

Mayoral Combined Authority Board

12 March 2024

Approval to amend MCA Constitution- PCC Functions transfer

Is the paper exempt from the press and public?	No
<i>Reason why exempt:</i>	Not applicable
Purpose of this report:	Governance
Is this a Key Decision?	No
Has it been included on the Forward Plan?	Not a Key Decision

Director Approving Submission of the Report:
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Executive Summary

This report seeks approval to amend the MCA's Constitution to implement the transfer of the Police and Crime Commissioner functions to the Mayor with effect from the 7th May 2024.

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

The amendments will accurately reflect the role and functions of the Mayor and MCA and assist in ensuring that the MCA has robust and transparent governance and decision-making processes.

Recommendations

That the MCA authorise the Monitoring Officer to make all amendments required to the Constitution to accommodate the transfer of PCC functions to the Mayor with effect from 7th May 2024, bringing a final version of the Constitution, showing the amendments made, to the MCA Board in June for final endorsement.

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

Mayoral Combined Authority Board
Overview and Scrutiny Committee

14 November 2023
14 December 2023

1. Background

- 1.1 At its meeting on 14th November 2023 the MCA Board formally endorsed proposals to transfer the Police and Crime Commissioner (PCC) functions to the Mayor with effect from May 2024. A formal Transfer Order will set out that all Police and Crime Commissioner (PCC) functions will transfer to the South Yorkshire Mayor, and all PCC assets, rights and liabilities will transfer to the Mayor on 7th May 2024 following the May 2024 election. Parliamentary process associated with the transfer is ongoing.
- 1.2 As a consequence of this transfer of functions, the MCA's Constitution requires amendment. The PCC functions become functions exercisable by the Mayor and there is a separate legislative framework that governs how the functions are exercised and scrutinised. As a consequence there will be a stand-alone PCC component of the MCA Constitution which will form Part 7 of the Constitution.
- 1.3 In summary the amendments proposed will include;
 - a) A new Part 7 – Police and Crime Commissioner Functions – Governance Framework

Part 7 will incorporate the following specific to PCC elements;
 - i. Joint Scheme of Consent and Delegation
 - ii. Reference to Joint Independent Audit Committee established under the Home Office Financial Management Code of Practice which provides an independent and high level focus on the audit, assurance and reporting arrangements for the PCC functions and the Chief Constable
 - iii. PCC Local Code of Corporate Governance
 - iv. PCC specific Financial Regulations
 - v. PCC specific Contract Procedure Rules
 - vi. PCC specific Code of Conduct
 - b) Provision in Article 12.1 that the cost of discharging the PCC functions will be met from precepting in accordance with the provisions of The Combined Authorities (Finance) Order 2017 (**To note** the PCC component of any precept is a decision of the Mayor in accordance with Financial Regulations).

c) Minor amendments for clarity.

2. Key Issues

2.1 N/A

3. Options Considered and Recommended Proposal

3.1 Option 1

The Constitution needs to be amended to reflect the transfer of the PCC functions to the Mayor.

3.2 Option 1 Risks and Mitigations:

N/A

4. Consultation on Proposal

4.1 N/A

5. Timetable and Accountability for Implementing this Decision

5.1 All Police and Crime Commissioner (PCC) functions will transfer to the South Yorkshire Mayor, and all PCC assets, rights and liabilities will transfer to the MCA with effect from 7th May 2024. The MCA Constitution needs to be amended to give effect to the changes.

6. Financial and Procurement Implications and Advice

6.1 None arising specifically from this report. The Constitution includes the financial regulations of the MCA which will be amended to take account of the transfer of functions. There are to be PCC specific financial regulations that form part of Part 7 of the Constitution.

7. Legal Implications and Advice

7.1 The Constitution needs to be updated to reflect the changes required as a consequence of the transfer of PCC functions to the South Yorkshire Mayor.

8. Human Resources Implications and Advice

8.1 N/A

9. Equality and Diversity Implications and Advice

9.1 N/A

10. Climate Change Implications and Advice

10.1 N/A

11. Information and Communication Technology Implications and Advice

11.1 N/A

12. Communications and Marketing Implications and Advice

12.1 N/A

List of Appendices Included

A none.

Background Papers

none