

## Mayoral Combined Authority Board

Tuesday, 14 November 2023

### Transfer of Police and Crime Commissioner (PCC) Functions

---

Is the paper exempt from the press and public?	No
Reason why exempt:	Not applicable
Purpose of this report:	Policy Decision
Is this a Key Decision?	Yes
Has it been included on the Forward Plan of Key Decisions?	Yes

---

#### Director Approving Submission of the Report:

Clare Monaghan, Executive Director Policy & Strategic Development

#### Report Author(s):

Steve Davenport, Director of Legal & Governance  
[steve.davenport@southyorkshire-ca.gov.uk](mailto:steve.davenport@southyorkshire-ca.gov.uk)

---

#### Executive Summary

The MCA agreed in July 2023 to proceed to secure the transfer of the Police and Crime Commissioner (PCC) functions with effect from May 2024. This report seeks explicit consent to the laying of the parliamentary order that will affect that transfer

#### What does this mean for businesses, people and places in South Yorkshire?

The governance and scrutiny of policing alongside the provision of services delivered directly by or through contracted services through the OPCC and Violence Reduction Unit (VRU) are critical to the ongoing and improving safety and security of South Yorkshire communities.

#### Recommendations

That the Board:-

1. Formally endorse the proposals to transfer the Police and Crime Commissioner functions to the Mayor with effect from May 2024 and to the reduction in the present mayoral term to align with the PCC election cycle of May 2024; and

2. Agree for the Head of Paid Service to consent on behalf of the MCA to the order required to facilitate the transfer of PCC functions to the Mayor.

## Consideration by any other Board, Committee, Assurance or Advisory Panel

Mayoral Combined Authority Board

31 July 2023

### 1. Background

- 1.1 The Combined Authority (CA) was established in 2014. In 2018 the first elections for a Mayor were held, as the organisation transitioned to a Mayoral Combined Authority (MCA). A second election was held in 2022 for an expected mayoral term of 4 years.
- 1.2 The Government's White Paper, 'Levelling Up the United Kingdom' contained the following commitment:-  
  
*"The UK Government will take steps to remove barriers to combined authority mayors taking on public safety functions. Where there are existing or planned mayoral combined authorities with coterminous boundaries to PCCs and Fire and Rescue Authorities, the UK Government will look to transfer these functions to the Mayor"*
- 1.3 At its meetings in June and July the MCA endorsed the approach to a transfer of PCC functions to the Mayor and amongst other recommendations agreed to:-  
  
*"Submit a joint letter from the Mayor, MCA Leaders and PCC to the Secretaries of State for the Department of Levelling Up, Housing and Communities and the Home Office to request that Government officials work with South Yorkshire officers to draft legislation to allow decisions to be made in the Autumn"*
- 1.4 Discussions with Home Office and Department of Levelling Up, Housing and Communities officials have confirmed government support for the transfer of PCC powers to the Mayor of South Yorkshire from 2024. These discussions have culminated in a letter from the Home Office and the Department of Levelling Up, Housing and Communities dated 20<sup>th</sup> September confirming that:-  
  
*"We intend, subject to the statutorily required local consents and Parliamentary approval, to make the necessary legislation to transfer PCC functions to be exercised by the South Yorkshire Mayor from May 2024, and to reduce the current mayoral term in order to align the mayoral and PCC election cycles from May next year"*
- 1.5 An order is now expected to be introduced into Parliament in late November 2023 and be made in early 2024. Technically the order will do the following:-
  1. Provide for all functions presently exercised by the PCC to be functions exercisable by the Mayor for South Yorkshire with effect from the 8<sup>th</sup> May 2024;
  2. Transfer all property, rights, liabilities of the PCC to the MCA, with future decisions on such matters being vested in the Mayor;
  3. Provide for the continuity of the operation by substituting the MCA for the PCC in any legislation/instruments/contracts etc;
  4. Deal with financial year end issues; and
  5. Reduce the current mayoral term in order to align the mayoral and PCC election cycles from May 2024.

## 2. Key Issues

2.1 Work with officials from the Office of the PCC has commenced to ensure that the transfer of functions can happen in a manner that ensures no disruption to the exercise of the PCC functions or to the work of the Police/Chief Constable. Several workstreams have been established and a programme manager appointed to co-ordinate the programme.

2.2 The expected timeline is as follows:-

Ministers approve the proposal and prepare draft orders	October/Nov 2023	Department of Levelling Up Housing and Communities/Home Office
MCA and Council meetings to consider providing consent to orders	Nov 2023	MCA and each Local Authority
Order laid	November/December	Secretary of State
Order made	Early 24	Parliament
Election	3 <sup>rd</sup> May 2024	MCA/Local Authorities
Formal transfer of PCC functions/new mayoral term commences	Tues 8 <sup>th</sup> May	Mayor

2.3 Reports seeking the consent of the Constituent Councils to the order are progressing through their respective processes.

## 3. Consultation on Proposal

3.1 Wide consultation has taken place internally to the MCA and externally with the OPCC, Constituent Councils, Government and other organisations

## 4. Timetable and Accountability for Implementing this Decision

4.1 Not applicable.

## 5. Financial and Procurement Implications and Advice

5.1 The estimated costs of a May 2024 Mayoral election and managing the programme of integration are in the region of £2.5m. The Home Office will not provide any revenue support to the election, so the MCA will need to meet all costs associated with the election and the integration programme. Roughly half of the costs can be met from the election reserve. The remainder will need to be resourced from a combination of other earmarked reserves or surplus treasury management income.

## 6. Legal Implications and Advice

6.1 The Local Democracy, Economic Development and Construction Act 2009 allows the Secretary of State, by order, to provide for the Mayor for the area of a combined authority to exercise functions of a police and crime commissioner in relation to that area. The Constituent Councils will also be required to consent for an order to be made.

## 7. Human Resources Implications and Advice

7.1 The order facilitating the transfer of functions will specify that the contracts and terms and conditions of existing OPCC employees transfer to the MCA. One of the workstreams established and referenced above is managing this process.

**8. Equality and Diversity Implications and Advice**

8.1 None arising directly from this report.

**9. Climate Change Implications and Advice**

9.1 None.

**10. Information and Communication Technology Implications and Advice**

10.1 One of the workstreams established will be working to ensure all IT and Data protection matters are considered and managed as part of the transfer of functions. A Data Protection Impact Assessment will be undertaken.

**11. Communications and Marketing Implications and Advice**

11.1 None arising directly from this report

**List of Appendices Included:**

A None.

**Background Papers**

1. White Paper, 'Levelling Up the United Kingdom'

2. A letter from the Home Office and the Department of Levelling Up, Housing and Communities dated 20<sup>th</sup> September 2023