



Report to Policy Committee

Author/Lead Officer of Report: James Henderson, Director of Policy and Democratic Engagement

Tel: 0114 2053126

Report of: *Director of Policy and Democratic Engagement*

Report to: *Strategy and Resources Policy Committee*

Date of Decision: *20 November 2023*

Subject: *Sheffield City Council's Consent for the Police & Crime Commissioner Powers to be Transferred to the South Yorkshire Mayor*

Type of Equality Impact Assessment (EIA) undertaken	Initial <input checked="" type="checkbox"/>	Full <input type="checkbox"/>
Insert EIA reference number and attach EIA: EIA 2438		
Has appropriate consultation/engagement taken place?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Purpose of Report:

The Mayor of South Yorkshire has proposed that the powers of the Police and Crime Commissioner ("PCC") should be held by the Mayor following the current PCC's term of office from May 2024. This transfer of powers requires the consent of all four constituent Councils within the Mayoral Combined Authority, of which Sheffield is one.

This report seeks the consent of Sheffield City Council to the transfer of powers, which if agreed would result in the abolition of the role of the Police and Crime Commissioner for South Yorkshire from May 2024. This change would also require the alignment of the Mayoral election to take place in May 2024 (and thereby reducing the Mayoral term of office by two years,) with the Mayor holding the PCC powers.

Recommendations:

To give Sheffield City Council's consent to:

- the making of an order to provide for the Mayor of South Yorkshire to exercise functions of the Police and Crime Commissioner ("PCC") in relation to South Yorkshire with effect from May 2024, and
- to reduce the current Mayoral term by two years so as to align with the PCC election cycle in May 2024.

Background Papers:

Report to the South Yorkshire Mayoral Combined Authority relating to the transfer of PCC functions [12. Transfer of PCC Functions.pdf \(southyorkshire-ca.gov.uk\)](https://www.southyorkshire-ca.gov.uk/12-Transfer-of-PCC-Functions.pdf)

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed.	Finance: <i>Matthew Ardern</i>
		Legal: <i>Petra Der Man</i>
		Equalities & Consultation: <i>Ed Sexton</i>
		Climate: <i>n/a</i>
	<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	SLB member who approved submission:	<i>James Henderson</i>
3	Committee Chair consulted:	<i>Cllr Tom Hunt</i>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	Lead Officer Name: <i>James Henderson</i>	Job Title: <i>Director of Policy and Democratic Engagement</i>
	Date: <i>8 November 2023</i>	

1. BACKGROUND AND PROPOSAL

Police and Crime Commissioners

- 1.1 In common with all police force areas across England and Wales, South Yorkshire has had an elected Police and Crime Commissioner (“PCC”) in place since November 2012.
- 1.2 The Police Reform and Social Responsibility Act 2011 provides PCCs with the responsibility to:
- appoint and dismiss the Chief Constable
 - set a police and crime plan and with the Chief Constable agree local policing priorities
 - set a local police precept and set the annual police budget in consultation with the Chief Constable
 - receive the policing grant from the Home Office, as well as any other funding streams
 - publish an annual report at the end of the financial year, which will set out progress made by the Commissioner against the objectives set out in the Plan
 - publish annual financial accounts alongside the annual report
 - have a general duty to regularly consult and involve the public and have regard to the local authority priorities.
 - be able to require a report from the Chief Constable at any time about their functions.
- 1.3 The current Police and Crime Commissioner’s term is due to come to an end in May 2024 when elections are scheduled.

Mayoral Combined Authorities

- 1.4 The South Yorkshire Mayoral Combined Authority (“MCA”) was established in 2014. In 2018 the first elections for a Mayor were held, a second election was held in 2022 for a mayoral term of 4 years. The Mayor has responsibility for a range of functions relating mainly to the economic development of South Yorkshire, including adult skills provision; business support; inward investment; and infrastructure development. As part of devolution agreements secured from central Government, the MCA has secured significant devolved responsibilities on these policy areas and delegated budgets (such as the £30m/year gainshare agreement).
- 1.5 The Mayor and MCA are responsible for public transport provision across South Yorkshire, and the Mayor also has growing responsibility for health and wellbeing, including chairing the South Yorkshire Integrated Care Partnership (ICP).
- 1.6 The current South Yorkshire Mayor’s term is due to come to an end in May 2026 when elections are scheduled.

PCC powers held by Combined Authority Mayors

- 1.7 There is provision in legislation for those areas that have a combined authority Mayor in place (such as South Yorkshire) that the functions of the PCC may be held by the Mayor.
- 1.8 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."*
- 1.9 At its meetings in June and July the MCA endorsed a proposal for 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"*
- 1.10 Discussions with the Home Office and the 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.
- 1.11 These discussions have culminated in a letter from the Home Office and the Department of Levelling Up, Housing and Communities dated 20th September confirming that they:-
- "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"*
- 1.12 An order is now expected to be introduced into Parliament in late November 2023, and be made in early 2024. 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 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.
- 1.13 The Local Democracy, Economic Development and Construction Act 2009 requires, amongst other matters, for the consent of each district in the area of the MCA to the making of the order. This will be required in writing prior to the order being laid.
 - 1.14 It is proposed that Sheffield City Council should provide its consent to the making of this order through agreeing the recommendations in this report.

2. HOW DOES THIS DECISION CONTRIBUTE ?

- 2.1 The four Local Authorities, the MCA, the Office of the Police and Crime Commissioner and South Yorkshire Police want South Yorkshire communities to be the safest in the country. They also understand the vital importance of legitimacy to the British policing model and of ensuring that every individual in our communities can have confidence that police services will be delivered without fear or favour.
- 2.2 Across South Yorkshire there is widespread recognition of the critical role policing, criminal justice and community safety services have on the co-creation of opportunities for economic growth and thriving communities. There is also widespread appreciation for the valuable work undertaken by the PCC, South Yorkshire Police and the OPCC to build safe and strong communities.
- 2.3 South Yorkshire Police has made significant improvements in its performance in recent year, and in the 2021/22 inspection by His Majesty's Inspectorate of Constabulary and Fire and Rescue Services, was found to be outstanding in three areas of policing, and good or adequate in all of the other areas. It was praised by the inspectorate for "its performance in keeping people safe and reducing crime". However, the inspectorate also stated that it "needs to continue to improve its initial response to incidents to provide a consistently good service".
- 2.4 The MCA have stated that by transferring PCC functions to the Mayor, they will:
 - Create **one single accountable, elected politician** to represent the interests of communities on South Yorkshire wide issues, whilst also strengthening the opportunities to improve political scrutiny in line with the recently published English Devolution Accountability Framework.
 - **Deepen collaborative working** to further address issues including substance misuse, mental ill health crisis, serious violence – to include gender-based violence, economic crime, anti-social behaviour, road safety and re-offending.

- **Realise efficiencies** from shared corporate support services and joint business planning to release enhanced funding for frontline policing delivery.
- 2.5 The Mayor and MCA roles in health (including the Mayor's role as Chair of the ICP) together with responsibility for skills and training provide opportunities to co-design, with the police and other criminal justice agencies, programmes to support vulnerable people.
- 2.6 Opportunities include:
- **Better support to victims, including victims of gender-based violence and sexual assault.** For example, the opportunity for greater integration with therapeutic mental health support, both immediately after an incident and to provide continuity of care where needed.
 - **New approaches to dealing with mental ill health** that could potentially support additional investment in services for people experiencing a mental health crisis, resulting in better services targeted at those needing support and easing pressure on police services. An estimated 40% of all police calls include an issue related to mental ill health.
 - **A partnership wide focus on road safety and safety across the public transport network.** Capitalising on the Mayor's leadership and convening powers across transport, local authorities, and policing to put in place an action plan to reduce the number of people killed and seriously injured on roads across South Yorkshire. The four South Yorkshire local authorities have the highest number of people killed or seriously injured on roads across all metropolitan councils in England.
 - **Strengthening community drug and alcohol treatment services** as an alternative to custodial sentencing, for people who would otherwise have been sentenced inappropriately. Ensuring that police and other criminal justice system partners are working with local authorities and the NHS to maximise the benefit to South Yorkshire communities of the significant funding made available following Dame Carol Black's independent review of drugs.
 - Working with local authorities to examine the opportunities that may arise through UKSPF funding to **tackle anti-social behaviour and rural crime.**
 - **Provide additional support for the most vulnerable children and young people** with complex needs in contact or at risk of being in contact with the youth justice system, with complex and challenging needs. Potential improvements in the consultation, advice, assessment, treatment and transition into integrated services.
 - Work with businesses and financial institutions to seek innovative solutions to **prevent fraud** and with the VCSE sector to **support victims of fraud and prevent re-victimisation.**
- 2.7 The Mayor would be required to appoint a Deputy Mayor with responsibility for policing matters to ensure that these continued to receive sufficient attention within the wider set of responsibilities of the mayor. The Police and Crime Panel, which consists of elected councillors from

across the four constituent authorities (Barnsley, Rotherham, Doncaster and Sheffield) would continue to be in place to provide additional scrutiny and oversight of the work of the mayor and deputy mayor in relation to policing issues.

- 2.8 With respect to Sheffield City Council, the 2022-23 Corporate Delivery Plan identified community safety as a key area for development with a focus on reducing anti-social behaviour and working closely with the Police on to reduce criminal exploitation and disrupt organised crime groups, as well as joint working to address vulnerability and reduce the risk of individuals being drawn towards terrorism. The proposals contained in this report are not considered to have a significant impact on the Police's ability to work with Sheffield City Council on these issues.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 Sheffield City Council has not undertaken any consultation in relation to this matter, as the lead agency is the MCA. Consultation is not required in order for the Council to provide its consent to the order.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality Implications

- 4.1.1 An initial equalities impact assessment has been undertaken and has identified that the equalities impacts of the proposal itself are likely to be neutral, although there is the potential for a positive impact on people who share protected characteristics as a result of the policing powers being held by the mayor.

4.2 Financial and Commercial Implications

- 4.2.1 There are no immediate financial implications of this proposal. However, the removal of the need to elect a PCC means there will be one less joint election locally. These joint elections result in some cost sharing which will be lost following the abolition of the PCC role. Work is being undertaken to assess this impact but in the medium term there is sufficient resource to ensure the delivery of local elections is unaffected.

4.3 Legal Implications

- 4.3.1 The Police Reform and Social Responsibility Act 2011 (the "2011 Act") established the position of PCC and specifies the core functions of a PCC. Section 107F of the Local Democracy, Economic Development and Construction Act 2009, (inserted by s. 4 of the Cities and Local Government Devolution Act 2016) provides that a Mayor for the area of a combined authority can, by a legislative order, be conferred functions of a PCC for the area, subject to the consent of the Mayor, and the consents of each of the Districts in the MCA area. This report is seeking the consent

of Sheffield City Council, (being one of the 4 constituent Councils of the MCA) for an order to be made. The order transferring the functions of the PCC to the Mayor will also provide for the consequent reduction in the present mayoral term by two years so as to align with the PCC election cycle from May 2024.

4.3.2 This report is being considered by the Strategy and Resources Policy Committee pursuant to Part 3 of the Council's Constitution, in that this is a "...policy matter not otherwise allocated to a committee".

4.3.3 Section 17 of the Crime and Disorder Act 1998, as amended requires local authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce these problems.

4.4 Climate Implications

4.4.1 There are no climate implications arising from this proposal

5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 The only alternative option is for Sheffield City Council to withhold its consent. This was dismissed as it would not secure the benefits of integrating the PCC and mayoral powers as set out in paragraphs 2.4 to 2.6 above.

6. **REASONS FOR RECOMMENDATIONS**

6.1 It is recommended that Sheffield City Council provides its support for the transfer of PCC powers to the South Yorkshire Mayor as this will secure the following benefits for the people and communities of Sheffield:

- Create **one single accountable, elected politician** to represent the interests of communities on South Yorkshire wide issues, whilst also strengthening the opportunities to improve political scrutiny in line with the recently published English Devolution Accountability Framework.
- **Deepen collaborative working** to further address issues including substance misuse, mental ill health crisis, serious violence – to include gender-based violence, economic crime, anti-social behaviour, road safety and re-offending.
- **Realise efficiencies** from shared corporate support services and joint business planning to release enhanced funding for frontline policing delivery.

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