



Home Office

The transfer of Police and Crime Commissioner functions to the Mayor of the West Midlands

Government consultation

This consultation begins on 20 December 2023

This consultation ends on 31 January 2024

About this consultation

- To:** This is a public consultation for business, organisations, voluntary and community sector groups, residents and individuals who live and/or work in the area covered by the West Midlands Combined Authority. Comments from those outside the area are also welcome.
- Duration:** From 20/12/23 to 31/01/2024
- Enquiries (including requests for the paper in an alternative format) to:** West Midlands PCC Transfer Consultation
Police Strategy & Reform Unit
Home Office
6th Floor Fry Building
North East Quarter
2 Marsham Street
London
SW1P 4DF
- Email: WMPCCTransferConsultation@homeoffice.gov.uk
- How to respond:**
- Responses can be submitted online through the GOV.UK website at <https://www.gov.uk/government/consultations/west-midlands-police-and-crime-commissioner-functions-transfer>
- Respondents who wish to provide a written response rather than complete the online version can email their response by 31 January 2024 to WMPCCTransferConsultation@homeoffice.gov.uk or send your response to the address above.
- Response paper:** A response to this consultation exercise is due to be published shortly after the consultation closes at: <https://www.gov.uk/government/consultations/west-midlands-police-and-crime-commissioner-functions-transfer>

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Introduction

This paper sets out for consultation the proposed transfer of Police and Crime Commissioner functions to the Mayor of the West Midlands at the May 2024 elections. The consultation is aimed at people who live and/or work in the area covered by the West Midlands Combined Authority and the West Midlands Police Force area.

Executive summary

The consultation focuses on the proposed transfer of Police and Crime Commissioner (PCC) functions to the Mayor of the West Midlands Combined Authority; the Mayor would then exercise these functions following the next mayoral election on 2 May 2024.

Background

The Police Reform and Social Responsibility Act 2011 established directly elected PCCs in 41 forces, replacing Police Authorities. The first PCC for West Midlands was elected in 2012.

PCCs are responsible for holding the Chief Constable of their police force to account for the full range of their responsibilities. They are directly accountable to the electorate through the ballot box and their decisions are scrutinised by their local Police and Crime Panel.

The Cities and Local Government Devolution Act 2016 amended the Local Democracy, Economic Development and Construction Act 2009 to enable PCC functions to be transferred to combined authority mayors, creating one directly elected leader accountable for both combined authority and PCC functions. Part One of the Government's Review into the role of PCCs cemented the view that bringing public safety functions under the leadership of a combined authority mayor has the potential to offer wider levers and a more joined-up approach to preventing crime. Under the mayoral PCC model, the democratic accountability of the PCC model is preserved as mayors who exercise these functions remain directly accountable to the electorate via the ballot box. The Levelling Up White Paper outlines the key leadership role that combined authority mayors have in public safety and improving public health. It sets out the Government's aspiration to have combined authority mayors take on the PCC role, where feasible.

There are currently two combined authority mayors who exercise PCC functions, the Greater Manchester Mayor who took them on in 2017, and the West Yorkshire Mayor who took them on in 2021. The Mayor of London also exercises functions equivalent to a PCC. As part of the York and North Yorkshire Devolution Deal, the first directly elected Mayor of the York and North Yorkshire Combined Authority will exercise the functions of the Police, Fire and Crime Commissioner from May 2024 onwards.

The Levelling-up and Regeneration Act 2023 places new requirements on the Home Secretary when making a decision to transfer the functions of a PCC to a combined authority mayor. The Home Secretary must, before making an order to enable such a transfer: conduct a public consultation (unless one has been conducted by the Combined Authority as part of their proposal for an order); consider that the transfer is likely to

improve the economic, social and environmental well-being of some or all of the people who live or work in the area; and consider that it is appropriate having regard to the need to secure effective and convenient local government and to reflect the identities and interests of local communities.

The Home Secretary is therefore gathering views to allow him to make a decision on whether to lay an order before Parliament to transfer PCC functions to the Mayor of the West Midlands from the point of the next mayoral election in May 2024. This will maintain democratic accountability by ensuring that PCC functions are only exercised by a mayor who was elected on that basis.

This transfer presents opportunities to align police and crime priorities with transport, regeneration and skills and to improve outcomes for the public. Joining police and crime functions with oversight of other public services in the Mayoral Combined Authority would also promote further collaboration within the region. The Mayor would become the elected local policing body. A Mayor exercising police and crime functions continues to provide a single, directly accountable individual who is responsible for securing efficient and effective police service in West Midlands.

If a transfer took place, the Mayor's PCC functions would include:

- issuing a Police and Crime Plan for West Midlands
- setting the police budget including the PCC council tax precept requirements
- appointing (and if necessary, suspending or dismissing) the Chief Constable
- addressing complaints about policing services
- providing and commissioning services for victims and vulnerable people
- working in partnership to ensure that the local criminal justice system is efficient and effective.

The Mayor may appoint a Deputy Mayor for Policing and Crime, to whom they may delegate functions, but the Mayor remains accountable to the public.

If the Home Secretary decides to proceed with the transfer, and the necessary secondary legislation is approved by Parliament, these functions will be transferred from the existing PCC for West Midlands to the Mayor, integrating the roles at the May 2024 Mayoral election. There would therefore not be a PCC election in May 2024 or in future years. The Police and Crime Panel, largely populated by councillors from West Midlands local authorities, will scrutinise the actions and decisions of the Mayor and support them in the effective exercise of their functions. This replicates the current arrangements where a Police and Crime Panel scrutinises the actions and decisions of the PCC and supports them in the effective exercise of their functions.

Questionnaire

Before the Home Secretary decides whether to transfer Police and Crime Commissioner functions to the Mayor of the West Midlands, he is required by statute to consider that doing so is likely to improve the economic, social and environmental well-being of some or all people who live or work in the area. He must also consider that to do so is appropriate having regard to the need to secure effective and convenient local government, and the need to reflect the identity and interests of local communities.

Q1. The Government proposes that the functions of Police and Crime Commissioner for West Midlands are exercised by the Mayor of the West Midlands from the May 2024 Mayoral election onwards.

Do you agree or disagree with the transfer of PCC functions to the Mayor of the West Midlands?

Agree	Disagree	Don't know

Q2. Why do you think this?

[Insert text here – 250 word limit]

Q3. Are there any other comments you would like to make?

[Insert text here – 250 word limit]

Thank you for participating in this consultation.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details and how to respond

Responses can be submitted online through the GOV.UK website at <https://www.gov.uk/government/consultations/west-midlands-police-and-crime-commissioner-functions-transfer>

Alternatively, please send your response by 31 January 2024 to:

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Police Strategy & Reform Unit
Home Office
6th Floor Fry Building
North East Quarter
2 Marsham Street
London
SW1P 4DF

Email: WMPCCTransferConsultation@homeoffice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

Extra copies

Paper copies of this consultation can be obtained from this address and it is also available online at <https://www.gov.uk/government/consultations/west-midlands-police-and-crime-commissioner-functions-transfer>

Alternative format versions of this publication can be requested by contacting the Home Office at the above address.

Publication of response

A paper summarising the responses to this consultation will be published within three months of the closing date of the consultation. The response paper will be available online at <https://www.gov.uk/government/consultations/west-midlands-police-and-crime-commissioner-functions-transfer>

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles. <https://www.gov.uk/government/publications/consultation-principles-guidance>



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This publication is available at <https://www.gov.uk/government/consultations/west-midlands-police-and-crime-commissioner-functions-transfer>

Any enquiries regarding this publication should be sent to us at:

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