



Policing and Crime Act 2017

2017 CHAPTER 3

PART 1

EMERGENCY SERVICES COLLABORATION

CHAPTER 1

COLLABORATION AGREEMENTS

1 Collaboration agreements

- (1) A collaboration agreement may be made by—
 - (a) one or more persons within a paragraph of subsection (2), and
 - (b) one or more persons within another paragraph of that subsection.
- (2) Those persons are—
 - (a) an ambulance trust in England,
 - (b) a fire and rescue body in England, and
 - (c) a police body in England.
- (3) A collaboration agreement is an agreement in writing that sets out how the parties to the agreement will work together in discharging their functions.
- (4) Subsection (1) does not prevent a person other than a person listed in subsection (2) from being a party to a collaboration agreement.
- (5) This section is subject to section 3 (collaboration agreements: specific restrictions).
- (6) Section 4 makes further provision about collaboration agreements.

2 Duties in relation to collaboration agreements

- (1) A relevant emergency service in England (“the relevant service”) must keep under consideration whether entering into a collaboration agreement with one or more other

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relevant emergency services in England could be in the interests of the efficiency or effectiveness of that service and those other services.

- (2) If the relevant service considers that entering into a collaboration agreement with one or more other relevant emergency services in England could be in the interests of the efficiency or effectiveness of that service and those other services (“the proposed collaboration”), the relevant service must notify those other services of the proposed collaboration.
- (3) The relevant service and the other services (“the proposed parties”) must consider whether the proposed collaboration would be in the interests of the efficiency or effectiveness of the proposed parties.
- (4) Subsection (5) applies if—
 - (a) a proposed party is of the view that the proposed collaboration would be in the interests of its efficiency or effectiveness (if it were to give effect to the proposed collaboration, or to give effect to it so far as it relates to that party), and
 - (b) at least one other proposed party is of the view that the proposed collaboration would be in the interests of its efficiency or effectiveness (if it were to give effect to the proposed collaboration, or to give effect to it so far as it relates to that party).
- (5) Each proposed party which is of that view must give effect to the proposed collaboration, or give effect to it so far as it relates to that party, by entering into a collaboration agreement (if the party has power to do so).
- (6) In the application of this section to a local policing body, references to the efficiency or effectiveness of that body include the efficiency or effectiveness of the police force it is responsible for maintaining.
- (7) This section is subject to section 3 (collaboration agreements: specific restrictions).

3 Collaboration agreements: specific restrictions

- (1) Section 2 does not require a relevant emergency service in England to enter into a collaboration agreement if the service is of the view that the proposed collaboration would have an adverse effect on public safety or otherwise have an adverse effect on its efficiency or effectiveness.
- (2) Section 2 does not require an ambulance trust in England to enter into a collaboration agreement that would in the view of that trust have an adverse effect on—
 - (a) its ability to exercise any of its functions other than its functions of providing an emergency ambulance service, or
 - (b) the health service in England (within the meaning of the National Health Service Act 2006).
- (3) Section 2 applies to an ambulance trust in England only so far as it provides an emergency ambulance service.
- (4) Subsection (5) applies where an ambulance trust in England is considering whether a proposed collaboration would be in the interests of the efficiency or effectiveness of the trust for the purposes of section 2.

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- (5) The ambulance trust must have particular regard to any effect that entering into a collaboration agreement pursuant to the proposed collaboration would have on—
 - (a) its ability to exercise any of its functions other than its functions of providing an emergency ambulance service, and
 - (b) the health service in England (within the meaning of the National Health Service Act 2006).
- (6) The London Fire Commissioner must consult the Mayor of London before entering into a collaboration agreement (unless the Mayor is a party to the agreement).
- (7) A combined authority that exercises the functions of a fire and rescue authority by virtue of section 105 or 105A of the Local Democracy, Economic Development and Construction Act 2009 may only enter into a collaboration agreement where the functions of the authority to which the agreement relates are functions of a fire and rescue authority that the combined authority is entitled to exercise.
- (8) An elected mayor who exercises the functions of a fire and rescue authority by virtue of section 107D of the Local Democracy, Economic Development and Construction Act 2009 may only enter into a collaboration agreement where the functions of the mayor to which the agreement relates are functions of a fire and rescue authority that the mayor is entitled to exercise.
- (9) An elected mayor who exercises the functions of a police and crime commissioner by virtue of section 107F of the Local Democracy, Economic Development and Construction Act 2009 may only enter into a collaboration agreement where the functions of the mayor to which the agreement relates are functions of a police and crime commissioner that the mayor is entitled to exercise.
- (10) A chief officer of police of a police force may not enter into a collaboration agreement unless the local policing body responsible for maintaining that police force also enters into the agreement.
- (11) A local policing body must consult the chief officer of police of the police force which the body is responsible for maintaining before entering into a collaboration agreement (unless that chief officer is a party to the agreement).

4 Collaboration agreements: supplementary

- (1) A collaboration agreement may, in particular, make provision about the use, for the purposes of the agreement, of a power of a party to the agreement to—
 - (a) make arrangements for the exercise of the party's functions by another person, or
 - (b) exercise functions jointly with another person.
- (2) A collaboration agreement may include provision for payments to be made by the parties to the agreement for the purposes of facilitating that agreement.
- (3) A party to a collaboration agreement may do anything that is necessary or expedient for the purposes of facilitating the agreement.
- (4) Subsection (3) is subject to any restriction imposed on a party by, or by virtue of, an enactment or rule of law.
- (5) A collaboration agreement may not include provision for the delegation of a function where that function may not otherwise be delegated.

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- (6) The delegation of a function pursuant to a collaboration agreement does not affect the responsibility of any party to the agreement for the exercise of its functions.
- (7) A collaboration agreement must make provision for a party to withdraw from the agreement where in the view of that party the agreement is no longer in the interests of its efficiency or effectiveness.
- (8) A collaboration agreement may be—
 - (a) varied with the agreement of all of the parties to the agreement, or
 - (b) replaced by a subsequent collaboration agreement.

5 Collaboration agreements: definitions

- (1) This section has effect for the purposes of this Chapter.
- (2) “Collaboration agreement” has the meaning given by section 1(3).
- (3) “Relevant emergency service in England” means—
 - (a) an ambulance trust in England,
 - (b) a fire and rescue body in England, or
 - (c) a police body in England.
- (4) “Ambulance trust in England” means—
 - (a) an NHS trust all or most of whose hospitals, establishments and facilities are in England and which provides ambulance services, or
 - (b) an NHS foundation trust which provides such services.
- (5) “Fire and rescue body in England” means—
 - (a) a fire and rescue authority in England,
 - (b) a combined authority that exercises the functions of a fire and rescue authority by virtue of section 105 or 105A of the Local Democracy, Economic Development and Construction Act 2009, or
 - (c) an elected mayor who exercises the functions of a fire and rescue authority by virtue of section 107D of that Act.
- (6) “Fire and rescue authority in England” has the same meaning as in the Fire and Rescue Services Act 2004.
- (7) “Police body in England” means—
 - (a) a police and crime commissioner for a police area in England,
 - (b) a chief constable of a police force for a police area in England (see Schedule 1 to the Police Act 1996),
 - (c) the Mayor’s Office for Policing and Crime,
 - (d) the Commissioner of Police of the Metropolis,
 - (e) the Common Council of the City of London in its capacity as police authority for the City of London police area,
 - (f) the Commissioner of Police for the City of London, or
 - (g) an elected mayor who exercises the functions of a police and crime commissioner by virtue of section 107F of the Local Democracy, Economic Development and Construction Act 2009.
- (8) “Chief officer” means—

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- (a) a chief constable of a police force for a police area in England (see Schedule 1 to the Police Act 1996),
 - (b) the Commissioner of Police of the Metropolis, or
 - (c) the Commissioner of Police for the City of London.
- (9) “Local policing body” means—
- (a) a police and crime commissioner for a police area in England,
 - (b) the Mayor’s Office for Policing and Crime,
 - (c) the Common Council of the City of London in its capacity as police authority for the City of London police area, or
 - (d) an elected mayor who exercises the functions of a police and crime commissioner by virtue of section 107F of the Local Democracy, Economic Development and Construction Act 2009.
- (10) “The City of London police area” means the City of London as defined for the purposes of the Acts relating to the City of London police force.