

Committee Name and Date of Committee Meeting

Cabinet - 20 November 2023

Report Title

Transfer of Police and Crime Commissioner Functions to South Yorkshire Mayor – May 2024

Is this a Key Decision and has it been included on the Forward Plan?

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Sharon Kemp, Chief Executive

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The Government are proposing to make an Order that will provide for the Mayor of South Yorkshire to exercise the functions of the Police and Crime Commissioner (PCC) in relation to South Yorkshire with effect from May 2024. As a consequence, the Report asks that Cabinet recommend to Council approval of the Order. At the time of writing the report the text of the draft Order has not been provided, however, a summary of what the Order will do is included in paragraph 2.4.

Recommendations

1. That Cabinet recommend to Council that consent be given to the draft Order that will provide for the Mayor of South Yorkshire to exercise the functions of the Police and Crime Commissioner.

List of Appendices Included

Appendix 1 Initial Equality Impact Assessment
Appendix 2 Carbon Impact Assessment

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

Yes

Exempt from the Press and Public

No

Transfer of Police and Crime Commissioner Functions to South Yorkshire Mayor - May 2024

1. Background

- 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.
- 1.2 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.

2. Key Issues

- 2.1 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."

- 2.2 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."

- 2.3 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 had culminated in a letter from the Home Office and the Department of Levelling Up, Housing and Communities dated 20th September confirming that:-

"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."

- 2.4 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.

3. Options Considered and Recommended Proposal

- 3.1 The first option available to the Council is for the Council to refuse consent to the making of the Order.
- 3.2 S. 107B provides that where there is an existing combined authority then the legislation states that in order to progress the consent of the combined authority plus 2 other constituent authorities is required. Consequently, should the Council choose to object then the matter may proceed in any event should the required number of other organisations approve the Order.
- 3.3 The second and recommended option is that the Council approve the Order as set out in the Report. This is in alignment with the requirements of the legislation and aligns with the position of the MCA.

4. Consultation on Proposal

- 4.1 Consultation has taken place through the SYMCA meetings.
- 4.2 In addition, this process is in and of itself a statutory process for ensuring consultation on the Order with those authorities in the area where it is proposed to make an Order.

5. Timetable and Accountability for Implementing this Decision

- 5.1 Should the Council provide consent then implementation is the responsibility of the Government and the Combined Authority, however, arrangements will need to be in place to enable the election to take place in May 2024.

6. Financial and Procurement Advice and Implications

- 6.1 There are no Financial or Procurement implications arising from the Report

7. Legal Advice and Implications

- 7.1 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.

7.2 The other legislation is explained in the Report above.

8. Human Resources Advice and Implications

8.1 There are no Human Resource Implications.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no implications for children, young people or vulnerable adults arising from this Report.

10. Equalities and Human Rights Advice and Implications

10.1 There are no Equality and Human Rights implications arising from this Report.

11. Implications for CO2 Emissions and Climate Change

11.1 There are no CO2 Emission and climate implications arising from the Council consenting to this Order

12. Implications for Partners

12.1 The implications for partners are contained in the Report above.

13. Risks and Mitigation

13.1 There is a risk that other authorities will not provide consent. Should an insufficient number of authorities in the SYMCA area provide consent, then the Order cannot proceed. This risk has been mitigated through extensive partnership engagement.

14. Accountable Officers

Phil Horsfield, Assistant Director, Legal Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	06/11/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	02/11/23
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	02/11/23

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