



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.

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
 - (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.

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 - (a) paragraph (c) is repealed, and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 section 16(1)(e) of the Local Government in Scotland Act 2003 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.

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),

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- (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.
- (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 Local Government in Scotland Act 2003 ([asp 1](#)).