

Sandwell Metropolitan Borough Council

16 October 2018

Subject:	Governance Review and Scheme for the transfer of the Police and Crime Commissioner Functions to the Mayoral West Midlands Combined Authority
Presenting Cabinet Member:	Councillor Steve Eling - Leader of the Council
Director:	Chief Executive – Jan Britton
Contribution towards Vision 2030:	
Contact Officer(s):	Maria Price – Service Manager Legal maria_price@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Council:

- (1) Consider the prepared Governance Review and Scheme outlining the proposed model for Mayoral West Midlands Combined Authority (WMCA) governance of the West Midlands Police and Crime Commissioner (PCC) functions and provide feedback to the WMCA.

1 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to consult Constituent Authorities on the report (Appendix 1), the prepared Governance Review (Appendix 2) and Scheme (Appendix 3) for the proposed Mayoral WMCA PCC governance model. The WMCA Board requests that Constituent Authorities consider and discuss these papers and provide feedback prior to the WMCA Board seeking approval to go out to formal consultation. WMCA have requested that feedback be provided by 19 October 2018.
- 1.2 To provide assurance to the Constituent Authorities and the PCC over the process to develop the Governance Review and Scheme and confirm that key issues raised through the continuing development process will be fed back to the WMCA Board for consideration.

- 1.3 To note next steps and timetable to meet single Mayoral/ PCC elections in 2020.

2. IMPLICATIONS FOR THE COUNCIL'S AMBITION

- 2.1 The work of the West Midlands Fire Service directly contributes to the ambition that by 2030 our communities are built on mutual respect and taking care of each other, supported by all the agencies that ensure we feel safe and protected in our homes and local neighbourhoods.

3. BACKGROUND

- 3.1 The second Devolution Deal for the West Midlands confirmed that, in addition to continuing the transfer of West Midlands Fire and Rescue Service governance to the WMCA, "the government, the CA and the PCC will work together to agree a detailed governance model and a legislative timetable for incorporating the role and power of the Police and Crime Commissioner into the Mayoralty, with a view to electing the first Mayor with these powers in 2020".
- 3.2 When considering the Devolution Deal on the 9th February 2018, the WMCA Board agreed that "the Government, West Midlands Combined Authority and the West Midlands Police and Crime Commissioner will enter into discussions with the Mayor regarding a governance model for incorporating the role and powers of the Police and Crime Commissioner into the Mayor's role and powers, provided that the final governance model proposed following discussions is agreed by each of the Constituent Authorities, the Mayor and the Police and Crime Commissioner".
- 3.3 At the WMCA Board meeting of 20th July, the WMCA Board agreed to "the development of a Governance Review and Scheme to enable the proposed amalgamation of the functions of the West Midlands Police and Crime Commissioner into the Mayoralty for the elections to be held in 2020".
- 3.4 At the WMCA Board meeting of 14th September the WMCA Board agreed to the following:
 - (1) Note progress on the development of the Governance Review and Scheme outlining the proposed model for Mayoral West Midlands Combined Authority (WMCA) governance of the West Midlands Police and Crime Commissioner (PCC) functions.
 - (2) Request that this report and attached Governance Review and Scheme are considered by Constituent Authorities and the PCC in

line with the requirement to elect a Mayor with PCC responsibilities in 2020, as agreed by the Board on 20th July 2018.

- (3) Agree to receive a further report at November 2018 WMCA Board detailing the outcome of the Constituent Councils and PCC consideration of the content of the Governance Review and Scheme, and setting out the public consultation process.

- 3.5 Attached at Appendix 1 is the report submitted to the WMCA Board on the 14th September 2018. Appendix 2 is the Governance Review and Appendix 3 is the Scheme, both of which were considered by the WMCA Board on the 14th September 2018.

4 THE CURRENT POSITION

- 4.1 The consultation was discussed at WMCA Board on 14 September 2018 full details are attached at appendix 1, 2 and 3.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 Public consultation on the Governance Scheme will be outlined following the West Midlands Combined Authority November 2018 board meeting.

6 STRATEGIC RESOURCE IMPLICATIONS

- 6.1 The financial implications and process for transfer of functions to the Mayoral WMCA are currently being considered and will be further explored.
- 6.2 The financial implication of a public consultation would be determined by the nature and type of consultation. This will be funded by the PPC and or the WMCA to be agreed by the Home Office.

7 LEGAL AND GOVERNANCE CONSIDERATIONS

- 7.1 The legislation and legal implications are detailed in the attached appendix.

8 EQUALITY IMPACT ASSESSMENT

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

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 No data protection impact assessment is required for the proposals set out in this report as they do not involve the processing of personal data.

10 CRIME AND DISORDER AND RISK ASSESSMENT

10.1 Full details on risk matters relating to the proposals and the unique nature of PCC as a risk-based service are set out in the attached governance review.

11 SUSTAINABILITY OF PROPOSALS

11.1 The proposals to transfer the governance of PCC to WMCA will ensure sustainability of services while contributing to the joint transformation of public services within the region, providing value for money in the delivery of public safety.

12 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

12.1 There are no specific implications for health and wellbeing arising from the proposals, which relate to the governance matters.

13 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

13.1 The proposals have no impact on property or land managed or owned by the Council.

14 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

14.1 In order to progress the changes for West Midlands Combined Authority to assume governance of PCC is asked to consider the recommendations set out in paragraph 1 above.

APPENDICES:

Appendix 1 Report submitted to the WMCA Board on the 14th September 2018.

Appendix 2 Governance Review

Appendix 3 Scheme

Jan Britton
Chief Executive