



# Police and Fire Reform (Scotland) Act 2012

2012 asp 8

## PART 1

### POLICE REFORM

#### CHAPTER 7

##### LOCAL POLICING

#### 44 Local policing

- (1) The chief constable must ensure that there are adequate arrangements in place for the policing of each local authority area (and any adjacent territorial waters).
- (2) For each local authority area, the chief constable must, after consulting the local authority, designate a constable as local commander.
- (3) A constable may be designated as local commander in relation to more than one local authority area.

#### Commencement Information

**II** S. 44 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

#### 45 Local authority role in policing

- (1) A local commander must involve the local authority in the setting of priorities and objectives for the policing of its area.
- (2) A local authority may monitor and provide feedback to the local commander on the policing of its area, and (in particular) may provide to the local commander—
  - (a) its views on any matter concerning or connected to the policing of its area, and

*Status: Point in time view as at 01/12/2023.*

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- (b) any recommendations for the improvement of the policing of its area that it thinks fit.
- (3) A local authority may specify policing measures that it wishes the local commander to include in a local policing plan.
- (4) A local authority may provide feedback by reference to any local police plan in force for the area.
- (5) A local commander must provide to the local authority such—
  - (a) reports on the carrying out of police functions in its area (including by reference to any local policing plan in force for the area),
  - (b) statistical information on complaints made about the Police Service in, or the policing of, its area, and
  - (c) other information about the policing of its area,
 as the local authority may reasonably require.
- (6) A local commander may refer a requirement under subsection (5) to the chief constable if the local commander considers that complying with the requirement would or might prejudice—
  - (a) the carrying out of any operation by the Police Service, or
  - (b) the prosecution of offenders.
- (7) A requirement referred under subsection (6) has effect only if it is confirmed by the chief constable.

#### Commencement Information

**I2** S. 45 in force at 1.4.2013 by S.S.I. 2013/51, art. 2

## 46 Duty to participate in community planning

- (1) In section 16(1) of the Local Government in Scotland Act 2003 (asp 1) (duty to participate in community planning)—
  - (a) paragraph (c) is repealed, and
  - (b) in paragraph (e), for “a police force” substitute “the Police Service of Scotland”.
- (2) The chief constable must delegate the carrying out of the chief constable's functions under <sup>F1</sup>Part 2 of the Community Empowerment (Scotland) Act 2015] in each local authority area to the local commander for that area.
- (3) Subsection (2) does not affect—
  - (a) the chief constable's responsibility for the carrying out of the delegated functions,
  - (b) the chief constable's ability to carry out the delegated functions.

#### Textual Amendments

**F1** Words in s. 46(2) substituted (20.12.2016) by Community Empowerment (Scotland) Act 2015 (asp 6), s. 142(1), sch. 4 para. 12(a); S.S.I. 2016/410, art. 2(a)

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#### **Commencement Information**

**I3** S. 46 in force at 1.4.2013 by [S.S.I. 2013/51](#), [art. 2](#)

### **47 Local police plans**

- (1) As soon as is reasonably practicable after the first strategic police plan is approved under section 34, a local commander must prepare and submit a local police plan to the relevant local authority for approval.
- (2) A local police plan is a plan which—
  - (a) sets out the main priorities and objectives for the policing of the local authority's area,
  - (b) explains the reasons for selecting each of those priorities and objectives,
  - (c) sets out the proposed arrangements for the policing of the local authority's area (and how those arrangements are expected to achieve the main priorities and objectives),
  - (d) where reasonably practicable, identifies outcomes by reference to which the achievement of those priorities and objectives may be measured,
  - (e) describes how those priorities, objectives and arrangements are expected to contribute to the delivery of any other relevant local outcomes which are identified by community planning, and
  - (f) includes any other information connected with the policing of the local authority's area which the local commander considers relevant.
- (3) In preparing a local police plan, the local commander must—
  - (a) have regard to the most recently approved strategic police plan, and
  - (b) consult—
    - (i) the joint central committee of the Police Federation for Scotland,
    - (ii) such persons as appear to the local commander to be representative of senior officers,
    - (iii) such persons as appear to the local commander to be representative of superintendents (including chief superintendents),
    - (iv) such persons as appear to the local commander to be representative of police staff, and
    - (v) such other persons as the local commander considers appropriate.
- (4) If the local authority approves a local police plan submitted to it, the local commander must publish it in such form and manner as the Authority may specify.
- (5) The local commander must review the local police plan if—
  - (a) a new strategic police plan is approved under section 34, or
  - (b) the plan is not replaced under subsection (6) or modified under subsection (9) during the period of 3 years beginning with the date of publication of the plan.
- (6) Following a review under subsection (5)(a), the local commander may prepare and submit a replacement plan to the local authority for approval.
- (7) Following a review under subsection (5)(b), the local commander must prepare and submit a replacement plan to the local authority for approval.

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- (8) Subsections (3) to (5) apply in relation to a replacement local police plan as they apply in relation to the plan being replaced.
- (9) The local commander and the local authority may agree to modify an approved local police plan at any time.
- (10) Subsections (3) to (5) apply in relation to a modified local police plan as they apply in relation to the plan being modified.
- (11) In this section “community planning” means the community planning processes described in Part 2 of the [F2Community Empowerment (Scotland) Act 2015] .

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**Textual Amendments**

- F2** Words in s. 47(11) substituted (20.12.2016) by [Community Empowerment \(Scotland\) Act 2015 \(asp 6\)](#), s. 142(1), [sch. 4 para. 12\(b\)](#); S.S.I. 2016/410, art. 2(a)
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**Commencement Information**

- I4** S. 47 in force at 1.4.2013 by [S.S.I. 2013/51](#), [art. 2](#)

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