

Appendix C – Governance Review and Scheme written feedback



Walsall Council

Legal Services

Your Ref: TM
Our Ref: SP/DD
Date: 22/10/18
Contact: Stuart Portman
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Tim Martin
Head of Governance
West Midlands Combined Authority
16 Summer Lane,
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Dear Sirs,

Consultation on Transfer of PCC role – Governance Review and Scheme

I write further to the decision on the 14 September of the West Midlands Combined Authority Board to consult Constituent Councils upon the above.

In consultation with the Councils Leader and Chief Executive, I can confirm the following observations are made in relation to the Governance Review and Scheme.

The role of Deputy Police and Crime Commissioner

The proposals as set out intend to limit the holders of this role to those who reside within the West Midlands. This provision should be removed as it significantly limits the potential talent pool that the Combined Authority could expect interest from for such a role.

The West Midlands is a tightly defined geographical area with a substantial population living close to its borders including a number of large conurbations and cities. To specifically render those areas as being non-habitable for the purposes of the occupancy of the role would not be in the best interests of the public, who should have of the benefit of the best possible talent.

It is noted that there is also a proposal that Leaders of the Constituent Councils cannot hold the Deputy Police and Crime Commissioner role, again these provision should be removed. Leaders of Constituent Councils can legally hold this role and to go contrary to Parliament's intention is without justification. Indeed, where the role of

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the Police and Crime Commissioner has transferred into other Combined Authorities, Leaders are not excluded from undertaking the role. Ultimately the decision as to whether a Leader would hold the role, is down to the individual Leaders that are interested and whether they are successful in any application as determined by the Mayor.

Police Funds

Whilst it is to noted that it is proposed that the use of the Police and Crime Commissioner assets will be ring fenced within the Order. There are two further areas that should also be the subject of ring fencing, those are the Police Funds and the cost of borrowing undertaken on behalf of the Police and Crime Commissioner functions.

As drafted the current proposals are that they should be kept separate to the other Mayoral Combined Authority functions but not ring fenced in the Order. These should also be ring fenced away from other Combined Authority funds within the Order so as to prevent any potential for budget virement or transfer between the funds, except for where the Combined Authority Board and Mayor agree otherwise as part of the Combined Authority's Budget.

Yours sincerely,



STUART PORTMAN
Head of Law