



Home Office

West Midlands 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 'West Midlands 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/west-midlands-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 'West Midlands police and crime commissioner functions transfer' 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 the West Midlands at the May 2024 elections. The consultation was aimed at people who live and/or work in the area covered by the West Midlands Mayoral Combined Authority and the West Midlands 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 the 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 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.

West Midlands 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 in 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 'West Midlands police and crime commissioner functions transfer' 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 the West Midlands. This would allow the electorate in the West Midlands to vote for a mayor with PCC functions from the point of the next mayoral election in May 2024.

At the time of the launch of the consultation on whether to transfer PCC functions to the Mayor of West Midlands, 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 the West Midlands. 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 the 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.

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 West Midlands Mayoral Combined Authority and the West Midlands 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 7,103 responses to the consultation were received. Of these, 7,076 were responses to the online survey, 26 were responses to the wmpcctransferconsultation@homeoffice.gov.uk mailbox, and 1 was received by post. Any responses received after the deadline at midnight on 31 January 2024 were not considered.
4. A total of 927 responses were identified over the course of the analysis as duplicate responses. The identified duplicate responses entered identical text into one of the open question text boxes in the consultation response survey. Usually, these duplicate responses provided different names, addresses, and postcodes for each response. The duplication of responses could be down to either a campaign orchestrated by an external group or individual, or be the result of deliberate interference through the use of automated software. All of the identified duplicate responses disagreed with the proposal to transfer PCC functions. It was decided not to remove the identified duplicate responses and to therefore include them within the 'Responses to specific questions' section below.

Responses to specific questions

1. The Government proposes that the functions of the Police and Crime Commissioner for the West Midlands are exercised by the Mayor of the West Midlands from 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**

The total number of respondents to Question 1 via survey was 6,820. The total number of respondents to Question 1 via email and post was 24¹.

Agree	Disagree	Don't Know
46%	50%	4%

¹ Although not enough is known about the nature of the 927 identified duplicate responses to exclude them, if they were to be excluded the total number of respondents to Question 1 via survey would be 5893. The proportion of respondents who agreed or disagreed with the transfer would be revised as follows: 53% agree; 42% disagree; 5% don't know.

2. Why do you think this?

The total number of respondents to Question 2 via survey was 5,890. The total number of respondents to Question 2 via email and post was 27.

Responses in agreement

Of those respondents who agreed with the transfer of PCC functions, responses noted the opportunity to rationalise public funding and resources and the potential cost savings that could therefore be realised. Some of those respondents felt that public funding is not currently being used effectively, because two officeholders currently exercise devolved functions over the West Midlands Combined Authority geography, when those same functions could alternatively be held by one officeholder.

Other respondents in agreement felt the transfer of PCC functions would encourage a more joined up approach to tackling crime through integration with the Mayor's existing devolved powers and functions. It was noted by some respondents that a mayor with PCC functions could take a holistic view of public safety across the region. Others noted how the convening power of the Mayor could unlock further collaborative working and drive improvements for public safety and criminal justice at a regional level. The potential to co-deliver public services and achieve greater economies of scale was a common theme. There was also general feedback on how these associated benefits would reduce bureaucracy.

Another theme noted by respondents in agreement was the appeal of having one directly accountable individual responsible for a greater range of functions. Some respondents felt that having a single locally elected leader would better ensure the issues that matter most to the people of the West Midlands are listened to and acted upon. Other respondents felt the current situation in the West Midlands, where the incumbent PCC and Mayor represent different political parties, can sometimes be counterproductive.

Respondents in agreement additionally felt it would make sense to align policing governance arrangements in the West Midlands with comparable areas of the country such as London, Greater Manchester, and West Yorkshire. General feedback was received about how the mayoral PCC model works well in other metropolitan areas. Some of those respondents felt that the benefits of devolution have been most strongly realised in areas where the mayoral PCC model exists.

From responses received in agreement, general feedback was heard about the perceived performance of the incumbent PCC. Some of those respondents expressed personal opinions about the PCC's tenure in office, and highlighted dissatisfaction with specific policy decisions. Other respondents commented more generally about the perceived low public profile of the current PCC, and some queried the overall value of the PCC model. Some of the responses in agreement with the transfer expressed personal opinions about mayor' tenure in office. It was felt by some that the Mayor had a proven track record of advocating for the people of the West Midlands and building trust with local communities.

The escalation of West Midlands police into His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) 'Engage' category of enhanced monitoring in November 2023 was raised by some respondents, both those for and against a transfer. On the one hand, those in agreement cited the opportunity that a transfer would present for new mayoral oversight and leadership, and how that could help to ensure the force addresses the failures identified by HMICFRS. Those in disagreement, on the other hand, felt that now was a time for stability and noted the inherent risk of transferring PCC functions to a potentially less experienced individual whilst West Midlands police remain under HMICFRS' enhance monitoring regime.

Responses in disagreement

Of respondents who disagreed with the transfer of PCC functions, some felt that a transfer would be undemocratic. Others queried the rationale for a transfer and felt that it was a politically motivated move by the current mayor. A proportion of responses were based on a perception that the transfer would or could happen immediately, rather than from the point of the mayoral election in May 2024.

A relatively common sentiment expressed by responses in disagreement was that the mayor already has enough responsibilities. The concern voiced from those correspondents was that a transfer could result in less attention and focus being given to the PCC role. Some respondents felt this could lead to poorer outcomes for driving down crime and securing community safety.

The expertise, knowledge, and experience of the current Mayor in relation to policing and police governance matters was a concern raised by respondents in disagreement. It was felt by some of those respondents that a fundamental knowledge of policing should be a prerequisite for anyone holding the office of a PCC. Some respondents cited the examples of London and Greater Manchester as reasons why a mayor should not be given PCC or equivalent functions.

Other respondents who disagreed noted a preference to remain with the current arrangements for policing governance in the West Midlands and felt the accountability of local policing should remain separate from the office of the Mayor. Some of those respondents felt that the separation of PCC functions from the Mayor is beneficial for accountability, and means the electorate have a clear sense of what they are voting for.

Some of the responses noted satisfaction with the performance of the PCC and felt the Mayor should continue to focus on other existing devolved responsibilities such as transport. Other respondents felt that a PCC transfer would result in too much power being in the hands of one directly elected individual.

The need to keep policing governance independent from local government arrangements was another sentiment expressed by respondents in disagreement. Some responses noted how policing budgets should continue to be ringfenced and expressed concern about how a transfer of PCC functions could lead to policing budgets being diluted by non-policing budgets.

A minority proportion of respondents who disagreed with the transfer noted how the accountability of policing should remain independent from political interference. There was a degree of misunderstanding about the nature of the PCC role – some respondents thought it was not already a directly elected position.

Government response

In response to views that the mayoral role offers the opportunity to better rationalise public resources and reduce bureaucracy, the Government agrees that incorporating PCC functions into the mayoral role provides benefit for the communities served by their elected mayor through greater strategic join-up across public services. The Government also agrees that mayors with PCC functions benefit from a high public profile, more visibility and greater ability to bring about local change. It is the Government's view that the mayoral PCC model will provide for strong policing governance at a time when West Midlands police remains subject to HMICFRS' enhance monitoring regime.

The Government recognises 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.

Regarding the responses that queried when the transfer would happen, including responses which assumed the transfer would happen immediately, the Government consultation document was clear that the proposed transfer would happen at the next mayoral election on 2 May 2024. The Government is also clear that whoever exercises the functions of PCC must have a democratic mandate to do so.

In relation to responses received about the Mayor having too much existing responsibility to give due focus to PCC functions, it should be recognised that the Mayor may appoint a deputy mayor for policing and crime, to whom they may delegate some but not all PCC functions. It is the Mayor who remains ultimately accountable to the electorate for all decisions in relation to PCC functions.

With regard to concerns raised about the Mayor's expertise in relation to policing, it should be noted that the requirements of the PCC role are set out clearly in statute within The Police Reform and Social Responsibility Act 2011. Anyone who exercises PCC functions is supported and scrutinised by their local Police and Crime Panel on the exercise of those functions. Like their PCC counterparts, mayors with PCC functions are ultimately elected and held to account by the public at the ballot box, enabling the public to determine who should exercise PCC functions.

In consideration of comments received about policing budgets, there would be no changes to the way the policing budget is distributed by Government following a transfer. As with other mayoral combined authorities, the Mayor would have a duty in law to maintain a Police Fund and would be accountable for all decisions in relation to police spending. The mayoral PCC model also provides that decisions about policing are the responsibility of

the directly accountable mayor, rather than the combined authority. This ensures that a clear line of accountability for policing is maintained.

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

The total number of respondents to Question 3 via survey was 2,901. The total number of responses via email and post was 27.

Of those respondents who made additional comments that were not already raised in response to the previous question, general commentary was received about the state of policing. This includes responses citing concerns about a lack of investment in policing in recent years, citing for example the closure of local police stations and a perceived decline in police presence. Other respondents felt too much police time is being spent on paperwork, whilst some respondents felt the strength of British policing rests upon neighbourhood policing.

Other responses felt not enough direct action is being taken to prevent and respond to perceived rising levels of crime in the West Midlands. Specific areas of concern were noted as anti-social behaviour, knife crime, car theft, and burglary. Some respondents felt the police should have stronger powers to protect the public. Current deterrence methods in relation to criminal offending were also felt by some to be inadequate.

Some responses noted how the electorate in both Birmingham and Coventry had voted against having a directly elected mayor in those areas in 2012. It was felt that the subsequent creation of the Mayor of the West Midlands in 2017 was therefore not supported locally. Some respondents additionally noted how the electorate were not consulted about the creation of the PCCs, and pointed towards election turnout rates for the West Midlands PCC being lower than other types of local election.

A minority of respondents felt the former system of policing governance through police authorities was a more effective way to hold the West Midlands police to account. Other views expressed a general lack of awareness of both the PCC model and the mayoral combined authority model.

One respondent noted that in other areas where PCC functions have been transferred to the mayor of a combined authority, that was done with the agreement and support of the relevant metropolitan district councils.

Government response

In response to views about more action being needed to tackle crime, the Government's view is that mayors with PCC functions have wider levers to join-up delivery on tackling crime and securing public safety. With an expanded role comes a higher mayoral public profile, and greater ability to bring about local change on policing and crime issues that matter most to local communities. Whilst Chief Constables are best placed to make decisions on how to deploy resources, the Government expects Chief Constables and

PCCs to be delivering plans to increase police visibility and ensuring neighbourhood policing remains the bedrock of British policing.

Regarding responses that related to police investment, the Government has demonstrated its commitment to supporting our police and providing them with the resources needed to fight crime and keep the public safe. The Government has confirmed a total police funding settlement of up to £18.4 billion in 2024-25, an increase of up to £842.9 million when compared to 2023-24. The Government has also delivered its commitment to recruit 20,000 additional police officers and this is being maintained. During the Police Uplift Programme, West Midlands police recruited 1,376 additional officers against a total three-year allocation of 1,218 officers. Mayors with PCC functions are responsible for setting the annual budget for their police force area in the same way as PCCs do. They have duties to consult the public and victims of crime on policing and crime priorities that matter most to their communities when setting their Police and Crime Plans and budgets.

In consideration of responses received about police authorities, it is important to recognise how the current system of PCCs, and mayors who exercise PCC functions, ensures everyone has a direct say on policing in their area. The public profile of PCC officeholders means they are scrutinised in a way that anonymous police authorities were not.

On responses received about election turnout at PCC elections, the government is aware of evidence that aligning PCC elections with other elections helps to boost voter turnout. For the first time in 2024, the mayoral elections will also use the First Past the Post system which will make voting clearer for the public and reduce the number of spoiled ballots.

On the comments received about local consent for a PCC transfer, if a transfer relates to an existing combined authority, as is the case in the West Midlands, then the Levelling-up and Regeneration Act 2023 amended the statutory consent required so that the only consent that is needed is that of the mayor. This change reflects that the constituent councils and combined authority have no role in the exercise of PCC functions which if transferred are exercised by the mayor.

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/west-midlands-police-and-crime-commissioner-functions-transfer>

Equalities 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 West Midlands would have due regard to the Public Sector Equality Duty. The EIA took account of evidence provided by respondents to the consultation.

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 West Midlands Mayoralty from the point of the May 2024 mayoral election.

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 West Midlands 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 the West Midlands. The first West Midlands 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 the West Midlands 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 West Midlands 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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