

Audit, Risk & Assurance Committee

Date	14 January 2019
Report title	Update on the consultation from the Transfer of West Midlands Police & Crime Commissioner Functions
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Report has been considered by	Not Applicable

Recommendation(s) for action or decision:

Audit, Risk and Assurance Committee is recommended to:

- (1) Note the update provided on the consultation for the transfer of West Midlands Police & Crime Commissioner Functions.

1. Purpose

- 1.1 The purpose of this report is to provide an update on the process for the transfer of West Midlands Police & Crime Commissioner Functions and to provide an opportunity to answer any relevant questions that the Committee has on the process.

2. Background

- 2.1 The legislative and policy background to this proposed governance transfer are outlined in some detail within the reports considered at the September and November 2018 WMCA Board meetings – with the overall mandate of effecting a transfer of governance to enable the election of a Mayor with PCC responsibilities for the West Midlands in 2020 in line with the region's second Devolution Deal.
- 2.2 At the September Board meeting, WMCA members and the PCC agreed to take the Governance Review and Scheme back for consideration within their authorities – and to send feedback to WMCA officers for consideration. The Governance Review outlined the current and proposed PCC model, with specific reference to areas where clarity on governance, accountabilities and operational detail were required. The Scheme provided for the underlying legislative basis for the transfer. The WMCA Board also requested that more work be carried out on an appropriate consultation design.
- 2.3 At the November Board meeting, WMCA Members noted the feedback received to date on the Governance Review and Scheme, agreed to a 2 stage consultation process and timetable, agreed on a revised Governance Review and Scheme to be consulted upon and agreed to receive a further report in March 2019 detailing the outcome of the consultation.

3. The Agreed Process

- 3.1 The process agreed by the WMCA Board on 9 November 2018 is detailed in the table below:

Action	Who	Date
Consultation Proposals	Programme Board	26 October 2018
Seek Approval to Consult	CA Board	9 Nov 2018
Public Consultation Stage 1	CA, Constituents and PCC	16 Nov - 11 Jan 2019
Police & Crime Panel	PCP Members, PCC & WMCA Officers	26 November 2018
WMCA Overview & Scrutiny Committee	Ctee membership & WMCA Officers	26 November 2018
Public Consultation Stage 2	Constituent Authorities/PCC	14 Jan – 11 March 2019
Police & Crime Panel	PCP Members, PCC & WMCA Officers	4 February 2018
WMCA Overview & Scrutiny Committee	Ctee membership & WMCA Officers	25 February 2018
Early consultation outcomes	Programme Board	8 March 2019
Consideration of Consultation Outcomes and Approval to submit	CA Board/PCC	22 March 2019
Scheme to Home Secretary	CA	11 April 2019
Preparation of Order	Home Office	May - July 2019
Delegated Consents	CA and Constituent Councils	June – July 2019
Consent to Order	CA and Constituent Councils	End of August 2019

Lay in Parliament	Home Office	Oct/Nov 2019
Confirmation of Order	Home Office	December 2019
Election of Mayor with PCC Powers		May 2020

The Consultation Process

- 3.2 Stage 1 of the consultation began on the 16 November 2018 and will last until 11 January 2019, this consultation exercise is focused upon the principle of the proposed transfer and whether or not the public supports this principle. Details of stage 1 of the consultation can be viewed at www.wmca.org.uk/policeconsultation
- 3.3 The proposed content for stage 2 of the consultation is in development, stage 2 will focus on how the strategic leadership and direction (governance) of policing would operate within the WMCA and who would be responsible for decisions.
- 3.4 Both stages of the consultation involve attending meetings of the WMCA Overview and Scrutiny Committee and the West Midlands Police and Crime Panel. Stage 2 of the consultation process will be undertaken between 14 January and 11 March 2019.

WMCA Board 22 March 2019

35. WMCA Board are scheduled to meet on 22 March 2019, at that meeting they will receive a report that provides results and analysis of both stages of the public consultation exercise for them to consider.
- 3.6 If they are in agreement that they wish to continue with the process then the WMCA Board will be asked to:
- 1) Agree to take the consultation analysis and results report by BECG to each Constituent Council to consider;
 - 2) Approve the Scheme for submission to the Home Office
 - 3) Agree to seek delegated Consent to the Order being laid in Parliament at the June/July Constituent Council Cabinet Meetings
- 3.7 If the decision is taken to proceed and the Secretary of State agrees with the proposals planning for practical implementation will commence. The details of governance changes will be brought before relevant committees/Boards in Autumn 2019, including ARAC.

Preparation of the Order

- 3.8 The Home Office have provided a deadline of 12 April 2019 for the Scheme and comments on the scheme to be provided by WMCA. Following this deadline the Home Office will develop a statutory instrument which is a form of legislation which allows the provisions of an Act of Parliament to be subsequently brought into force or altered without Parliament having to pass a new Act.

Delegated Consents

- 3.9 Subject to agreement to continue at WMCA Board in March 2019 the Constituent Councils will be asked to individually consider whether or not they support the proposal to transfer the powers and responsibilities of a PCC. Each Constituent Council will be asked to delegate final consent to the Leader and Chief Executive of each respective

Constituent Authority when the Home Secretary formally requests that consent subject to the WMCA Board agreeing to continue the process on 22 March 2019.

- 3.10 In addition and subject to agreement to continue with the process the WMCA Board will meet on 26 July 2019 and will be asked to delegate its consent to the Mayor.

Final Consent

- 3.11 The Home Secretary will write to each Constituent Council and the Mayor in late August 2019 to formally request their consent for the Order to be laid before Parliament. This is the stage where the Mayor and Constituent Councils provide their final consent to the process.

4. Financial Implications

- 4.1 The Financial implications of progression of governance arrangements and the statutory order are being met through internal resources of the WMCA, with support from the Home Office and OPCC as appropriate.
- 4.2 Wider costs of transition are being developed with a view to resources for transition planning being earmarked with the WMCA's annual budgeting and Medium-Term Financial Planning processes.

5. Legal Implications

- 5.1 The legal implications in terms of legislation are outlined in previous reports. Further legal implications are reported through the Governance Review and Scheme for consideration.

6. Equalities Implications

- 6.1 There are no direct equalities implications arising out this report.

7. Inclusive Growth Implications

- 7.1 The WMCA Board has asked for the inclusive growth implications of each board paper to be outlined in this section. We are developing a set of materials that will allow officers and partners to do this robustly, which will be reflected in WMCA Board reports from January 2019 onwards.

8. Geographical Area of Report's Implications

- 8.1 In regards to Geographical implications these proposals only have effect within the Constituent Council areas, ie the WM metropolitan area.

9. Other Implications

- 9.1 There are no other implications identified within this report.

10. Schedule of Background Papers

- 10.1 Governance Review and Scheme
10.2 Report to WMCA Board 14 September 2018
10.3 Report to WMCA Board 9 November 2019

11. Appendices

11.1 There are no appendices to this report.