

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

EXPLANATORY NOTES

OVERVIEW

Part 1- Police Reform

Functions of Elected Local Policing Authorities

Section 18: Delegation of functions by police and crime commissioners

107. **Section 18** allows a police and crime commissioner to delegate the exercise of his functions, with certain exceptions. In accordance with general principles (and therefore not expressly provided for in the section) the police and crime commissioner retains ultimate responsibility for the discharge of a function delegated to another person.
108. **Subsection (1)** allows a police and crime commissioner to appoint a deputy and arrange for him to exercise the commissioner's functions.
109. **Subsection (2)** allows a police and crime commissioner to arrange for persons other than the deputy police and crime commissioner to exercise the commissioner's functions.
110. **Subsection (3)** prohibits the appointment of a person listed in section 18(6) as a deputy police and crime commissioner, and the exercise by a deputy police and crime commissioner of the functions set out in section 18(7)(a), (e) or (f), (namely the functions of issuing a police and crime plan, appointing, suspending or dismissing the chief constable, or issuing a precept). It prohibits a police and crime commissioner from delegating any function to the police, to any other police and crime commissioner, to the Mayor's Office for Policing and Crime, to the Deputy Mayor for Policing and Crime, to the Common Council of the City of London (which is the police authority for the City), to any other body maintaining a police force, or to a member of the staff of any of these bodies. The intention is that any exercise of a police and crime commissioner's functions by these bodies should be under a collaboration agreement (for which, see section 89) rather than by delegation. Finally, the subsection prohibits a police and crime commissioner from delegating to a person other than the deputy police and crime commissioner any of the functions listed in subsection (7), being functions of particular importance which should be exercised by the commissioner personally or (in the case of the functions in subsection (7)(b), (c), (d)) by the deputy police and crime commissioner.
111. **Subsections (4) and (5)** allow a deputy police and crime commissioner to further delegate functions delegated to him by the police and crime commissioner, subject to the same restrictions as are applicable to delegation by the commissioner himself.
112. **Subsection (10)** provides for a deputy police and crime commissioner to be a member of the police and crime commissioner's staff.