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*Changes to legislation: There are currently no known outstanding effects for the Cities and Local Government Devolution Act 2016, SCHEDULE 2. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

Section 4

#### MAYORS FOR COMBINED AUTHORITY AREAS: POLICE AND CRIME COMMISSIONER FUNCTIONS

This is the Schedule to be inserted as Schedule 5C to the Local Democracy, Economic Development and Construction Act 2009—

#### “SCHEDULE 5C

#### MAYORS FOR COMBINED AUTHORITY AREAS: PCC FUNCTIONS

##### *Introductory*

- 1 (1) This Schedule applies where an order is made under section 107F(1) providing for a mayor to exercise functions of a police and crime commissioner.
- (2) A duty under this Schedule to make provision by order is a duty to make such provision in an order made at any time before the first election of a mayor who, by virtue of an order under section 107F(1), is to exercise functions of a police and crime commissioner.
- (3) In this Schedule references to “the mayor” and the “combined authority area” are references to a mayor or area in relation to which an order is made under section 107F(1).
- (4) In this Schedule “the 2011 Act” means the Police Reform and Social Responsibility Act 2011.

##### *PCC functions exercisable by the mayor*

- 2 (1) The Secretary of State may by order provide that the mayor may exercise in the combined authority area—
  - (a) all PCC functions,
  - (b) all PCC functions other than those specified or described in the order, or
  - (c) only those PCC functions specified or described in the order.
- (2) But an order under sub-paragraph (1)(b) or (c) must secure that the following PCC functions are exercisable by the mayor in relation to the combined authority area—
  - (a) the functions mentioned in subsections (6) to (8) of section 1 of the 2011 Act (securing maintenance of efficient and effective police force and holding the relevant chief constable to account);
  - (b) the functions under sections 5, 7 and 8 of that Act (issuing etc a police and crime plan);
  - (c) the functions under section 38 of that Act (appointing, suspending or removing a chief constable).

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### *Delegation of functions*

- 3 (1) The Secretary of State must by order make provision authorising the mayor—
- (a) to appoint a deputy mayor in respect of PCC functions (“deputy mayor for policing and crime”), and
  - (b) to arrange for the deputy mayor for policing and crime to exercise any PCC functions of the mayor.
- (2) An order under this paragraph must include provision authorising the mayor to arrange for any other person to exercise any PCC functions of the mayor.
- (3) An order under this paragraph must include provision preventing the mayor from appointing as deputy mayor for policing and crime—
- (a) the person who is appointed as deputy mayor under section 107C;
  - (b) a person listed in subsection (6) of section 18 of the 2011 Act;
  - (c) any other person of a description specified in the order.
- (4) An order under this paragraph must include provision preventing the mayor from arranging for the deputy mayor for policing and crime to exercise—
- (a) a PCC function of the mayor of a kind listed in subsection (7)(a), (e) or (f) of section 18 of the 2011 Act, or
  - (b) any other PCC function specified or described in the order.
- (5) An order under this paragraph must include provision preventing the mayor from arranging, by virtue of provision under sub-paragraph (2), for a person to exercise—
- (a) any function if the person is listed in subsection (6) of section 18 of the 2011 Act;
  - (b) a function listed in subsection (7) of that section;
  - (c) any other PCC function specified or described in the order.
- (6) An order under this paragraph must include provision authorising the deputy mayor for policing and crime to arrange for any other person to exercise any PCC function of the mayor which is exercisable by the deputy mayor for policing and crime in accordance with provision made under this paragraph.
- (7) An order under this paragraph must include provision preventing the deputy mayor for policing and crime from arranging for a person to exercise a function if—
- (a) the person is listed in subsection (6) of section 18 of the 2011 Act, or
  - (b) the function is a PCC function of the mayor—
    - (i) of a kind listed in subsection (7)(b), (c) or (d) of that section, or
    - (ii) of any other kind specified or described in the order.

### *Police and crime panels*

- 4 The Secretary of State must by order provide for a panel to be established in relation to the combined authority area with functions, in relation to the exercise by the mayor of PCC functions, corresponding to those of a police and crime panel under sections 28 and 29 of the 2011 Act.
- 5 (1) The Secretary of State may by order provide for a police and crime panel to have oversight functions in relation to any general functions of the mayor that are the subject of arrangements under section 107D(3)(c)(i) (power to arrange for general functions to be exercisable by deputy mayor for policing and crime).

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- (2) If it appears to the Secretary of State expedient for the police and crime panel also to have oversight functions in relation to other general functions of the mayor that are related to general functions in respect of which an order is made under sub-paragraph (1), the Secretary of State may by order provide for the panel to have oversight functions in relation to those other general functions.
- (3) An order under this paragraph may disapply, or otherwise modify, the application of paragraph 1(3) of Schedule 5A so far as relating to general functions of the mayor in respect of which a police and crime panel has oversight functions.
- (4) In this paragraph—  
“oversight functions”, in relation to general functions of the mayor, are functions that are of a corresponding or similar kind to those that a police and crime panel has in relation to PCC functions of the mayor;  
“police and crime panel” means a panel established by virtue of an order under paragraph 4.

#### *Financial matters*

- 6 The Secretary of State must by order make provision—
- (a) requiring the mayor to maintain a fund in relation to receipts arising, and liabilities incurred, in the exercise of PCC functions;
  - (b) about the preparation of an annual budget in relation to the exercise of such functions.

#### *Suspension*

- 7 The Secretary of State must by order provide for the panel mentioned in paragraph 4 to have power to suspend the mayor, so far as acting in the exercise of PCC functions, in circumstances corresponding to those mentioned in section 30(1) of the 2011 Act in relation to a police and crime commissioner.

#### *Conduct*

- 8 The Secretary of State must by order make provision about the matters mentioned in paragraphs (a) to (c) of section 31(1) of the 2011 Act (taking references in those paragraphs to “relevant office holders” as references to the mayor and the deputy mayor for policing and crime).

#### *Disqualification*

- 9 (1) The Secretary of State must by order provide for sections 64 to 68 of the 2011 Act to apply in relation to a person being, or being elected as, the mayor as they apply in relation to a person being, or being elected as, a police and crime commissioner.
- (2) Provision under sub-paragraph (1) is in addition to paragraphs 8 and 9 of Schedule 5B.

#### *Policing protocol*

- 10 The Secretary of State must by order require the mayor to have regard, in the exercise of PCC functions, to the policing protocol issued under section 79 of the 2011 Act.

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*Application of certain enactments*

- 11 (1) The Secretary of State must by order provide for the following provisions of the Police Act 1996 to apply to the mayor, in the exercise of PCC functions, as though the mayor were a police and crime commissioner—
- (a) sections 24(4) and 98(6) (aid of one police force by another);
  - (b) sections 22A to 23H (collaboration agreements);
  - (c) sections 40 to 40B (powers to give directions);
  - (d) sections 54 and 55 (appointment and functions of Her Majesty's Inspectors of Constabulary);
  - (e) section 96A(2) (national and international functions).
- (2) The Secretary of State must by order provide for provision similar to section 41 of the Police Act 1996 (directions as to minimum budget) to have effect for the purpose of enabling directions to be given to the mayor acting on behalf of the mayoral combined authority in relation to the calculation of the component of the council tax requirement relating to the mayor's PCC functions (see section 107G(4)(a) above).

*Supplementary*

- 12 (1) Subject to the requirements of this Schedule, the Secretary of State may by order make any other provision the Secretary of State thinks appropriate for the purposes of giving full effect to an order under section 107F.
- (2) Sub-paragraphs (3) and (4) apply in relation to an order under—
- (a) this paragraph,
  - (b) another paragraph of this Schedule, or
  - (c) section 107F.
- (3) The order may include provision—
- (a) that is similar to any police and crime commissioner enactment, or
  - (b) for a purpose corresponding to a purpose for which any such enactment is made.
- (4) The order may provide for the mayor to be treated as a police and crime commissioner for the purposes of any police and crime commissioner enactment.
- (5) “Police and crime commissioner enactment” means—
- (a) any enactment that is contained in, or is made under, Part 1 of the 2011 Act, and
  - (b) any other enactment that has effect in relation to police and crime commissioners.
- (6) In sub-paragraph (5) “enactment” includes an enactment whenever passed or made.
- (7) Power to make an order under this paragraph is in addition to (and does not limit) the power to make an order under section 114.
- (8) Subsections (5) and (6) of section 107C, so far as relating to the exercise of PCC functions, are subject to any provision contained in an order under this Schedule.
- (9) An order under this Schedule may relate to—
- (a) a particular mayor in respect of whom an order under section 107F(1) has effect, or
  - (b) all mayors in respect of whom any such order has effect.”

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