



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 1

POLICE REFORM

CHAPTER 3

FUNCTIONS OF ELECTED LOCAL POLICING BODIES ETC

Other provisions about functions

15 Supply of goods and services

- (1) Subsections (1), (2) and (3) of section 1 of the 1970 Act (supply of goods and services by local authorities) apply, with the modification set out in subsection (2), to each elected local policing body as they apply to a local authority.
- (2) In those subsections, references to a public body (within the meaning of that section) are to be read as references to any person.
- (3) An elected local policing body may not enter into an agreement with another elected local policing body, or with the Common Council of the City of London in its capacity as a police authority, under section 1 of the 1970 Act in respect of a matter which could be the subject of force collaboration provision in a collaboration agreement under section 22A of the Police Act 1996.
- (4) In this section “1970 Act” means the Local Authorities (Goods and Services) Act 1970.

16 Appointment of persons not employed by elected local policing bodies

- (1) This section applies where an elected local policing body is required or authorised by any Act—
 - (a) to appoint a person to a specified post in the body, or
 - (b) to designate a person as having specified duties or responsibilities.
- (2) The elected local policing body may appoint or designate a person whether or not the person is already a member of staff of the body.
- (3) Subsection (2) has effect in spite of any provision to the contrary in the Act that is mentioned in subsection (1).

17 Duties when carrying out functions

- (1) In carrying out functions, an elected local policing body must have regard to the views of people in the body's area about policing in that area.
- (2) In carrying out functions in a particular financial year, an elected local policing body must have regard to any report or recommendations made by the relevant police and crime panel on the annual report for the previous financial year (see section 28(4)).
- (3) Subsection (2) does not affect any exercise of the functions of the elected local policing body in any part of a particular financial year that falls—
 - (a) before the body has received a report or recommendations on the annual report for the previous financial year, or
 - (b) during the period after receipt of a report or recommendations when the body is considering the report or recommendations.
- (4) In carrying out functions, an elected local policing body must have regard to any financial code of practice issued by the Secretary of State.
- (5) The Secretary of State may from time to time revise the whole or any part of any financial code of practice.
- (6) The Secretary of State must lay before Parliament a copy of—
 - (a) any financial code of practice, and
 - (b) any revision of a financial code of practice.
- (7) In this section “financial code of practice” means a code of practice relating to the proper administration by elected local policing bodies of their financial affairs.
- (8) This section is in addition to the duty under section 8 to have regard to the police and crime plan.

18 Delegation of functions by police and crime commissioners

- (1) The police and crime commissioner for a police area may—
 - (a) appoint a person as the deputy police and crime commissioner for that police area, and
 - (b) arrange for the deputy police and crime commissioner to exercise any function of the police and crime commissioner.
- (2) A police and crime commissioner may arrange for any person (who is not the deputy police and crime commissioner) to exercise any function of the commissioner.

Status: This is the original version (as it was originally enacted).

- (3) But a police and crime commissioner may not—
 - (a) appoint a person listed in subsection (6) as the deputy police and crime commissioner;
 - (b) arrange for the deputy police and crime commissioner to exercise a function listed in subsection (7)(a), (e) or (f);
 - (c) arrange, under subsection (2), for a person listed in subsection (6) to exercise any function; or
 - (d) arrange, under subsection (2), for any person to exercise a function listed in subsection (7).
- (4) A deputy police and crime commissioner may arrange for any other person to exercise any function of the police and crime commissioner which is, in accordance with subsection (1)(b), exercisable by the deputy police and crime commissioner.
- (5) But the deputy police and crime commissioner may not arrange for a person to exercise a function if—
 - (a) the person is listed in subsection (6), or
 - (b) the function is listed in subsection (7).
- (6) The persons referred to in subsections (3)(a) and (c) and (5) are—
 - (a) a constable (whether or not in England and Wales);
 - (b) a police and crime commissioner;
 - (c) the Mayor’s Office for Policing and Crime;
 - (d) the Deputy Mayor for Policing and Crime appointed by the Mayor’s Office for Policing and Crime;
 - (e) the Mayor of London;
 - (f) the Common Council of the City of London;
 - (g) any other person or body which maintains a police force;
 - (h) a member of the staff of a person falling within any of paragraphs (a) to (g).
- (7) The functions referred to in subsection (3) are—
 - (a) issuing a police and crime plan (see section 5);
 - (b) determining police and crime objectives (see section 7);
 - (c) attendance at a meeting of a police and crime panel in compliance with a requirement by the panel to do so (see section 29);
 - (d) preparing an annual report to a policing and crime panel (see section 12);
 - (e) appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign (see section 38);
 - (f) calculating a budget requirement (see section 43 of the Local Government Finance Act 1992).
- (8) If a function of a police and crime commissioner is exercisable by any other person in accordance with this section, any property or rights vested in the commissioner may be dealt with by the other person in exercising the function, as if vested in that person.
- (9) Subsection (2) applies whether or not there is a deputy police and crime commissioner.
- (10) The deputy police and crime commissioner is a member of the police and crime commissioner’s staff.

Status: This is the original version (as it was originally enacted).

- (11) For further provision about the appointment of a deputy police and crime commissioner, see paragraphs 8 to 12 of Schedule 1.

19 Delegation of functions by Mayor's Office for Policing and Crime

- (1) The Mayor's Office for Policing and Crime may—
 - (a) appoint a person as the Deputy Mayor for Policing and Crime, and
 - (b) arrange for the Deputy Mayor for Policing and Crime to exercise any function of the Mayor's Office for Policing and Crime.
- (2) The Mayor's Office for Policing and Crime may arrange for a person (who is not the Deputy Mayor for Policing and Crime) to exercise any function of the Mayor's Office for Policing and Crime.
- (3) But the Mayor's Office for Policing and Crime may not—
 - (a) appoint a person listed in subsection (6) as the Deputy Mayor for Policing and Crime;
 - (b) arrange for the Deputy Mayor for Policing and Crime to exercise a function listed in subsection (7)(a), (e), (f), (g) or (h);
 - (c) arrange, under subsection (2), for a person listed in subsection (6) to exercise any function; or
 - (d) arrange, under subsection (2), for a person to exercise a function listed in subsection (7).
- (4) The Deputy Mayor for Policing and Crime may arrange for any other person to exercise any function of the Mayor's Office for Policing and Crime which is, in accordance with subsection (1)(b), exercisable by the Deputy Mayor for Policing and Crime.
- (5) But the Deputy Mayor for Policing and Crime may not arrange for a person to exercise a function if—
 - (a) the person is listed in subsection (6), or
 - (b) the function is listed in subsection (7).
- (6) The persons referred to in subsections (3)(a) and (c) and (5) are—
 - (a) a constable (whether or not in England and Wales);
 - (b) a police and crime commissioner;
 - (c) the Mayor of London;
 - (d) the Common Council of the City of London;
 - (e) any other person or body which maintains a police force;
 - (f) a member of the staff of a person falling within any of paragraphs (a) to (e).
- (7) The functions mentioned in subsection (3) are—
 - (a) issuing a police and crime plan (see section 6);
 - (b) determining police and crime objectives (see section 7);
 - (c) attendance at a meeting of the police and crime panel of the London Assembly in compliance with a requirement by the panel to do so (see section 29);
 - (d) preparing an annual report to the policing and crime panel of the London Assembly (see section 12);
 - (e) making recommendations in relation to the appointment of a Commissioner of Police of the Metropolis under section 42;

- (f) making representations in relation to the appointment of a Deputy Commissioner of Police of the Metropolis under section 45;
 - (g) being consulted in relation to the appointment or removal of an Assistant Commissioner of Police of the Metropolis, a Deputy Assistant Commissioner of Police of the Metropolis, or a Commander (see sections 45, 46, 47 and 49);
 - (h) suspending the Commissioner, or Deputy Commissioner, of Police of the Metropolis, or calling upon the Commissioner, or Deputy Commissioner, to retire or resign (see section 48).
- (8) If a function of the Mayor’s Office for Policing and Crime is exercisable by a person in accordance with subsection (1), (2) or (4), any property or rights vested in the Office may be dealt with by the other person in exercising the function, as if vested in that person.
- (9) Subsection (2) applies whether or not there is a Deputy Mayor for Policing and Crime.
- (10) The Deputy Mayor for Policing and Crime is a member of the staff of the Mayor’s Office for Policing and Crime.
- (11) But that is subject to paragraph 4(4) of Schedule 3 (Deputy Mayor an Assembly member).
- (12) The appointment of the Deputy Mayor for Policing and Crime is subject to Schedule 4A to the Greater London Authority Act 1999.
- (13) For further provision about the appointment of the Deputy Mayor for Policing and Crime, see paragraph 4 of Schedule 3.

20 Deputy Mayor for Policing and Crime: confirmation hearings

- (1) The Greater London Authority Act 1999 is amended in accordance with this section.
- (2) In section 60A (confirmation hearings etc for certain appointments by the Mayor)—
- (a) in the title, at the end insert “**or Mayor’s Office for Policing and Crime**”;
 - (b) in subsection (3), omit the entry relating to the chairman and vice chairman of the Metropolitan Police Authority;
 - (c) for subsection (4) substitute—

“(4) This section also applies in any case where the Mayor’s Office for Policing and Crime proposes to make an appointment, under section 19 of the Police Reform and Social Responsibility Act 2011, of a person to be the Deputy Mayor for Policing and Crime.”.
- (3) In Schedule 4A (confirmation hearings etc)—
- (a) in paragraph 1 (application of Schedule), after sub-paragraph (2) insert—

“(3) This Schedule also has effect where the Mayor’s Office for Policing and Crime proposes to make an appointment, under section 19 of the Police Reform and Social Responsibility Act 2011, of a person to be the Deputy Mayor for Policing and Crime.
 - (4) In the application of this Schedule in relation to such an appointment, references to the Mayor are to be read as references to the Mayor’s Office for Policing and Crime.

Status: *This is the original version (as it was originally enacted).*

- (5) Paragraph 9 does not apply in relation to such an appointment (but see section 32 of the Police Reform and Social Responsibility Act 2011).
- (6) Paragraph 10 applies in relation to such an appointment if the candidate is not a member of the London Assembly.
- (7) Paragraphs 2, 4 and 5 are subject to paragraph 10.”;
- (b) after paragraph 9 insert—
 - “10 (1) The London Assembly may veto the appointment of the candidate as Deputy Mayor for Policing and Crime if the candidate is not a member of the London Assembly.
 - (2) The exercise of that power of veto in relation to an appointment is not valid unless the London Assembly—
 - (a) has held a confirmation meeting in relation to the appointment before the exercise of the power; and
 - (b) notifies the Mayor’s Office for Policing and Crime of the veto within the period of 3 weeks described in paragraph 4(3).
 - (3) If the London Assembly vetoes the appointment of the candidate, the Mayor’s Office for Policing and Crime must not appoint the candidate.
 - (4) References in this Schedule to the London Assembly vetoing the appointment of a candidate are references to the Assembly making a decision, by the required majority, that the candidate should not be appointed as Deputy Mayor for Policing and Crime.
 - (5) For that purpose, the London Assembly makes that decision by the required majority if at least two-thirds of the votes given in making that decision are votes in favour of making that decision.”