

BARNSELY METROPOLITAN BOROUGH COUNCIL

REPORT OF: EXECUTIVE DIRECTOR – CORE SERVICES

TITLE: Transfer of Police and Crime Commissioner function

REPORT TO:	CABINET
Date of Meeting	1 November 2023
Cabinet Member Portfolio	Leader
Key Decision	No
Public or Private	Public

Purpose of report

To seek approval to give consent for the Police and Crime Commissioner (PCC) transfer to take place with effect from May 2024 and to reduce the current mayoral term to align with the mayoral and PCC election cycles from May 2024.

Council Plan priority

Healthy Barnsley

Recommendations

That Cabinet:-

1. Delegate approval to the Head of Paid Service to give the Authority's consent to the making of an order to provide for both the Mayor of South Yorkshire to exercise functions of the Police and Crime Commissioner (PCC) in relation to South Yorkshire with effect from May 2024 and to reduction of the current mayoral term to align with the PCC election cycle in May 2024.

1. INTRODUCTION

- 1.1 The Combined Authority (MCA) was established in 2014. In 2018 the first elections for a mayor were held, a second election was held in 2022 for a mayoral term of 4 years.

The Government's White Paper, 'Levelling Up the United Kingdom' contained the following commitment:

“The UK Government will take steps to remove barriers to combined authority mayors taking on public safety functions. Where there are existing or planned mayoral combined authorities with coterminous boundaries to PCCs and Fire and Rescue Authorities, the UK Government will look to transfer these functions to the Mayor.”

2. PROPOSAL

- 2.1 At its meetings in June and July the MCA endorsed the approach to a transfer of PCC functions to the Mayor and amongst other recommendations agreed to:-

“Submit a joint letter from the Mayor, MCA Leaders and PCC to the Secretaries of State for the Department of Levelling Up, Housing and Communities and the Home Office to request that Government officials work with South Yorkshire officers to draft legislation to allow decisions to be made in the Autumn”.

- 2.2 Discussions with Home Office and Department of Levelling Up, Housing and Communities officials have confirmed government support for the transfer of PCC powers to the Mayor of South Yorkshire from 2024. These discussions has culminated in a letter from the Home Office and the Department of Levelling Up, Housing and Communities dated 20th September confirming that they:-

“We intend, subject to the statutorily required local consents and Parliamentary approval, to make the necessary legislation to transfer PCC functions to be exercised by the South Yorkshire Mayor from May 2024, and to reduce the current mayoral term in order to align the mayoral and PCC election cycles from May next year”.

- 2.3 An order is now expected to be introduced into Parliament in late November 2023, and be made in early 2024. Technically the order will do the following:-

1. Provide for all functions presently exercised by the PCC to be functions exercisable by the Mayor for South Yorkshire with effect from the [] May 2024;
2. Transfer all property, rights, liabilities of the PCC to the MCA, with future decisions on such matters being vested in the Mayor;
3. Provide for the continuity of the operation by substituting the MCA for the PCC in any legislation/instruments/contracts etc;
4. Deal with financial year end issues; and
5. Reduce the current mayoral term in order to align the mayoral and PCC election cycles from May 2024.

- 2.4 The Local Democracy, Economic Development and Construction Act 2009 requires, amongst other matters, for the consent of each district in the area of the MCA to the making of the order. This will be required in writing prior to the order being laid.

3. IMPLICATIONS OF THE DECISION

3.1 Financial and Risk

Discussions have taken place with representatives of the Director of Finance (S151 Officer). There are no direct financial implications on the council as a result of this report. Any costs arising from the subsequent transfer will be met by the SYMCA.

3.2 Legal

S.107F Local Democracy, Economic Development and Construction Act 2009 makes provision for the transfer of PCC functions to the mayor for combined authority area by order, subject to the consent of the Mayor, and the Districts in the MCA area. The order transferring the functions will also provide for the reduction in the present mayoral term in order to align with the PCC election cycle.

3.3 Equality

An Equality Impact Assessment is not required due to the factual nature of the report.

3.4 Sustainability

There are no implications for the local environment, sustainability and tackling climate change emerging through consideration of this report.

3.5 Employee

There are no issues arising directly from this report.

3.6 Communications

A detailed Communications and Engagement Plan will be developed by the SYMCA, OPCC and SYP officers as part of the transfer programme.

4. CONSULTATION

Consultation has previously taken place with SYMCA Committee Members, who have agreed to proceed with proposals for the Mayor to take on the Police and Crime Commissioner functions with effect from May 2024, subject to the agreement of all constituent Authorities.

5. ALTERNATIVE OPTIONS CONSIDERED

Due to the nature of this report, alternative approaches are not considered.

6. REASONS FOR RECOMMENDATIONS

The Local Democracy, Economic Development and Construction Act 2009 requires, amongst other matters, for the consent of each district in the area of the MCA to the making of the order. This will be required in writing prior to the order being laid.

7. GLOSSARY

SYMCA – South Yorkshire Mayoral Combined Authority
PCC – Police and Crime Commissioner
OPCC – Office of the Police and Crime Commissioner
SYP – South Yorkshire Police

8. LIST OF APPENDICES

Not applicable

9. BACKGROUND PAPERS

Reports to the South Yorkshire Mayoral Combined Authority Board:-

- 5 June 2023 - Future Police and Crime Commissioner Functions
- 31 July 2023 – Police and Crime Commissioner Next Steps

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

10. REPORT SIGN OFF

Financial consultation & sign off	Steve Loach 17/10/2023
Legal consultation & sign off	Sukdave Ghuman 16 October 2023

Report Author: Carol Tague
Post: Head of Governance
Date: 10 October 2023