

**MINUTES OF THE MEETING OF THE WEST MIDLANDS POLICE AND CRIME PANEL HELD ON
26 NOVEMBER 2018 14:00 HOURS, DUDLEY**

PRESENT:-

CLlr John O'Shea – Birmingham
CLlr Pervez Akhtar – Coventry
David Barrie – Birmingham
Paul Bradley - Dudley
Rose Burley – Walsall
CLlr Elaine Costigan - Sandwell
CLlr Hazel Malcolm – Wolverhampton
CLlr Suky Samra – Walsall
Kristina Murphy – Independent Member
Lionel Walker – Independent Member

ALSO PRESENT:-

Ashley Bertie – Assistant Police and Crime Commissioner
Deborah Cadman – Chief Executive West Midlands Combined Authority
David Jamieson – West Midlands Police and Crime Commissioner
Jonathon Jardine – Chief Executive, OPCC
Lynnette Kelly – Assistant Police and Crime Commissioner
Henry Kippin - Director for Public Sector Reform West Midlands Combined Authority
Tim Martin - Head of Governance West Midlands Combined Authority
Andy Street – Mayor for the West Midlands

Sarah Norman –Chief Executive Dudley MBC
Emma Williamson – Lead Officer Head of Birmingham Scrutiny Services
Sarah Fradgley– Scrutiny Officer

APOLOGIES

- 425 Apologies for non-attendance were received from Cllrs Mike Bird, Ken Hawkins, Abdul Khan and John Lines.

DECLARATIONS OF INTEREST

- 426 None declared.

MINUTES

- 427 The minutes of the Panel meeting held on 15 October 2018 were confirmed as a correct record and signed by the Chair.

Matters Arising

Minute 420 - The PCC thanked the Panel for writing to The Chancellor and Home Secretary with its concerns about the implications of changes to police employee pension contributions. He advised that Pat McFaddon MP for Wolverhampton had led a parliamentary debate on 14 November 2018 on the subject and a Treasury announcement was expected the following week.

Minute 421 vii - The Deputy Chief Constable was looking into supply of uniforms for the South Side Bid Special Constables.

PUBLIC QUESTION TIME

428 The Chair advised that no public questions had been submitted.

CHANGE TO THE AGENDA

429 The Chair announced Agenda Item 7 – Local Policing and Public Engagement would be postponed until a later date to enable sufficient time for the debate on the proposed changes to police governance.

The Chair then changed the order of the Agenda, taking Item 9 Work Programme and Item 10 Date of Next Meeting, ahead of Item 6.

POLICE AND CRIME PANEL WORK PROGRAMME FOR 2018/19

430 The following report setting out the proposed work programme for the remainder of the 2018/19 Municipal Year was received and noted:-

(See document No. 1 – Police and Crime Panel Work Programme 2018/19)

DATE OF NEXT MEETING

431 2pm, Monday 14 January 2019, Sandwell Council House

CONSULTATION FOR THE TRANSFER OF THE POLICE AND CRIME COMMISSIONER FUNCTIONS

432 The following reports from the WMCA, together with the statement from the PCC was submitted: -

(See document No. 2 – Consultation for the Transfer of the PCC Functions, document No. 3 Consultation and Engagement Plan and document No.4 Response from the WM PCC to the WMCA Report on Governance Review and Scheme)

Henry Kippin, Director for Public Sector Reform West Midlands Combined Authority, took members through the presentation circulated with the agenda highlighting the policy background to the proposal to transfer the role of the PCC to the West Midland Mayor from 2020, the considerations and decisions reached by the WMCA Board, the opportunities and benefits the WMCA had identified and the two-stage public consultation on the principle and detailed proposals.

He explained the role of the PCC would not change but would transfer to the West Midland Mayor, the Police and Crime Panel would remain to scrutinise and support the PCC function and the Chief Constable would remain as corporation sole with operational independence for the force. A Deputy Mayor for Policing would be appointed by the Mayor to undertake certain functions.

He emphasised that the spirit of proposals was to build on the work undertaken and improve the role of the PCC to address the causes of crime by drawing on the other mayoral responsibilities for skills, housing and economic growth. He went on to explain that the proposed transfer was not a cost cutting exercise and the WMCA had endeavoured to make the process open and transparent.

Andy Street, West Midlands Mayor, and representatives of the WMCA then responded to a number of questions from members. The following points were made during the course of the debate.

- i. Concern was expressed that it had taken to this point in the process to involve the Police and Crime Panel when it had a key role in police governance and a statutory duty to support and scrutinise the PCC. This raised serious concerns about how thorough the governance review process was and the WMCA's understanding of the Panel's statutory duties.
- ii. The WMCA Review of Governance and Functions document had missed out 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. The Panel asked that this be rectified.
- iii. The meeting was given assurances there would be no changes to the way the Panel would operate or to the legislative provisions. It was noted however The Review of Governance and Functions document referred to "minor modifications" which were not documented.
- iv. The Panel urged the WMCA to involve it in future discussions regarding the model for scrutinising the PCC functions.
- v. 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. The WMCA representatives explained to the Panel that the decision rested with the Combined Authority, the Constituent Authorities and the Mayor. The Chair noted the WMCA minutes of 9 February 2018 stated that an amendment was made to the effect that the Combined Authority, Constituent Authorities, the Mayor and the PCC had to agree the final governance model. The PCC told the meeting that he considered himself a joint member of the decision making process.
- vi. 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.
- vii. The question was asked if the same qualifications and disqualifications from standing for election as a Police and Crime Commissioner applied to a candidate standing for Mayor with PCC functions and also Deputy Mayor for Policing candidates.
- viii. A question was asked what evidence had been considered to identify the list of anticipated benefits and opportunities of the transfer. The point was made that the Panel and public need to understand how transferring the PCC functions would improve policing and police governance and also the WMCA's ability to take on the responsibility of 10,000 employees and a £550 million annual policing budget.
- ix. A question was asked about 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.
- x. 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.
 - xi. Members asked if the PCC and Chief Constable Estate Programme could continue under a new governance structure and what were the implications of the current WMCA borrowing cap. 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. The WMCA undertook to share the letter with the Panel.
 - xii. 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. It was given assurance that police assets, budget and funding would be ring-fenced to policing.
 - xiii. 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 and noted that the Deputy Mayor for Policing did not feature in the Stage 1 consultation questions.
 - xiv. The meeting was told that accountability would rest with the Mayor so the public would have a single point of accountability like the London Mayor. Improved outcomes were envisaged with one strategy bringing different resources together. Also that the Mayor and WMCA had a good record bringing in funding from central government.
 - xv. Members questioned the rationale for undertaking a two-stage consultation and felt the consultation timescale was inadequate, compared to the recent fire governance consultation. It was explained that the WMCA Executive was responding to a WMCA Board 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 2019. It was stressed to the Panel that the proposed transfer was not a done deal and there remained an option not to proceed, as well as another opportunity to consider the proposals after the 2019 local elections.
 - xvi. Disappointment was expressed 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.
 - xvii. The Panel noted that consultation question 2 asked for opinions without the consultation information providing any supporting evidence on performance of the police service.

The Chair then invited the PCC to address the Panel. The PCC made the following points:-

- i. He believed the current structure provided public accountability of police governance and feared this would be diluted if transferred to a mayor with other responsibilities.
- ii. He argued that the two bodies already collaborate and do not need to be under the same governance structure to do so. He highlighted that the PCC already collaborated with the West Midlands Mayor, health services, drug and mental health services, fire and highways.
- iii. The Home Office had praised the PCC for his work tackling the causes of crime.
- iv. He explained that West Midlands Police needed certainty and consistency. The force were dealing with serious issues every day and don't need to concentrate on further governance changes when the PCC model had only just bedding in.
- v. There were also discrete areas of police work, such as criminal investigations and counter terrorism.
- vi. He called to the WMCA to identify what was wrong with the existing model and how policing would be better in the PCC functions and responsibilities transferred to the Mayor. He highlighted that there had been no assessment of the Greater Manchester model.
- vii. Referring to a written submission from the Walsall Chief Executive on the virement of police funds, the PCC believed this highlighted that despite assurances given at today's meeting, there was no certainty it would not happen in future.
- viii. Borrowing was another concern and felt he would be letting down the public if he did not see a guarantee on borrowing cap issue.

Drawing the debate to a close the chairman thanked the Mayor and WMCA representatives for attending. The WMCA undertook to provide written answers to any further questions or clarifications Panel members might have.

POLICE AND CRIME COMMISSIONER'S UPDATE AND RECENT DECISIONS

433 The following report of the Police and Crime Commissioner was received:-

(See document No. 4 – *Recent PCC decisions*)

The PCC and Assistant PCCs Lynnette Kelly and Ashlie Bertie updated the Panel of the following:-

- i. They reported on the success of the mentoring scheme.
- ii. 600+ arrests had been made in connection with vehicle crime. The PCC hoped to host a second meeting with car manufactures to encourage continued efforts to address and deter vehicle thefts. However the numbers of key thefts were increasing.
- iii. An announcement on the Police Funding Settlement was expected soon. The West Midlands needed £17m, just to stand still. The Government may allow greater flexibility on the precept level, but the PCC acknowledged that this would not be welcomed by residents.

The meeting ended at 16:30

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CHAIR