



Home Office

South Yorkshire police and crime commissioner functions transfer

Government response

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Introduction and contact details

This document is the post-consultation report for the consultation paper ‘South Yorkshire police and crime commissioner functions transfer’.

It will cover:

- Background to the consultation
- Summary of the consultation responses
- Response to the specific questions raised in the report
- Next steps following this consultation.

Further copies of this report and the consultation paper can be obtained by contacting Police Strategy and Reform Unit (PSRU) at the address below:

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This report is also available at <https://www.gov.uk/government/consultations/south-yorkshire-police-and-crime-commissioner-functions-transfer>

Alternative format versions of this publication can be requested from:

Public.Enquiries@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.

Background

The consultation paper 'South Yorkshire police and crime commissioner functions' was published on 20 December 2023.

This was a public consultation that invited comments and views on the proposed transfer of Police and Crime Commissioner (PCC) functions to the Mayor of South Yorkshire at the May 2024 elections. The consultation was aimed at people who live and/or work in the area covered by the South Yorkshire Mayoral Combined Authority and the South Yorkshire Police Force area.

Police and Crime Commissioners

The Police Reform and Social Responsibility Act 2011 established directly elected PCCs in 41 forces, replacing Police Authorities. The first PCC for South Yorkshire 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 mayoral PCC model

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.

The transfer of PCC functions to the mayor of a combined authority presents opportunities to align police and crime priorities with transport, regeneration, and skills, and to improve outcomes for the public.

Part One of the Government's Review into the role of PCCs, which concluded on 16 March 2021, 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.

These ambitions were reiterated in the Government's Levelling Up White Paper, published on 2 February 2022, which outlined 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.

South Yorkshire Police and Crime Commissioner functions transfer

The Levelling-up and Regeneration Act 2023 placed 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 on 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 therefore issued the consultation paper 'South Yorkshire police and crime commissioner functions' on 20 December 2023, to gather views to allow him to make a decision on whether to lay an order before Parliament seeking to transfer PCC functions to the Mayor of South Yorkshire. This would happen from the point of the next mayoral election in May 2024, to ensure alignment with the election cycle for PCCs and mayors with PCC functions. The term of office for the current mayor of South Yorkshire would therefore be brought forward and end in May 2024 rather than 2026.

At the time of the launch of the consultation on whether to transfer PCC functions to the Mayor of South Yorkshire, PCC functions had already been transferred to two combined authority mayors. The Mayor of Greater Manchester has exercised PCC functions since 2017 and the Mayor of West Yorkshire has exercised PCC functions since 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.

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 South Yorkshire. The mayor would become the elected local policing body.

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

- issuing a Police and Crime Plan for South Yorkshire
- 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.

The consultation period closed on 31 January 2024 and this report summarises the responses.

Summary of responses

1. The consultation was open to all members of the public, but aimed at people who live and/or work in the area covered by the South Yorkshire Mayoral Combined Authority and the South Yorkshire Police Force area.
2. The consultation included one closed and two open questions. The closed question invited respondents to indicate one of three responses: 'agree', 'disagree', or 'don't know'. This was followed up by one open question ('why do you think this?') and one further open question ('are there any comments you would like to make?'), which provided an opportunity for respondents to add any additional comments. The open questions were analysed for common themes. Respondents were not required to answer all of the questions in the consultation, but an answer to at least one question was required in order for the response to be considered.
3. A total of 3,002 responses to the consultation paper were received. Of these, 2,988 were responses to the online survey and 14 were responses to the SYPCCTransferConsultation@homeoffice.gov.uk mailbox. No responses were received by post. Any responses received after the deadline at midnight on 31 January 2024 were not considered.

Responses to specific questions

1. The Government proposes that the functions of the Police and Crime Commissioner for South Yorkshire are exercised by the mayor of South Yorkshire from May 2024. This would involve bringing forward the planned May 2026 mayoral election to May 2024, then every four years thereafter.

Do you agree or disagree with the transfer of PCC functions to the mayor of South Yorkshire?

- Agree
- Disagree
- Don't know

The total number of respondents to Question 1 via survey was 2,899. The total number of respondents via email was 11.

Agree	Disagree	Don't Know
34%	65%	1%

2. Why do you think this?

The total number of respondents to Question 2 via survey was 2,372. The total number of respondents to Question 2 via email was 14.

Respondents in agreement

Of those respondents who agreed with the transfer of PCC functions, responses noted the opportunity to integrate policing with other devolved public services which the mayor is responsible for. Some respondents said that policing, crime, and community safety, are cross-cutting issues impacting all communities in South Yorkshire, which calls for a more holistic approach to public safety that factors in other devolved public services.

Other responses cited the convening power of mayors, referencing the existing work of the mayor in driving local partnerships forward and co-ordinating of local activity. Some responses noted how the integration of policing governance in this way, under the leadership of the mayor as a single officeholder, would lead to efficiencies and improvements in the delivery of public services across South Yorkshire.

Other respondents in agreement felt the transfer of PCC functions would streamline decision-making. Generally, these responses noted a preference for a single democratically elected individual being accountable for policing governance alongside other devolved functions, rather than those functions being split between two individuals. By simplifying the governance landscape in this way, some responses noted that the public accountability of PCC functions would be made clearer and easier to understand.

Recurring themes raised by respondents in agreement were the prospect of cost savings, better value for money, and operational efficiencies that might arise from a transfer. Examples that were given included rationalising office space, the PCC salary saving that would result from transferring PCC functions to the mayor and removing the need to hold separate PCC and mayoral elections in South Yorkshire in the future. Some respondents who agreed with the PCC transfer cited a greater capacity for information and knowledge exchange as a key benefit, alongside the join up of policing functions with wider corporate functions at the combined authority level.

Other respondents in agreement also noted support for bringing policing governance arrangements for South Yorkshire into line with those for comparable metropolitan areas such as Greater Manchester and West Yorkshire. Some of those respondents noted how the transfer of PCC functions in other mayoral combined authority areas had enabled a more holistic approach to crime prevention, community safety, offender rehabilitation, and other areas of public policy.

Other respondents expressed views about a perceived lack of public awareness and engagement with the PCC, with some noting that voters are relatively unaware of who or what they are voting for at PCC elections. Some of those respondents felt that a transfer of PCC functions to the mayor could increase the visibility and profile of the PCC officeholder. This in turn was considered by some as a move that would encourage greater

public participation with the PCC officeholder. A minority view expressed by respondents in agreement was that the formal scrutiny of the PCC officeholder would be strengthened if PCC functions were transferred to the mayor.

Respondents in disagreement

Of those respondents who disagreed with the transfer of PCC functions, a large proportion noted the added responsibilities and duties that would fall upon the Mayor. Concerns were noted about the breadth of the Mayor's existing portfolio and how one individual could not be expected to devote the necessary time, energy, and focus to a multitude of devolved functions. Some of those respondents felt a transfer could act to the detriment of policing governance and dilute the Mayor's ability to focus on the policing and crime priorities that matter most to local communities. Other respondents felt that a transfer of PCC functions to the mayor would also result in a conflict of interest. A minority felt that a transfer could divert resources away from policing and towards non-policing activities within the combined authority.

An issue raised by respondents in disagreement with a transfer was dissatisfaction with the Mayor's ability to appoint an unelected deputy for policing and crime. Concerns were raised about the nature of these appointments, with some respondents noting that the appointment process does not guarantee previous experience and expertise in policing. Other respondents felt the appointment of a deputy mayor for policing and crime was fundamentally undemocratic and that this would result in a lack of accountability.

Some of the respondents in disagreement were satisfied with current governance arrangements and did not consider that the mayoral PCC model would bring additional benefit. Some respondents felt the current separation of PCC functions from the Mayor acted as a good check and balance to avoid too much power being concentrated in one individual. Some responses noted how the PCC officeholder and their staff should remain physically separated from the mayor and combined authority, in order to maintain a constructive and effective working relationship.

Where respondents disagreed with the transfer of PCC functions, general feedback was received about the perceived performance of the incumbent PCC and Mayor. Of those, some expressed personal opinions about how the current PCC is doing a good job and has built a wealth of experience in the role, earning the trust of local communities. Some of those respondents noted how any new incumbent to the office of the PCC would have to start from scratch and potentially have less expertise to call upon.

A significant number of respondents made reference to the closure of Doncaster Sheffield airport. Additionally, some respondents expressed concern that the Mayor devotes considerable time and interest to matters that primarily impact Sheffield rather than the whole of South Yorkshire.

A minority proportion of respondents who disagreed with the transfer noted how policing should remain independent from political interference. Some respondents felt that PCCs

should remain directly elected but be able to stand as independent candidates only, rather than as representatives of political parties. Others felt that the mayoral combined authority office was overtly more political than the office of the PCC, and that a transfer would politicise policing governance to an even greater degree.

Some respondents felt neither the PCC or the mayoral PCC model are satisfactory or effective models for the exercise of policing governance functions. It was suggested by some that PCC officeholders should be either senior police officers or independent appointments. Others felt policing governance functions should be re-centralised by Government.

Government response

In consideration of this feedback, the Government considers that incorporating PCC functions into the mayoral role provides benefit for the community through greater strategic join-up across public service. The Government also considers that mayors with PCC functions benefit from a high public profile, more visibility and greater ability to bring about local change.

By placing the governance of policing at the heart of a wider range of devolved responsibilities, the Government has been clear that mayors who exercise PCC functions have wider levers to take a more coordinated approach to crime. That is why in the Levelling Up White Paper the Government set out a desire for all combined authority mayors to lead on public safety, taking on the PCC role where boundaries align.

In consideration of the responses received in relation to powers for mayors with PCC functions to appoint unelected deputy mayors for policing and crime, it is important to recognise that PCCs may also appoint a deputy PCC to whom they can delegate certain functions. It is the mayor who remains ultimately accountable to the electorate for all decisions in relation to PCC functions and mayors and their deputies are scrutinised by a police and crime panel. Furthermore, the mayor cannot delegate certain key strategic functions, such as issuing the police and crime plan, or appointing, suspending, or calling upon the chief constable to resign or retire.

On the general feedback received by respondents in relation to the perceived performance of both the current PCC and Mayor in South Yorkshire, it should be noted that the Government are seeking to move functions from one directly elected individual, a PCC, to another directly elected individual, a mayor. The Government has been clear that it sees mayors exercising PCC functions as equivalent to PCCs exercising them. The Government has also been clear that, following a transfer of PCC functions, the mayor ultimately remains directly accountable to the public via the ballot box for their performance.

3. Are there any comments you would like to make?

The total number of respondents to Question 3 via survey was 1,118. The total number of respondents via email was 14.

Of those respondents who made additional comments that were not already raised in response to the previous question, some respondents highlighted the need for continued consultation and public engagement from the mayor if PCC functions were to be transferred from May 2024.

Other respondents felt that a PCC transfer could weaken policing governance due to the loss of separate statutory officers under the mayoral PCC model. A minority of respondents queried both the cost to the public purse of a PCC transfer and, if a transfer took place, whether the policing budget would be divided differently.

A minority of respondents commented on how the mayoral election in South Yorkshire has been brought forward from 2026 to 2024. Views were expressed against doing so, on the basis of there not being enough time to lay the groundwork for a transfer, either locally or at Government level. Views were also expressed in favour of bringing the election forward, on the basis of having the opportunity to exercise accountability.

The timescale available to ensure a smooth and effective transfer was a concern raised by some respondents. The practicalities of a transfer, in terms of the operational requirements, the cost implications and liabilities, and the transition planning arrangements for current staff from the office of the PCC, were noted.

Two respondents queried why a PCC transfer to a mayor should be aligned with the PCC election cycle and called for an immediate transfer. Two respondents separately commented more generally on how the United Kingdom is a relatively centralised democracy, with one of those respondents noting that decisions about local policies and services are best made by locally accountable politicians.

Government response

On the need for continued public engagement, PCCs are required to obtain the views of their communities, including key stakeholders such as the Police and Crime Panel and the Chief Constable, before issuing a Police and Crime Plan or proposed precept, so it would remain the case that the mayor would engage with the public on policing and crime issues. The Mayor would be directly accountable to the electorate for securing an efficient and effective police service in South Yorkshire. In addition, the South Yorkshire Police and Crime Panel will continue to scrutinise the actions and decisions of the Mayor to ensure transparency with the public. This replicates the current arrangements where a Police and Crime Panel scrutinises the actions and decisions of the PCC.

On the question of statutory monitoring officers, the current legislative framework for the PCC model and the constitution of mayoral combined authorities was not designed to accommodate more than one statutory monitoring officer for a mayoral combined authority. The legislative system of statutory officers is designed on the basis of having one of each type of statutory officer to ensure clear accountability, governance, control,

and oversight over one corporate body. It would therefore be unprecedented to establish more than one such officer for a corporate body such as a mayoral combined authority, which would create complexity around the responsibilities of those monitoring officers and would bring with it an unwarranted cost to that combined authority.

On the question of the mayoral elections being brought forward from 2026 to 2024, the Government has been clear this is a necessary step to allow for the mayor of South Yorkshire to be elected to the same cycle as all PCCs and mayors who exercise PCC functions. That ensures that whoever exercises the functions of PCC must be elected to do so. If a transfer were to take place, the Mayor of South Yorkshire would then serve a full four-year term on this new cycle with the next election taking place in May 2028. There will ultimately be a saving to the public purse as the elections for both the PCC and Mayor of South Yorkshire will be combined. There will therefore be a savings benefit from the reduction in number of local elections in South Yorkshire.

Regarding arrangements for the policing budget under the mayoral PCC model, if the mayor were to take on PCC functions those functions would include setting the police budget, including the PCC council tax precept requirements. There are no changes to the way the policing budget is distributed by Government following a transfer.

As with other mayoral combined authorities, such as Greater Manchester, the Mayor will have a duty in law to maintain a Police Fund and is accountable for all decisions in relation to police spending, which the mayor must make in the exercise of their PCC functions. The Police Fund should be separately identifiable in the combined authority's single entity accounts.

Economic Note and Equalities

Economic Note

An Economic Note has been completed and will be published at the following address in due course: <https://www.gov.uk/government/consultations/south-yorkshire-police-and-crime-commissioner-functions-transfer>

Equality Impact Assessment

An Equalities Impact Assessment (EIA) has been completed which summarises evidence considered in demonstrating how the transfer of PCC functions to the mayor of South Yorkshire would have due regard to the Public Sector Equality Duty. The EIA was updated to take account of evidence provided by respondents during the consultation period.

Next steps

The Home Secretary has considered the responses to this consultation, and the relevant statutory tests and duties, and has decided to proceed with the process of making an order to transfer PCC functions to the South Yorkshire Mayoralty from the point of the May 2024 mayoral election, when the next South Yorkshire mayoral election will be rescheduled to take place, then every four years thereafter.

The Home Secretary is firmly of the view that the democratic accountability established by the PCC model is maintained by transferring PCC functions to the mayoralty. The people of South Yorkshire will continue to directly elect the individual responsible for exercising PCC functions, however, instead of voting for both a PCC and a mayor, they will instead elect a mayor with PCC functions. The Home Secretary believes this will enhance accountability and provide for strong policing governance in South Yorkshire. The first South Yorkshire Mayor to exercise the functions would do so following the May 2024 election, ensuring the Mayor elected has a direct democratic mandate from the people of South Yorkshire to exercise PCC functions.

The Home Secretary further believes that the transfer of PCC functions to the Mayoralty has the potential to offer wider levers to tackle crime. A mayor with a wide range of functions has a stronger foundation to better align local strategies and services, taking a holistic approach to problem solving.

It is already the case that the mayors of Greater Manchester and West Yorkshire exercise PCC functions, and as of May 2024, the first Mayor of York and North Yorkshire will be elected to exercise these functions. The Mayor of London also exercises equivalent to PCC functions. Therefore, the South Yorkshire Mayor, in exercising PCC functions, will be joining a growing number of mayors who do so.

The Home Secretary's decision is in line with the commitment in the Levelling Up White Paper for all combined authority mayors to exercise PCC functions, where feasible, and the conclusion of the Government's PCC Review.

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 Cabinet Office Consultation Principles 2018:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf



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