

## **West Midlands Police and Crime Panel Response to the WMCA Stage One Consultation on Transferring the Functions of the PCC to the West Midlands Mayor**

### **Introduction**

On 26 November 2018 the Police and Crime Panel was presented with an overview of the proposals for the transfer of the Police and Crime Commissioner functions to the West Midlands Mayor, together with the West Midlands Combined Authority Stage 1 consultation questions and its consultation and engagement plan.

### **Panel Members Present**

The Panel members in attendance were Cllr John O'Shea (Chair, Birmingham), Cllr Pervez Akhtar (Coventry), Cllr David Barrie (Birmingham), Cllr Paul Bradley (Dudley), Cllr Rose Burley (Walsall), Cllr Elaine Costigan (Sandwell), Cllr Hazel Malcolm (Wolverhampton), Cllr Suky Samra (Walsall), Kristina Murphy (Independent Member) and Lionel Walker (Independent Member).

### **Panel Comments**

#### **1. Involving the Police and Crime Panel**

- 1.1 Concern was expressed that it had taken to this point in the process to involve the Police and Crime Panel. The Panel has a key role in police governance and a statutory duty to support and scrutinise the Police and Crime Commissioner. This raises serious concerns about how thorough the governance review process is.
- 1.2 The lack of Panel involvement to date has resulted in the omission from the Review of Governance and Functions document of the Panel's statutory function under the Police Reform and Social Responsibility Act 2011 to hold Confirmation Hearings for a Deputy PCC, Chief Executive and Chief Finance Officer positions in line with statutory requirements laid out in the Act. The Panel insist that this is rectified.
- 1.3 The Review of Governance and Functions document also states that the Panel *will 'exercise broadly the same functions as PCPs under the PCC model, but with some minor modifications such as ensuring the panel only scrutinises the policing element of the precept'* However, these minor modifications are not documented. Panel members accepted the clarification made at the meeting that there will be no changes the way the Police and Crime Panel operates and no changes to the legislation provisions. The Panel still wishes to see any changes that may be proposed – however minor.
- 1.4 The Panel urge the Combined Authority to involve it in future discussions regarding the model for scrutinising the PCC functions and any review of the Panel's functions, terms of reference and rules of procedures that might be necessary to take into account any changes to the governance structure the Panel operates within.
- 1.5 The Panel is very concerned that the Combined Authority has not demonstrated that they fully understand the statutory duties of the Panel as it relates to the PCC. We need reassurance that

this has been fully understood to have confidence in their ability to take on the responsibility of 10,000 employees and a £550 million annual budget.

## **2. Governance Process**

- 2.1 Clarification was sought on the consent required for the transfer to proceed. The debate highlighted a difference in understanding surrounding the final decision making process. It was explained to the Panel that the decision rested with the Combined Authority, the Constituent Authorities and the Mayor, yet the WMCA minutes of 9 February 2018 state that an amendment was made to the effect that the Constituent Authorities, the Mayor and the PCC have to agree the final governance model. The PCC told the meeting that he considered himself a joint member of the decision making process. This needs to be clarified, as it seems to be a breach of faith that this has been changed. It is a governance issue that the assurance of the 9<sup>th</sup> February 2018 seems to have been reversed without any scrutiny.
- 2.2 It was noted that any changes to the mayoral allowance would be determined by an independent review body and the transfer proposals had not yet reached that stage.
- 2.3 The question was asked if the same qualifications and disqualifications from standing for election as a Police and Crime Commissioner apply to a candidate standing for Mayor with PCC functions and whether they apply to the Deputy Mayor for Policing. This requires clarification.

## **3 Opportunities and Benefits of Transferring the PCC Functions**

- 3.1 The question was asked what evidence had been considered to identify the anticipated benefits and opportunities of the transfer as the Panel and public need to understand how transferring the PCC functions will improve policing and police governance.
- 3.2 The Panel asked what assessment of savings had been undertaken and it was explained that the WMCA did not have this figure. However, its vision was that over time, savings would be made through connectivity of services addressing the causes of crime thereby reducing the demand on policing.
- 3.3 A view was expressed that integration of public services through the transfer of PCC functions to the West Midland Mayor in a more solid governance structure was a positive approach. Other members pointed out that there was no evidence presented that this would be achieved, given that the cooperation of the member authorities would still be required.
- 3.4 A number of members felt no evidence had been produced that demonstrates any public demand for this change or any evidence that this change will improve policing and crime outcomes for the people of the West Midlands.

## **4 Borrowing Cap and other Budget Issues**

- 4.1 Members highlighted that the PCC and Chief Constable had plans to borrow to invest in a regional estates programme to make police properties fit for purpose and compliant with a safe working environment and the demands of a modern policing environment. Members asked if

these plans would continue under a new governance structure and what were the implications of the current WMCA borrowing cap.

- 4.2 It was explained that the WMCA had received written assurance from the Treasury giving a clear intention that the borrowing cap issue would be addressed, citing Greater Manchester as an example. However, a final decision could not be guaranteed until ministerial approval was granted. Members welcomed the undertaking to share this letter.
- 4.3 The Panel sought confirmation that any proceeds of future police estate sales would be ring-fenced to the police and not used by the wider WMCA and was given assurance that police assets, budget and funding would be ring-fenced to policing.
- 4.4 It is the view of the Panel that the financial plan, including borrowing, for the West Midlands Police should not be put at risk.

## **5 Deputy Mayor for Policing**

- 5.1 Members noted the proposed model would see the Mayor appoint a Deputy Mayor for Policing to undertake certain functions, whilst those functions that can't be delegated, would be retained by the Mayor. Questions were asked as to how this two-tier police governance would be explained to the public. It was noted that the Deputy Mayor for Policing did not feature in the Stage 1 consultation questions.
- 5.2 It is unclear how the scrutiny and support of the PCC functions of two people holding different, yet connected, responsibilities would operate in practice. The Panel is keen to meet counterparts of the Greater Manchester PCP to see how they discharge their responsibilities.
- 5.3 At this stage, the Panel does not believe that there is any evidence that this proposal will improve accountability and may confuse matters for the public.

## **6 The Consultation Process**

- 6.1 The Panel questioned the rationale for undertaking a two stage consultation and felt the consultation timescale was inadequate, compared to the recent fire governance consultation.
- 6.2 The Panel was disappointed that the consultation documentation did not include a statement by the PCC. It was felt the inclusion of counter-arguments would help the public make a fair assessment of the proposal.
- 6.3 The Panel noted that the consultation documentation asked for opinions on questions without the consultation information providing any supporting evidence on performance of the police service.
- 6.4 It was explained that the executive was responding to a WMCA collective agreement to undertake a public consultation and this was the longest and most robust consultation possible within the timeframe. The WMCA Board wished to hear the public view, although not legally required to do so. The results from both stages would be considered together by the WMCA board in March. It was made clear to the Panel that the proposed transfer was not a done deal.

There remained an option not to proceed, and another opportunity to consider the proposals after the 2019 local elections.

6.5 The Panel would welcome further input into this process at the start of the next consultation phase and also once the consultation process has been completed.

Councillor John O'Shea

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