
Report to: West Yorkshire Combined Authority

Date: 24 June 2021

Subject: **Appointment of Deputy Mayor for Policing and Crime and arrangements for PCC Functions**

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Is this a key decision?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information or appendices?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, state paragraph number of Schedule 12A, Local Government Act 1972, Part 1:	

1. Purpose of this report

- 1.1 To note the Mayor's proposed appointment of a Deputy Mayor for Policing and Crime and the Mayor's arrangements for PCC Functions.

2. Information

Deputy Mayor for Policing and Crime

- 2.1 The Mayor may appoint a Deputy Mayor for Policing and Crime for the Police Area, that is, West Yorkshire. There is no requirement for this appointment to be of a Combined Authority Member.
- 2.2 The Mayor cannot appoint as the Deputy Mayor for Policing and Crime
- the Deputy Mayor, nor
 - any other person listed in Section 18(6) of the Police Reform and Social Responsibility Act 2011 (the 2011 Act).
- 2.3 As required by law, the Mayor is required to notify the Police and Crime Panel established by the Constituent Councils of the proposed appointment of Alison Lowe as Deputy Mayor for Policing and Crime. A report has now been

prepared and sent to the members and the Panel will review the Mayor's recommendation as to the preferred candidate on 18th June 2021 (a link to the report can be found [here](#)). The Panel cannot veto the appointment but must confirm it and produce a report which may or may not have recommendations in regard to the candidate contained within it.

- 2.4 The Mayor may arrange for the Deputy Mayor for Policing and Crime to exercise any PCC Function, subject to statutory exceptions – see further below.

The Mayor's arrangements for PCC Functions

- 2.5 The West Yorkshire Police Force and its civilian staff are under the direction and control of the Chief Constable, who is operationally independent and a Corporate Sole (that is, has a distinct legal entity from the Combined Authority), but cannot acquire or dispose of land. The Chief Constable has ancillary powers to do anything to facilitate or is conducive or incidental to the exercise of their functions, but requires the consent of the Mayor to enter into contracts and other agreements, and acquire and dispose of property other than land. Appendix 1 to this report is the Mayor's Scheme of Consent to the Chief Constable.
- 2.6 The Mayor may delegate PCC Functions to the Deputy Mayor for Policing and Crime or to any other person, in accordance with the 2011 Act. Appendix 2 is the Mayor's PCC Scheme of Delegation.
- 2.7 The Police and Crime Panel may require the Mayor, Deputy Mayor for Policing and Crime, members of staff of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC Functions, and any Combined Authority Member who exercises a PCC Function under arrangements made by the Mayor, to attend a meeting.
- 2.8 The Financial Management Code of Practice provides for a Mayor to prepare a scheme of governance for PCC Functions, advised by the Combined Authority's Section 73 Chief Finance Officer, and in consultation with the Chief Constable and the Police Force Chief Finance Officer.
- 2.9 Additionally, the Code specifies that a PCC and Chief Constable should establish an independent Audit Committee as a combined body to consider the internal and external reports of both the PCC and Chief Constable, advise according to good governance principles and the adoption of appropriate risk management arrangements. In November 2012, the West Yorkshire PCC approved the establishment of an Independent Audit Committee. A review of these arrangements took place in April 2016, and the remit of this Committee was broadened to include oversight of the ethics arrangements for each body. The Terms of Reference of this Committee have been reviewed to ensure it is enabled and required to have oversight of, and to provide independent review of, the effectiveness of West Yorkshire Police and the Mayor's (for PCC Functions) governance, risk management and control frameworks, the financial reporting and annual governance processes, and the internal and

external audit arrangements that are in place. The Terms of Reference are attached to this report for information as Appendix 3.

3. Tackling the Climate Emergency Implications

3.1 There are no climate emergency implications directly arising from this report.

4. Inclusive Growth Implications

4.1 There are no inclusive growth implications directly arising from this report.

5. Equality and Diversity Implications

5.1 There are no equality and diversity implications directly arising from this report.

6. Financial Implications

6.1 The Mayor must keep a Police Fund. All of the Mayor's receipts relating to PCC Functions must be paid into the Police Fund. Expenditure may be paid out of the Police Fund only if, and to the extent that it is incurred in or otherwise relates to the exercise of PCC Functions. The Mayor must keep accounts of payments made in or out of the Police Fund.

7. Legal Implications

7.1 The Mayor's powers to make arrangements are set out in Section 18 of the 2011 Act.

7.2 The Deputy Mayor for Policing and Crime may, in turn, arrange for any other person to exercise any function exercisable by them, subject to additional statutory exceptions.

8. Staffing Implications

8.1 None.

9. External Consultees

9.1 The Mayor has consulted the Chief Constable and the West Yorkshire Police Force Chief Finance Officer about the documents set out in the scheme of governance for PCC Functions.

10. Recommendations

10.1 The Combined Authority is recommended to

10.1.1 Note the proposed appointment of Alison Lowe as the Deputy Mayor for Policing and Crime, (a verbal update on the recommendation of the Police and Crime Panel will be provided at this meeting).

10.1.2 Note the Mayor's arrangements for PCC Functions, as set out in

- Appendix 1 - Scheme of Consent for the Chief Constable
- Appendix 2 – Mayor's PCC Scheme of Delegation
- Appendix 3 – Terms of Reference for the Joint Independent Audit and Ethics Committee.

11. Background Documents

11.1 There are no background documents.

12. Appendices

- Appendix 1 - Scheme of Consent for the Chief Constable
- Appendix 2 – Mayor's PCC Scheme of Delegation
- Appendix 3 – Terms of Reference for the Joint Independent Audit and Ethics Committee