

POLICING AND CRIME ACT 2009

EXPLANATORY NOTES

TERRITORIAL EXTENT AND APPLICATION

Part 1 – Police Reform

Police co-operation

Section 5 Police collaboration

41. **Section 5** replaces section 23 of the Police Act 1996 with 10 new sections that provide for the creation of agreements between police forces and between police authorities to collaborate. The new sections 23 to 23I confer power on chief officers and police authorities in England and Wales to enter into collaboration arrangements.
42. New section 23 allows agreements to be made between chief officers of police forces to carry out their functions through collaboration in the interests of the efficiency or effectiveness of policing, where prior approval has been given by the police authorities of the forces involved. Subsection (2) allows for a range of types of agreement about the delivery of policing services (for example, operational policing services) by one or more police forces to one or more police forces. Subsection (3) allows for provisions about certain police staff to be included in agreements and subsection (4) allows for agreements to include arrangements for the transfer of direction and control of police officers or police staff.
43. New section 23A allows collaboration agreements to be made between police authorities in the interests of the efficiency or effectiveness of policing, following consultation with the chief officers of their forces. Police authority collaboration agreements can include arrangements for one or more police authorities to provide support (examples of which are listed in subsection (3)) to one or more police authorities or police forces. Subsection (4) specifies that provisions concerning the discharge of functions of employees under the direction and control of a chief officer may be included in police authority agreements with the approval of that chief officer.
44. New section 23B allows collaboration agreements between police forces or between police authorities to include provisions about payments, which may, for example, include payments in relation to costs for support provided and any arrangements for liabilities or indemnities.
45. New section 23C provides that plans for collaboration agreements involving seven or more forces or authorities must first involve consultation with the Secretary of State; that agreements must be in writing; that they may include provisions which account for different cases or circumstances (for example, an agreement might specify that the transfer of direction and control may be dependent on the geographical location of particular operations); that new agreements may vary existing agreements; and that agreements may be terminated by an agreement between the parties to them.
46. New section 23D specifies that police authorities must establish accountability arrangements for collaborations involving their own police force, including

*These notes refer to the Policing and Crime Act 2009
(c.26) which received Royal Assent on 12 November 2009*

consideration of co-operative arrangements (for example joint committees) with another authority whose force is involved in the collaboration. Subsection (2) stipulates that the police authorities should notify their chief officers of the proposed accountability arrangements.

47. New section 23E provides that the parties to a collaboration agreement must publish the agreement in full or else publish the fact that the agreement has been made and such details as they think appropriate. It also provides that chief officers must publish the accountability arrangements that will apply to police force collaborations.
48. New section 23F provides that the Secretary of State may issue guidance about collaboration agreements or related matters. This is expected to include guidance on best practice in accountability and governance structures in collaborations of different kinds.
49. New section 23G outlines the types of direction which the Secretary of State may give about collaboration agreements. These include directions to enter into, to consider entering into or not to enter into an agreement or directions about the terms of agreements. The directions may apply to particular agreements, types of agreements or all agreements.
50. New section 23H allows the Secretary of State to terminate existing agreements by notice to the parties.
51. New section 23I defines terms used in sections 23 to 23H. “Police force” is defined to include the British Transport Police and the Civil Nuclear Constabulary and “chief officer” and “police authority” are defined accordingly.