relation to more commercial/ revenue generating initiatives) and could diverge from the role of the PCC as prescribed by legislation
- PCC could branch into activities that are the remit of local government/ other public bodies and there could be duplication of effort and cost if not exercised in collaboration/ consultation with relevant partners

9. If PCCs were granted a **general power** of competence, do you consider that additional safeguards or limitations on those powers would be necessary?

Yes - please provide details of what safeguards or limitations on the powers you think would be required.

The safeguards as for Local Authorities should apply (ie prohibition on use of this power to raise the precept and to charge for services under a statutory duty to provide, prohibition on using the general power where a specific power already exists). Additional safeguards could include a requirement to publicly report (possibly on an annual basis) on the use of the power and for what purpose, and the existing requirement to collaborate could be extended specifically to new initiatives which rely on the general power of competence for their lawful authority. Guidance in the exercise of the power could also helpfully sign post the level of due diligence

	expected before the power is utilised to ensure that the activities of the PCC remain focused on and anchored by the specific role.
No - please explain	
Don't know	

10. Given the benefits and risks of a general and wider functional power of competence, which approach would you prefer?

	Please select one of the following options
Retain existing PCC powers	
Give PCCs a wider functional power of competence, in line with the powers currently held by standalone fire and rescue authorities and some combined authorities	X
Give PCCs the general power of competence, as held by local authorities	

11. Do you consider there to be any equality impacts with granting PCCs either a wider functional or a general power of competence?

Yes - please provide details	
No - please explain	It is difficult to see how legislating to provide PCCs with a new wider power of competence could have an equality impact. However, for each occasion on which the PCC intends to exercise this power, an Equality Impact Assessment would need to be undertaken, taking into account the specific details of the initiative and the outcomes it is intended to deliver.
Don't know	