

Briefing: Policing and Crime Governance Models

Date: 21.07.2020

Paper to support meeting with West Yorkshire PCC, Home Office and APCC on the West Yorkshire devolution deal and role of PCC.

1. Introduction / Purpose

- 1.1 In 2012 under the 2011 Police Reform and Social Responsibility Act policing governance transferred from Police Authorities to elected Police and Crime Commissioners. The 2011 Act also created the Mayor's Office for Policing and Crime in London. In 2017 a third model for policing and crime governance was introduced when the Local Policing Body for Greater Manchester transferred from Greater Manchester PCC (latterly Interim Mayor) to the Greater Manchester Combined Authority.
- 1.2 Government policy is to introduce directly elected Mayors and Home Office Officials have advised that the direction of travel for policing and crime governance, where possible and coterminous with police forces is to have policing governance in England and Wales within a Mayoral Model.
- 1.3 Consultation on the introduction of a directly elected Mayor for West Yorkshire has recently closed and discussions are underway regarding the governance model for policing and crime.
- 1.4 As part of the agreement of a "minded to" devolution deal in West Yorkshire, it was proposed by West Yorkshire Combined Authority that policing governance in West Yorkshire transfers to a mayoral model in 2024. As the May 2020 PCC elections, as with Local Government Elections, were postponed to May 2021 West Yorkshire Combined Authority requested that the potential transition takes place in May 2021 if possible, a view also supported by the Policing and Fire Minister.
- 1.5 The draft scheme for West Yorkshire devolution, including the transfer of PCC functions, is based on the Greater Manchester model of police and crime governance. As the West Yorkshire transfer is likely to be the next to transfer to a Mayoral model it is important that the governance model is now given due consideration before anything is formally agreed.

2. Summary of Key Points

- 2.1 The key points in considering the most appropriate governance model for policing and crime governance under a mayoral model are shown in a comparison table in Table 1 below.

Table 1. Governance Model Comparator

Criteria	Corporation Sole (MOPAC)	Within Mayoral Combined Authority (Greater Manchester Model)
Retaining a single directly accountable individual responsible for the discharge of the PCC's functions, and consistent with the current PCC model and ambition for local people to have a single point direct accountability	Would retain all the PCCs functions and ownership of assets, with no influence from other areas except for formal scrutiny which is currently in place.	A Combined Authority (CA) will take on all risk and liability of any decisions made by the Mayor (or his/her delegates). In order to manage this risk it seems likely that the CA members will want to be involved in any high level decisions or at least have some oversight. However, the Mayor acting in the role of the PCC must protect the operational independence of policing and should not be influenced by CA members.
The Mayor will require experienced advisors in relation to policing matters	Current arrangements can be retained under this model.	The CA's current Monitoring Officer and Treasurer will become responsible in relation to the PCC's functions in addition to all other functional areas.
Support Functions	Existing arrangement could largely be retained under corporation sole, as the PCC model is corporation sole.	OPCCs may have significant shared services with their Police Force for example. HR, payroll, IT systems, legal, internal audit and insurance. Changes to this may be costly and problematic for the CA depending on the size of it.
Ability to take a whole place approach	The Mayor's power would not be hindered by a separate corporation sole for policing.	In theory this should be easier to achieve as part of the combined authority but - arguably this will be no easier to achieve than effective partnership working, particularly given the remit of CAs does not cover wider community safety or criminal justice functions.
Retaining operational independence of policing	Likely to be the same as the PCC model.	There is a risk that the decision making may be slower within a CA construct due to the asset ownership matter and therefore duplicate sign off.
Clarity of Scrutiny Arrangements	It is assumed that under this arrangement the Police and Crime panel would provide the scrutiny	There is a risk that wider Combined Authority overview and scrutiny arrangements could stray into policing.

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	functions as is currently the case. The Joint Independent Audit and Ethics Committee could continue as it currently operates.	The Audit Committee arrangements may become unclear.
Messaging to the public	It retains the importance of policing and policing governance	Arguably subsuming policing governance within the Combined Authority could signal a dilution in importance of policing and policing governance.

3. Conclusion and Way Forward

- 3.1 With the Government stated ambition of introducing Mayoral Models more widely across England and Wales, including policing and crime governance where appropriate, it is important that both the West Yorkshire PCC and the APCC more widely engages in more detailed discussions with the Home Office at this stage in order to ensure the most effective policing governance arrangements are in place in any future model.
- 3.2 The West Yorkshire PCC and the APCC would welcome further discussions to better understand the 2 models set out above, including the benefits and risks. The West Yorkshire PCC favours the corporation sole model similar to that used in the London/MOPAC model.